THE ONE HUNDRED AND FOURTEENTH DAY

CARSON CITY (Tuesday), May 28, 2019

Assembly called to order at 12:45 p.m.

Mr. Speaker presiding.

Roll called.

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

Prayer by the Chaplain, Captain Leslie Cyr.

Heavenly Father, we thank You for this day and for all the promise today holds. We acknowledge that You are love and that You are just, and so we ask for Your leading and Your guidance in the decisions of today. May today's decisions reflect Your will for this great state and be a benefit to its people. I ask for a blessing of wisdom and insight.

I ask for a blessing on our Assemblymen and Assemblywomen and their families. I thank them for their sacrifices and the difficulties they have faced this session. Bless them, Father, for their service. May they feel Your love for them and experience Your peace. In the name of Jesus, I pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Benitez-Thompson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 68, 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. 502, 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 Ways and Means, to which was rereferred Assembly Bill No. 44, 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 referred Assembly Bill No. 536; Senate Bills Nos. 521, 522, 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. 223, 319, 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. 345, 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. 506, 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 27, 2019

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 193, 503, 513, 515, 518, 527, 536, 539, 542, 545, 548.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 254, 295, 408, 530, 540.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 293, 321, 366, 402, 485.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that the persons set forth on the Nevada Legislature's Press Accreditation List of May 28, 2019, be accepted as accredited press representatives, that they be assigned space at the press table in the Assembly Chamber, that they be allowed the use of appropriate broadcasting facilities, and the list be included in this day's Journal:

ASSOCIATED PRESS: Michelle Price; CBS NETWORK NEWS: Robert Kozberg, Dave Lowther, Robin Singer, Jamie Yuccas, Scott Yun.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 68, 223, 319, 345, and 506; Senate Bill No. 502 be placed at the top of the General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 193.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 254.

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

Motion carried.

Senate Bill No. 293.

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

Motion carried.

Senate Bill No. 295.

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

Motion carried.

Senate Bill No. 321.

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

Motion carried.

Senate Bill No. 366.

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

Motion carried.

Senate Bill No. 402.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 408.

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

Motion carried.

Senate Bill No. 485.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 503.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 513.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 515.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 518.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 527.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 530.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 536.

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

Motion carried.

Senate Bill No. 539.

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

Motion carried.

Senate Bill No. 540.

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

Motion carried.

Senate Bill No. 542.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 545.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 548.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 222.

The following Senate amendment was read:

Amendment No. 804.

AN ACT relating to specialty courts; revising provisions relating to the eligibility of certain defendants for participation in certain programs in specialty courts; **authorizing a court to enter a judgment of conviction**

against a defendant before placing the defendant on probation and requiring the defendant to participate in certain programs in specialty courts; authorizing a court to dismiss the proceedings against or set aside a judgment of conviction of a defendant upon completion of certain programs in specialty courts under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a district court, justice court or municipal court to place certain defendants who are veterans or members of the military on probation upon terms and conditions that must include attendance and successful completion of an appropriate program for the treatment of such defendants. However, the court may not assign a defendant to such a program without the prosecuting attorney stipulating to the assignment if: (1) the offense committed by the defendant involved the use or threatened use of force or violence; or (2) the defendant was previously convicted of a felony that involved the use or threatened use of force or violence. (NRS 176A.290) Existing law also contains a similar provision relating to the eligibility of defendants for assignment to a program for defendants with mental illness or intellectual disabilities. (NRS 176A.260)

The Nevada Supreme Court has held that subsection 2 of NRS 176A.290, which provides that the court may not assign a defendant who is a veteran or member of the military to a program without the prosecuting attorney stipulating to the assignment, violates the separation of powers clause in the Nevada Constitution. (*State v. Hearn*, 134 Nev. Adv. Op. 96 (2018)) The Court further held that the language providing for such a stipulation by the prosecuting attorney is severable from the statute, thereby rendering all defendants who committed a violent offense or who have previously been convicted of a violent felony ineligible for assignment to the program. (*Id.* at 10)

Sections 2 and 3 of this bill, which pertain to the eligibility for assignment to the program for defendants who are veterans or members of the military: (1) remove the language in the statute found unconstitutional by the Nevada Supreme Court that requires the stipulation by the prosecuting attorney before the court may assign to the program a defendant who committed a violent offense or who has previously been convicted of a violent felony; and (2) provide that a defendant who has committed a category A felony **or a sexual offense punishable as a category B felony** is ineligible for assignment to the program.

Section 3 also authorizes a court to enter a judgment of conviction against the defendant before placing the defendant on probation and requiring the defendant to complete the program for defendants who are veterans or members of the military. Section 3 also requires a court to discharge and dismiss the proceedings against or set aside the judgment of conviction of the defendant unless the defendant: (1) has previously been convicted of a felony under certain circumstances; or (2) has

previously failed to complete a specialty court program. If the defendant has been previously convicted of a felony or has previously failed to complete a specialty court program, section 3 authorizes a court to discharge and dismiss the proceedings against or set aside the judgment of conviction of the defendant.

Section 1 of this bill, which pertains to a program of treatment for defendants with mental illness or intellectual disabilities, makes a similar change as in **sections 2 and 3**.

Section 2 also removes the provision in existing law that makes a defendant who has previously been assigned to the program ineligible for assignment to the program, thereby making such a defendant eligible for assignment to the program.

~~[Section]~~ **Sections 4 and 4.5** of this bill makes conforming changes.

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

Section 1. NRS 176A.260 is hereby amended to read as follows:

176A.260 1. Except as otherwise provided in subsection 2, if a defendant who suffers from mental illness or is intellectually disabled tenders a plea of guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, any offense for which the suspension of sentence or the granting of probation is not prohibited by statute, the court may ~~[, without]~~ ***:***

(a) Without entering a judgment of conviction and with the consent of the defendant, suspend further proceedings and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.250 ~~[.]~~ ***; or***

(b) Enter a judgment of conviction and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.250.

2. If the offense committed by the defendant ~~[involved the use or threatened use of force or violence or if the defendant was previously convicted in this State or in any other jurisdiction of a felony that involved the use or threatened use of force or violence, the court may not assign the defendant to the program unless the prosecuting attorney stipulates to the assignment.]~~ ***is a category A felony ~~[,]~~ or a sexual offense as defined in NRS 179D.097 that is punishable as a category B felony, the defendant is not eligible for assignment to the program.***

3. Upon violation of a term or condition:

(a) The court may enter a judgment of conviction ***, if applicable,*** and proceed as provided in the section pursuant to which the defendant was charged.

(b) Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, the court may order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison.

4. Upon fulfillment of the terms and conditions, the court ~~[shall]~~ ***:***

(a) Shall discharge the defendant and dismiss the proceedings ~~[.]~~ ***or set aside the judgment of conviction, as applicable, unless the defendant:***

(1) Has been previously convicted in this State or in any other jurisdiction of a felony; or

(2) Has previously failed to complete a specialty court program; or

(b) May discharge the defendant and dismiss the proceedings or set aside the judgment of conviction, as applicable, if the defendant:

(1) Has been previously convicted in this State or in any other jurisdiction of a felony; or

(2) Has previously failed to complete a specialty court program.

5. Discharge and dismissal pursuant to this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, indictment, information or trial in response to an inquiry made of the defendant for any purpose.

Sec. 2. NRS 176A.287 is hereby amended to read as follows:

176A.287 1. Except as otherwise provided in subsection 2, a defendant is not eligible for assignment to a program of treatment established pursuant to NRS 176A.280 if ***:*** ~~[~~the defendant:~~]~~

(a) ~~[~~Has previously been assigned to such a program;~~]~~ ***The offense committed by the defendant was a category A felony*** ~~[;]~~ ***or a sexual offense as defined in NRS 179D.097 that is punishable as a category B felony;*** or

(b) ~~[~~Was~~]~~ ***The defendant was*** discharged or released from the Armed Forces of the United States, a reserve component thereof or the National Guard under dishonorable conditions.

2. A defendant described in paragraph (b) of subsection 1 may be assigned to a program of treatment established pursuant to NRS 176A.280 if a justice court, municipal court or district court, as applicable, determines that extraordinary circumstances exist which warrant the assignment of the defendant to the program.

Sec. 3. NRS 176A.290 is hereby amended to read as follows:

176A.290 1. Except as otherwise provided in ~~[~~subsection 2 and~~]~~ NRS 176A.287, if a defendant described in NRS 176A.280 tenders a plea of guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, any offense for which the suspension of sentence or the granting of probation is not prohibited by statute, the district court, justice court or municipal court, as applicable, may ~~[, without]~~ ***:***

(a) Without entering a judgment of conviction and with the consent of the defendant, suspend further proceedings and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.280 ~~[.]~~ ***; or***

(b) Enter a judgment of conviction and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.280.

2. ~~[If the offense committed by the defendant involved the use or threatened use of force or violence or if the defendant was previously convicted in this State or in any other jurisdiction of a felony that involved the use or threatened use of force or violence, the district court, justice court or municipal court, as applicable, may not assign the defendant to the program unless the prosecuting attorney stipulates to the assignment. For the purposes of this subsection, in determining whether an offense involved the use or threatened use of force or violence, the district court, justice court or municipal court, as applicable, shall consider the facts and circumstances surrounding the offense, including, without limitation, whether the defendant intended to place another person in reasonable apprehension of bodily harm.~~

~~— 3.]~~ Upon violation of a term or condition:

(a) The district court, justice court or municipal court, as applicable, may impose sanctions against the defendant for the violation, but allow the defendant to remain in the program. Before imposing a sanction, the court shall notify the defendant of the violation and provide the defendant an opportunity to respond. Any sanction imposed pursuant to this paragraph:

(1) Must be in accordance with any applicable guidelines for sanctions established by the National Association of Drug Court Professionals or any successor organization; and

(2) May include, without limitation, imprisonment in a county or city jail or detention facility for a term set by the court, which must not exceed 25 days.

(b) The district court, justice court or municipal court, as applicable, may enter a judgment of conviction***, if applicable,*** and proceed as provided in the section pursuant to which the defendant was charged.

(c) Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, the district court may order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison.

~~[4.]~~ ***3.*** Except as otherwise provided in subsection 5, ~~***[4,]***~~ upon fulfillment of the terms and conditions, the district court, justice court or municipal court, as applicable ~~[, shall]~~ ***:***

(a) Shall discharge the defendant and dismiss the proceedings ~~[.]~~ ***or set aside the judgment of conviction, as applicable, unless the defendant:***

(1) Has been previously convicted in this State or in any other jurisdiction of a felony; or

(2) Has previously failed to complete a specialty court program; or

(b) May discharge the defendant and dismiss the proceedings or set aside the judgment of conviction, as applicable, if the defendant:

(1) Has been previously convicted in this State or in any other jurisdiction of a felony; or

(2) Has previously failed to complete a specialty court program.

4. Discharge and dismissal pursuant to this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, complaint, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, complaint, indictment, information or trial in response to an inquiry made of the defendant for any purpose.

5. ~~*[4.]*~~ If the defendant was charged with a violation of NRS 200.485, 484C.110 or 484C.120, upon fulfillment of the terms and conditions, the district court, justice court or municipal court, as applicable, may conditionally dismiss the charges. If a court conditionally dismisses the charges, the court shall notify the defendant that the conditionally dismissed charges are a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail in a future case, but are not a conviction for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose. Conditional dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, complaint, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, complaint, indictment, information or trial in response to an inquiry made of the defendant for any purpose.

Sec. 4. NRS 176A.295 is hereby amended to read as follows:

176A.295 1. Except as otherwise provided in subsection 2, after a defendant is discharged from probation pursuant to NRS 176A.290, the justice court, municipal court or district court, as applicable, shall order sealed all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order if the defendant fulfills the terms and conditions imposed by the court and the Division. The justice court, municipal court or district court, as applicable, shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

2. If the defendant is charged with a violation of NRS 200.485, 484C.110 or 484C.120 and the charges are conditionally dismissed as provided in

~~[subsection 5 of]~~ NRS 176A.290, not sooner than 7 years after such a conditional dismissal and upon the filing of a petition by the defendant, the justice court, municipal court or district court, as applicable, shall order that all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order be sealed. The justice court, municipal court or district court, as applicable, shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

3. If the justice court, municipal court or district court, as applicable, orders sealed the record of a defendant discharged or whose charges were conditionally dismissed pursuant to NRS 176A.290, the court shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the justice court, municipal court or district court, as applicable, in writing of its compliance with the order.

Sec. 4.5. **NRS 484C.400 is hereby amended to read as follows:**

484C.400 1. Unless a greater penalty is provided pursuant to NRS 484C.430 or 484C.440, and except as otherwise provided in NRS 484C.410, a person who violates the provisions of NRS 484C.110 or 484C.120:

(a) For the first offense within 7 years, is guilty of a misdemeanor. Unless the person is allowed to undergo treatment as provided in NRS 484C.320, the court shall:

(1) Except as otherwise provided in subparagraph (4) of this paragraph or subsection 3 of NRS 484C.420, order the person to pay tuition for an educational course on the abuse of alcohol and controlled substances approved by the Department and complete the course within the time specified in the order, and the court shall notify the Department if the person fails to complete the course within the specified time;

(2) Unless the sentence is reduced pursuant to NRS 484C.320, sentence the person to imprisonment for not less than 2 days nor more than 6 months in jail, or to perform not less than 48 hours, but not more than 96 hours, of community service while dressed in distinctive garb that identifies the person as having violated the provisions of NRS 484C.110 or 484C.120;

(3) Fine the person not less than $400 nor more than $1,000; and

(4) If the person is found to have a concentration of alcohol of 0.18 or more in his or her blood or breath, order the person to attend a program of treatment for the abuse of alcohol or drugs pursuant to the provisions of NRS 484C.360.

(b) For a second offense within 7 years, is guilty of a misdemeanor. Unless the sentence is reduced pursuant to NRS 484C.330, the court shall:

(1) Sentence the person to:

(I) Imprisonment for not less than 10 days nor more than 6 months in jail; or

(II) Residential confinement for not less than 10 days nor more than 6 months, in the manner provided in NRS 4.376 to 4.3766, inclusive, or 5.0755 to 5.078, inclusive;

(2) Fine the person not less than $750 nor more than $1,000, or order the person to perform an equivalent number of hours of community service while dressed in distinctive garb that identifies the person as having violated the provisions of NRS 484C.110 or 484C.120; and

(3) Order the person to attend a program of treatment for the abuse of alcohol or drugs pursuant to the provisions of NRS 484C.360.

➥ A person who willfully fails or refuses to complete successfully a term of residential confinement or a program of treatment ordered pursuant to this paragraph is guilty of a misdemeanor.

(c) Except as otherwise provided in NRS 484C.340, for a third offense within 7 years, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and shall be further punished by a fine of not less than $2,000 nor more than $5,000. An offender who is imprisoned pursuant to the provisions of this paragraph must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. An offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section:

(a) When evidenced by a conviction; or

(b) If the offense is conditionally dismissed pursuant to NRS 176A.290 or dismissed in connection with successful completion of a diversionary program or specialty court program[,] ***or the judgment of conviction of such an offense was set aside pursuant to NRS 176A.290.***

➥ without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

3. A term of confinement imposed pursuant to the provisions of this section may be served intermittently at the discretion of the judge or justice of the peace, except that a person who is convicted of a second or subsequent offense within 7 years must be confined for at least one segment of not less than 48 consecutive hours. This discretion must be exercised after considering all the circumstances surrounding the offense, and the family and employment of the offender, but any sentence of 30 days or less must be served within 6 months after the date of conviction or, if the offender was sentenced pursuant to NRS 484C.320 or 484C.330 and the suspension of his or her sentence was

revoked, within 6 months after the date of revocation. Any time for which the offender is confined must consist of not less than 24 consecutive hours.

4. Jail sentences simultaneously imposed pursuant to this section and NRS 482.456, 483.560, 484C.410 or 485.330 must run consecutively.

5. If the defendant was transporting a person who is less than 15 years of age in the motor vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

6. For the purpose of determining whether one offense occurs within 7 years of another offense, any period of time between the two offenses during which, for any such offense, the offender is imprisoned, serving a term of residential confinement, placed under the supervision of a treatment provider, on parole or on probation must be excluded.

7. As used in this section, unless the context otherwise requires, "offense" means:

(a) A violation of NRS 484C.110, 484C.120 or 484C.430;

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b).

Sec. 5. The amendatory provisions of this act apply to offenses committed before, on or after the effective date of this act.

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

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 804 to Assembly Bill No. 222.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 913.

AN ACT relating to specialty courts; revising provisions relating to the eligibility of certain defendants for participation in certain programs in specialty courts; authorizing ~~[a court]~~ **certain courts** to enter a judgment of conviction against a defendant before placing the defendant on probation and requiring the defendant to participate in certain programs in specialty courts; authorizing ~~[a court to dismiss the proceedings against or]~~ **certain courts to** set aside a judgment of conviction of a defendant upon completion of certain programs in specialty courts under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a district court, justice court or municipal court to place certain defendants who are veterans or members of the military on probation upon terms and conditions that must include attendance and successful completion of an appropriate program for the treatment of such defendants. However, the court may not assign a defendant to such a program

without the prosecuting attorney stipulating to the assignment if: (1) the offense committed by the defendant involved the use or threatened use of force or violence; or (2) the defendant was previously convicted of a felony that involved the use or threatened use of force or violence. (NRS 176A.290) Existing law also contains a similar provision relating to the eligibility of defendants for assignment to a program for defendants with mental illness or intellectual disabilities. (NRS 176A.260)

The Nevada Supreme Court has held that subsection 2 of NRS 176A.290, which provides that the court may not assign a defendant who is a veteran or member of the military to a program without the prosecuting attorney stipulating to the assignment, violates the separation of powers clause in the Nevada Constitution. (*State v. Hearn*, 134 Nev. Adv. Op. 96 (2018)) The Court further held that the language providing for such a stipulation by the prosecuting attorney is severable from the statute, thereby rendering all defendants who committed a violent offense or who have previously been convicted of a violent felony ineligible for assignment to the program. (*Id.* at 10)

Sections 2 and 3 of this bill, which pertain to the eligibility for assignment to the program for defendants who are veterans or members of the military: (1) remove the language in the statute found unconstitutional by the Nevada Supreme Court that requires the stipulation by the prosecuting attorney before the court may assign to the program a defendant who committed a violent offense or who has previously been convicted of a violent felony; and (2) provide that a defendant who has committed a category A felony or a sexual offense punishable as a category B felony is ineligible for assignment to the program. **Section 1 of this bill, which pertains to a program of treatment for defendants with mental illness or intellectual disabilities, makes similar changes.**

Existing law authorizes a district court, justice court or municipal court, as applicable, to, without entering a judgment of conviction, suspend further proceedings and place a defendant on probation and require the defendant to complete a program for defendants who are veterans or members of the military under certain circumstances. Upon the defendant's fulfillment of the terms and conditions of the program, existing law requires the district court, justice court or municipal court, as applicable, to discharge the defendant and dismiss the proceedings. (NRS 176A.290) Section 3 of this bill: (1) retains existing law as applicable to justice courts and municipal courts ~~[Section 3 also]~~ **; and (2)** authorizes a **district** court to enter a judgment of conviction against the defendant **for certain felony or gross misdemeanor offenses** before placing the defendant on probation and requiring the defendant to complete the program for defendants who are veterans or members of the military. **Section 3** also requires ~~[a]~~ **the district** court to discharge and dismiss the proceedings against or set aside the judgment of conviction of the defendant unless the defendant: (1) has previously been convicted of a felony under certain circumstances; or

(2) has previously failed to complete a specialty court program. If the defendant has been previously convicted of a felony or has previously failed to complete a specialty court program, **section 3** authorizes ~~[a]~~ **the district** court to discharge and dismiss the proceedings against or set aside the judgment of conviction of the defendant.

Section 1 ~~[of this bill, which pertains to]~~ **authorizes a court with** a program of treatment for defendants with mental illness or intellectual disabilities ~~[, makes a similar change as in sections 2 and 3.]~~ **to take similar action as a district court with a program for the treatment of defendants who are veterans or members of the military.**

Section 2 also removes the provision in existing law that makes a defendant who has previously been assigned to the program ineligible for assignment to the program, thereby making such a defendant eligible for assignment to the program.

~~[Sections]~~ **Section 4** ~~[and 4.5]~~ of this bill ~~[make]~~ **makes a** conforming ~~[changes.]~~ **change.**

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

Section 1. NRS 176A.260 is hereby amended to read as follows:

176A.260 1. Except as otherwise provided in subsection 2, if a defendant who suffers from mental illness or is intellectually disabled tenders a plea of guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, any offense for which the suspension of sentence or the granting of probation is not prohibited by statute, the court may ~~[, without]~~ ***:***

(a) Without entering a judgment of conviction and with the consent of the defendant, suspend further proceedings and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.250 ~~[.]~~ ***; or***

(b) Enter a judgment of conviction and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.250.

2. If the offense committed by the defendant ~~[involved the use or threatened use of force or violence or if the defendant was previously convicted in this State or in any other jurisdiction of a felony that involved the use or threatened use of force or violence, the court may not assign the defendant to the program unless the prosecuting attorney stipulates to the assignment.]~~ ***is a category A felony or a sexual offense as defined in NRS 179D.097 that is punishable as a category B felony, the defendant is not eligible for assignment to the program.***

3. Upon violation of a term or condition:

(a) The court may enter a judgment of conviction ***, if applicable,*** and proceed as provided in the section pursuant to which the defendant was charged.

(b) Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, the court may order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison.

4. Upon fulfillment of the terms and conditions, the court ~~[shall]~~ ***:***

(a) Shall discharge the defendant and dismiss the proceedings ~~[.]~~ ***or set aside the judgment of conviction, as applicable, unless the defendant:***

(1) Has been previously convicted in this State or in any other jurisdiction of a felony; or

(2) Has previously failed to complete a specialty court program; or

(b) May discharge the defendant and dismiss the proceedings or set aside the judgment of conviction, as applicable, if the defendant:

(1) Has been previously convicted in this State or in any other jurisdiction of a felony; or

(2) Has previously failed to complete a specialty court program.

5. Discharge and dismissal pursuant to this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, indictment, information or trial in response to an inquiry made of the defendant for any purpose.

Sec. 2. NRS 176A.287 is hereby amended to read as follows:

176A.287 1. Except as otherwise provided in subsection 2, a defendant is not eligible for assignment to a program of treatment established pursuant to NRS 176A.280 if ***:*** ~~[the defendant:]~~

(a) ~~[Has previously been assigned to such a program;]~~ ***The offense committed by the defendant was a category A felony or a sexual offense as defined in NRS 179D.097 that is punishable as a category B felony;*** or

(b) ~~[Was]~~ ***The defendant was*** discharged or released from the Armed Forces of the United States, a reserve component thereof or the National Guard under dishonorable conditions.

2. A defendant described in paragraph (b) of subsection 1 may be assigned to a program of treatment established pursuant to NRS 176A.280 if a justice court, municipal court or district court, as applicable, determines that extraordinary circumstances exist which warrant the assignment of the defendant to the program.

Sec. 3. NRS 176A.290 is hereby amended to read as follows:

176A.290 1. Except as otherwise provided in ~~[subsection 2 and]~~ NRS 176A.287, if a defendant described in NRS 176A.280 tenders a plea of guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of ~~[, any]~~ ***:***

(a) Any offense ***punishable as a felony or gross misdemeanor*** for which the suspension of sentence or the granting of probation is not prohibited by statute, the district court ~~[, justice court or municipal court, as applicable,]~~ may ~~[, without]~~ ***:***

~~[(a)]~~ ***(1) Without*** entering a judgment of conviction and with the consent of the defendant, suspend further proceedings and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.280 ~~[.]~~ ***; or***

~~[(b)]~~ ***(2) Enter a judgment of conviction and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.280*** ~~[.]~~ ***; or***

(b) Any offense punishable as a misdemeanor for which the suspension of sentence is not prohibited by statute, the justice court or municipal court, as applicable, may, without entering a judgment of conviction and with the consent of the defendant, suspend further proceedings upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.280.

2. ~~[If the offense committed by the defendant involved the use or threatened use of force or violence or if the defendant was previously convicted in this State or in any other jurisdiction of a felony that involved the use or threatened use of force or violence, the district court, justice court or municipal court, as applicable, may not assign the defendant to the program unless the prosecuting attorney stipulates to the assignment. For the purposes of this subsection, in determining whether an offense involved the use or threatened use of force or violence, the district court, justice court or municipal court, as applicable, shall consider the facts and circumstances surrounding the offense, including, without limitation, whether the defendant intended to place another person in reasonable apprehension of bodily harm.~~

~~3.]~~ Upon violation of a term or condition:

(a) The district court, justice court or municipal court, as applicable, may impose sanctions against the defendant for the violation, but allow the defendant to remain in the program. Before imposing a sanction, the court shall notify the defendant of the violation and provide the defendant an opportunity to respond. Any sanction imposed pursuant to this paragraph:

(1) Must be in accordance with any applicable guidelines for sanctions established by the National Association of Drug Court Professionals or any successor organization; and

(2) May include, without limitation, imprisonment in a county or city jail or detention facility for a term set by the court, which must not exceed 25 days.

(b) The district court, justice court or municipal court, as applicable, may enter a judgment of conviction ***, if applicable,*** and proceed as provided in the section pursuant to which the defendant was charged.

(c) Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, the district court may order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison.

~~[~~4.~~]~~ ***3.*** Except as otherwise provided in subsection 5, upon fulfillment of the terms and conditions ~~[, the]~~ ***:***

(a) The district court~~[, justice court or municipal court, as applicable, shall]~~ ***:***

~~[(a)]~~ ***(1) Shall*** discharge the defendant and dismiss the proceedings ~~[.]~~ ***or set aside the judgment of conviction, as applicable, unless the defendant:***

~~[(1)]~~ ***(I) Has been previously convicted in this State or in any other jurisdiction of a felony; or***

~~[(2)]~~ ***(II) Has previously failed to complete a specialty court program; or***

~~[(b)]~~ ***(2) May discharge the defendant and dismiss the proceedings or set aside the judgment of conviction, as applicable, if the defendant:***

~~[(1)]~~ ***(I) Has been previously convicted in this State or in any other jurisdiction of a felony; or***

~~[(2)]~~ ***(II) Has previously failed to complete a specialty court program ~~[.]~~ ; or***

(b) The justice court or municipal court, as applicable, shall discharge the defendant and dismiss the proceedings.

4. Discharge and dismissal pursuant to this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, complaint, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, complaint, indictment, information or trial in response to an inquiry made of the defendant for any purpose.

5. If the defendant was charged with a violation of NRS 200.485, 484C.110 or 484C.120, upon fulfillment of the terms and conditions, the district court, justice court or municipal court, as applicable, may conditionally dismiss the charges. If a court conditionally dismisses the charges, the court shall notify the defendant that the conditionally dismissed charges are a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail in a future case, but are not a conviction for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose. Conditional dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, complaint, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury

or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, complaint, indictment, information or trial in response to an inquiry made of the defendant for any purpose.

Sec. 4. NRS 176A.295 is hereby amended to read as follows:

176A.295 1. Except as otherwise provided in subsection 2, after a defendant is discharged from probation pursuant to NRS 176A.290, the justice court, municipal court or district court, as applicable, shall order sealed all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order if the defendant fulfills the terms and conditions imposed by the court and the Division. The justice court, municipal court or district court, as applicable, shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

2. If the defendant is charged with a violation of NRS 200.485, 484C.110 or 484C.120 and the charges are conditionally dismissed as provided in ~~[subsection 5 of]~~ NRS 176A.290, not sooner than 7 years after such a conditional dismissal and upon the filing of a petition by the defendant, the justice court, municipal court or district court, as applicable, shall order that all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order be sealed. The justice court, municipal court or district court, as applicable, shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

3. If the justice court, municipal court or district court, as applicable, orders sealed the record of a defendant discharged or whose charges were conditionally dismissed pursuant to NRS 176A.290, the court shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the justice court, municipal court or district court, as applicable, in writing of its compliance with the order.

Sec. 4.5. ~~[NRS 484C.400 is hereby amended to read as follows:~~

~~484C.400 1. Unless a greater penalty is provided pursuant to NRS 484C.430 or 484C.440, and except as otherwise provided in NRS 484C.410, a person who violates the provisions of NRS 484C.110 or 484C.120:~~

~~(a) For the first offense within 7 years, is guilty of a misdemeanor. Unless the person is allowed to undergo treatment as provided in NRS 484C.320, the court shall:~~

~~(1) Except as otherwise provided in subparagraph (4) of this paragraph or subsection 3 of NRS 484C.420, order the person to pay tuition for an educational course on the abuse of alcohol and controlled substances approved by the Department and complete the course within the time specified in the~~

~~order, and the court shall notify the Department if the person fails to complete the course within the specified time;~~

~~(2) Unless the sentence is reduced pursuant to NRS 484C.320, sentence the person to imprisonment for not less than 2 days nor more than 6 months in jail, or to perform not less than 48 hours, but not more than 96 hours, of community service while dressed in distinctive garb that identifies the person as having violated the provisions of NRS 484C.110 or 484C.120;~~

~~(3) Fine the person not less than $400 nor more than $1,000; and~~

~~(4) If the person is found to have a concentration of alcohol of 0.18 or more in his or her blood or breath, order the person to attend a program of treatment for the abuse of alcohol or drugs pursuant to the provisions of NRS 484C.360.~~

~~(b) For a second offense within 7 years, is guilty of a misdemeanor. Unless the sentence is reduced pursuant to NRS 484C.330, the court shall:~~

~~(1) Sentence the person to:~~

~~(I) Imprisonment for not less than 10 days nor more than 6 months in jail; or~~

~~(II) Residential confinement for not less than 10 days nor more than 6 months, in the manner provided in NRS 4.376 to 4.3766, inclusive, or 5.0755 to 5.078, inclusive;~~

~~(2) Fine the person not less than $750 nor more than $1,000, or order the person to perform an equivalent number of hours of community service while dressed in distinctive garb that identifies the person as having violated the provisions of NRS 484C.110 or 484C.120; and~~

~~(3) Order the person to attend a program of treatment for the abuse of alcohol or drugs pursuant to the provisions of NRS 484C.360.~~

~~A person who willfully fails or refuses to complete successfully a term of residential confinement or a program of treatment ordered pursuant to this paragraph is guilty of a misdemeanor.~~

~~(c) Except as otherwise provided in NRS 484C.340, for a third offense within 7 years, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and shall be further punished by a fine of not less than $2,000 nor more than $5,000. An offender who is imprisoned pursuant to the provisions of this paragraph must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.~~

~~2. An offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section:~~

~~(a) When evidenced by a conviction; or~~

~~(b) If the offense is conditionally dismissed pursuant to NRS 176A.290 or dismissed in connection with successful completion of a diversionary program~~

~~or specialty court program [,] *or the judgment of conviction of such an offense was set aside pursuant to NRS 176A.290.*~~

~~"" without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.~~

~~3. A term of confinement imposed pursuant to the provisions of this section may be served intermittently at the discretion of the judge or justice of the peace, except that a person who is convicted of a second or subsequent offense within 7 years must be confined for at least one segment of not less than 48 consecutive hours. This discretion must be exercised after considering all the circumstances surrounding the offense, and the family and employment of the offender, but any sentence of 30 days or less must be served within 6 months after the date of conviction or, if the offender was sentenced pursuant to NRS 484C.320 or 484C.330 and the suspension of his or her sentence was revoked, within 6 months after the date of revocation. Any time for which the offender is confined must consist of not less than 24 consecutive hours.~~

~~4. Jail sentences simultaneously imposed pursuant to this section and NRS 482.456, 483.560, 484C.410 or 485.330 must run consecutively.~~

~~5. If the defendant was transporting a person who is less than 15 years of age in the motor vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.~~

~~6. For the purpose of determining whether one offense occurs within 7 years of another offense, any period of time between the two offenses during which, for any such offense, the offender is imprisoned, serving a term of residential confinement, placed under the supervision of a treatment provider, on parole or on probation must be excluded.~~

~~7. As used in this section, unless the context otherwise requires, "offense" means:~~

~~(a) A violation of NRS 484C.110, 484C.120 or 484C.430;~~

~~(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430; or~~

~~(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b).]~~ **(Deleted by amendment.)**

Sec. 5. The amendatory provisions of this act apply to offenses committed before, on or after the effective date of this act.

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

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 913 to Assembly Bill No. 222.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Amendment 804 makes changes to who qualifies for a specialty court and what happens when that person completes specialty court. Amendment 913 makes some adjustments to misdemeanor offenders and their potential qualification for specialty courts.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 417.

The following Senate amendment was read:

Amendment No. 771.

AN ACT relating to criminal records; revising provisions governing the dissemination of records of criminal history from the Central Repository for Nevada Records of Criminal History pursuant to name-based searches conducted by a service within the Central Repository; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes within the Central Repository for Nevada Records of Criminal History a service to conduct a name-based search of records of criminal history of an employee, prospective employee, volunteer or prospective volunteer. (NRS 179A.103) Existing law authorizes an employment screening service which has entered into a contract with the Central Repository to inquire about, obtain and provide those records of criminal history to the employer or volunteer organization. (NRS 179A.103) This bill provides that a person who enters into a contract with a person, business or organization for certain services provided by an independent contractor, subcontractor or third party is an employer for the purpose of being eligible to conduct a name-based search of records of criminal history of an employee pursuant to existing law.

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

Section 1. NRS 179A.103 is hereby amended to read as follows:

179A.103 1. There is hereby established within the Central Repository a service to conduct a name-based search of records of criminal history of an employee, prospective employee, volunteer or prospective volunteer.

2. An eligible person that wishes to participate in the service must enter into a contract with the Central Repository. ***The elements of a contract entered into pursuant to this section must be limited to requiring the eligible person to:***

(a) Pay a fee pursuant to subsection 3, if applicable; and

(b) Comply with applicable law.

3. The Central Repository may charge a reasonable fee for participation in the service.

4. An authorized participant of the service may inquire about the records of criminal history of an employee, prospective employee, volunteer or

prospective volunteer to determine the suitability of the employee or prospective employee for employment or the suitability of the volunteer or prospective volunteer for volunteering.

5. The Central Repository shall disseminate to an authorized participant of the service information which:

(a) Reflects convictions only; or

(b) Pertains to an incident for which an employee, prospective employee, volunteer or prospective volunteer is currently within the system of criminal justice, including parole or probation.

6. An employee, prospective employee, volunteer or prospective volunteer who is proposed to be the subject of a name-based search must provide his or her written consent ***directly to the authorized participant or, if the authorized participant is a screening service, directly to the eligible person designating the screening service to receive records of criminal history,*** for the Central Repository to perform the search and to release the information to an authorized participant. The written consent form may be:

(a) A form designated by the Central Repository; or

(b) If the authorized participant is ~~[an employment]~~ ***a*** screening service, a form that complies with the provisions of 15 U.S.C. § 1681b(b)2 for the procurement of a consumer report.

7. ~~[An employment]~~ ***A*** screening service that is designated to receive records of criminal history on behalf of an ~~[employer or volunteer organization]~~ ***eligible person*** may provide such records of criminal history to the ~~[employer or volunteer organization]~~ ***eligible person*** upon request of the ~~[employer or volunteer organization,]~~ ***eligible person*** if the ~~[employment]~~ screening service maintains records of its dissemination of the records of criminal history.

8. The Central Repository may audit an authorized participant, at such times as the Central Repository deems necessary, to ensure that records of criminal history are securely maintained.

9. The Central Repository may terminate participation in the service if an authorized participant fails:

(a) To pay the fees required to participate in the service; or

(b) To address, within a reasonable period, deficiencies identified in an audit conducted pursuant to subsection 8.

10. As used in this section:

(a) "Authorized participant" means an eligible person who has entered into a contract with the Central Repository to participate in the service established pursuant to subsection 1.

(b) "Consumer report" has the meaning ascribed to it in 15 U.S.C. § 1681a(d).

(c) "Eligible person" ~~[includes:]~~ ***means:***

(1) An employer.

(2) A volunteer organization.

(3) ~~[An employment]~~ ***A*** screening service.

(d) "Employer" means a person that:

(1) Employs an employee ~~[;]~~ or ***makes employment decisions;***

(2) Enters into a contract with an independent contractor ~~[~~.

~~(e)]~~ ***or makes the determination whether to enter into a contract with an independent contractor; or***

(3) Enters into a contract with a person, business or organization for the provision, directly or indirectly, of labor, services or materials by an independent contractor, subcontractor or a third party.

(e) "Employment" includes performing services ***, directly or indirectly,*** for an employer as an independent contractor ~~[~~.

~~(f) "Employment screening]~~ ***, subcontractor or a third party pursuant to a contract.***

(f) "Screening service" means a person or entity designated ***, directly or indirectly,*** by an ~~[employer or volunteer organization]~~ ***eligible person*** to provide employment or volunteer screening services to the ~~[employer or volunteer organization.]~~ ***eligible person.***

(g) "Written consent" means:

(1) An electronic signature pursuant to 15 U.S.C. § 7006(5), and any regulations adopted pursuant thereto;

(2) Completion of the form designated by the Central Repository pursuant to paragraph (a) of subsection 6; or

(3) Consent by means of mail, the Internet, other electronic means or other means pursuant to 15 U.S.C. § 1681b(b)(2), and any regulations adopted pursuant thereto.

Sec. 2. **This act becomes effective upon passage and approval.**

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 417 to Assembly Bill No. 417.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:
The amendment makes the bill effective upon passage and approval.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 421.

The following Senate amendment was read:

Amendment No. 808.

AN ACT relating to construction; ~~[revising the definition of "constructional defect";]~~ revising provisions relating to the information required to be included in a notice of a constructional defect; removing provisions requiring the presence of an expert during an inspection of an alleged constructional defect; establishing provisions relating to a claimant pursuing a claim under a builder's warranty; ~~[revising]~~ **removing certain** provisions governing the tolling of statutes of limitation and repose regarding actions for constructional defects; revising provisions relating to the recovery of damages proximately

caused by a constructional defect; increasing the period during which an action for the recovery of certain damages may be commenced; revising the prohibition against a unit-owners' association pursuing an action for a constructional defect unless the action pertains exclusively to the common elements of the association; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section 1 of this bill revises the existing definition of "constructional defect" to provide that a constructional defect is a defect which: (1) is done in violation of law and is reasonably likely to cause personal injury or property damage; (2) proximately causes physical damage to the residence, appurtenance or real property to which the residence or appurtenance is affixed; (3) is not completed in a good and workmanlike manner in accordance with the generally accepted standard of care in the industry and is reasonably likely to cause personal injury or property damage; or (4) presents an unreasonable risk of injury to a person or property.]~~

Existing law provides that before a claimant commences an action or amends a complaint to add a cause of action for a constructional defect against a contractor, subcontractor, supplier or design professional, the claimant: (1) is required to give written notice to the contractor; and (2) if the contractor is no longer licensed or acting as a contractor in this State, is authorized to give notice to any subcontractor, supplier or design professional known to the claimant who may be responsible for the constructional defect. Existing law also requires that such a notice identify in specific detail each defect, damage and injury to each residence or appurtenance that is the subject of the claim. (NRS 40.645) **Section 2** of this bill instead requires that such a notice specify in reasonable detail the defects or any damages or injuries to each residence or appurtenance that is the subject of the claim.

Existing law requires that after notice of a constructional defect is given by a claimant to a contractor, subcontractor, supplier or design professional, the claimant and, if the notice includes an expert opinion concerning the alleged constructional defect, the expert or his or her representative with knowledge of the alleged defect must: (1) be present when a contractor, subcontractor, supplier or design professional conducts an inspection of the alleged constructional defect; and (2) identify the exact location of each alleged constructional defect. (NRS 40.647) **Section 3** of this bill removes the requirement that an expert who provided an opinion concerning the alleged constructional defect or his or her representative be present at an inspection and revises certain other requirements.

Existing law provides that if a residence or appurtenance that is the subject of a claim is covered by a homeowner's warranty purchased by or on behalf of the claimant: (1) the claimant is prohibited from sending notice of a constructional defect or pursuing a claim for a constructional defect unless the claimant has submitted a claim under the homeowner's warranty and the insurer has denied the claim; and (2) notice of a constructional defect may only

include claims that were denied by the insurer. (NRS 40.650) **Section 4** of this bill removes such provisions, and **section 1.5** of this bill replaces the term "homeowner's warranty" with "builder's warranty" and clarifies that such a warranty is not a type of insurance. **Section 4** provides that if a residence or appurtenance that is the subject of a claim is covered by a builder's warranty, the claimant is required to diligently pursue a claim under the builder's warranty. **Section 5.5** of this bill makes conforming changes.

Existing law also provides that if a residence or appurtenance that is the subject of a claim is covered by a homeowner's warranty purchased by or on behalf of the claimant, statutes of limitation or repose are tolled from the time the claimant submits a claim under the homeowner's warranty until 30 days after the insurer rejects the claim, in whole or in part. (NRS 40.650) **Section 4** removes this provision. ~~[Existing law additionally provides that, unless good cause is shown to a court to toll the statute of limitation or repose for a longer period, statutes of limitation or repose applicable to a claim based on a constructional defect are tolled from the time notice of the claim is given until the earlier of: (1) 1 year after notice of the claim is given; or (2) 30 days after mediation is concluded or waived in writing. (NRS 40.695) Section 6 of this bill revises such provisions and provides that such statutes of limitation or repose are tolled from the time notice of claim is given until 30 days after mediation is concluded or waived in writing.]~~

Existing law establishes the damages proximately caused by a constructional defect that a claimant is authorized to recover, including additional costs reasonably incurred by the claimant for constructional defects proven by the claimant. (NRS 40.655) **Section 5** of this bill removes the requirement that such costs be limited to constructional defects proven by the claimant.

Existing law prohibits an action for the recovery of certain damages against the owner, occupier or any person performing or furnishing the design, planning, supervision or observation of construction, or the construction of an improvement to real property, from being commenced more than 6 years after the substantial completion of such an improvement. (NRS 11.202) **Section 7** of this bill increases such a period to ~~[8]~~ **10** years after the substantial completion of such an improvement. **Section 7** also **: (1)** authorizes such an action to be commenced at any time after the substantial completion of such an improvement if any ~~[intentional]~~ act **of fraud** caused a deficiency in the design, planning, supervision or observation of construction or the construction of such an improvement ~~[that was fraudulently concealed.]~~ **; and (2) exempts lower-tiered subcontractors from such an action in certain circumstances.**

Existing law prohibits a unit-owners' association from instituting, defending or intervening in litigation or in arbitration, mediation or administrative proceedings in its own name on behalf of itself or units' owners relating to an action for a constructional defect unless the action pertains exclusively to common elements. (NRS 116.3102) **Section 8** of this bill requires that such an

action for a constructional defect pertain to common elements or any portion of the common-interest community that the association owns or has an obligation to maintain, repair or replace.

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

Section 1. ~~[NRS 40.615 is hereby amended to read as follows:~~

~~40.615 "Constructional defect" means a defect in the design, construction, manufacture, repair or landscaping of a new residence, of an alteration of or addition to an existing residence, or of an appurtenance and includes, without limitation, the design, construction, manufacture, repair or landscaping of a new residence, of an alteration of or addition to an existing residence, or of an appurtenance:~~

~~1. Which [presents an unreasonable risk of injury to a person or property; or]~~ ***is done in violation of law, including, without limitation, in violation of local codes or ordinances, and is reasonably likely to cause personal injury or property damage;***

~~2. Which [is not completed in a good and workmanlike manner and] proximately causes physical damage to the residence, an appurtenance or the real property to which the residence or appurtenance is affixed [.] ;~~

~~***3. Which is not completed in a good and workmanlike manner in accordance with the generally accepted standard of care in the industry for that type of design, construction, manufacture, repair or landscaping and is reasonably likely to cause personal injury or property damage; or***~~

~~***4. Which presents an unreasonable risk of injury to a person or property.]*** **(Deleted by amendment.)**

Sec. 1.5. NRS 40.625 is hereby amended to read as follows:

40.625 ~~[~~"Homeowner's~~]~~ ***"Builder's*** warranty" means a warranty ~~[or policy of insurance:~~

~~1. Issued]~~ ***issued*** or purchased by or on behalf of a contractor for the protection of a claimant **.** ~~[; or~~

~~2. Purchased by or on behalf of a claimant pursuant to NRS 690B.100 to 690B.180, inclusive.~~

~~→]~~ The term ~~[includes]~~ ***:***

1. Includes a warranty contract issued by ***or on behalf of a contractor whose liability pursuant to the warranty contract is subsequently insured by*** a risk retention group that operates in compliance with chapter 695E of NRS and insures all or any part of the liability of a contractor for the cost to repair a constructional defect in a residence.

2. Does not include a policy of insurance for home protection as defined in NRS 690B.100 or a service contract as defined in NRS 690C.080.

Sec. 2. NRS 40.645 is hereby amended to read as follows:

40.645 1. Except as otherwise provided in this section and NRS 40.670, before a claimant commences an action or amends a complaint to add a cause

of action for a constructional defect against a contractor, subcontractor, supplier or design professional, the claimant:

(a) Must give written notice by certified mail, return receipt requested, to the contractor, at the contractor's address listed in the records of the State Contractors' Board or in the records of the office of the county or city clerk or at the contractor's last known address if the contractor's address is not listed in those records; and

(b) May give written notice by certified mail, return receipt requested, to any subcontractor, supplier or design professional known to the claimant who may be responsible for the constructional defect, if the claimant knows that the contractor is no longer licensed in this State or that the contractor no longer acts as a contractor in this State.

2. The notice given pursuant to subsection 1 must:

(a) Include a statement that the notice is being given to satisfy the requirements of this section;

(b) ~~[Identify]~~ ***Specify*** in ~~[specific]~~ ***reasonable*** detail ~~[each defect, damage and injury]~~ ***the defects or any damages or injuries*** to each residence or appurtenance that is the subject of the claim ~~[, including, without limitation, the exact location of each such defect, damage and injury;]~~ ***;***

(c) Describe in reasonable detail the cause of the defects if the cause is known and the nature and extent that is known of the damage or injury resulting from the defects; and

(d) Include a signed statement, by each named owner of a residence or appurtenance in the notice, that each such owner verifies that each such defect, damage and injury specified in the notice exists in the residence or appurtenance owned by him or her. If a notice is sent on behalf of a homeowners' association, the statement required by this paragraph must be signed under penalty of perjury by a member of the executive board or an officer of the homeowners' association.

3. A representative of a homeowners' association may send notice pursuant to this section on behalf of an association if the representative is acting within the scope of the representative's duties pursuant to chapter 116 or 117 of NRS.

4. Notice is not required pursuant to this section before commencing an action if:

(a) The contractor, subcontractor, supplier or design professional has filed an action against the claimant; or

(b) The claimant has filed a formal complaint with a law enforcement agency against the contractor, subcontractor, supplier or design professional for threatening to commit or committing an act of violence or a criminal offense against the claimant or the property of the claimant.

Sec. 3. NRS 40.647 is hereby amended to read as follows:

40.647 1. After notice of a constructional defect is given pursuant to NRS 40.645, before a claimant may commence an action or amend a complaint

to add a cause of action for a constructional defect against a contractor, subcontractor, supplier or design professional, the claimant must:

(a) Allow an inspection of the alleged constructional defect to be conducted pursuant to NRS 40.6462;

(b) Be present ***or have a representative of the claimant present*** at an inspection conducted pursuant to NRS 40.6462 and ***, to the extent possible, reasonably*** identify the ~~[exact location of each alleged constructional defect]~~ ***proximate locations of the defects, damages or injuries*** specified in the notice ***;*** ~~[and, if the notice includes an expert opinion concerning the alleged constructional defect, the expert, or a representative of the expert who has knowledge of the alleged constructional defect, must also be present at the inspection and identify the exact location of each alleged constructional defect for which the expert provided an opinion;]~~ and

(c) Allow the contractor, subcontractor, supplier or design professional a reasonable opportunity to repair the constructional defect or cause the defect to be repaired if an election to repair is made pursuant to NRS 40.6472.

2. If a claimant commences an action without complying with subsection 1 or NRS 40.645, the court shall:

(a) Dismiss the action without prejudice and compel the claimant to comply with those provisions before filing another action; or

(b) If dismissal of the action would prevent the claimant from filing another action because the action would be procedurally barred by the statute of limitations or statute of repose, the court shall stay the proceeding pending compliance with those provisions by the claimant.

Sec. 4. NRS 40.650 is hereby amended to read as follows:

40.650 1. If a claimant unreasonably rejects a reasonable written offer of settlement made as part of a response pursuant to paragraph (b) of subsection 2 of NRS 40.6472 and thereafter commences an action governed by NRS 40.600 to 40.695, inclusive, the court in which the action is commenced may:

(a) Deny the claimant's attorney's fees and costs; and

(b) Award attorney's fees and costs to the contractor.

➥ Any sums paid under a ~~[homeowner's]~~ ***builder's*** warranty, other than sums paid in satisfaction of claims that are collateral to any coverage issued to or by the contractor, must be deducted from any recovery.

2. If a contractor, subcontractor, supplier or design professional fails to:

(a) Comply with the provisions of NRS 40.6472;

(b) Make an offer of settlement;

(c) Make a good faith response to the claim asserting no liability;

(d) Agree to a mediator or accept the appointment of a mediator pursuant to NRS 40.680; or

(e) Participate in mediation,

➥ the limitations on damages and defenses to liability provided in NRS 40.600 to 40.695, inclusive, do not apply and the claimant may commence an action

or amend a complaint to add a cause of action for a constructional defect without satisfying any other requirement of NRS 40.600 to 40.695, inclusive.

3. If a residence or appurtenance that is the subject of the claim is covered by a ~~[~~homeowner's~~]~~ ***builder's*** warranty ~~[~~that is purchased by or on behalf of a claimant pursuant to NRS 690B.100 to 690B.180, inclusive:

~~(a) A claimant may not send a notice pursuant to NRS 40.645 or pursue a claim pursuant to NRS 40.600 to 40.695, inclusive, unless the claimant has first submitted a claim under the homeowner's warranty and the insurer has denied the claim.~~

~~(b) A claimant may include in a notice given pursuant to NRS 40.645 only claims for the constructional defects that were denied by the insurer.~~

~~(c)~~~~]~~ ***, a claimant shall diligently pursue a claim under the*** ~~[~~If coverage under a homeowner's warranty is denied by an insurer in bad faith, the homeowner and the contractor, subcontractor, supplier or design professional have a right of action for the sums that would have been paid if coverage had been provided, plus reasonable attorney's fees and costs.

~~(d) Statutes of limitation or repose applicable to a claim based on a constructional defect governed by NRS 40.600 to 40.695, inclusive, are tolled from the time notice of the claim under the homeowner's warranty is submitted to the insurer until 30 days after the insurer rejects the claim, in whole or in part, in writing.~~~~]~~ ***builder's warranty.***

4. Nothing in this section prohibits an offer of judgment pursuant to Rule 68 of the Nevada Rules of Civil Procedure or NRS 40.652.

Sec. 5. NRS 40.655 is hereby amended to read as follows:

40.655 1. Except as otherwise provided in NRS 40.650, in a claim governed by NRS 40.600 to 40.695, inclusive, the claimant may recover only the following damages to the extent proximately caused by a constructional defect:

(a) The reasonable cost of any repairs already made that were necessary and of any repairs yet to be made that are necessary to cure any constructional defect that the contractor failed to cure and the reasonable expenses of temporary housing reasonably necessary during the repair;

(b) The reduction in market value of the residence or accessory structure, if any, to the extent the reduction is because of structural failure;

(c) The loss of the use of all or any part of the residence;

(d) The reasonable value of any other property damaged by the constructional defect;

(e) Any additional costs reasonably incurred by the claimant ***,*** ~~[~~for constructional defects proven by the claimant,~~]~~ including, but not limited to, any costs and fees incurred for the retention of experts to:

(1) Ascertain the nature and extent of the constructional defects;

(2) Evaluate appropriate corrective measures to estimate the value of loss of use; and

(3) Estimate the value of loss of use, the cost of temporary housing and the reduction of market value of the residence; and

(f) Any interest provided by statute.

2. If a contractor complies with the provisions of NRS 40.600 to 40.695, inclusive, the claimant may not recover from the contractor, as a result of the constructional defect, any damages other than damages authorized pursuant to NRS 40.600 to 40.695, inclusive.

3. This section must not be construed as impairing any contractual rights between a contractor and a subcontractor, supplier or design professional.

4. As used in this section, "structural failure" means physical damage to the load-bearing portion of a residence or appurtenance caused by a failure of the load-bearing portion of the residence or appurtenance.

Sec. 5.5. NRS 40.687 is hereby amended to read as follows:

40.687 Notwithstanding any other provision of law:

1. A ~~[claimant shall, within 10 days after commencing an action against a contractor, disclose to the contractor all information about any homeowner's warranty that is applicable to the claim.~~

~~2. The]~~ contractor shall, no later than 10 days after a response is made pursuant to this chapter, disclose to the claimant any information about insurance agreements that may be obtained by discovery pursuant to rule 26(b)(2) of the Nevada Rules of Civil Procedure. Such disclosure does not affect the admissibility at trial of the information disclosed.

~~[3.]~~ ***2.*** Except as otherwise provided in subsection ~~[4,]~~ ***3,*** if ~~[either party]~~ ***the contractor*** fails to provide the information required pursuant to subsection 1 ~~[or 2]~~ within the time allowed, the ~~[other party]~~ ***claimant*** may petition the court to compel production of the information. Upon receiving such a petition, the court may order the ~~[party]~~ ***contractor*** to produce the required information and may award the ~~[petitioning party]~~ ***claimant*** reasonable attorney's fees and costs incurred in petitioning the court pursuant to this subsection.

~~[4.]~~ ***3.*** The parties may agree to an extension of time ***for the contractor*** to produce the information required pursuant to this section.

~~[5.]~~ ***4.*** For the purposes of this section, "information about insurance agreements" is limited to any declaration sheets, endorsements and contracts of insurance issued to the contractor from the commencement of construction of the residence of the claimant to the date on which the request for the information is made and does not include information concerning any disputes between the contractor and an insurer or information concerning any reservation of rights by an insurer.

Sec. 6. ~~[NRS 40.695 is hereby amended to read as follows:~~

~~40.695 1. Except as otherwise provided in [subsections] *subsection* 2 , [and 3,] statutes of limitation or repose applicable to a claim based on a constructional defect governed by NRS 40.600 to 40.695, inclusive, are tolled from the time notice of the claim is given, until [the earlier of:~~

~~(a) One year after notice of the claim is given; or~~

~~(b) Thirty] *30* days after mediation is concluded or waived in writing pursuant to NRS 40.680.~~

~~2. [Statutes of limitation and repose may be tolled under this section for a period longer than 1 year after notice of the claim is given only if, in an action for a constructional defect brought by a claimant after the applicable statute of limitation or repose has expired, the claimant demonstrates to the satisfaction of the court that good cause exists to toll the statutes of limitation and repose under this section for a longer period.~~

~~3.]~~ ~~Tolling under this section applies to a third party regardless of whether the party is required to appear in the proceeding.]~~ **(Deleted by amendment.)**

Sec. 7. NRS 11.202 is hereby amended to read as follows:

11.202 1. No action may be commenced against the owner, occupier or any person performing or furnishing the design, planning, supervision or observation of construction, or the construction of an improvement to real property more than ~~[6 8]~~ ***10*** years after the substantial completion of such an improvement, for the recovery of damages for:

(a) ~~[Any]~~ ***Except as otherwise provided in subsection 2, any*** deficiency in the design, planning, supervision or observation of construction or the construction of such an improvement;

(b) Injury to real or personal property caused by any such deficiency; or

(c) Injury to or the wrongful death of a person caused by any such deficiency.

2. ~~*[An]*~~ ***Except as otherwise provided in this subsection, an action may be commenced against the owner, occupier or any person performing or furnishing the design, planning, supervision or observation of construction, or the construction of an improvement to real property at any time after the substantial completion of such an improvement, for the recovery of damages for any*** ~~*[intentional]*~~ ***act of fraud in causing a deficiency in the design, planning, supervision or observation of construction or the construction of such an improvement . [which he or she fraudulently concealed.] The provisions of this subsection do not apply to any lower-tiered subcontractor who performs work that covers up a defect or deficiency in another contractor's trade if the lower-tiered subcontractor does not know, and should not reasonably know, of the existence of the alleged defect or deficiency at the time of performing such work. As used in this subsection, "lower-tiered subcontractor" has the meaning ascribed to it in NRS 624.608.***

3. The provisions of this section do not apply:

(a) To a claim for indemnity or contribution.

(b) In an action brought against:

(1) The owner or keeper of any hotel, inn, motel, motor court, boardinghouse or lodging house in this State on account of his or her liability as an innkeeper.

(2) Any person on account of a defect in a product.

Sec. 8. NRS 116.3102 is hereby amended to read as follows:

116.3102 1. Except as otherwise provided in this chapter, and subject to the provisions of the declaration, the association:

(a) Shall adopt and, except as otherwise provided in the bylaws, may amend bylaws and may adopt and amend rules and regulations.

(b) Shall adopt and may amend budgets in accordance with the requirements set forth in NRS 116.31151, may collect assessments for common expenses from the units' owners and may invest funds of the association in accordance with the requirements set forth in NRS 116.311395.

(c) May hire and discharge managing agents and other employees, agents and independent contractors.

(d) May institute, defend or intervene in litigation or in arbitration, mediation or administrative proceedings in its own name on behalf of itself or two or more units' owners on matters affecting the common-interest community. The association may not institute, defend or intervene in litigation or in arbitration, mediation or administrative proceedings in its own name on behalf of itself or units' owners with respect to an action for a constructional defect pursuant to NRS 40.600 to 40.695, inclusive, unless the action pertains ~~[exclusively]~~ to common elements ~~[.]~~ ***or any portion of the common-interest community that the association owns or has an obligation to maintain, repair or replace.***

(e) May make contracts and incur liabilities. Any contract between the association and a private entity for the furnishing of goods or services must not include a provision granting the private entity the right of first refusal with respect to extension or renewal of the contract.

(f) May regulate the use, maintenance, repair, replacement and modification of common elements.

(g) May cause additional improvements to be made as a part of the common elements.

(h) May acquire, hold, encumber and convey in its own name any right, title or interest to real estate or personal property, but:

(1) Common elements in a condominium or planned community may be conveyed or subjected to a security interest only pursuant to NRS 116.3112; and

(2) Part of a cooperative may be conveyed, or all or part of a cooperative may be subjected to a security interest, only pursuant to NRS 116.3112.

(i) May grant easements, leases, licenses and concessions through or over the common elements.

(j) May impose and receive any payments, fees or charges for the use, rental or operation of the common elements, other than limited common elements described in subsections 2 and 4 of NRS 116.2102, and for services provided to the units' owners, including, without limitation, any services provided pursuant to NRS 116.310312.

(k) May impose charges for late payment of assessments pursuant to NRS 116.3115.

(l) May impose construction penalties when authorized pursuant to NRS 116.310305.

(m) May impose reasonable fines for violations of the governing documents of the association only if the association complies with the requirements set forth in NRS 116.31031.

(n) May impose reasonable charges for the preparation and recordation of any amendments to the declaration or any statements of unpaid assessments, and impose reasonable fees, not to exceed the amounts authorized by NRS 116.4109, for preparing and furnishing the documents and certificate required by that section.

(o) May provide for the indemnification of its officers and executive board and maintain directors and officers liability insurance.

(p) May assign its right to future income, including the right to receive assessments for common expenses, but only to the extent the declaration expressly so provides.

(q) May exercise any other powers conferred by the declaration or bylaws.

(r) May exercise all other powers that may be exercised in this State by legal entities of the same type as the association.

(s) May direct the removal of vehicles improperly parked on property owned or leased by the association, as authorized pursuant to NRS 487.038, or improperly parked on any road, street, alley or other thoroughfare within the common-interest community in violation of the governing documents. In addition to complying with the requirements of NRS 487.038 and any requirements in the governing documents, if a vehicle is improperly parked as described in this paragraph, the association must post written notice in a conspicuous place on the vehicle or provide oral or written notice to the owner or operator of the vehicle at least 48 hours before the association may direct the removal of the vehicle, unless the vehicle:

(1) Is blocking a fire hydrant, fire lane or parking space designated for the handicapped; or

(2) Poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community.

(t) May exercise any other powers necessary and proper for the governance and operation of the association.

2. The declaration may not limit the power of the association to deal with the declarant if the limit is more restrictive than the limit imposed on the power of the association to deal with other persons.

3. The executive board may determine whether to take enforcement action by exercising the association's power to impose sanctions or commence an action for a violation of the declaration, bylaws or rules, including whether to compromise any claim for unpaid assessments or other claim made by or against it. The executive board does not have a duty to take enforcement action if it determines that, under the facts and circumstances presented:

(a) The association's legal position does not justify taking any or further enforcement action;

(b) The covenant, restriction or rule being enforced is, or is likely to be construed as, inconsistent with current law;

(c) Although a violation may exist or may have occurred, it is not so material as to be objectionable to a reasonable person or to justify expending the association's resources; or

(d) It is not in the association's best interests to pursue an enforcement action.

4. The executive board's decision under subsection 3 not to pursue enforcement under one set of circumstances does not prevent the executive board from taking enforcement action under another set of circumstances, but the executive board may not be arbitrary or capricious in taking enforcement action.

5. Notwithstanding any provision of this chapter or the governing documents to the contrary, an association may not impose any assessment pursuant to this chapter or the governing documents on the owner of any property in the common-interest community that is exempt from taxation pursuant to NRS 361.125. For the purposes of this subsection, "assessment" does not include any charge for any utility services, including, without limitation, telecommunications, broadband communications, cable television, electricity, natural gas, sewer services, garbage collection, water or for any other service which is delivered to and used or consumed directly by the property in the common-interest community that is exempt from taxation pursuant to NRS 361.125.

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. 1. ~~[The provisions of NRS 40.615 and 40.655, as amended by sections 1 and 5 of this act, respectively, apply to any claim for which a notice of constructional defect is given on or after October 1, 2019.~~

~~2.]~~ The provisions of NRS 40.645 and 40.650, as amended by sections 2 and 4 of this act, respectively, apply to a notice of constructional defect given on or after October 1, 2019.

~~[3.]~~ **2.** The provisions of NRS 40.647, as amended by section 3 of this act, apply to an inspection conducted pursuant to NRS 40.6462 on or after October 1, 2019.

3. The provisions of NRS 40.655, as amended by section 5 of this act, apply to any claim for which a notice of constructional defect is given on or after October 1, 2019.

4. The period of limitations on actions set forth in NRS 11.202, as amended by section 7 of this act, apply retroactively to actions in which the substantial completion of the improvement to the real property occurred before October 1, 2019.

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 808 to Assembly Bill No. 421.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 963.

AN ACT relating to construction; revising provisions relating to the information required to be included in a notice of a constructional defect; removing provisions requiring the presence of an expert during an inspection of an alleged constructional defect; establishing provisions relating to a claimant pursuing a claim under a builder's warranty; removing certain provisions governing the tolling of statutes of limitation and repose regarding actions for constructional defects; revising provisions relating to the recovery of damages proximately caused by a constructional defect; increasing the period during which an action for the recovery of certain damages may be commenced; revising the prohibition against a unit-owners' association pursuing an action for a constructional defect unless the action pertains exclusively to the common elements of the association; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that before a claimant commences an action or amends a complaint to add a cause of action for a constructional defect against a contractor, subcontractor, supplier or design professional, the claimant: (1) is required to give written notice to the contractor; and (2) if the contractor is no longer licensed or acting as a contractor in this State, is authorized to give notice to any subcontractor, supplier or design professional known to the claimant who may be responsible for the constructional defect. Existing law also requires that such a notice identify in specific detail each defect, damage and injury to each residence or appurtenance that is the subject of the claim. (NRS 40.645) **Section 2** of this bill instead requires that such a notice specify in reasonable detail the defects or any damages or injuries to each residence or appurtenance that is the subject of the claim.

Existing law requires that after notice of a constructional defect is given by a claimant to a contractor, subcontractor, supplier or design professional, the claimant and, if the notice includes an expert opinion concerning the alleged constructional defect, the expert or his or her representative with knowledge of the alleged defect must: (1) be present when a contractor, subcontractor, supplier or design professional conducts an inspection of the alleged constructional defect; and (2) identify the exact location of each alleged constructional defect. (NRS 40.647) **Section 3** of this bill removes the requirement that an expert who provided an opinion concerning the alleged constructional defect or his or her representative be present at an inspection and revises certain other requirements.

Existing law provides that if a residence or appurtenance that is the subject of a claim is covered by a homeowner's warranty purchased by or on behalf of the claimant: (1) the claimant is prohibited from sending notice of a constructional defect or pursuing a claim for a constructional defect unless the claimant has submitted a claim under the homeowner's warranty and the insurer has denied the claim; and (2) notice of a constructional defect may only include

claims that were denied by the insurer. (NRS 40.650) **Section 4** of this bill removes such provisions, and **section 1.5** of this bill replaces the term "homeowner's warranty" with "builder's warranty" and clarifies that such a warranty is not a type of insurance. **Section 4** provides that if a residence or appurtenance that is the subject of a claim is covered by a builder's warranty, the claimant is required to diligently pursue a claim under the builder's warranty. **Section 5.5** of this bill makes conforming changes.

Existing law also provides that if a residence or appurtenance that is the subject of a claim is covered by a homeowner's warranty purchased by or on behalf of the claimant, statutes of limitation or repose are tolled from the time the claimant submits a claim under the homeowner's warranty until 30 days after the insurer rejects the claim, in whole or in part. (NRS 40.650) **Section 4** removes this provision.

Existing law establishes the damages proximately caused by a constructional defect that a claimant is authorized to recover, including additional costs reasonably incurred by the claimant for constructional defects proven by the claimant. (NRS 40.655) **Section 5** of this bill removes the requirement that such costs be limited to constructional defects proven by the claimant.

Existing law prohibits an action for the recovery of certain damages against the owner, occupier or any person performing or furnishing the design, planning, supervision or observation of construction, or the construction of an improvement to real property, from being commenced more than 6 years after the substantial completion of such an improvement. (NRS 11.202) **Section 7** of this bill increases such a period to 10 years after the substantial completion of such an improvement. **Section 7** also: (1) authorizes such an action to be commenced at any time after the substantial completion of such an improvement if any act of fraud caused a deficiency in the design, planning, supervision or observation of construction or the construction of such an improvement; and (2) exempts lower-tiered subcontractors from such an action in certain circumstances.

Existing law prohibits a unit-owners' association from instituting, defending or intervening in litigation or in arbitration, mediation or administrative proceedings in its own name on behalf of itself or units' owners relating to an action for a constructional defect unless the action pertains exclusively to common elements. (NRS 116.3102) **Section 8** of this bill requires that such an action for a constructional defect pertain to **: (1)** common elements ~~[or]~~ **; (2)** any portion of the common-interest community that the association owns **;** or **(3) any portion of the common-interest community that the association does not own but** has an obligation to maintain, repair **, insure** or replace ~~[.]~~ **because the governing documents of the association expressly make such an obligation the responsibility of the association.**

Existing law authorizes a unit-owners' association to enter the grounds of a unit to conduct certain maintenance or remove or abate a public nuisance, or to enter the grounds or interior of a unit to abate a water or

sewage leak or take certain other actions in certain circumstances. (NRS 116.310312) Section 8.5 of this bill provides that such provisions do not give rise to any rights or standing for a claim for a constructional defect.

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

Section 1. (Deleted by amendment.)

Sec. 1.5. NRS 40.625 is hereby amended to read as follows:

40.625 ~~[~~"Homeowner's~~]~~ ***"Builder's*** warranty" means a warranty ~~[~~or policy of insurance:

~~1. Issued]~~ ***issued*** or purchased by or on behalf of a contractor for the protection of a claimant **.** ~~[~~; or

~~2. Purchased by or on behalf of a claimant pursuant to NRS 690B.100 to 690B.180, inclusive.~~

~~➥]~~ The term ~~[~~includes~~]~~ ***:***

1. Includes a warranty contract issued by ***or on behalf of a contractor whose liability pursuant to the warranty contract is subsequently insured by*** a risk retention group that operates in compliance with chapter 695E of NRS and insures all or any part of the liability of a contractor for the cost to repair a constructional defect in a residence.

2. Does not include a policy of insurance for home protection as defined in NRS 690B.100 or a service contract as defined in NRS 690C.080.

Sec. 2. NRS 40.645 is hereby amended to read as follows:

40.645 1. Except as otherwise provided in this section and NRS 40.670, before a claimant commences an action or amends a complaint to add a cause of action for a constructional defect against a contractor, subcontractor, supplier or design professional, the claimant:

(a) Must give written notice by certified mail, return receipt requested, to the contractor, at the contractor's address listed in the records of the State Contractors' Board or in the records of the office of the county or city clerk or at the contractor's last known address if the contractor's address is not listed in those records; and

(b) May give written notice by certified mail, return receipt requested, to any subcontractor, supplier or design professional known to the claimant who may be responsible for the constructional defect, if the claimant knows that the contractor is no longer licensed in this State or that the contractor no longer acts as a contractor in this State.

2. The notice given pursuant to subsection 1 must:

(a) Include a statement that the notice is being given to satisfy the requirements of this section;

(b) ~~[~~Identify~~]~~ ***Specify*** in ~~[~~specific~~]~~ ***reasonable*** detail ~~[~~each defect, damage and injury~~]~~ ***the defects or any damages or injuries*** to each residence or appurtenance that is the subject of the claim ***;*** ~~[~~, including, without limitation, the exact location of each such defect, damage and injury;~~]~~

(c) Describe in reasonable detail the cause of the defects if the cause is known and the nature and extent that is known of the damage or injury resulting from the defects; and

(d) Include a signed statement, by each named owner of a residence or appurtenance in the notice, that each such owner verifies that each such defect, damage and injury specified in the notice exists in the residence or appurtenance owned by him or her. If a notice is sent on behalf of a homeowners' association, the statement required by this paragraph must be signed under penalty of perjury by a member of the executive board or an officer of the homeowners' association.

3. A representative of a homeowners' association may send notice pursuant to this section on behalf of an association if the representative is acting within the scope of the representative's duties pursuant to chapter 116 or 117 of NRS.

4. Notice is not required pursuant to this section before commencing an action if:

(a) The contractor, subcontractor, supplier or design professional has filed an action against the claimant; or

(b) The claimant has filed a formal complaint with a law enforcement agency against the contractor, subcontractor, supplier or design professional for threatening to commit or committing an act of violence or a criminal offense against the claimant or the property of the claimant.

Sec. 3. NRS 40.647 is hereby amended to read as follows:

40.647 1. After notice of a constructional defect is given pursuant to NRS 40.645, before a claimant may commence an action or amend a complaint to add a cause of action for a constructional defect against a contractor, subcontractor, supplier or design professional, the claimant must:

(a) Allow an inspection of the alleged constructional defect to be conducted pursuant to NRS 40.6462;

(b) Be present ***or have a representative of the claimant present*** at an inspection conducted pursuant to NRS 40.6462 and ***, to the extent possible, reasonably*** identify the ~~[exact location of each alleged constructional defect]~~ ***proximate locations of the defects, damages or injuries*** specified in the notice ***;*** ~~[and, if the notice includes an expert opinion concerning the alleged constructional defect, the expert, or a representative of the expert who has knowledge of the alleged constructional defect, must also be present at the inspection and identify the exact location of each alleged constructional defect for which the expert provided an opinion;]~~ and

(c) Allow the contractor, subcontractor, supplier or design professional a reasonable opportunity to repair the constructional defect or cause the defect to be repaired if an election to repair is made pursuant to NRS 40.6472.

2. If a claimant commences an action without complying with subsection 1 or NRS 40.645, the court shall:

(a) Dismiss the action without prejudice and compel the claimant to comply with those provisions before filing another action; or

(b) If dismissal of the action would prevent the claimant from filing another action because the action would be procedurally barred by the statute of limitations or statute of repose, the court shall stay the proceeding pending compliance with those provisions by the claimant.

Sec. 4. NRS 40.650 is hereby amended to read as follows:

40.650 1. If a claimant unreasonably rejects a reasonable written offer of settlement made as part of a response pursuant to paragraph (b) of subsection 2 of NRS 40.6472 and thereafter commences an action governed by NRS 40.600 to 40.695, inclusive, the court in which the action is commenced may:

(a) Deny the claimant's attorney's fees and costs; and

(b) Award attorney's fees and costs to the contractor.

➥ Any sums paid under a ~~[homeowner's]~~ ***builder's*** warranty, other than sums paid in satisfaction of claims that are collateral to any coverage issued to or by the contractor, must be deducted from any recovery.

2. If a contractor, subcontractor, supplier or design professional fails to:

(a) Comply with the provisions of NRS 40.6472;

(b) Make an offer of settlement;

(c) Make a good faith response to the claim asserting no liability;

(d) Agree to a mediator or accept the appointment of a mediator pursuant to NRS 40.680; or

(e) Participate in mediation,

➥ the limitations on damages and defenses to liability provided in NRS 40.600 to 40.695, inclusive, do not apply and the claimant may commence an action or amend a complaint to add a cause of action for a constructional defect without satisfying any other requirement of NRS 40.600 to 40.695, inclusive.

3. If a residence or appurtenance that is the subject of the claim is covered by a ~~[homeowner's]~~ ***builder's*** warranty ~~[that is purchased by or on behalf of a claimant pursuant to NRS 690B.100 to 690B.180, inclusive:~~

~~(a) A claimant may not send a notice pursuant to NRS 40.645 or pursue a claim pursuant to NRS 40.600 to 40.695, inclusive, unless the claimant has first submitted a claim under the homeowner's warranty and the insurer has denied the claim.~~

~~(b) A claimant may include in a notice given pursuant to NRS 40.645 only claims for the constructional defects that were denied by the insurer.~~

~~(c) If coverage under a homeowner's warranty is denied by an insurer in bad faith, the homeowner and the contractor, subcontractor, supplier or design professional have a right of action for the sums that would have been paid if coverage had been provided, plus reasonable attorney's fees and costs.~~

~~(d) Statutes of limitation or repose applicable to a claim based on a constructional defect governed by NRS 40.600 to 40.695, inclusive, are tolled from the time notice of the claim under the homeowner's warranty is submitted to the insurer until 30 days after the insurer rejects the claim, in whole or in part, in writing.]~~ ***, a claimant shall diligently pursue a claim under the builder's warranty.***

4. Nothing in this section prohibits an offer of judgment pursuant to Rule 68 of the Nevada Rules of Civil Procedure or NRS 40.652.

Sec. 5. NRS 40.655 is hereby amended to read as follows:

40.655 1. Except as otherwise provided in NRS 40.650, in a claim governed by NRS 40.600 to 40.695, inclusive, the claimant may recover only the following damages to the extent proximately caused by a constructional defect:

(a) The reasonable cost of any repairs already made that were necessary and of any repairs yet to be made that are necessary to cure any constructional defect that the contractor failed to cure and the reasonable expenses of temporary housing reasonably necessary during the repair;

(b) The reduction in market value of the residence or accessory structure, if any, to the extent the reduction is because of structural failure;

(c) The loss of the use of all or any part of the residence;

(d) The reasonable value of any other property damaged by the constructional defect;

(e) Any additional costs reasonably incurred by the claimant **,** ~~[for constructional defects proven by the claimant,]~~ including, but not limited to, any costs and fees incurred for the retention of experts to:

(1) Ascertain the nature and extent of the constructional defects;

(2) Evaluate appropriate corrective measures to estimate the value of loss of use; and

(3) Estimate the value of loss of use, the cost of temporary housing and the reduction of market value of the residence; and

(f) Any interest provided by statute.

2. If a contractor complies with the provisions of NRS 40.600 to 40.695, inclusive, the claimant may not recover from the contractor, as a result of the constructional defect, any damages other than damages authorized pursuant to NRS 40.600 to 40.695, inclusive.

3. This section must not be construed as impairing any contractual rights between a contractor and a subcontractor, supplier or design professional.

4. As used in this section, "structural failure" means physical damage to the load-bearing portion of a residence or appurtenance caused by a failure of the load-bearing portion of the residence or appurtenance.

Sec. 5.5. NRS 40.687 is hereby amended to read as follows:

40.687 Notwithstanding any other provision of law:

1. A ~~[claimant shall, within 10 days after commencing an action against a contractor, disclose to the contractor all information about any homeowner's warranty that is applicable to the claim.~~

~~2. The]~~ contractor shall, no later than 10 days after a response is made pursuant to this chapter, disclose to the claimant any information about insurance agreements that may be obtained by discovery pursuant to rule 26(b)(2) of the Nevada Rules of Civil Procedure. Such disclosure does not affect the admissibility at trial of the information disclosed.

~~[3.]~~ ***2.*** Except as otherwise provided in subsection ~~[4,]~~ ***3,*** if ~~[either party]~~ ***the contractor*** fails to provide the information required pursuant to subsection 1 ~~[or 2]~~ within the time allowed, the ~~[other party]~~ ***claimant*** may petition the court to compel production of the information. Upon receiving such a petition, the court may order the ~~[party]~~ ***contractor*** to produce the required information and may award the ~~[petitioning party]~~ ***claimant*** reasonable attorney's fees and costs incurred in petitioning the court pursuant to this subsection.

~~[4.]~~ ***3.*** The parties may agree to an extension of time ***for the contractor*** to produce the information required pursuant to this section.

~~[5.]~~ ***4.*** For the purposes of this section, "information about insurance agreements" is limited to any declaration sheets, endorsements and contracts of insurance issued to the contractor from the commencement of construction of the residence of the claimant to the date on which the request for the information is made and does not include information concerning any disputes between the contractor and an insurer or information concerning any reservation of rights by an insurer.

Sec. 6. (Deleted by amendment.)

Sec. 7. NRS 11.202 is hereby amended to read as follows:

11.202 1. No action may be commenced against the owner, occupier or any person performing or furnishing the design, planning, supervision or observation of construction, or the construction of an improvement to real property more than ~~[6]~~ ***10*** years after the substantial completion of such an improvement, for the recovery of damages for:

(a) ~~[Any]~~ ***Except as otherwise provided in subsection 2, any*** deficiency in the design, planning, supervision or observation of construction or the construction of such an improvement;

(b) Injury to real or personal property caused by any such deficiency; or

(c) Injury to or the wrongful death of a person caused by any such deficiency.

2. ***Except as otherwise provided in this subsection, an action may be commenced against the owner, occupier or any person performing or furnishing the design, planning, supervision or observation of construction, or the construction of an improvement to real property at any time after the substantial completion of such an improvement, for the recovery of damages for any act of fraud in causing a deficiency in the design, planning, supervision or observation of construction or the construction of such an improvement. The provisions of this subsection do not apply to any lower-tiered subcontractor who performs work that covers up a defect or deficiency in another contractor's trade if the lower-tiered subcontractor does not know, and should not reasonably know, of the existence of the alleged defect or deficiency at the time of performing such work. As used in this subsection, "lower-tiered subcontractor" has the meaning ascribed to it in NRS 624.608.***

3. The provisions of this section do not apply:

(a) To a claim for indemnity or contribution.

(b) In an action brought against:

(1) The owner or keeper of any hotel, inn, motel, motor court, boardinghouse or lodging house in this State on account of his or her liability as an innkeeper.

(2) Any person on account of a defect in a product.

Sec. 8. NRS 116.3102 is hereby amended to read as follows:

116.3102 1. Except as otherwise provided in this chapter, and subject to the provisions of the declaration, the association:

(a) Shall adopt and, except as otherwise provided in the bylaws, may amend bylaws and may adopt and amend rules and regulations.

(b) Shall adopt and may amend budgets in accordance with the requirements set forth in NRS 116.31151, may collect assessments for common expenses from the units' owners and may invest funds of the association in accordance with the requirements set forth in NRS 116.311395.

(c) May hire and discharge managing agents and other employees, agents and independent contractors.

(d) May institute, defend or intervene in litigation or in arbitration, mediation or administrative proceedings in its own name on behalf of itself or two or more units' owners on matters affecting the common-interest community. The association may not institute, defend or intervene in litigation or in arbitration, mediation or administrative proceedings in its own name on behalf of itself or units' owners with respect to an action for a constructional defect pursuant to NRS 40.600 to 40.695, inclusive, unless the action pertains ~~[~~exclusively~~]~~ to ~~[~~common~~]~~ ***:***

(1) Common elements ~~*[. or any]*~~ ***;***

(2) Any portion of the common-interest community that the association owns ; or

(3) Any portion of the common-interest community that the association does not own but has an obligation to maintain, repair , insure or replace ~~[.]~~ because the governing documents of the association expressly make such an obligation the responsibility of the association.

(e) May make contracts and incur liabilities. Any contract between the association and a private entity for the furnishing of goods or services must not include a provision granting the private entity the right of first refusal with respect to extension or renewal of the contract.

(f) May regulate the use, maintenance, repair, replacement and modification of common elements.

(g) May cause additional improvements to be made as a part of the common elements.

(h) May acquire, hold, encumber and convey in its own name any right, title or interest to real estate or personal property, but:

(1) Common elements in a condominium or planned community may be conveyed or subjected to a security interest only pursuant to NRS 116.3112; and

(2) Part of a cooperative may be conveyed, or all or part of a cooperative may be subjected to a security interest, only pursuant to NRS 116.3112.

(i) May grant easements, leases, licenses and concessions through or over the common elements.

(j) May impose and receive any payments, fees or charges for the use, rental or operation of the common elements, other than limited common elements described in subsections 2 and 4 of NRS 116.2102, and for services provided to the units' owners, including, without limitation, any services provided pursuant to NRS 116.310312.

(k) May impose charges for late payment of assessments pursuant to NRS 116.3115.

(l) May impose construction penalties when authorized pursuant to NRS 116.310305.

(m) May impose reasonable fines for violations of the governing documents of the association only if the association complies with the requirements set forth in NRS 116.31031.

(n) May impose reasonable charges for the preparation and recordation of any amendments to the declaration or any statements of unpaid assessments, and impose reasonable fees, not to exceed the amounts authorized by NRS 116.4109, for preparing and furnishing the documents and certificate required by that section.

(o) May provide for the indemnification of its officers and executive board and maintain directors and officers liability insurance.

(p) May assign its right to future income, including the right to receive assessments for common expenses, but only to the extent the declaration expressly so provides.

(q) May exercise any other powers conferred by the declaration or bylaws.

(r) May exercise all other powers that may be exercised in this State by legal entities of the same type as the association.

(s) May direct the removal of vehicles improperly parked on property owned or leased by the association, as authorized pursuant to NRS 487.038, or improperly parked on any road, street, alley or other thoroughfare within the common-interest community in violation of the governing documents. In addition to complying with the requirements of NRS 487.038 and any requirements in the governing documents, if a vehicle is improperly parked as described in this paragraph, the association must post written notice in a conspicuous place on the vehicle or provide oral or written notice to the owner or operator of the vehicle at least 48 hours before the association may direct the removal of the vehicle, unless the vehicle:

(1) Is blocking a fire hydrant, fire lane or parking space designated for the handicapped; or

(2) Poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community.

(t) May exercise any other powers necessary and proper for the governance and operation of the association.

2. The declaration may not limit the power of the association to deal with the declarant if the limit is more restrictive than the limit imposed on the power of the association to deal with other persons.

3. The executive board may determine whether to take enforcement action by exercising the association's power to impose sanctions or commence an action for a violation of the declaration, bylaws or rules, including whether to compromise any claim for unpaid assessments or other claim made by or against it. The executive board does not have a duty to take enforcement action if it determines that, under the facts and circumstances presented:

(a) The association's legal position does not justify taking any or further enforcement action;

(b) The covenant, restriction or rule being enforced is, or is likely to be construed as, inconsistent with current law;

(c) Although a violation may exist or may have occurred, it is not so material as to be objectionable to a reasonable person or to justify expending the association's resources; or

(d) It is not in the association's best interests to pursue an enforcement action.

4. The executive board's decision under subsection 3 not to pursue enforcement under one set of circumstances does not prevent the executive board from taking enforcement action under another set of circumstances, but the executive board may not be arbitrary or capricious in taking enforcement action.

5. Notwithstanding any provision of this chapter or the governing documents to the contrary, an association may not impose any assessment pursuant to this chapter or the governing documents on the owner of any property in the common-interest community that is exempt from taxation pursuant to NRS 361.125. For the purposes of this subsection, "assessment" does not include any charge for any utility services, including, without limitation, telecommunications, broadband communications, cable television, electricity, natural gas, sewer services, garbage collection, water or for any other service which is delivered to and used or consumed directly by the property in the common-interest community that is exempt from taxation pursuant to NRS 361.125.

Sec. 8.5. **NRS 116.310312 is hereby amended to read as follows:**

116.310312 1. A person who holds a security interest in a unit must provide the association with the person's contact information as soon as reasonably practicable, but not later than 30 days after the person:

(a) Files an action for recovery of a debt or enforcement of any right secured by the unit pursuant to NRS 40.430; or

(b) Records or has recorded on his or her behalf a notice of a breach of obligation secured by the unit and the election to sell or have the unit sold pursuant to NRS 107.080.

2. If an action or notice described in subsection 1 has been filed or recorded regarding a unit and the association has provided the unit's owner

with notice and an opportunity for a hearing in the manner provided in NRS 116.31031, the association, including its employees, agents and community manager, may, but is not required to, enter the grounds of the unit, whether or not the unit is vacant, to take any of the following actions if the unit's owner refuses or fails to take any action or comply with any requirement imposed on the unit's owner within the time specified by the association as a result of the hearing:

(a) Maintain the exterior of the unit in accordance with the standards set forth in the governing documents, including, without limitation, any provisions governing maintenance, standing water or snow removal.

(b) Remove or abate a public nuisance on the exterior of the unit which:

(1) Is visible from any common area of the community or public streets;

(2) Threatens the health or safety of the residents of the common-interest community;

(3) Results in blighting or deterioration of the unit or surrounding area; and

(4) Adversely affects the use and enjoyment of nearby units.

3. If:

(a) A unit is vacant;

(b) The association has provided the unit's owner with notice and an opportunity for a hearing in the manner provided in NRS 116.31031; and

(c) The association or its employee, agent or community manager mails a notice of the intent of the association, including its employees, agents and community manager, to maintain the exterior of the unit or abate a public nuisance, as described in subsection 2, by certified mail to each holder of a recorded security interest encumbering the interest of the unit's owner, at the address of the holder that is provided pursuant to NRS 657.110 on the Internet website maintained by the Division of Financial Institutions of the Department of Business and Industry,

➥ the association, including its employees, agents and community manager, may enter the grounds of the unit to maintain the exterior of the unit or abate a public nuisance, as described in subsection 2, if the unit's owner refuses or fails to do so.

4. If a unit is in a building that contains units divided by horizontal boundaries described in the declaration, or vertical boundaries that comprise common walls between units, and the unit is vacant, the association, including its employees, agents and community manager, may enter the grounds and interior of the unit to:

(a) Abate a water or sewage leak in the unit and remove any water or sewage from the unit that is causing damage or, if not immediately abated, may cause damage to the common elements or another unit if the unit's owner refuses or fails to abate the water or sewage leak.

(b) After providing the unit's owner with notice but before a hearing in accordance with the provisions of NRS 116.31031:

(1) Remove any furniture, fixtures, appliances and components of the unit, including, without limitation, flooring, baseboards and drywall, that were damaged as a result of water or mold damage resulting from a water or sewage leak to the extent such removal is reasonably necessary because water or mold damage threatens the health or safety of the residents of the common-interest community, results in blighting or deterioration of the unit or the surrounding area and adversely affects the use and enjoyment of nearby units, if the unit's owner refuses or fails to remediate or remove the water or mold damage.

(2) Remediate or remove any water or mold damage in the unit resulting from the water or sewage leak to the extent such remediation or removal is reasonably necessary because the water or mold damage threatens the health or safety of the residents of the common-interest community, results in blighting or deterioration of the unit or the surrounding area and adversely affects the use and enjoyment of nearby units, if the unit's owner refuses or fails to remediate or remove the water or mold damage.

5. After the association has provided the unit's owner with notice and an opportunity for a hearing in the manner provided in NRS 116.31031, the association may order that the costs of any maintenance or abatement or the reasonable costs of remediation or removal conducted pursuant to subsection 2, 3 or 4, including, without limitation, reasonable inspection fees, notification and collection costs and interest, be charged against the unit. The association shall keep a record of such costs and interest charged against the unit and has a lien on the unit for any unpaid amount of the charges. The lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive.

6. A lien described in subsection 5 bears interest from the date that the charges become due at a rate determined pursuant to NRS 17.130 until the charges, including all interest due, are paid.

7. Except as otherwise provided in this subsection, a lien described in subsection 5 is prior and superior to all liens, claims, encumbrances and titles other than the liens described in paragraphs (a) and (c) of subsection 2 of NRS 116.3116. If the federal regulations of the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association require a shorter period of priority for the lien, the period during which the lien is prior and superior to other security interests shall be determined in accordance with those federal regulations. Notwithstanding the federal regulations, the period of priority of the lien must not be less than the 6 months immediately preceding the institution of an action to enforce the lien.

8. A person who purchases or acquires a unit at a foreclosure sale pursuant to NRS 40.430 or a trustee's sale pursuant to NRS 107.080 is bound by the governing documents of the association and shall maintain the exterior of the unit in accordance with the governing documents of the association. Such a unit may only be removed from a common-interest community in accordance with the governing documents pursuant to this chapter.

9. Notwithstanding any other provision of law, an association, its directors or members of the executive board, employees, agents or community manager

who enter the grounds or interior of a unit pursuant to this section are not liable for trespass.

10. ***Nothing in this section gives rise to any rights or standing for a claim for a constructional defect made pursuant to NRS 40.600 to 40.695, inclusive.***

11. As used in this section:

(a) "Exterior of the unit" includes, without limitation, all landscaping outside of a unit, the exterior of all property exclusively owned by the unit owner and the exterior of all property that the unit owner is obligated to maintain pursuant to the declaration.

(b) "Remediation" does not include restoration.

(c) "Vacant" means a unit:

(1) Which reasonably appears to be unoccupied;

(2) On which the owner has failed to maintain the exterior to the standards set forth in the governing documents of the association; and

(3) On which the owner has failed to pay assessments for more than 60 days.

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. 1. The provisions of NRS 40.645 and 40.650, as amended by sections 2 and 4 of this act, respectively, apply to a notice of constructional defect given on or after October 1, 2019.

2. The provisions of NRS 40.647, as amended by section 3 of this act, apply to an inspection conducted pursuant to NRS 40.6462 on or after October 1, 2019.

3. The provisions of NRS 40.655, as amended by section 5 of this act, apply to any claim for which a notice of constructional defect is given on or after October 1, 2019.

4. The period of limitations on actions set forth in NRS 11.202, as amended by section 7 of this act, apply retroactively to actions in which the substantial completion of the improvement to the real property occurred before October 1, 2019.

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 963 to Assembly Bill No. 421.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Amendment 808 makes some changes to the statute of limitations and statute of repose and also makes some definitional changes in the bill. Amendment 963 makes some changes related to a homeowner association's ability to bring a claim under Assembly Bill 421.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 422.

The following Senate amendment was read:

Amendment No. 807.

AN ACT relating to criminal procedure; revising provisions relating to a judge or magistrate requiring certain bail if a person fails to appear as a material witness; revising provisions relating to a court or officer issuing certain warrants for arrest if a person fails to appear as a witness; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a magistrate to require bail for a person who appears as a witness if such a person is material in a criminal proceeding and it is impracticable to secure the presence of the person by subpoena. (NRS 178.494) **Section 2** of this bill requires a judge or magistrate to appoint an attorney when bail is required for such a material witness and requires such an attorney to be present, when practicable. **Section 2** also prescribes certain requirements for making a determination whether a material witness should be detained or continue to be detained, including requiring the material witness to appear before a magistrate as soon as practicable but not later than 72 hours after being detained. Finally, **section 2**: (1) requires a material witness who is a victim of domestic violence or sexual assault to appear before a magistrate not later than 24 hours after being detained; and (2) authorizes such a determination to be made by telephone for such material witnesses.

Existing law authorizes a court or officer to issue a warrant to arrest a witness upon the failure of the witness to appear. (NRS 50.205) ~~[Section]~~ **Upon such an arrest, section 3** of this bill requires a court or officer to appoint an attorney ~~[when issuing such a warrant.]~~ **to represent the witness. Section 3** also prescribes certain requirements for making a determination whether a witness should be detained or continue to be detained, including requiring the witness to appear before a court or officer as soon as practicable but not later than 72 hours after being detained. Finally, **section 3**: (1) requires a witness who is a victim of domestic violence or sexual assault to appear before a court or officer not later than 24 hours after being detained; and (2) authorizes such a determination to be made by telephone for such witnesses.

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

Section 1. (Deleted by amendment.)

Sec. 2. NRS 178.494 is hereby amended to read as follows:

178.494 1. If it appears by affidavit that the testimony of a person is material in any criminal proceeding and if it is shown that it may become impracticable to secure the person's presence by subpoena, the magistrate may require bail for the person's appearance as a witness, in an amount fixed by the magistrate. If the person fails to give bail the magistrate may:

(a) Commit the person to the custody of a peace officer pending final disposition of the proceeding in which the testimony is needed;

(b) Order the person's release if the person has been detained for an unreasonable length of time; and

(c) Modify at any time the requirement as to bail.

2. ~~[Every]~~ ***Upon requiring bail for the person's appearance as a material witness, the magistrate shall appoint an attorney to represent the person and provide the attorney:***

(a) With the last known contact information of the person; and

(b) Notice of every proceeding.

3. Except as otherwise provided in subsection 4, every person detained as a material witness must be brought before a judge or magistrate ~~[within]~~ ***as soon as practicable, but not later than*** 72 hours after the beginning of the detention. The judge or magistrate shall ***consider the least restrictive means to secure the person's presence and*** make a determination whether:

(a) The amount of bail required to be given by the material witness should be modified; and

(b) The detention of the material witness should continue. ***If the court determines that detention of the material witness should continue, the court must make written findings stating why detention should continue.***

4. A person detained as a material witness pursuant to this section who is a victim of domestic violence or sexual assault:

(a) Must be brought before a judge or magistrate, as soon as practicable, but not later than 24 hours after the beginning of the detention:

(b) May be detained or continue detention pursuant to a determination by telephone; and

(c) To the extent practicable, must have the attorney appointed pursuant to subsection 2 participate in any determination pursuant to this section.

~~[.]~~ ***5.*** The judge or magistrate shall ~~[set]~~ ***:***

(a) Set a schedule for the periodic review of whether the amount of bail required should be modified and whether detention should continue ~~[.]~~ ***; and***

(b) Schedule the case in which the material witness will testify to take place as soon as possible if substantial rights of the defendant are not prejudiced.

6. As used in this section:

(a) "Domestic violence" means the commission of any act described in NRS 33.018.

(b) "Sexual assault" has the meaning ascribed to it in NRS 49.2543.

Sec. 3. NRS 50.205 is hereby amended to read as follows:

50.205 ~~[In]~~

1. In case of failure of a witness to attend, the court or officer issuing the subpoena, upon proof of the service thereof and of the failure of the witness, may issue a warrant to the sheriff of the county to arrest the witness and bring the witness before the court or officer where the attendance of the witness was required.

2. Upon ~~[issuing a warrant]~~ the arrest of a witness pursuant to subsection 1, the court or officer issuing the warrant shall appoint an attorney to represent the witness and provide the attorney:

(a) With the last known contact information of the witness; and

(b) Notice of every proceeding.

3. Except as otherwise provided in subsection 4, every witness detained pursuant to a warrant issued pursuant to this section must be brought before the court or officer as soon as practicable but not later than 72 hours after the beginning of the detention. The court or officer shall consider the least restrictive means to secure the presence of the witness and make a determination whether the detention of the witness should continue. If the court determines that the detention of the witness should continue, the court must make written findings stating why detention should continue.

4. A person detained as a witness pursuant to this section who is a victim of domestic violence or sexual assault:

(a) Must be brought before the court or officer as soon as practicable but not later than 24 hours after the beginning of the detention;

(b) May be detained or continue detention pursuant to a determination by telephone; and

(c) To the extent practicable, must have the attorney appointed pursuant to subsection 2 participate in any determination pursuant to this section.

5. The court or officer shall:

(a) Set a schedule for the periodic review of whether detention should continue; and

(b) Schedule the case in which the witness will testify to take place as soon as possible if substantial rights of the defendant are not prejudiced.

6. As used in this section:

(a) "Domestic violence" means the commission of any act described in NRS 33.018.

(b) "Sexual assault" has the meaning ascribed to it in NRS 49.2543.

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 807 to Assembly Bill No. 422.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 965.

AN ACT relating to criminal procedure; revising provisions relating to ~~[a judge or magistrate requiring certain bail if a person fails to appear as a]~~ material ~~[witness;]~~ **witnesses;** revising provisions relating to a court or officer issuing certain warrants for arrest if a person fails to appear as a witness; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a magistrate to require bail for a person who appears as a witness if such a person is material in a criminal proceeding and it is impracticable to secure the presence of the person by subpoena. (NRS 178.494) **Section 2** of this bill ~~[requires a judge or magistrate to appoint an attorney when bail is required for such a material witness and requires such an attorney to be present, when practicable. Section 2 also]~~ prescribes certain requirements for making a determination whether a material witness should be detained or

continue to be detained, including requiring the material witness to appear before a magistrate as soon as practicable but not later than 72 hours after being detained. ~~[Finally, section]~~ **Section 2**: (1) requires a material witness who is a victim of domestic violence or sexual assault to appear before a **judge or** magistrate not later than 24 hours after being detained; ~~[and]~~ (2) authorizes such a determination to be made by telephone for such material witnesses ~~[.]~~ **; and (3) requires the judge or magistrate to appoint an attorney for such a witness under certain circumstances.**

Existing law authorizes a court or officer to issue a warrant to arrest a witness upon the failure of the witness to appear. (NRS 50.205) Upon such an arrest, **section 3** of this bill requires a court or officer to appoint an attorney to represent the witness. **Section 3** also prescribes certain requirements for making a determination whether a witness should be detained or continue to be detained, including requiring the witness to appear before a court or officer as soon as practicable but not later than 72 hours after being detained. Finally, **section 3**: (1) requires a witness who is a victim of domestic violence or sexual assault to appear before a court or officer not later than 24 hours after being detained; and (2) authorizes such a determination to be made by telephone for such witnesses.

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

Section 1. (Deleted by amendment.)

Sec. 2. NRS 178.494 is hereby amended to read as follows:

178.494 1. If it appears by affidavit that the testimony of a person is material in any criminal proceeding and if it is shown that it may become impracticable to secure the person's presence by subpoena, the magistrate may require bail for the person's appearance as a witness, in an amount fixed by the magistrate. If the person fails to give bail the magistrate may:

(a) Commit the person to the custody of a peace officer pending final disposition of the proceeding in which the testimony is needed;

(b) Order the person's release if the person has been detained for an unreasonable length of time; and

(c) Modify at any time the requirement as to bail.

2. ~~[~~Every ~~***Upon requiring bail for the person's appearance as a material witness, the magistrate shall appoint an attorney to represent the person and provide the attorney:***~~

~~***(a) With the last known contact information of the person; and***~~

~~***(b) Notice of every proceeding.***~~

~~***3.]***~~ ***Except as otherwise provided in subsection ~~[4,]~~ 3, every*** person detained as a material witness must be brought before a judge or magistrate ~~[within]~~ ***as soon as practicable, but not later than*** 72 hours after the beginning of the detention. The judge or magistrate shall ***consider the least restrictive means to secure the person's presence and*** make a determination whether:

(a) The amount of bail required to be given by the material witness should be modified; and

(b) The detention of the material witness should continue. ***If the court determines that detention of the material witness should continue, the court must make written findings stating why detention should continue.***

~~***[4.]***~~ ***3.*** ***A person detained as a material witness pursuant to this section who is a victim of domestic violence or sexual assault:***

(a) Must be brought before a judge or magistrate, as soon as practicable, but not later than 24 hours after the beginning of the detention:

(b) May be detained or continue detention pursuant to a determination by telephone; and

(c) ~~***[To the extent practicable, must]***~~ ***Must have*** ~~***[the]***~~ ***an attorney appointed*** ~~***[pursuant to subsection 2]***~~ ***by the judge or magistrate, who, to the extent practicable, shall participate in any determination regarding detention pursuant to this section.***

~~***[5.]***~~ ***4.*** The judge or magistrate shall ~~[set]~~ ***:***

(a) Set a schedule for the periodic review of whether the amount of bail required should be modified and whether detention should continue ~~[.]~~ ***; and***

(b) Schedule the case in which the material witness will testify to take place as soon as possible if substantial rights of the defendant are not prejudiced.

~~***[6.]***~~ ***5.*** ***As used in this section:***

(a) "Domestic violence" means the commission of any act described in NRS 33.018.

(b) "Sexual assault" has the meaning ascribed to it in NRS 49.2543.

Sec. 3. NRS 50.205 is hereby amended to read as follows:

50.205 ~~[In]~~

1. In case of failure of a witness to attend, the court or officer issuing the subpoena, upon proof of the service thereof and of the failure of the witness, may issue a warrant to the sheriff of the county to arrest the witness and bring the witness before the court or officer where the attendance of the witness was required.

2. Upon the arrest of a witness pursuant to subsection 1, the court or officer issuing the warrant shall appoint an attorney to represent the witness and provide the attorney:

(a) With the last known contact information of the witness; and

(b) Notice of every proceeding.

3. Except as otherwise provided in subsection 4, every witness detained pursuant to a warrant issued pursuant to this section must be brought before the court or officer as soon as practicable but not later than 72 hours after the beginning of the detention. The court or officer shall consider the least restrictive means to secure the presence of the witness and make a determination whether the detention of the witness should continue. If the court determines that the detention of the witness should continue, the court must make written findings stating why detention should continue.

4. A person detained as a witness pursuant to this section who is a victim of domestic violence or sexual assault:

(a) Must be brought before the court or officer as soon as practicable but not later than 24 hours after the beginning of the detention;

(b) May be detained or continue detention pursuant to a determination by telephone; and

(c) To the extent practicable, must have the attorney appointed pursuant to subsection 2 participate in any determination pursuant to this section.

5. The court or officer shall:

(a) Set a schedule for the periodic review of whether detention should continue; and

(b) Schedule the case in which the witness will testify to take place as soon as possible if substantial rights of the defendant are not prejudiced.

6. As used in this section:

(a) "Domestic violence" means the commission of any act described in NRS 33.018.

(b) "Sexual assault" has the meaning ascribed to it in NRS 49.2543.

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 965 to Assembly Bill No. 422.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Both Amendment 807 and Amendment 965 make adjustments about when an attorney should be appointed.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 434.

The following Senate amendment was read:

Amendment No. 772.

AN ACT relating to offenses; ~~[removing the time limitation on the imposition of certain administrative assessments for the provision of court facilities;]~~ revising provisions relating to imprisonment or community service ordered for a convicted person; establishing various provisions relating to the commission of certain traffic offenses; revising provisions relating to the payment of administrative assessments, fines and court fees and the collection of delinquent assessments, fines and fees; requiring any fine paid or forfeiture of bail by a person who commits certain offenses to be credited to the State Permanent School Fund; revising provisions relating to speeding violations; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law provides that a county or city may authorize, by ordinance, the justices or judges of the justice or municipal courts within its jurisdiction to impose for a period of not longer than 50 years an administrative assessment for the provision of court facilities. (NRS 176.0611) Section 1 of this bill~~

~~removes the 50 year limitation on the imposition of such an administrative assessment.]~~

Existing law authorizes a court to impose a collection fee against a defendant for any delinquent fine, administrative assessment, fee or restitution. Existing law authorizes a state or local entity that is responsible for collecting **such** a delinquent fine, administrative assessment, fee or restitution ~~[owed by a defendant to contract]~~ **to take certain actions, including reporting the delinquency to credit reporting agencies and contracting** with a licensed collection agency to collect the delinquent amount. **Existing law also authorizes the court to take certain actions, including: (1) entering a civil judgment for the amount due in favor of the state or local entity responsible for collecting the delinquent amount; (2) requesting that a prosecuting attorney undertake collection of the delinquency by attachment or garnishment of the property of the defendant, wages or other money receivable; (3) ordering the suspension of the driver's license of the defendant or prohibiting the defendant from applying for a driver's license for a specified period; and (4) for a delinquent fine or administrative assessment, ordering the confinement of the person in the appropriate prison, jail or detention facility.** (NRS 176.064)

Section 1.3 of this bill **revises provisions relating to the procedure for collecting such delinquent fines, administrative assessments, fees or restitution. Section 1.3 removes the ability of a state or local entity responsible for collecting a delinquent amount to report the delinquency to credit reporting agencies and** provides that **such** a state or local entity may ~~[take such action]~~ **contract with a licensed collection agency to collect the delinquent amount** if the defendant has been found guilty of the offense for which the fine, administrative assessment, fee or restitution was imposed. **Section 1.3 also removes the ability of the court to request that a prosecuting attorney undertake collection of the delinquency. Section 1.3 additionally specifies that a court may only order the suspension of the driver's license of a defendant or prohibit a defendant from applying for a driver's license for a specified period if the court determines that the defendant: (1) has the ability to pay the amount due and is willfully avoiding payment; or (2) was given the opportunity to perform community service to satisfy the amount due because the defendant is indigent and the defendant has failed to perform such community service. Section 1.3 thereby authorizes a state or local entity responsible for collecting a delinquent amount to: (1) request that the court enter a civil judgment for the amount due in favor of the state or local entity, suspend the driver's license of the defendant or prohibit the defendant from applying for a driver's license in such specified circumstances and, for a delinquent fine or administrative assessment, if the court determines that the defendant has the ability to pay the amount due and is willfully avoiding payment, order the confinement of the defendant in the**

appropriate prison, jail or detention facility; and (2) contract with a licensed collection agency to collect the delinquent amount and the collection fee.

Existing law provides that if a person other than an indigent person is delinquent in the payment of an administrative assessment, fine or forfeiture, the court may order the person to be imprisoned for a period of 1 day for each $75 of the amount owed. (NRS 176.065, 176.075) **Sections 1.7 and 2** of this bill increase the amount of credit received for each day of imprisonment to $150 and establish the circumstances in which a person is considered to be indigent. ~~[Section]~~ **Sections 1.7 and 2** also ~~[authorizes]~~ **authorize** the imprisonment of an indigent person if he or she was provided with the opportunity to perform community service to satisfy the entire amount owed and failed to perform such community service.

Existing law authorizes a court to order a convicted person to perform supervised community service in certain circumstances. (NRS 176.087) **Section 3** of this bill provides that for each hour of community service performed by a person, the court is required to provide a credit of $10 or the amount of the state minimum wage if health insurance is not offered, whichever is greater, toward the payment of any fine that was imposed against the person for the commission of the offense for which community service was ordered.

Section 5.1 of this bill establishes the intent of the Legislature to provide that the incarceration of a person for failing to appear in court or failing to pay any administrative assessment, fine or court fee imposed for the commission of a traffic violation should generally be disfavored unless failing to incarcerate such a person would substantially jeopardize public safety.

Section 5.3 of this bill establishes a presumption that a person arrested for the commission of certain traffic violations should be released on his or her own recognizance ~~[.]~~ **, but also establishes the circumstances in which such a presumption does not apply.**

Section 5.5 of this bill provides that certain convictions for a traffic violation are not criminal convictions for the purpose of applying for employment, a professional license or any educational opportunities.

Section 5.7 of this bill requires that a grace period of not less than 30 calendar days must be provided **in certain circumstances** to a person who has failed to appear in court or failed to pay any administrative assessment, fine or court fee imposed for certain traffic violations before a warrant can be issued for such a failure to appear or failure to pay. **Section 5.8** of this bill prohibits a warrant from being issued for such a failure to pay unless the person has been provided with the opportunity to perform community service to satisfy the entire amount owed and has failed to perform such community service.

Sections 1.3 and 5.9 of this bill require collection fees imposed for certain delinquent amounts owed by a defendant and certain fees assessed by a court to be assessed on a per case basis and not on a per charge basis.

Section 6 of this bill provides that if a court imposes upon a person an administrative assessment, ~~[fine or]~~ court fee **or fine** for a violation of any provision of chapters 484A to 484E, inclusive, of NRS, and the court allows any such administrative assessment, ~~[fine or]~~ court fee **or fine** to be paid in installments, the payments must be applied first to the unpaid balance of an administrative assessment, then to the unpaid balance of a ~~[fine]~~ **court fee** and finally to the unpaid balance of a ~~[court fee.]~~ **fine.** **Section 7** of this bill provides that if a traffic citation issued to a person contains more than one offense charged, or if a person has been issued more than one traffic citation that is outstanding, any payment made by the person must be applied to one offense or one citation, as applicable, in chronological order beginning with the citation that was issued first and in accordance with **section 6**, until all administrative assessments, ~~[fines and]~~ court fees **and fines** due for the offense or citation are paid in full. **Section 7 also generally provides that payments must be applied first to traffic violations and then to any violations that are not traffic violations.** **Section 7 further** provides that payments must continue to be applied in such a manner until all administrative assessments, ~~[fines and]~~ court fees **and fines** due for all offenses charged or all outstanding traffic citations are paid in full.

Section 8 of this bill establishes provisions relating to fees which courts authorize a defendant to pay in lieu of requiring the defendant to complete a course of traffic safety for the purpose of reducing the demerit points accumulated by the defendant and sets forth the purposes for which such money must be used.

Existing law prohibits a local authority from enacting certain ordinances relating to traffic offenses. (NRS 484A.400) **Section 9** of this bill provides that if a person commits any offense for which a local authority is prohibited from enacting an ordinance, any fine paid or forfeiture of bail by the person must be paid into the State Treasury for credit to the State Permanent School Fund.

Existing law prohibits a person from driving or operating a vehicle at a rate of speed that exceeds the posted speed limit or is otherwise improper under the circumstances. (NRS 484B.600) **Section 28** of this bill additionally prohibits a person from driving or operating a vehicle at a rate of speed that results in the injury of another person or of any property. **Section 28** generally provides that if a person is issued a traffic citation for speeding, the court has the discretion to reduce the violation from a moving traffic violation to a violation that is not a moving traffic violation. **Section 28** establishes a presumption in favor of reducing the violation if the person pays the entire amount of the fine **and all fees** due before the date on which the person is first required to make an appearance relating to the citation, but also provides that such a presumption can be overcome if the person's driving record demonstrates a pattern of moving traffic violations. **Section 28** also requires that any fine imposed for speeding, other than speeding that results in the injury of another person or of any property, must not exceed $20 for each mile per hour a person travels

above the posted speed limit or the proper rate of speed at which the person should be traveling, as applicable.

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

Section 1. ~~[NRS 176.0611 is hereby amended to read as follows:~~

~~176.0611 1. A county or a city, upon recommendation of the appropriate court, may, by ordinance, authorize the justices or judges of the justice or municipal courts within its jurisdiction to impose , [for not longer than 50 years,] in addition to the administrative assessments imposed pursuant to NRS 176.059, 176.0613 and 176.0623, an administrative assessment for the provision of court facilities.~~

~~2. Except as otherwise provided in subsection 3, in any jurisdiction in which an administrative assessment for the provision of court facilities has been authorized, when a defendant pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum of $10 as an administrative assessment for the provision of court facilities and render a judgment against the defendant for the assessment. If the justice or judge sentences the defendant to perform community service in lieu of a fine, the justice or judge shall include in the sentence the administrative assessment required pursuant to this subsection.~~

~~3. The provisions of subsection 2 do not apply to:~~

~~(a) An ordinance regulating metered parking; or~~

~~(b) An ordinance that is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.~~

~~4. The money collected for an administrative assessment for the provision of court facilities must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the amount posted for bail pursuant to this subsection must be disbursed in the manner set forth in subsection 6 or 7. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment the defendant has paid and the justice or judge shall not recalculate the administrative assessment.~~

~~5. If the justice or judge permits the fine and administrative assessment for the provision of court facilities to be paid in installments, the payments must be applied in the following order:~~

~~(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;~~

~~(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to this section;~~

~~(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs pursuant to NRS 176.0613;~~

~~(d) To pay the unpaid balance of an administrative assessment for obtaining a biological specimen and conducting a genetic marker analysis pursuant to NRS 176.0623; and~~

~~(e) To pay the fine.~~

~~6. The money collected for administrative assessments for the provision of court facilities in municipal courts must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. The city treasurer shall deposit the money received in a special revenue fund. The city may use the money in the special revenue fund only to:~~

~~(a) Acquire land on which to construct additional facilities for the municipal courts or a regional justice center that includes the municipal courts.~~

~~(b) Construct or acquire additional facilities for the municipal courts or a regional justice center that includes the municipal courts.~~

~~(c) Renovate or remodel existing facilities for the municipal courts.~~

~~(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the municipal courts or a regional justice center that includes the municipal courts. This paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.~~

~~(e) Acquire advanced technology for use in the additional or renovated facilities.~~

~~(f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the municipal courts or a regional justice center that includes the municipal courts.~~

~~→ Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the municipal general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court facilities. The city treasurer shall provide, upon request by a municipal court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.~~

~~7. The money collected for administrative assessments for the provision of court facilities in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. The county treasurer shall deposit the money received to a special revenue fund. The county may use the money in the special revenue fund only to:~~

~~(a) Acquire land on which to construct additional facilities for the justice courts or a regional justice center that includes the justice courts.~~

~~(b) Construct or acquire additional facilities for the justice courts or a regional justice center that includes the justice courts.~~

~~(c) Renovate or remodel existing facilities for the justice courts.~~

~~(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the justice courts or a regional justice center that includes the justice courts. This paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.~~

~~(e) Acquire advanced technology for use in the additional or renovated facilities.~~

~~(f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the justice courts or a regional justice center that includes the justice courts.~~

~~7. Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the county general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court facilities. The county treasurer shall provide, upon request by a justice court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.~~

~~8. If money collected pursuant to this section is to be used to acquire land on which to construct a regional justice center, to construct a regional justice center or to pay debt service on bonds issued for these purposes, the county and the participating cities shall, by interlocal agreement, determine such issues as the size of the regional justice center, the manner in which the center will be used and the apportionment of fiscal responsibility for the center.]~~ **(Deleted by amendment.)**

Sec. 1.3. NRS 176.064 is hereby amended to read as follows:

176.064 1. If a fine, administrative assessment, fee or restitution is imposed upon a defendant pursuant to this chapter, whether or not the fine, administrative assessment, fee or restitution is in addition to any other punishment, and the fine, administrative assessment, fee or restitution or any part of it remains unpaid after the time established by the court for its payment, the defendant is liable for a collection fee, to be imposed by the court at the time it finds that the fine, administrative assessment, fee or restitution is delinquent, of:

(a) Not more than $100, if the amount of the delinquency is less than $2,000.

(b) Not more than $500, if the amount of the delinquency is $2,000 or greater, but is less than $5,000.

(c) Ten percent of the amount of the delinquency, if the amount of the delinquency is $5,000 or greater.

2. A state or local entity that is responsible for collecting a delinquent fine, administrative assessment, fee or restitution may, in addition to attempting to collect the fine, administrative assessment, fee or restitution through any other lawful means, take any or all of the following actions:

(a) ~~[Report the delinquency to reporting agencies that assemble or evaluate information concerning credit.~~

~~(b)]~~ Request that the court take appropriate action pursuant to subsection 3.

~~[(c) Contract]~~

(b) If the defendant has been found guilty of the offense for which the fine, administrative assessment, fee or restitution was imposed, contract with a collection agency licensed pursuant to NRS 649.075 to collect the delinquent amount and the collection fee. The collection agency must be paid as compensation for its services an amount not greater than the amount of the collection fee imposed pursuant to subsection 1, in accordance with the provisions of the contract.

3. The court may, on its own motion or at the request of a state or local entity that is responsible for collecting the delinquent fine, administrative assessment, fee or restitution, take any or all of the following actions, in the following order of priority if practicable:

(a) Enter a civil judgment for the amount due in favor of the state or local entity that is responsible for collecting the delinquent fine, administrative assessment, fee or restitution. A civil judgment entered pursuant to this paragraph may be enforced and renewed in the manner provided by law for the enforcement and renewal of a judgment for money rendered in a civil action. If the court has entered a civil judgment pursuant to this paragraph and the person against whom the judgment is entered is not indigent and has not satisfied the judgment within the time established by the court, the person may be dealt with as for contempt of court.

(b) ~~[Request that a prosecuting attorney undertake collection of the delinquency, including, without limitation, the original amount of the civil judgment entered pursuant to paragraph (a) and the collection fee, by attachment or garnishment of the defendant's property, wages or other money receivable.~~

~~(c) Order]~~ ***If the court determines that the defendant has the ability to pay the amount due and is willfully avoiding payment, or if the defendant was given the opportunity to perform community service to satisfy the amount due because the defendant is indigent and the defendant has failed to perform such community service, order*** the suspension of the driver's license of the defendant. If the defendant does not possess a driver's license, the court may prohibit the defendant from applying for a driver's license for a specified period. If the defendant is already the subject of a court order suspending or delaying the issuance of the defendant's driver's license, the court may order the additional suspension or delay, as appropriate, to apply consecutively with the previous order. At the time the court issues an order suspending the driver's license of a defendant pursuant to this paragraph, the court shall require the

defendant to surrender to the court all driver's licenses then held by the defendant. The court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles the licenses, together with a copy of the order. At the time the court issues an order pursuant to this paragraph delaying the ability of a defendant to apply for a driver's license, the court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles a copy of the order. The Department of Motor Vehicles shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the defendant's driving record, but such a suspension must not be considered for the purpose of rating or underwriting.

~~[(d)]~~ ***(c)*** For a delinquent fine or administrative assessment, ***if the court determines that the defendant has the ability to pay the amount due and is willfully avoiding payment,*** order the confinement of the ~~[person]~~ ***defendant*** in the appropriate prison, jail or detention facility, as provided in NRS 176.065 and 176.075.

4. Money collected from a collection fee imposed pursuant to subsection 1 must be distributed in the following manner:

(a) Except as otherwise provided in paragraph (d), if the money is collected by or on behalf of a municipal court, the money must be deposited in a special fund in the appropriate city treasury. The city may use the money in the fund only to develop and implement a program for the collection of fines, administrative assessments, fees and restitution and to hire additional personnel necessary for the success of such a program.

(b) Except as otherwise provided in paragraph (d), if the money is collected by or on behalf of a justice court or district court, the money must be deposited in a special fund in the appropriate county treasury. The county may use the money in the special fund only to:

(1) Develop and implement a program for the collection of fines, administrative assessments, fees and restitution and to hire additional personnel necessary for the success of such a program; or

(2) Improve the operations of a court by providing funding for:

(I) A civil law self-help center; or

(II) Court security personnel and equipment for a regional justice center that includes the justice courts of that county.

(c) Except as otherwise provided in paragraph (d), if the money is collected by a state entity, the money must be deposited in an account, which is hereby created in the State Treasury. The Court Administrator may use the money in the account only to develop and implement a program for the collection of fines, administrative assessments, fees and restitution in this State and to hire additional personnel necessary for the success of such a program.

(d) If the money is collected by a collection agency, after the collection agency has been paid its fee pursuant to the terms of the contract, any remaining money must be deposited in the state, city or county treasury, whichever is appropriate, to be used only for the purposes set forth in paragraph (a), (b) or (c) of this subsection.

5. Any collection fee imposed pursuant to subsection 1 must be assessed on a per case basis and not on a per charge basis. The provisions of this subsection must not be construed to apply to any credit card processing fees that are assessed solely for the purpose of recouping any costs incurred to process a credit card payment. As used in this subsection, "case" means a single complaint, citation, information or indictment naming a single defendant that is based on the same act or transaction or based on two or more acts or transactions connected together or constituting parts of a common scheme or plan.

Sec. 1.7. NRS 176.065 is hereby amended to read as follows:

176.065 1. Except as otherwise provided in subsection 2, when a person is sentenced to both fine and imprisonment, or to pay a forfeiture in addition to imprisonment, the court may, pursuant to NRS 62B.420 or 176.064, order that the person be confined in the state prison, the city or county jail or a detention facility, whichever is designated in the person's sentence of imprisonment, for an additional period of 1 day for each ~~[$75]~~ ***$150*** of the amount until the administrative assessment and the fine or forfeiture are satisfied or the maximum term of imprisonment prescribed by law for the offense committed has elapsed, whichever is earlier, but the person's eligibility for parole is governed only by the person's sentence of imprisonment.

2. The provisions of this section do not apply to indigent persons ~~[.]~~ ***unless an indigent person has been provided with the opportunity to perform community service to satisfy the entire amount owed and has failed to perform such community service. For the purposes of this subsection, a person is indigent if the person:***

(a) Receives public assistance, as that term is defined in NRS 422A.065;

(b) Resides in public housing, as that term is defined in NRS 315.021; or

(c) Has a household income that is less than 200 percent of the federally designated level signifying poverty.

Sec. 2. NRS 176.075 is hereby amended to read as follows:

176.075 1. Except as otherwise provided in subsection 2, when a person is sentenced to pay a fine or forfeiture without an accompanying sentence of imprisonment, the court may, pursuant to NRS 62B.420 or 176.064, order that the person be confined in the city or county jail or detention facility for a period of not more than 1 day for each ~~[$75]~~ ***$150*** of the amount until the administrative assessment and the fine or forfeiture are satisfied.

2. The provisions of this section do not apply to indigent persons ~~[.]~~ ***unless an indigent person has been provided with the opportunity to perform community service to satisfy the entire amount owed and has failed to perform such community service. For the purposes of this subsection, a person is indigent if the person:***

(a) Receives public assistance, as that term is defined in NRS 422A.065;

(b) Resides in public housing, as that term is defined in NRS 315.021; or

(c) Has a household income that is less than 200 percent of the federally designated level signifying poverty. ~~[; or~~

~~*(d) Is housed in a public or private mental health facility.]*~~

Sec. 3. NRS 176.087 is hereby amended to read as follows:

176.087 1. Except where the imposition of a specific criminal penalty is mandatory, a court may order a convicted person to perform supervised community service:

(a) In lieu of all or a part of any fine or imprisonment that may be imposed for the commission of a misdemeanor; or

(b) As a condition of probation granted for another offense.

2. The community service must be performed for and under the supervising authority of a county, city, town or other political subdivision or agency of the State of Nevada or a charitable organization that renders service to the community or its residents.

3. The court may require the convicted person to deposit with the court a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property or for industrial insurance, or both, during those periods in which the person performs the community service, unless, in the case of industrial insurance, it is provided by the authority for which the person performs the community service.

4. The following conditions apply to any such community service imposed by the court:

(a) The court must fix the period of community service that is imposed as punishment or a condition of probation and distribute the period over weekends or over other appropriate times that will allow the convicted person to continue employment and to care for the person's family. The period of community service fixed by the court must not exceed, for a:

(1) Misdemeanor, 200 hours;

(2) Gross misdemeanor, 600 hours; or

(3) Felony, 1,000 hours.

(b) A supervising authority listed in subsection 2 must agree to accept the convicted person for community service before the court may require the convicted person to perform community service for that supervising authority. The supervising authority must be located in or be the town or city of the convicted person's residence or, if that placement is not possible, one located within the jurisdiction of the court or, if that placement is not possible, the authority may be located outside the jurisdiction of the court.

(c) Community service that a court requires pursuant to this section must be supervised by an official of the supervising authority or by a person designated by the authority.

(d) The court may require the supervising authority to report periodically to the court or to a probation officer the convicted person's performance in carrying out the punishment or condition of probation.

5. For each hour of community service that is performed by a person pursuant to this section, the court must provide a credit of $10 or the amount of the state minimum wage if health insurance is not offered, whichever is greater, toward the payment of any fine that was imposed against the person

for the commission of the offense for which the person was ordered to perform community service.

Sec. 4. (Deleted by amendment.)

Sec. 5. Chapter 484A of NRS is hereby amended by adding thereto the provisions set forth as sections 5.1 to 9, inclusive, of this act.

Sec. 5.1. ***The Legislature hereby finds and declares that the incarceration of a person for failing to appear in court or failing to pay any administrative assessment, fine or court fee imposed for the commission of a minor traffic violation should generally be disfavored unless a court determines that failing to incarcerate such a person would substantially jeopardize public safety.***

Sec. 5.3. ***1. Except as otherwise provided in subsection 2, after a person is arrested for the commission of a traffic violation pursuant to chapters 484A to 484E, inclusive, of NRS, there is a presumption that the person should be released on his or her own recognizance.***

2. The presumption established in subsection 1 does not apply if ~~***[(a)***~~ **:**

(a) A person is arrested for:

~~***[(a)]***~~ ***(1) Reckless driving in violation of NRS 484B.653;***

~~***[(b)]***~~ ***(2) Vehicular manslaughter in violation of NRS 484B.657; or***

~~***[(c)]***~~ ***(3) Driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance in violation of NRS 484C.110, 484C.120 or 488.410, as applicable*** ~~***[.]***~~ ***; or***

(b) The court determines that a person is willfully refusing to satisfy any obligations imposed by the court, including, without limitation, willfully refusing to pay any amount owed or willfully refusing to perform community service.

Sec. 5.5. ***1. Notwithstanding any other provision of law, and except as otherwise provided in subsection 2, any conviction for a traffic violation pursuant to chapters 484A to 484E, inclusive, of NRS is not a criminal conviction for the purpose of applying for employment, a professional license or any educational opportunity.***

2. The provisions of subsection 1 do not apply if a person is convicted of:

(a) Reckless driving in violation of NRS 484B.653;

(b) Vehicular manslaughter in violation of NRS 484B.657; or

(c) Driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance in violation of NRS 484C.110, 484C.120 or 488.410, as applicable.

Sec. 5.7. ***1. Except as otherwise provided in subsection 2, and subject to the limitation imposed by section 5.8 of this act, a grace period of not less than 30 calendar days must be provided to a person who has failed to appear in court or failed to pay any administrative assessment, fine or court fee imposed upon the person for a violation of any provision of chapters 484A***

to 484E, inclusive, of NRS before a warrant can be issued for such a failure to appear or failure to pay.

2. The provisions of subsection 1 do not apply if:

(a) The court determines that providing such a grace period would substantially jeopardize public safety; ~~[or]~~

(b) The person was issued a traffic citation for:

(1) Reckless driving in violation of NRS 484B.653;

(2) Vehicular manslaughter in violation of NRS 484B.657; or

(3) Driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance in violation of NRS 484C.110, 484C.120 or 488.410, as applicable ~~[.]~~ ; or

(c) During the immediately preceding 30 calendar days, the person was released from custody and given a date to return to court but failed to appear in court.

Sec. 5.8. *If a person has failed to pay any administrative assessment, fine or court fee imposed upon the person for a violation of any provision of chapters 484A to 484E, inclusive, of NRS, a warrant must not be issued unless the person has been provided with the opportunity to perform community service to satisfy the entire amount due and has failed to perform such community service.*

Sec. 5.9. *1. Any fee assessed by a court pursuant to chapters 484A to 484E, inclusive, of NRS that is not expressly authorized by statute or is not solely for the purpose of recovering any costs incurred relating to the participation of a person in a specialty court program must be assessed on a per case basis and not on a per charge basis. The provisions of this subsection must not be construed to apply to any credit card processing fees that are assessed solely for the purpose of recouping any costs incurred to process a credit card payment.*

2. As used in this section ~~[, "specialty]~~ :

(a) "Case" means a single complaint, citation, information or indictment naming a single defendant that is based on the same act or transaction or based on two or more acts or transactions connected together or constituting parts of a common scheme or plan.

(b) "Specialty court program" means a program established by a court to facilitate testing, treatment and oversight of certain persons over whom the court has jurisdiction and who the court has determined suffer from a mental illness or who abuse alcohol or drugs ~~[.]~~ or are homeless. Such a program includes, without limitation, a program established pursuant to NRS 176A.250 or 453.580.

Sec. 6. *In accordance with section 7 of this act and any provision of law that further specifies the order in which more than one administrative assessment, ~~[fine or]~~ court fee or fine that is imposed upon a person must be paid, including, without limitation, NRS 176.0611 and 176.0613, if a court imposes upon a person an administrative assessment, ~~[fine or]~~ court fee or*

fine for a violation of any provision of chapters 484A to 484E, inclusive, of NRS, and the court permits any such administrative assessment, [fine or] court fee or fine to be paid in installments, the payments must be applied in the following order:

1. To pay the unpaid balance of an administrative assessment;

2. To pay the unpaid balance of a [fines;] court fee; and

3. To pay the unpaid balance of a [court fee.] fine.

Sec. 7. *1. If a traffic citation that is issued to a person contains more than one offense charged, or if a person has been issued more than one traffic citation that is outstanding, any payment made by the person must be applied, in accordance with the provisions of subsection 3 and section 6 of this act, to one offense or one citation, as applicable, in chronological order beginning with the citation that was issued first until all administrative assessments, [fines and] court fees and fines due for that offense or citation are paid in full.*

2. Once all administrative assessments, [fines and] court fees and fines due for an offense or citation are paid in full, any remaining portion of a payment made by a person must be applied to the next offense or citation, as applicable, until all administrative assessments, [fines and] court fees and fines due for that offense or citation are paid in full.

3. Except as otherwise provided in this subsection, in addition to the manner in which payments must be applied pursuant to subsections 1 and 2, payments must be applied first to traffic violations and then to any violations that are not traffic violations. If the application of any payment pursuant to this subsection would conflict with the provisions of subsections 1 and 2, the requirement set forth in this subsection does not apply.

4. Payments made by a person must continue to be applied in the manner set forth in this section until all administrative assessments, [fines and] court fees and fines due for all offenses charged or all outstanding traffic citations are paid in full.

Sec. 8. *1. Except as otherwise provided in this section, if a court authorizes a defendant who pleads guilty, guilty but mentally ill or nolo contendere to, or who is found guilty or guilty but mentally ill of, a violation of chapters 484A to 484E, inclusive, of NRS to pay a fee for the purpose of reducing demerit points, in lieu of requiring the defendant to complete a course of traffic safety for the purpose of reducing demerit points, the court must include the fee in the sentence, in addition to any other penalty or administrative assessment provided by law, and render a judgment against the defendant for the fee.*

2. The money collected for the fee imposed pursuant to this section must not be deducted from any fine imposed by the court but must be collected from the defendant in addition to the fine. The money collected for such a fee must be stated separately on the court's docket. If the court cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the fee remaining unpaid shall be deemed to be uncollectible and

the defendant is not required to pay them. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of any amount of the fine or fee that the defendant has paid.

3. A court shall, if requested by a defendant, allow a fee imposed pursuant to this section to be paid in installments under terms established by the court.

4. The money collected for a fee pursuant to this section in municipal court must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the city treasurer shall deposit:

(a) Twenty-five percent of the money received for each such fee with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

(b) Seventy-five percent of the money received for each such fee in a special revenue fund. The city may use the money in the special revenue fund only to:

(1) Fund local specialty court programs; or

(2) Pay for upgrades to court information technology.

5. The money collected for a fee pursuant to this section in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the county treasurer shall deposit:

(a) Twenty-five percent of the money received for each such fee with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

(b) Seventy-five percent of the money received for each such fee in a special revenue fund. The county may use the money in the special revenue fund only to:

(1) Fund local specialty court programs; or

(2) Pay for upgrades to court information technology.

6. Money that is apportioned to a court from specialty courts fees pursuant to this section must be used by the court to:

(a) Pay for any level of treatment, including, without limitation, psychiatric care, required for successful completion and testing of persons who participate in the program; ~~[and]~~

(b) Pay for the transportation to and from the program of persons who participate in the program; and

(c) Improve the operations of the specialty court program by any combination of:

(1) Acquiring necessary capital goods;

(2) Providing for personnel to staff and oversee the specialty court program;

(3) Providing training and education to personnel;

(4) Studying the management and operation of the program;

(5) Conducting audits of the program;

(6) Providing for ~~[district attorney]~~ prosecutor and public defender representation;

(7) Acquiring or using appropriate technology;

(8) Providing capital for building facilities necessary to house persons who participate in the program;

(9) Providing funding for employment programs for persons who participate in the program; and

(10) Providing funding for statewide public information campaigns necessary to deter driving under the influence of intoxicating liquor or a controlled substance.

7. As used in this section:

(a) "Office of Court Administrator" means the Office of Court Administrator created by NRS 1.320; and

(b) "Specialty court program" means a program established by a court to facilitate testing, treatment and oversight of certain persons over whom the court has jurisdiction and who the court has determined suffer from a mental illness or who abuse alcohol or drugs ~~[.]~~ or are homeless. Such a program includes, without limitation, a program established pursuant to NRS 176A.250 or 453.580.

Sec. 9. ***If a person commits any offense for which a local authority is prohibited from enacting an ordinance pursuant to subsection 3 of NRS 484A.400, any fine paid or forfeiture of bail by the person must be paid into the State Treasury for credit to the State Permanent School Fund.***

Sec. 10. (Deleted by amendment.)

Sec. 10.5. NRS 484A.670 is hereby amended to read as follows:

484A.670 1. Regardless of the disposition of the charge for which a traffic citation was originally issued, it is unlawful for a person to:

(a) Violate a written promise to appear in court given to a peace officer upon the issuance of a traffic citation prepared by the peace officer; or

(b) Fail to appear at the time and place set forth in a notice to appear in court that is contained in a traffic citation prepared by a peace officer.

2. Except as otherwise provided in this subsection, a person may comply with a written promise to appear in court or a notice to appear in court by an appearance by counsel. A person who has been convicted of two or more moving traffic violations in unrelated incidents within a 12-month period and is subsequently arrested or issued a citation within that 12-month period shall appear personally in court with or without counsel.

3. ~~[A]~~ ***Except as otherwise provided in section 5.7 of this act, a*** warrant may issue upon a violation of a written promise to appear in court or a failure to appear at the time and place set forth in a notice to appear in court.

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)
Sec. 17. (Deleted by amendment.)
Sec. 18. (Deleted by amendment.)
Sec. 19. (Deleted by amendment.)
Sec. 20. (Deleted by amendment.)
Sec. 21. (Deleted by amendment.)
Sec. 22. (Deleted by amendment.)
Sec. 23. (Deleted by amendment.)
Sec. 24. (Deleted by amendment.)
Sec. 25. (Deleted by amendment.)
Sec. 26. (Deleted by amendment.)
Sec. 27. (Deleted by amendment.)
Sec. 28. NRS 484B.600 is hereby amended to read as follows:

484B.600 1. It is unlawful for any person to drive or operate a vehicle of any kind or character at:

(a) A rate of speed greater than is reasonable or proper, having due regard for the traffic, surface and width of the highway, the weather and other highway conditions.

(b) Such a rate of speed as to endanger the life, limb or property of any person.

(c) A rate of speed greater than that posted by a public authority for the particular portion of highway being traversed.

(d) ***A rate of speed that results in the injury of another person or of any property.***

(e) In any event, a rate of speed greater than 80 miles per hour.

2. If, while violating any provision of subsection 1, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.

3. A person who violates any provision of subsection 1 may be subject to the additional penalty set forth in NRS 484B.130 or 484B.135.

4. Except as otherwise provided by law, if a person is issued a traffic citation for a violation of any provision of subsection 1, the court may, in its discretion, reduce the violation from a moving traffic violation to a violation that is not a moving traffic violation. There is a presumption in favor of reducing the violation if the person pays the entire amount of the fine and all fees due before the date on which the person is first required to make an appearance relating to the citation, whether by personal appearance or through his or her counsel, but such a presumption may be overcome if the driving record of the person demonstrates a pattern of moving traffic violations.

5. Any fine imposed pursuant to paragraph (a), (b), (c) or (e) of subsection 1 must not exceed $20 for each mile per hour a person travels above the posted speed limit or the proper rate of speed at which the person should be traveling, as applicable. The provisions of this subsection apply

regardless of whether a person pays the entire amount of the fine and all fees due in accordance with subsection 4.

Sec. 29. (Deleted by amendment.)

Sec. 30. (Deleted by amendment.)

Sec. 31. (Deleted by amendment.)

Sec. 32. (Deleted by amendment.)

Sec. 33. (Deleted by amendment.)

Sec. 34. (Deleted by amendment.)

Sec. 35. (Deleted by amendment.)

Sec. 36. (Deleted by amendment.)

Sec. 37. (Deleted by amendment.)

Sec. 38. (Deleted by amendment.)

Sec. 39. (Deleted by amendment.)

Sec. 40. (Deleted by amendment.)

Sec. 41. (Deleted by amendment.)

Sec. 42. **The amendatory provisions of:**

1. Sections 1.3 to 3, inclusive, of this act apply to any fine, administrative assessment, fee, restitution or forfeiture, as applicable, imposed before, on or after October 1, 2019.

2. Sections 5.1, 5.5, 5.7 and subsection 4 of section 28 of this act apply to offenses committed before, on or after October 1, 2019.

3. Section 5.3 of this act apply to offenses committed on or after October 1, 2019.

4. Section 5.8 of this act apply to offenses committed before October 1, 2019, if a warrant has not been issued on October 1, 2019.

5. Section 5.9 of this act apply to any fee assessed by the court on or after October 1, 2019.

6. Sections 6 and 7 of this act apply to any payments toward the unpaid balance of any administrative assessment, court fee or fine that are made by a person on or after October 1, 2019.

7. Section 8 of this act apply to offenses committed before October 1, 2019, if the person is sentenced on or after October 1, 2019.

8. Section 9 of this act apply to any fine paid or forfeiture of bail on or after October 1, 2019.

9. Subsection 5 of section 28 of this act apply to any fine imposed on or after October 1, 2019.

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 772 to Assembly Bill No. 434.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

The amendment makes some clarifications about when a driver's license can be suspended and when there is a presumption of an own recognizance release. It also makes some definitional changes to "prosecutor" as well as "specialty" court.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 439.

The following Senate amendment was read:

Amendment No. 773.

SUMMARY—Revises provisions relating to ~~[the imposition of certain fees, costs and administrative assessments in juvenile proceedings.]~~ **juvenile justice.** (BDR 5-1093)

AN ACT relating to juvenile justice; revising provisions relating to the imposition of certain fees, costs and administrative assessments in juvenile proceedings; **enacting provisions relating to the cost of medical care incurred by a child in the custody of certain facilities for the detention of children;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that if a child becomes subject to the jurisdiction of the juvenile court and the child receives ancillary services that are administered or financed by a county, the county is entitled to reimbursement from the parent or guardian of the child for all money expended by the county for such services. (NRS 62B.110) **Section ~~[1]~~ 1.5** of this bill requires the juvenile court: (1) to the extent possible, to arrange for the child to receive such services from an approved provider that receives a sufficient amount of federal or state funding to offset the remainder of the costs of such services; (2) to arrange for the billing of any available public or private medical insurance to pay for such services; and (3) not to order the parent or guardian of the child to reimburse the county for the costs of such services unless the child receives such services from a provider that is not approved or the child seeks additional services beyond those recommended for the child, in which case the parent or guardian of the child shall pay the costs of such services.

Existing law authorizes the juvenile court to order a parent or guardian of a child to pay the costs of supporting the child if the child is committed to the custody of a person other than the parent or guardian or to the custody of a public or private institution or agency. (NRS 62B.120) **Section ~~[1.5]~~ 1.7** of this bill eliminates the authority of the juvenile court to order a parent or guardian of a child to pay for such costs.

Existing law provides that if a child is committed to the custody of a regional facility for the treatment and rehabilitation of children, the juvenile court may order the county where the child has a legal residence to pay the expenses incurred for the support of the child in an amount equal to any money paid for that purpose by the Division of Child and Family Services of the Department of Health and Human Services. The juvenile court may order the parent or guardian of the child to reimburse the county for such costs. (NRS 62B.140) **Section 2** of this bill eliminates the authority of the juvenile court to order a parent or guardian of a child to reimburse the county for such costs.

Existing law provides that if the juvenile court enters a civil judgment for any payment owed by a child or a parent or guardian of the child, the person or persons against whom the judgment is issued is liable for a collection fee. (NRS 62B.420) **Section 3** of this bill eliminates the authority to impose such a collection fee.

Section 1 of this bill requires a local facility for the detention of children to arrange for the administration of medical care for any child in its custody. Section 1 also requires the county to pay for the cost of certain types of medical care for the child if the parent or legal guardian of the child does not have medical insurance for the child or the child is not otherwise eligible for Medicaid. Section 1 provides that if the parent or legal guardian of the child has medical insurance for the child or the child is otherwise eligible for Medicaid, then the parent or legal guardian is required to pay for such medical care. Section 1 also provides that regardless of whether the parent or legal guardian has medical insurance for the child or whether the child is eligible for Medicaid, the parent or legal guardian is responsible for the costs of certain types of medical care received by the child while the child is in the custody of such a facility.

Existing law provides that if a child is placed under informal supervision, the child may be required to participate in a program of restitution through work or a program of cognitive training and human development. The child or the parent or guardian of the child may be ordered to pay the costs associated with the participation of the child in such programs. (NRS 62C.210) **Section 4** of this bill provides that, under such circumstances: (1) the child and the parent or guardian of the child must not be ordered to pay such costs; and (2) unless the parent or guardian of the child signs a waiver of liability, the program or the ~~[employer]~~ **entity** for which the child performs the work, as applicable, shall provide policies of insurance against liability for personal injury and damage to property or industrial insurance, or both, during those periods in which the child participates in the program or performs work.

Existing law provides that if the juvenile court appoints an attorney to represent a child and the parent or guardian of the child is not indigent, the parent or guardian must pay the reasonable fees and expenses of the attorney. If the parent or guardian is indigent, the juvenile court may order the parent or guardian to reimburse the county for such fees and expenses in accordance with the ability of the parent or guardian to pay. (NRS 62D.030) **Section 5** of this bill provides that the parent or guardian of a child must not be required to pay the reasonable fees and expenses of an attorney appointed by the juvenile court.

Existing law provides that if the juvenile court orders a child or the parent or guardian of the child, or both, to perform community service, the juvenile court may order the child or the parent or guardian of the child, or both, to pay for the cost of certain insurance during those periods in which the work is performed. (NRS 62E.180) **Section 7** of this bill provides that: (1) the juvenile court must not order the child or the parent or guardian of the child to pay such

costs; and (2) unless the parent or guardian of the child signs a waiver of liability, the authority for which the work is performed must provide policies of insurance against liability for personal injury and damage to property or industrial insurance, or both, during those periods in which the work is performed.

Existing law provides that if a child is ordered to participate in a program of cognitive training and human development, a program for the arts or a program of sports and physical fitness, the juvenile court may order the child or the parent or guardian of the child, or both, to pay the costs of participation in such programs or to work on projects or perform community service. (NRS 62E.210) **Section 8** of this bill: (1) eliminates the authority of the juvenile court to order the child or the parent or guardian of the child, or both, to pay such costs or perform such work or community service; and (2) provides that unless the parent or guardian of the child signs a waiver of liability, the program in which the child participates must provide policies of insurance against liability for personal injury and damage to property during those periods in which the child participates in the program.

Existing law provides that if the juvenile court orders that a child be provided with medical, psychiatric, psychological or other care or treatment after the parent or guardian of the child fails to provide such care or treatment, the expense of such care or treatment is a charge upon the county, but the juvenile court may order the person having the duty under law to support the child to pay part or all of the expenses of such care or treatment. (NRS 62E.280) **Section 9** of this bill revises the authority of the juvenile court to order the payment of such expenses and provides that the juvenile court shall: (1) to the extent possible, arrange for the child to receive such care or treatment from an approved provider that receives a sufficient amount of federal or state funding to offset the remainder of the costs of such care or treatment; (2) arrange for the billing of any available public or private medical insurance to pay for such care or treatment; and (3) not order the parent or guardian of the child to pay the costs of such care or treatment unless the child receives such care or treatment from a provider that is not approved or the child seeks additional care or treatment beyond that recommended for the child, in which case the parent or guardian of the child shall pay the costs of such care or treatment.

Existing law provides that if a child ordered to attend and complete a tobacco awareness and cessation program, the juvenile court may order the child or the parent or guardian of the child, or both, to pay the reasonable cost for the child to attend the program. (NRS 62E.440) **Section 11** of this bill eliminates the authority of the juvenile court to order the child or the parent or guardian of the child to pay such costs.

Existing law provides that if the juvenile court orders a child to participate in a program of restitution through work, the juvenile court may order the child or the parent or guardian of the child, or both, to pay the costs associated with the participation of the child in the program or order the child to work on

projects or perform community service. (NRS 62E.600) **Section 12** of this bill: (1) provides that the juvenile court must not order the child or the parent or guardian of the child to pay such costs; (2) eliminates the authority of the juvenile court to order the child to perform such work or community service; and (3) provides that unless the parent or guardian of the child signs a waiver of liability, the program or the ~~[employer]~~ **entity** for which the child performs the work, as applicable, must provide policies of insurance against liability for personal injury and damage to property or industrial insurance, or both, during those periods in which the child participates in the program or performs work.

Existing law provides that when the juvenile court orders a child to undergo an evaluation to determine whether the child is an abuser of alcohol or other drugs, the juvenile court is required to order the child or the parent or guardian of the child, or both, to pay any charges relating to the evaluation and treatment of the child. (NRS 62E.620) **Section 13** of this bill provides that the juvenile court: (1) shall, to the extent possible, arrange for the child to receive such evaluation and treatment from an approved provider that receives a sufficient amount of federal or state funding to offset the remainder of the costs of such evaluation and treatment; (2) shall arrange for the billing of any available public or private medical insurance to pay for such evaluation and treatment; and (3) shall not order the child or the parent or guardian of the child to pay such charges unless the child receives such evaluation and treatment from a provider that is not approved or the child seeks additional evaluation or treatment beyond that recommended for the child, in which case the parent or guardian of the child shall pay the charges for such evaluation and treatment.

Existing law provides that if a child is adjudicated delinquent for an unlawful act that involves cruelty to or torture of an animal, the juvenile court is required to order the child to participate in counseling or other psychological treatment and the child or the parent or guardian of the child, or both, to pay the cost of the child to participate in the counseling or other psychological treatment. (NRS 62E.680) **Section 15** of this bill provides that the juvenile court: (1) shall, to the extent possible, arrange for the child to receive such counseling or treatment from an approved provider that receives a sufficient amount of federal or state funding to offset the remainder of the costs of such counseling or treatment; (2) shall arrange for the billing of any available public or private medical insurance to pay for such counseling or treatment; and (3) shall not order the child or the parent or guardian of the child to pay such costs unless the child receives such counseling or treatment from a provider that is not approved or the child seeks additional counseling or treatment beyond that recommended for the child, in which case the parent or guardian of the child shall pay the costs of such counseling or treatment.

Existing law provides that if the juvenile court orders a child to participate in a program of visitation to the office of the county coroner, the juvenile court may order the child, or the parent or guardian of the child, or both, to pay a fee of not more than $45 based on the ability of the child or the parent or guardian of the child, or both, to pay for the costs associated with the participation of

the child in the program of visitation. (NRS 62E.720) **Section 17** of this bill provides that the court shall not order the child or the parent or guardian of the child to pay such costs.

Existing law: (1) requires a child or the parent or guardian of a child to pay an administrative assessment if the juvenile court imposes a fine against the child; and (2) authorizes the juvenile court to order a parent or guardian of a child to pay expenses of juvenile proceedings and costs of support of a child committed to the custody of the Division of Child and Family Services. (NRS 62B.130, 62E.270, 62E.300, 62E.540) **Existing law also authorizes a juvenile court who commits a child to a state facility for the detention of children to require the parents or guardian of the child to pay, in whole or in part, for the support of the child while the child is in the custody of the state facility. (NRS 63.430) Section 19** of this bill repeals those provisions of existing law.

Sections 6, 10, 16 and 18 of this bill make conforming changes.

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

Section 1. **Chapter 62B of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Every local facility for the detention of children shall arrange for the administration of medical care required by any child who is in the custody of the facility.

2. The county shall pay for the costs of the medical care for the child if:

(a) The parent or legal guardian of the child does not have medical insurance for the child or the child is not otherwise eligible for medical assistance under Medicaid; and

(b) The medical care required is:

(1) Treatment for injuries incurred by the child while the child was in the custody of the facility;

(2) Treatment for any infectious, contagious or communicable disease the child contracted while in the custody of the facility; or

(3) A medical examination required by law or court order, unless the court order otherwise provides that the cost must be paid from a source other than the county.

3. If the parent or legal guardian of the child has medical insurance for the child or the child is otherwise eligible for medical assistance under Medicaid, the parent or legal guardian, as applicable, is responsible for the cost of the medical care described in subsection 2.

4. Regardless of whether the parent or legal guardian of the child has medical insurance for the child or whether the child is otherwise eligible for medical assistance under Medicaid, the parent or guardian, as applicable, shall pay for the costs of the medical care for the child if such care is required for:

(a) Injuries incurred by the child during the violation of any state or local law, ordinance, or rule or regulation having the force of law;

(b) Injuries incurred by the child during or pursuant to being taken into custody;

(c) Injuries or illnesses which existed before the child was taken into the custody of the facility;

(d) Injuries that were self-inflicted by the child while in the custody of the facility; and

(e) Except as otherwise provided in subsection 2, any other injury or illness incurred by the child while in the custody of the facility.

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 62B.110 is hereby amended to read as follows:

62B.110 ~~[1. If]~~ ***Except as otherwise provided in section 1 of this act, if*** a child becomes subject to the jurisdiction of the juvenile court and the child receives ancillary services that are administered or financed by a county, including, but not limited to, transportation or psychiatric, psychological or medical services, the ~~[county is entitled to reimbursement from the parent or guardian of the child for all money expended by the county for such services.~~

~~2. To determine the amount that the parent or guardian of the child must reimburse the county for such services:~~

~~(a) The board of county commissioners may adopt a sliding scale based on the ability of the parent or guardian to pay; and~~

~~(b) The juvenile court shall review each case and make a finding as to the reasonableness of the charge in relation to the ability of the parent or guardian to pay.~~

~~3. If the parent or guardian of the child fails or refuses to reimburse the county, the board of county commissioners may recover from the parent or guardian, by appropriate legal action, all money due plus interest thereon at the rate of 7 percent per annum commencing 30 days after an itemized statement of all money due is submitted to the parent or guardian.]~~ ***juvenile court shall:***

1. To the extent possible, arrange for the child to receive such services from an approved provider that receives a sufficient amount of federal or state funding to offset the remainder of the costs of such services.

2. Arrange for the billing of any available public or private medical insurance to pay for such services.

3. Not order the parent or guardian of the child to reimburse the county for the costs of such services unless the child receives such services from a provider that is not approved or the child seeks additional services beyond those recommended for the child, in which case the parent or guardian of the child shall pay the costs of such services.

~~[Sec. 1.5.]~~ ***Sec. 1.7.*** NRS 62B.120 is hereby amended to read as follows:

62B.120 ~~[1. Except as otherwise provided in this chapter, if]~~ ***If*** the juvenile court commits a child to the custody of a person who is not the parent or guardian of the child or to the custody of a public or private institution or

agency, and no provision is otherwise made by law for the support of the child, the expenses incurred for the support of the child while in such custody, if approved by an order of the juvenile court, are a charge upon the county where the child has a legal residence.

~~[2. Notwithstanding any other statute providing for the support of such a child, after the parent or guardian of the child has been given notice and a reasonable opportunity to be heard, the juvenile court may order the parent or guardian to pay, in such a manner as the juvenile court may direct and within the ability of the parent or guardian to pay, money to cover in whole or in part the support of the child.~~

~~3. If the parent or guardian of the child willfully fails or refuses to pay the money due, the juvenile court may proceed against the parent or guardian for contempt.~~

~~4. If the juvenile court orders the parent or guardian of the child to pay for the support of the child pursuant to this section, the money must be paid to the superintendent of the county school district or fiscal officer of the institution to which the child is committed, or the chief administrative officer of the agency to whom the child is committed.]~~

Sec. 2. NRS 62B.140 is hereby amended to read as follows:

62B.140 1. Except as otherwise provided in this ~~[subsection,]~~ chapter, if a child is committed to the custody of a regional facility for the treatment and rehabilitation of children, the juvenile court may order the county where the child has a legal residence to pay the expenses incurred for the support of the child in an amount equal to any money paid for that purpose by the Division of Child and Family Services. Such an order may not be entered if the county maintains the facility to which the child is committed.

2. ~~[The juvenile court may order the parent or guardian of the child to reimburse the county, in whole or in part, for any money expended by the county for the support of the child.~~

~~3.]~~ This section does not prohibit the juvenile court from providing for the support of the child in any other manner authorized by law.

Sec. 3. NRS 62B.420 is hereby amended to read as follows:

62B.420 1. Except as otherwise provided in this subsection, if, pursuant to this title, a child or a parent or guardian of a child is ordered by the juvenile court to pay a fine ~~[, administrative assessment, fee]~~ or restitution or to make any other payment and the fine, ~~[administrative assessment, fee,]~~ restitution or other payment or any part of it remains unpaid after the time established by the juvenile court for its payment, the juvenile court may enter a civil judgment against the child or the parent or guardian of the child for the amount due in favor of the victim, the state or local entity to whom the amount is owed or both. The juvenile court may not enter a civil judgment against a person who is a child unless the person has attained the age of 18 years, the person is a child who is determined to be outside the jurisdiction of the juvenile court pursuant to NRS 62B.330 or 62B.335 or the person is a child who is certified for proper criminal proceedings as an adult pursuant to NRS 62B.390.

2. Notwithstanding the termination of the jurisdiction of the juvenile court pursuant to NRS 62B.410 or the termination of any period of supervision or probation ordered by the juvenile court, the juvenile court retains jurisdiction over any civil judgment entered pursuant to subsection 1 and retains jurisdiction over the person against whom a civil judgment is entered pursuant to subsection 1. The juvenile court may supervise the civil judgment and take any of the actions authorized by the laws of this State.

3. A civil judgment entered pursuant to subsection 1 may be enforced and renewed in the manner provided by law for the enforcement and renewal of a judgment for money rendered in a civil action. A judgment which requires a parent or guardian of a child to pay restitution does not expire until the judgment is satisfied. An independent action to enforce a judgment that requires a parent or guardian of a child to pay restitution may be commenced at any time.

4. ~~[If the juvenile court enters a civil judgment pursuant to subsection 1, the person or persons against whom the judgment is issued is liable for a collection fee, to be imposed by the juvenile court at the time the civil judgment is issued, of:~~

~~(a) Not more than $100, if the amount of the judgment is less than $2,000.~~

~~(b) Not more than $500, if the amount of the judgment is $2,000 or greater, but is less than $5,000.~~

~~(c) Ten percent of the amount of the judgment, if the amount of the judgment is $5,000 or greater.~~

~~5.]~~ In addition to attempting to collect the judgment through any other lawful means, a victim, a representative of the victim or a state or local entity that is responsible for collecting a civil judgment entered pursuant to subsection 1 may take any or all of the following actions:

(a) Except as otherwise provided in this paragraph, report the judgment to reporting agencies that assemble or evaluate information concerning credit. If the judgment was entered against a person who was less than 21 years of age at the time the judgment was entered, the judgment cannot be reported pursuant to this paragraph until the person reaches 21 years of age.

(b) Request that the juvenile court take appropriate action pursuant to subsection ~~[6.]~~ ***5.***

(c) Contract with a collection agency licensed pursuant to NRS 649.075 to collect the judgment**.** ~~[and the collection fee. The collection agency must be paid as compensation for its services an amount not greater than the amount of the collection fee imposed pursuant to subsection 4, in accordance with the provisions of the contract.~~

~~6.]~~ ***5.*** If the juvenile court determines that a child or the parent or guardian of a child against whom a civil judgment has been entered pursuant to subsection 1 has failed to make reasonable efforts to satisfy the civil judgment, the juvenile court may take any of the following actions:

(a) Order the suspension of the driver's license of a child for a period not to exceed 1 year. If the child is already the subject of a court order suspending

the driver's license of the child, the juvenile court may order the additional suspension to apply consecutively with the previous order. At the time the juvenile court issues an order suspending the driver's license of a child pursuant to this paragraph, the juvenile court shall require the child to surrender to the juvenile court all driver's licenses then held by the child. The juvenile court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles the licenses, together with a copy of the order. The Department of Motor Vehicles shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the driving record of a child, but such a suspension must not be considered for the purpose of rating or underwriting.

(b) If a child does not possess a driver's license, prohibit the child from applying for a driver's license for a period not to exceed 1 year. If the child is already the subject of a court order delaying the issuance of a license to drive, the juvenile court may order any additional delay in the ability of the child to apply for a driver's license to apply consecutively with the previous order. At the time the juvenile court issues an order pursuant to this paragraph delaying the ability of a child to apply for a driver's license, the juvenile court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles a copy of the order.

(c) If the civil judgment was issued for a delinquent fine**,** ~~[or administrative assessment,]~~ order the confinement of the person in the appropriate prison, jail or detention facility, as provided in NRS 176.065 and 176.075.

(d) Enter a finding of contempt against a child or the parent or guardian of a child and punish the child or the parent or guardian for contempt in the manner provided in NRS 62E.040. A person who is indigent may not be punished for contempt pursuant to this ~~[subsection.~~

~~7. Money collected from a collection fee imposed pursuant to subsection 4 must be deposited and used in the manner set forth in subsection 4 of NRS 176.064.]~~ ***paragraph.***

Sec. 4. NRS 62C.210 is hereby amended to read as follows:

62C.210 1. An agreement for informal supervision may require the child to:

(a) Perform community service, provide restitution to any victim of the acts for which the child was referred to the probation officer or make a monetary contribution to a restitution contribution fund established pursuant to NRS 62E.175;

(b) Participate in a program of restitution through work that is established pursuant to NRS 62E.580 if the child:

(1) Is 14 years of age or older;

(2) Has never been found to be within the purview of this title for an unlawful act that involved the use or threatened use of force or violence against a victim and has never been found to have committed such an unlawful act in any other jurisdiction, unless the probation officer determines that the child would benefit from the program;

(3) Is required to provide restitution to a victim; and

(4) Voluntarily agrees to participate in the program of restitution through work;

(c) Complete a program of cognitive training and human development pursuant to NRS 62E.220 if:

(1) The child has never been found to be within the purview of this title; and

(2) The unlawful act for which the child is found to be within the purview of this title did not involve the use or threatened use of force or violence against a victim; or

(d) Engage in any combination of the activities set forth in this subsection.

2. If the agreement for informal supervision requires the child to participate in a program of restitution through work or complete a program of cognitive training and human development, the ~~[agreement may also require any or all of the following, in the following order of priority if practicable:~~

~~(a) The]~~ child or the parent or guardian of the child ~~[, or both, to the extent of their financial ability,]~~ ***must not be required*** to pay the costs associated with the participation of the child in the program **.** ~~[, including, but not limited to:~~

~~(1) A reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property during those periods in which the child participates in the program or performs work; and~~

~~(2) In the case of a program of restitution through work, for industrial insurance, unless the industrial insurance is provided by the employer for which the child performs the work; or~~

~~(b) The child to work on projects or perform community service for a period that reflects the costs associated with the participation of the child in the program.]~~ ***Unless the parent or guardian of the child signs a waiver of liability, the program or the ~~[employer]~~ entity for which the child performs the work, as applicable, shall provide policies of insurance against liability for personal injury and damage to property or industrial insurance, or both, during those periods in which the child participates in the program or performs work.***

Sec. 5. NRS 62D.030 is hereby amended to read as follows:

62D.030 1. If a child is alleged to be delinquent or in need of supervision, the juvenile court shall advise the child and the parent or guardian of the child that the child is entitled to be represented by an attorney at all stages of the proceedings.

2. If a parent or guardian of a child is indigent, the parent or guardian may request the appointment of an attorney to represent the child pursuant to the provisions in NRS 171.188.

3. Except as otherwise provided in this section, the juvenile court shall appoint an attorney for a child if the parent or guardian of the child does not retain an attorney for the child and is not likely to retain an attorney for the child.

4. A child may waive the right to be represented by an attorney if:

(a) A petition is not filed and the child is placed under informal supervision pursuant to NRS 62C.200; or

(b) A petition is filed and the record of the juvenile court shows that the waiver of the right to be represented by an attorney is made knowingly, intelligently, voluntarily and in accordance with any applicable standards established by the juvenile court.

5. Except as otherwise provided in ~~[~~subsection 6 and~~]~~ NRS 424.085, if the juvenile court appoints an attorney to represent a child ***,*** ~~[~~and:

~~(a) The parent or guardian of the child is not indigent,~~] the parent or guardian ~~[~~shall~~]~~ ***must not be required to*** pay the reasonable fees and expenses of the attorney.

~~[~~(b) The parent or guardian of the child is indigent, the juvenile court may order the parent or guardian to reimburse the county or State in accordance with the ability of the parent or guardian to pay.

~~6. For the purposes of paragraph (b) of subsection 5, the juvenile court shall find that the parent or guardian of the child is indigent if:~~

~~(a) The parent or guardian:~~

~~(1) Receives public assistance, as that term is defined in NRS 422A.065;~~

~~(2) Resides in public housing, as that term is defined in NRS 315.021;~~

~~(3) Has a household income that is less than 200 percent of the federally designated level signifying poverty;~~

~~(4) Is incarcerated pursuant to a sentence imposed upon conviction of a crime; or~~

~~(5) Is housed in a public or private mental health facility; or~~

~~(b) After considering the particular circumstances of the parent or guardian, including, without limitation, the seriousness of the charges against the child, the monthly expenses of the parent or guardian and the rates for attorneys in the area in which the juvenile court is located, the juvenile court determines that the parent or guardian is financially unable, without substantial hardship to the parent or guardian or his or her dependents, to obtain qualified and competent legal counsel.~~

~~7.~~] ***6.*** Each attorney, other than a public defender, who is appointed under the provisions of this section is entitled to the same compensation and expenses from the county as is provided in NRS 7.125 and 7.135 for attorneys appointed to represent persons charged with criminal offenses.

Sec. 6. NRS 62D.035 is hereby amended to read as follows:

62D.035 Subject to the provisions of subsection ~~[~~7~~]~~ ***6*** of NRS 62D.030 and chapter 260 of NRS, a public defender or any other attorney who represents a child in proceedings pursuant to the provisions of this title may consult with and seek appointment of:

1. Any social worker licensed pursuant to chapter 641B of NRS;
2. Any qualified mental health professional, as defined in NRS 458A.057;
3. Any educator; and
4. Any other expert the attorney deems appropriate.

Sec. 7. NRS 62E.180 is hereby amended to read as follows:

62E.180 1. The juvenile court may order a child or the parent or guardian of the child, or both, to perform community service.

2. If the juvenile court orders a child or the parent or guardian of the child, or both, to perform community service pursuant to the provisions of this title, ~~[the juvenile court may order the child or]~~ ***unless*** the parent or guardian of the child ~~[, or both, to deposit with the juvenile court a reasonable sum of money to pay for the cost of]~~ ***signs a waiver of liability, the authority for which the work is performed shall provide*** a policy ~~[for]~~ ***of*** insurance against liability for personal injury and damage to property or ~~[for]~~ industrial insurance, or both, during those periods in which the work is performed ***.*** ~~[, unless, in the case of industrial insurance, it is provided by the authority for which the work is performed.]~~

Sec. 8. NRS 62E.210 is hereby amended to read as follows:

62E.210 1. If a child has not previously been adjudicated delinquent or in need of supervision and the unlawful act committed by the delinquent child did not involve the use or threatened use of force or violence against a victim, the juvenile court may order a child to complete any or all of the following programs:

(a) A program of cognitive training and human development established pursuant to NRS 62E.220.

(b) A program for the arts as described in NRS 62E.240.

(c) A program of sports or physical fitness as described in NRS 62E.240.

2. If the juvenile court orders the child to participate in a program of cognitive training and human development, a program for the arts or a program of sports or physical fitness, the juvenile court may order ~~[any or all of the following, in the following order of priority if practicable:~~

~~(a) The child or the parent or guardian of the child, or both, to the extent of their financial ability, to pay the costs associated with the participation of the child in the program, including, but not limited to, a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property during those periods in which the child participates in the program;~~

~~(b) The child to work on projects or perform community service for a period that reflects the costs associated with the participation of the child in the program; or~~

~~(c) The]~~ ***the*** county in which the petition alleging the child to be in need of supervision is filed to pay the costs associated with the participation of the child in the program.

3. Unless the parent or guardian of the child signs a waiver of liability, the program in which the child participates shall provide policies of insurance against liability for personal injury and damage to property during those periods in which the child participates in the program.

Sec. 9. NRS 62E.280 is hereby amended to read as follows:

62E.280 1. The juvenile court may:

(a) Order such medical, psychiatric, psychological or other care and treatment for a child as the juvenile court deems to be in the best interests of the child; and

(b) Cause the child to be examined by a physician, psychiatrist, psychologist or other qualified person.

2. If the child appears to be in need of medical, psychiatric, psychological or other care or treatment:

(a) The juvenile court may order the parent or guardian of the child to provide such care or treatment; and

(b) If, after due notice, the parent or guardian fails to provide such care or treatment, the juvenile court may order that the child be provided with the care or treatment. When approved by the juvenile court, the expense of such care or treatment is a charge upon the county **.** ~~[, but the juvenile court may order the person having the duty under the law to support the child to pay part or all of the expenses of such care or treatment.]~~

3. The juvenile court shall:

(a) To the extent possible, arrange for the child to receive such care or treatment from an approved provider that receives a sufficient amount of federal or state funding to offset the remainder of the costs of such care or treatment.

(b) Arrange for the billing of any available public or private medical insurance to pay for such care or treatment.

(c) Not order the parent or guardian of the child to pay the costs of such care or treatment unless the child receives such care or treatment from a provider that is not approved or the child seeks additional care or treatment beyond that recommended for the child, in which case the parent or guardian of the child shall pay the costs of such care or treatment.

Sec. 10. NRS 62E.430 is hereby amended to read as follows:

62E.430 1. If a child is adjudicated to be in need of supervision because the child is a habitual truant, the juvenile court shall:

(a) The first time the child is adjudicated to be in need of supervision because the child is a habitual truant:

(1) Order:

(I) The child to pay a fine of not more than $100 ~~[and the administrative assessment required by NRS 62E.270]~~ or **,** if the parent or guardian of the child knowingly induced the child to be a habitual truant, order the parent or guardian to pay the fine ***;*** ~~[and the administrative assessment;]~~ or

(II) The child to perform not less than 8 hours but not more than 16 hours of community service; and

(2) If the child is 14 years of age or older, order the suspension of the driver's license of the child for at least 30 days but not more than 6 months. If the child does not possess a driver's license, the juvenile court shall prohibit the child from applying for a driver's license for 30 days:

(I) Immediately following the date of the order if the child is eligible to apply for a driver's license; or

(II) After the date the child becomes eligible to apply for a driver's license if the child is not eligible to apply for a driver's license.

(b) The second or any subsequent time the child is adjudicated to be in need of supervision because the child is a habitual truant:

(1) Order:

(I) The child to pay a fine of not more than $200 ~~[and the administrative assessment required by NRS 62E.270]~~ or **,** if the parent or guardian of the child knowingly induced the child to be a habitual truant, order the parent or guardian to pay the fine ***;*** ~~[and the administrative assessment;]~~

(II) The child to perform not more than 10 hours of community service; or

(III) Compliance with the requirements set forth in both sub-subparagraphs (I) and (II); and

(2) If the child is 14 years of age or older, order the suspension of the driver's license of the child for at least 60 days but not more than 1 year. If the child does not possess a driver's license, the juvenile court shall prohibit the child from applying for a driver's license for 60 days:

(I) Immediately following the date of the order if the child is eligible to apply for a driver's license; or

(II) After the date the child becomes eligible to apply for a driver's license if the child is not eligible to apply for a driver's license.

2. The juvenile court may suspend the payment of a fine ordered pursuant to paragraph (a) of subsection 1 if the child attends school for 60 consecutive school days, or its equivalent in a school district operating under an alternative schedule authorized pursuant to NRS 388.090, after the imposition of the fine, or has a valid excuse acceptable to the child's teacher or the principal for any absence from school within that period.

3. The juvenile court may suspend the payment of a fine ordered pursuant to this section if the parent or guardian of a child is ordered to pay a fine by another court of competent jurisdiction in a case relating to or arising out of the same circumstances that caused the juvenile court to adjudicate the child in need of supervision.

4. The community service ordered pursuant to this section must be performed at the child's school of attendance, if practicable.

Sec. 11. NRS 62E.440 is hereby amended to read as follows:

62E.440 1. If a child is adjudicated to be in need of supervision because the child has committed an offense related to tobacco, the juvenile court may:

(a) The first time the child is adjudicated to be in need of supervision because the child has committed an offense related to tobacco, order the child to:

(1) Pay a fine of $25; and

(2) Attend and complete a tobacco awareness and cessation program.

(b) The second time the child is adjudicated to be in need of supervision because the child has committed an offense related to tobacco, order the child to:

(1) Pay a fine of $50; and

(2) Attend and complete a tobacco awareness and cessation program.

(c) The third or any subsequent time the child is adjudicated to be in need of supervision because the child has committed an offense related to tobacco, order:

(1) The child to pay a fine of $75;

(2) The child to attend and complete a tobacco awareness and cessation program; and

(3) That the driver's license of the child be suspended for at least 30 days but not more than 90 days or, if the child does not possess a driver's license, prohibit the child from receiving a driver's license for at least 30 days but not more than 90 days:

(I) Immediately following the date of the order, if the child is eligible to receive a driver's license.

(II) After the date the child becomes eligible to apply for a driver's license, if the child is not eligible to receive a license on the date of the order.

2. ~~[If the juvenile court orders a child to attend and complete a tobacco awareness and cessation program, the juvenile court may order the child or the parent or guardian of the child, or both, to pay the reasonable cost for the child to attend the program.~~

~~3. If the juvenile court orders a child to pay a fine pursuant to this section, the juvenile court shall order the child to pay an administrative assessment pursuant to NRS 62E.270.~~

~~4.]~~ If the juvenile court orders a child to pay a fine ~~[and administrative assessment]~~ pursuant to this section and the child willfully fails to pay the fine **,** ~~[or administrative assessment,]~~ the juvenile court may order that the driver's license of the child be suspended for at least 30 days but not more than 90 days or, if the child does not possess a driver's license, prohibit the child from receiving a driver's license for at least 30 days but not more than 90 days:

(a) Immediately following the date of the order, if the child is eligible to receive a driver's license.

(b) After the date the child becomes eligible to apply for a driver's license, if the child is not eligible to receive a license on the date of the order.

➥ If the child is already the subject of a court order suspending or delaying the issuance of the driver's license of the child, the juvenile court shall order the additional suspension or delay, as appropriate, to apply consecutively with the previous order.

~~[5.]~~ ***3.*** If the juvenile court suspends the driver's license of a child pursuant to this section, the juvenile court may order the Department of Motor Vehicles to issue a restricted driver's license pursuant to NRS 483.490 permitting the child to drive a motor vehicle:

(a) To and from work or in the course of his or her work, or both;

(b) To and from school; or

(c) To acquire supplies of medicine or food or receive regularly scheduled medical care for himself, herself or a member of his or her immediate family.

Sec. 12. NRS 62E.600 is hereby amended to read as follows:

62E.600 1. The juvenile court may order a delinquent child to participate in a program of restitution through work that is established pursuant to NRS 62E.580 if the child:

(a) Is 14 years of age or older;

(b) Has never been adjudicated delinquent for an unlawful act that involved the use or threatened use of force or violence against a victim and has never been found to have committed such an unlawful act in any other jurisdiction, unless the juvenile court determines that the child would benefit from the program;

(c) Is ordered to provide restitution to a victim; and

(d) Voluntarily agrees to participate in the program of restitution through work.

2. If the juvenile court orders a child to participate in a program of restitution through work, the juvenile court ~~[~~may order any or all of the following, in the following order of priority if practicable:

~~(a) The~~~~]~~ ***must not order the*** child or the parent or guardian of the child ~~[~~, or both, to the extent of their financial ability,~~]~~ to pay the costs associated with the participation of the child in the program**.** ~~[~~, including, but not limited to, a reasonable sum of money to pay for the cost of~~]~~ ***Unless the parent or guardian of the child signs a waiver of liability, the program or the*** ~~***[employer]***~~ ***entity for which the child performs the work, as applicable, shall provide*** policies of insurance against liability for personal injury and damage to property or ~~[~~for~~]~~ industrial insurance, or both, during those periods in which the child participates in the program or performs work**.** ~~[~~, unless, in the case of industrial insurance, it is provided by the employer for which the child performs the work; or

~~(b) The child to work on projects or perform community service for a period that reflects the costs associated with the participation of the child in the program.]~~

Sec. 13. NRS 62E.620 is hereby amended to read as follows:

62E.620 1. The juvenile court shall order a delinquent child to undergo an evaluation to determine whether the child is an abuser of alcohol or other drugs if the child committed:

(a) An unlawful act in violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430;

(b) The unlawful act of using, possessing, selling or distributing a controlled substance; or

(c) The unlawful act of purchasing, consuming or possessing an alcoholic beverage in violation of NRS 202.020.

2. Except as otherwise provided in subsection 3, an evaluation of the child must be conducted by:

(a) A clinical alcohol and drug abuse counselor who is licensed, an alcohol and drug abuse counselor who is licensed or certified, or an alcohol and drug abuse counselor intern or a clinical alcohol and drug abuse counselor intern

who is certified, pursuant to chapter 641C of NRS, to make that classification; or

(b) A physician who is certified to make that classification by the Board of Medical Examiners.

3. If the child resides in this State but the nearest location at which an evaluation may be conducted is in another state, the court may allow the evaluation to be conducted in the other state if the person conducting the evaluation:

(a) Possesses qualifications that are substantially similar to the qualifications described in subsection 2;

(b) Holds an appropriate license, certificate or credential issued by a regulatory agency in the other state; and

(c) Is in good standing with the regulatory agency in the other state.

4. The evaluation of the child may be conducted at an evaluation center.

5. The person who conducts the evaluation of the child shall report to the juvenile court the results of the evaluation and make a recommendation to the juvenile court concerning the length and type of treatment required for the child.

6. The juvenile court shall:

(a) Order the child to undergo a program of treatment as recommended by the person who conducts the evaluation of the child.

(b) Require the treatment provider to submit monthly reports on the treatment of the child pursuant to this section.

~~[(c) Order]~~

7. Except as otherwise provided in this subsection, the juvenile court shall not order the child or the parent or guardian of the child ~~[, or both, to the extent of their financial ability,]~~ to pay any charges relating to the evaluation and treatment of the child pursuant to this section. ~~[If the child or the parent or guardian of the child, or both, do not have the financial resources to pay all those charges:~~

~~(1) The juvenile court shall, to the extent possible, arrange for the child to receive treatment from a treatment provider which receives a sufficient amount of federal or state money to offset the remainder of the costs; and~~

~~(2) The juvenile court may order the child, in lieu of paying the charges relating to the child's evaluation and treatment, to perform community service.~~

~~7.]~~ ***The juvenile court shall:***

(a) To the extent possible, arrange for the child to receive such evaluation and treatment from an approved provider that receives a sufficient amount of federal or state funding to offset the remainder of the costs of such evaluation and treatment.

(b) Arrange for the billing of any available public or private medical insurance to pay for such evaluation and treatment.

(c) Not order the parent or guardian of the child to pay the costs for such evaluation and treatment unless the child receives such evaluation and treatment from a provider that is not approved or the child seeks additional

evaluation or treatment beyond that recommended for the child, in which case the parent or guardian of the child shall pay the costs of such evaluation and treatment.

8. After a treatment provider has certified a child's successful completion of a program of treatment ordered pursuant to this section, the treatment provider is not liable for any damages to person or property caused by a child who:

(a) Drives, operates or is in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; or

(b) Engages in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425 or a law of any other jurisdiction that prohibits the same or similar conduct.

~~[8.]~~ ***9.*** The provisions of this section do not prohibit the juvenile court from:

(a) Requiring an evaluation to be conducted by a person who is employed by a private company if the company meets the standards of the Division of Public and Behavioral Health of the Department of Health and Human Services. The evaluation may be conducted at an evaluation center.

(b) Ordering the child to attend a program of treatment which is administered by a private company.

~~[9.]~~ ***10.*** Except as otherwise provided in NRS 239.0115, all information relating to the evaluation or treatment of a child pursuant to this section is confidential and, except as otherwise authorized by the provisions of this title or the juvenile court, must not be disclosed to any person other than:

(a) The juvenile court;

(b) The child;

(c) The attorney for the child, if any;

(d) The parents or guardian of the child;

(e) The district attorney; and

(f) Any other person for whom the communication of that information is necessary to effectuate the evaluation or treatment of the child.

~~[10.]~~ ***11.*** A record of any finding that a child has violated the provisions of NRS 484C.110, 484C.120, 484C.130 or 484C.430 must be included in the driver's record of that child for 7 years after the date of the offense.

Sec. 14. (Deleted by amendment.)

Sec. 15. NRS 62E.680 is hereby amended to read as follows:

62E.680 1. If a child is adjudicated delinquent for an unlawful act that involves cruelty to or torture of an animal, the juvenile court shall order the child to participate in counseling or other psychological treatment.

2. ~~[The]~~ ***Except as otherwise provided in this subsection, the*** juvenile court shall ***not*** order the child or the parent or guardian of the child ~~[, or both, to the extent of their financial ability,]~~ to pay the cost of the child to participate in the counseling or other psychological treatment. ***The juvenile court shall:***

(a) To the extent possible, arrange for the child to receive such counseling or treatment from an approved provider that receives a sufficient amount of federal or state funding to offset the remainder of the costs of such counseling or treatment.

(b) Arrange for the billing of any available public or private medical insurance to pay for such counseling or treatment.

(c) Not order the parent or guardian of the child to pay the costs of such counseling or treatment unless the child receives such counseling or treatment from a provider that is not approved or the child seeks additional counseling or treatment beyond that recommended for the child, in which case the parent or guardian of the child shall pay the costs of such counseling or treatment.

3. As used in this section:

(a) "Animal" does not include the human race, but includes every other living creature.

(b) "Torture" or "cruelty" includes every act, omission or neglect, whereby unjustifiable physical pain, suffering or death is caused or permitted.

Sec. 16. NRS 62E.685 is hereby amended to read as follows:

62E.685 If a child is adjudicated delinquent for an unlawful act involving the killing or possession of certain animals in violation of NRS 501.376, the juvenile court may do any or all of the following:

1. Order the child to pay a fine. ~~[If the juvenile court orders the child to pay a fine, the juvenile court shall order the child to pay an administrative assessment pursuant to NRS 62E.270.]~~ If, because of financial hardship, the child is unable to pay the fine, the juvenile court may order the child to perform community service.

2. Order the child or the parent or guardian of the child, or both, to pay a civil penalty pursuant to NRS 501.3855.

3. Order that any license issued to the child pursuant to chapter 502 of NRS be revoked by the Department of Wildlife. The juvenile court shall order the child to surrender to the court any license issued to the child pursuant to chapter 502 of NRS then held by the child and, not later than 5 days after issuing the order, forward to the Department of Wildlife any license surrendered by the child and a copy of the order.

4. Order that the child must not receive a license to hunt, fish or trap within the 2 years immediately following the date of the order or until the child is 18 years of age, whichever is later.

5. Order the child placed on probation and impose such conditions as the juvenile court deems proper.

Sec. 17. NRS 62E.720 is hereby amended to read as follows:

62E.720 1. The juvenile court may order a delinquent child to participate in a program of visitation to the office of the county coroner that is established pursuant to this section.

2. In determining whether to order the child to participate in such a program, the juvenile court shall consider whether the unlawful act committed

by the child involved the use or threatened use of force or violence against the child or others or demonstrated a disregard for the safety or well-being of the child or others.

3. The juvenile court may establish a program of visitation to the office of the county coroner in cooperation with the coroner of the county pursuant to this section.

4. Before a delinquent child may participate in a program of visitation, the parent or guardian of the child must provide to the juvenile court on a form provided by the juvenile court:

(a) Written consent for the child to participate in the program of visitation; and

(b) An executed release of liability for any act or omission, not amounting to gross negligence or willful misconduct of the juvenile court, the county coroner, or any other person administering or conducting a program of visitation, that causes personal injury or illness of the child during the period in which the child participates in the program of visitation.

5. A program of visitation must include, but is not limited to:

(a) A visit to the office of the county coroner at times and under circumstances determined by the county coroner.

(b) A course to instruct the child concerning:

(1) The consequences of the child's actions; and

(2) An awareness of the child's own mortality.

(c) An opportunity for each participant in a program of visitation to evaluate each component of the program.

6. The juvenile court ~~[may]~~ ***shall not*** order the child ~~[,]~~ or the parent or guardian of the child ~~[, or both,]~~ to pay ~~[a fee of not more than $45 based on the ability of the child or the parent or guardian of the child, or both, to pay]~~ for the costs associated with the participation of the child in the program of visitation.

Sec. 18. NRS 62E.730 is hereby amended to read as follows:

62E.730 1. The juvenile court may order a delinquent child to pay a fine.

2. ~~[If the juvenile court orders a delinquent child to pay a fine, the juvenile court shall order the child to pay an administrative assessment pursuant to NRS 62E.270.~~

~~3.]~~ If a delinquent child is less than 17 years of age, the juvenile court may order the parent or guardian of the child to pay any fines and penalties that the juvenile court imposes for the unlawful act committed by the child.

~~[4.]~~ ***3.*** If, because of financial hardship, the parent or guardian is unable to pay any fines and penalties that the juvenile court imposes for the unlawful act committed by the child, the juvenile court may order the parent or guardian to perform community service.

Sec. 19. NRS 62B.130, 62E.270, 62E.300**,** ~~[and]~~ 62E.540 **and 63.430** are hereby repealed.

Sec. 20. This act becomes effective on July 1, 2019.

LEADLINES OF REPEALED SECTIONS

62B.130 Parent or guardian to reimburse county for support of child during detention in local facility for detention of children; civil remedy.

62E.270 Administrative assessment to be ordered when fine is imposed against certain persons.

62E.300 Payment of expenses of proceedings by parent or guardian.

62E.540 Commitment of child to Division of Child and Family Services: Payment of expenses by parent or guardian.

63.430 Parent or guardian may be ordered to pay for support of child.

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 773 to Assembly Bill No. 439.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Amendment 773 adds provisions to section 1 of the bill concerning who will pay the cost of certain medical expenses for a child who is in the custody of a juvenile detention facility.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 25.

The following Senate amendment was read:

Amendment No. 660.

AN ACT relating to contractors; authorizing the State Contractors' Board to delegate to a hearing officer or panel its authority to hold certain hearings; expanding the period during which an applicant for licensure as a contractor must have received certain experience before applying for licensure; repealing provisions which require an applicant for renewal of a contractor's license who will engage in residential construction to submit certain financial information to the Board; expanding the period during which a license may be placed on inactive status; authorizing a licensee who was on active duty in the Armed Forces of the United States, a reserve component thereof or the National Guard to apply to have his or her contractor's license reinstated under certain circumstances; repealing provisions which prohibit a telephone number to a provider of paging services used in certain unlawful advertising from being disconnected; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

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

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

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

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

Under existing law, each contractor's license expires 2 years after the date on which it was issued or on another date established by regulations of the Board. A license which is not renewed before the date for the renewal of the license is automatically suspended. (NRS 624.283) **Section 5** of this bill: (1) authorizes a licensee whose license is automatically suspended while he or she was on active duty in the Armed Forces of the United States, a reserve component thereof or the National Guard to submit an application to the Board requesting the reinstatement of his or her license without the imposition of a penalty or disciplinary action; (2) sets forth the requirements for the Board to reinstate the license; and (3) authorizes the Board to waive the fee for renewal of the license.

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

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

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

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

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

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

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

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

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

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

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

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

➥ If an applicant or licensee intends to qualify pursuant to this subsection by the appearance of another person, the applicant or licensee shall submit to the Board such information as the Board determines is necessary to demonstrate

the duties and responsibilities of the other person so appearing with respect to the supervision and control of the operations of the applicant or licensee relating to construction.

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

(a) To make technical and administrative decisions;

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

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

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

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

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

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

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

6. Except as otherwise provided in subsection 7, in addition to the other requirements set forth in this section, each applicant for licensure as a contractor must have had, within the ~~[10]~~ ***15*** years immediately preceding the filing of the application for licensure, at least 4 years of experience as a journeyman, foreman, supervising employee or contractor in the specific classification in which the applicant is applying for licensure. Training received in a program offered at an accredited college or university or an equivalent program accepted by the Board may be used to satisfy not more than 3 years of experience required pursuant to this subsection.

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

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

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

(b) Has successfully completed:

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

(2) An equivalent program accepted by the Board.

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

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

(a) A financial statement that is:

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

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

(b) Any other information required by the Board.

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

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

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

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

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

(1) Shall determine the period that the limit is in effect; and

(2) During that period, may increase or decrease the limit as the Board deems appropriate.

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

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

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

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

~~(b) A statement setting forth the number of building permits issued to and construction projects completed by the licensee during the immediately~~

~~preceding year and any other information required by the Board. The statement submitted pursuant to this paragraph must be provided on a form approved by the Board.~~

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

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

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

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

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

~~(1) Shall determine the period that the limit is in effect; and~~

~~(2) During that period, may increase or decrease the limit as the Board deems appropriate.]~~

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

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

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

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

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

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

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

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

6. The Board shall adopt regulations prescribing the:

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

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

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

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

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

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

(a) An application for renewal;

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

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

(d) All information required to complete the renewal.

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

(a) A financial statement that is:

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

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

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

4. ~~[If]~~ ***Except as otherwise provided in subsection 5, if*** a license is automatically suspended pursuant to subsection 1, the licensee may have the license reinstated upon filing an application for renewal within 6 months after the date of suspension and paying, in addition to the fee for renewal, a fee for reinstatement fixed by the Board, if the licensee is otherwise in good standing and there are no complaints pending against the licensee. If the licensee is otherwise not in good standing or there is a complaint pending, the Board shall require the licensee to provide a current financial statement prepared by an independent certified public accountant or establish other conditions for reinstatement. An application for renewal must be accompanied by all information required to complete the renewal. A license which is not reinstated within 6 months after it is automatically suspended may be cancelled by the Board, and a new license may be issued only upon application for an original contractor's license.

5. If a license is automatically suspended pursuant to subsection 1 while the licensee was on active duty as a member of the Armed Forces of the United States, a reserve component thereof or the National Guard, the licensee may submit an application to the Board requesting the reinstatement of his or her license without the imposition of any penalty,

punishment or disciplinary action authorized by the provisions of this chapter. The Board may reinstate the license if:

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

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

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

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

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

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

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

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

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

3. It is unlawful for a licensed contractor to disseminate, as part of any advertising by the contractor, any false or misleading statement or representation of material fact that is intended, directly or indirectly, to induce another person to use the services of the contractor or to enter into any contract with the contractor or any obligation relating to such a contract.

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

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

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

chapter, issue an order to the person to cease and desist the unlawful advertising and to ~~[~~:

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

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

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

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

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

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

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

~~9.~~] ***8.*** As used in this section:

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

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

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

~~(d)~~] "Provider of telephone service" has the meaning ascribed to it in NRS 707.355.

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

the date the inactive status of the license is granted, unless otherwise provided by the Board.

Sec. 8. This act becomes effective:

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

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

Assemblywoman Spiegel moved that the Assembly concur in the Senate Amendment No. 660 to Assembly Bill No. 25.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

This amendment deletes language to clarify that a current member of the Armed Forces, its reserves, or the National Guard may apply to the Board for reinstatement of an automatically suspended license without penalty if the automatic suspension occurred while the licensee was on active duty.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 132.

The following Senate amendment was read:

Amendment No. 740.

AN ACT relating to employment; prohibiting the denial of employment because of the presence of marijuana in a screening test taken by a prospective employee with certain exceptions; authorizing an employee to rebut the results of a screening test under certain circumstances; ~~[creating a presumption that the ability of an employee to perform his or her job and that the safety of other employees is not adversely affected if an employee has certain levels of certain prohibited substances in his or her blood; providing penalties;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes various unlawful employment practices. (Chapter 613 of NRS)

Section 2 of this bill prohibits, with certain exceptions, an employer from denying employment to a prospective employee because the prospective employee has submitted to a drug screening test and the test indicates the presence of marijuana. **Section 2** further provides, however, that it is ~~[not unlawful]~~ **lawful** for an employer to condition the employment of a prospective employee who does not hold a valid registry identification card to engage in the medical use of marijuana on the prospective employee's abstention from use of marijuana while performing his or her duties of employment. Finally, **section 2** provides that if an employer requires an employee to submit to a screening test within his or her first 30 days of employment, the employer is required to accept ~~[as conclusive]~~ **and give**

appropriate consideration to the results of an additional screening test to which the employee submitted at his or her own expense.

~~[Existing law makes it an unlawful employment practice to fail or refuse to hire, discharge or otherwise discriminate against an employee because the employee engages in the lawful use of any product outside the premises of the employer during the employee's nonworking hours, if that use does not adversely affect the employee's ability to perform his or her job or the safety of other employees. (NRS 613.333) Section 3.5 of this bill specifies that this provision of existing law applies to the use of marijuana.~~

~~Existing law prohibits a person from driving or being in actual physical control of a vehicle on a highway or on premises to which the public has access if the person has an amount of marijuana or marijuana metabolite in his or her blood that is equal to or greater than 2 nanograms per milliliter or 5 nanograms per milliliter, respectively. (NRS 484C.110) Section 3.5 creates a presumption that the ability of an employee to perform his or her job and that the safety of other employees is not adversely affected if the employee has less than such amounts of marijuana or marijuana metabolite in his or her blood.~~]

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

Section 1. (Deleted by amendment.)

Sec. 2. Chapter 613 of NRS is hereby amended by adding thereto a new section to read as follows:

Except as otherwise specifically provided by law:

1. It is unlawful for any employer in this State to fail or refuse to hire a prospective employee because the prospective employee submitted to a screening test and the results of the screening test indicate the presence of marijuana.

2. The provisions of subsection 1 do not apply if the prospective employee is applying for a position:

(a) As a firefighter, as defined in NRS 450B.071;

(b) As an emergency medical technician, as defined in NRS 450B.065;

(c) That requires an employee to operate a motor vehicle and for which federal or state law requires the employee to submit to screening tests; or

(d) That, in the determination of the employer, could adversely affect the safety of others.

3. It is ~~[not unlawful]~~ lawful for an employer in this State to require , as a condition of employment, a prospective employee who does not hold a valid registry identification card ~~[to engage in the medical use of marijuana pursuant to chapter 453A of NRS]~~ , as defined in NRS 453A.140, to abstain from using marijuana while carrying out the duties of his or her employment . ~~[as a condition of employment.]~~

4. If an employer requires an employee to submit to a screening test within the first 30 days of employment, the employee shall have the right to submit to an additional screening test, at his or her own expense, to rebut

the results of the initial screening test. The employer shall accept and give appropriate consideration to the results of such a screening test.

5. The provisions of this section do not apply:

(a) To the extent that they are inconsistent or otherwise in conflict with the provisions of an employment contract or collective bargaining agreement.

(b) To the extent that they are inconsistent or otherwise in conflict with the provisions of federal law.

(c) To a position of employment funded by a federal grant.

6. As used in this section, "screening test" means a test of a person's blood, urine, hair or saliva to detect the general presence of a controlled substance or any other drug.

Sec. 3. (Deleted by amendment.)

Sec. 3.5. ~~[NRS 613.333 is hereby amended to read as follows:~~

~~613.333 1. It is an unlawful employment practice for an employer to:~~

~~(a) Fail or refuse to hire a prospective employee; or~~

~~(b) Discharge or otherwise discriminate against any employee concerning the employee's compensation, terms, conditions or privileges of employment, ~~*~~ because the employee engages in the lawful use in this state of any product outside the premises of the employer during the employee's nonworking hours, if that use does not adversely affect the employee's ability to perform his or her job or the safety of other employees.~~

~~2. ***For the purposes of subsection 1:***~~

~~***(a) It is presumed that the ability of an employee to perform his or her job and that the safety of other employees is not adversely affected if, during the working hours of the employee, the employee has an amount of a prohibited substance in his or her blood that is less than the amount set forth in subsection 4 of NRS 484C.110.***~~

~~***(b) The consumption of marijuana, as defined in NRS 453.096, in a manner that complies with the laws of this State is deemed to be the lawful use of a product.***~~

~~***3.*** An employee who is discharged or otherwise discriminated against in violation of subsection 1 or a prospective employee who is denied employment because of a violation of subsection 1 may bring a civil action against the employer who violates the provisions of subsection 1 and obtain:~~

~~(a) Any wages and benefits lost as a result of the violation;~~

~~(b) An order of reinstatement without loss of position, seniority or benefits;~~

~~(c) An order directing the employer to offer employment to the prospective employee; and~~

~~(d) Damages equal to the amount of the lost wages and benefits.~~

~~[3.] ***4.*** The court shall award reasonable costs, including court costs and attorney's fees to the prevailing party in an action brought pursuant to this section.~~

~~[4.] ***5.*** The remedy provided for in this section is the exclusive remedy for an action brought pursuant to this section.~~

~~*6. The provisions of this section do not apply:*~~

~~*(a) To the extent that they are inconsistent or otherwise in conflict with the provisions of an employment contract or collective bargaining agreement.*~~

~~*(b) To the extent that they are inconsistent or otherwise in conflict with the provisions of federal law.*~~

~~*(c) To a position of employment funded by a federal grant.]*~~ **(Deleted by amendment.)**

Sec. 4. This act becomes effective on ~~[July]~~ **January** 1, ~~[2019.]~~ **2020.**

Assemblywoman Spiegel moved that the Assembly concur in the Senate Amendment No. 740 to Assembly Bill No. 132.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 858.

AN ACT relating to employment; prohibiting the denial of employment because of the presence of marijuana in a screening test taken by a prospective employee with certain exceptions; authorizing an employee to rebut the results of a screening test under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes various unlawful employment practices. (Chapter 613 of NRS)

Section 2 of this bill prohibits, with certain exceptions, an employer from denying employment to a prospective employee because the prospective employee has submitted to a drug screening test and the test indicates the presence of marijuana. **Section 2** further provides ~~[, however, that it is lawful for an employer to condition the employment of a prospective employee who does not hold a valid registry identification card to engage in the medical use of marijuana on the prospective employee~~'s ~~abstention from use of marijuana while performing his or her duties of employment. Finally, section 2 provides]~~ that if an employer requires an employee to submit to a screening test within his or her first 30 days of employment, the employer is required to accept and give appropriate consideration to the results of an additional screening test to which the employee submitted at his or her own expense.

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

Section 1. (Deleted by amendment.)

Sec. 2. Chapter 613 of NRS is hereby amended by adding thereto a new section to read as follows:

Except as otherwise specifically provided by law:

1. It is unlawful for any employer in this State to fail or refuse to hire a prospective employee because the prospective employee submitted to a

screening test and the results of the screening test indicate the presence of marijuana.

2. The provisions of subsection 1 do not apply if the prospective employee is applying for a position:

(a) As a firefighter, as defined in NRS 450B.071;

(b) As an emergency medical technician, as defined in NRS 450B.065;

(c) That requires an employee to operate a motor vehicle and for which federal or state law requires the employee to submit to screening tests; or

(d) That, in the determination of the employer, could adversely affect the safety of others.

3. ~~[It is lawful for an employer in this State to require, as a condition of employment, a prospective employee who does not hold a valid registry identification card, as defined in NRS 453A.140, to abstain from using marijuana while carrying out the duties of his or her employment.~~

~~4.]~~ If an employer requires an employee to submit to a screening test within the first 30 days of employment, the employee shall have the right to submit to an additional screening test, at his or her own expense, to rebut the results of the initial screening test. The employer shall accept and give appropriate consideration to the results of such a screening test.

~~[5.]~~ 4. The provisions of this section do not apply:

(a) To the extent that they are inconsistent or otherwise in conflict with the provisions of an employment contract or collective bargaining agreement.

(b) To the extent that they are inconsistent or otherwise in conflict with the provisions of federal law.

(c) To a position of employment funded by a federal grant.

~~[6.]~~ 5. As used in this section, "screening test" means a test of a person's blood, urine, hair or saliva to detect the general presence of a controlled substance or any other drug.

Sec. 3. (Deleted by amendment.)

Sec. 3.5. (Deleted by amendment.)

Sec. 4. This act becomes effective on January 1, 2020.

Assemblyman Spiegel moved that the Assembly concur in the Senate Amendment No. 858 to Assembly Bill No. 132.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

These amendments clarify that it is lawful for an employer to require a prospective employee, as a condition of employment, to abstain from the use of marijuana if the prospective employee does not have a medical marijuana card. It deletes language that creates a presumption that the ability of an employee to perform his or her job and the safety of other employees is not adversely affected if the employee has less than 2 nanograms per milliliter or 5 nanograms per milliliter of marijuana or marijuana metabolite, respectively, in his or her blood. It changes the effective date of the bill and it deletes duplicative language.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 141.

The following Senate amendment was read:

Amendment No. 739.

AN ACT relating to pharmacy benefit managers; prohibiting a pharmacy benefit manager from imposing certain limitations on the conduct of a pharmacist or pharmacy under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law forbids a pharmacy benefit manager, which is defined as an entity that contracts with or is employed by a third party and manages the pharmacy benefits plan provided by the third party, from prohibiting a pharmacist or pharmacy from providing information to a person covered by a pharmacy benefits plan concerning the amount of any copayment or coinsurance for a prescription drug or the clinical efficacy of a less expensive alternative drug. (NRS 683A.179) This bill additionally forbids a pharmacy benefit manager from prohibiting a pharmacist or pharmacy, other than an institutional pharmacy or a pharmacist working in an institutional pharmacy, from providing information to such a person concerning the availability of a less expensive ~~[or more effective]~~ drug. ~~[If the usual and customary price of a covered prescription drug is lower than the amount of the copayment or coinsurance for the drug, this bill also prohibits a pharmacy benefit manager from prohibiting a pharmacist or pharmacy, other than an institutional pharmacy or a pharmacist working in an institutional pharmacy, from disclosing that price.]~~

Existing law prohibits a pharmacy benefit manager from penalizing a pharmacist or pharmacy for selling a less expensive alternative drug to a person covered by a pharmacy benefits plan. (NRS 683A.179) This bill also prohibits a pharmacy benefit manager from penalizing a pharmacist or pharmacy, other than an institutional pharmacy or a pharmacist working in an institutional pharmacy, for selling a less expensive generic ~~[drug or a more effective]~~ drug to such a person.

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

Section 1. NRS 683A.179 is hereby amended to read as follows:

683A.179 1. A pharmacy benefit manager shall not:

(a) Prohibit a pharmacist or pharmacy from providing information to a covered person concerning ~~[the]~~ ***:***

(1) The amount of any copayment or coinsurance for a prescription drug ~~[or informing a covered person concerning the]~~ ***; or***

(2) The availability of a less expensive alternative or generic drug ~~[or a more effective drug,]~~ including, without limitation, information concerning clinical efficacy of ***such*** a ~~[less expensive alternative]~~ drug; ~~***[or***~~

~~*(3) If the usual and customary price of a covered prescription drug is lower than the copayment or coinsurance for the drug, the amount of that usual and customary price.]*~~

(b) Penalize a pharmacist or pharmacy for providing the information described in paragraph (a) or selling a less expensive alternative ***or generic*** drug ~~*[for a more effective drug]*~~ to a covered person;

(c) Prohibit a pharmacy from offering or providing delivery services directly to a covered person as an ancillary service of the pharmacy; or

(d) If the pharmacy benefit manager manages a pharmacy benefits plan that provides coverage through a network plan, charge a copayment or coinsurance for a prescription drug in an amount that is greater than the total amount paid to a pharmacy that is in the network of providers under contract with the third party.

2. ***The provisions of this section:***

(a) Must not be construed to authorize a pharmacist to dispense a drug that has not been prescribed by a practitioner, as defined in NRS 639.0125.

(b) Do not apply to an institutional pharmacy, as defined in NRS 639.0085, or a pharmacist working in such a pharmacy as an employee or independent contractor.

3. As used in this section , "network ~~*[:*~~

~~*(a) "Network]*~~ plan" means a health benefit plan offered by a health carrier under which the financing and delivery of medical care is provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.

~~*[(b) "Usual and customary price" means the usual and customary charges that a pharmacy charges to the general public for a drug, as described in 42 C.F.R. § 447.512.]*~~

Sec. 2. 1. The provisions NRS 683A.179, as amended by section 1 of this act, apply to any contract entered into before, on or after July 1, 2019, with a pharmacy benefit manager to manage a pharmacy benefits plan for a third party.

2. As used in this section:

(a) "Pharmacy benefit manager" has the meaning ascribed to it in NRS 683A.174.

(b) "Pharmacy benefits plan" has the meaning ascribed to it in NRS 683A.175.

(c) "Third party" has the meaning ascribed to it in NRS 683A.176.

Sec. 3. This act becomes effective on July 1, 2019.

Assemblywoman Spiegel moved that the Assembly concur in the Senate Amendment No. 739 to Assembly Bill No. 141.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

This amendment eliminates the term "or a more effective drug" throughout the bill. It deletes some language related to pharmacists and pharmacies and it deletes language that defines the term "usual and customary price."

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 310.

The following Senate amendment was read:

Amendment No. 737.

AN ACT relating to prescriptions; requiring a prescription to be given to a pharmacy by electronic transmission in certain circumstances; providing certain exemptions; authorizing professional discipline and administrative penalties against a practitioner who violates that requirement; authorizing a written prescription to be given indirectly; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes the manner in which a prescription must be given. (NRS 639.2353) **Section 7** of this bill requires a prescription for a controlled substance to be given to a pharmacy by electronic transmission, except **in circumstances prescribed by the State Board of Pharmacy by regulation and** in certain **other** cases including: (1) prescriptions issued by a veterinarian; (2) certain situations where an electronic prescription is not practical or feasible or is prohibited by federal law; (3) when a prescription is not issued to a specific person; and (4) pursuant to a waiver granted by the ~~[State]~~ Board ~~[of Pharmacy]~~ under exceptional circumstances. **Sections 1-7** of this bill authorize professional discipline to be taken against a practitioner who fails to comply with the requirements of **section 7**. **Section 7** additionally authorizes the imposition of administrative penalties against such a practitioner, and **sections 7 and 9.5** of this bill provide that such a practitioner is subject only to those administrative penalties or professional discipline and is not subject to criminal penalties. **Sections 8-11** of this bill make conforming changes. **Section 8** also generally authorizes a written prescription to be given indirectly when an electronic prescription is not required.

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

Section 1. NRS 630.3062 is hereby amended to read as follows:

630.3062 1. The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

(a) Failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient.

(b) Altering medical records of a patient.

(c) Making or filing a report which the licensee knows to be false, failing to file a record or report as required by law or knowingly or willfully obstructing or inducing another to obstruct such filing.

(d) Failure to make the medical records of a patient available for inspection and copying as provided in NRS 629.061, if the licensee is the custodian of health care records with respect to those records.

(e) Failure to comply with the requirements of NRS 630.3068.

(f) Failure to report any person the licensee knows, or has reason to know, is in violation of the provisions of this chapter or the regulations of the Board within 30 days after the date the licensee knows or has reason to know of the violation.

(g) Failure to comply with the requirements of NRS 453.163, 453.164, 453.226, 639.23507 and 639.2391 to 639.23916, inclusive, ***and section 7 of this act*** and any regulations adopted by the State Board of Pharmacy pursuant thereto.

(h) Fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV.

2. As used in this section, "custodian of health care records" has the meaning ascribed to it in NRS 629.016.

Sec. 2. NRS 631.3475 is hereby amended to read as follows:

631.3475 The following acts, among others, constitute unprofessional conduct:

1. Malpractice;

2. Professional incompetence;

3. Suspension or revocation of a license to practice dentistry, the imposition of a fine or other disciplinary action by any agency of another state authorized to regulate the practice of dentistry in that state;

4. More than one act by the dentist or dental hygienist constituting substandard care in the practice of dentistry or dental hygiene;

5. Administering, dispensing or prescribing any controlled substance or any dangerous drug as defined in chapter 454 of NRS, if it is not required to treat the dentist's patient;

6. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(c) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS;

7. Chronic or persistent inebriety or addiction to a controlled substance, to such an extent as to render the person unsafe or unreliable as a practitioner, or such gross immorality as tends to bring reproach upon the dental profession;

8. Conviction of a felony or misdemeanor involving moral turpitude or which relates to the practice of dentistry in this State, or conviction of any criminal violation of this chapter;

9. Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

10. Failure to comply with the provisions of NRS 453.163, 453.164, 453.226, 639.23507 and 639.2391 to 639.23916, inclusive, ***and section 7 of this act*** and any regulations adopted by the State Board of Pharmacy pursuant thereto.

11. Fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV;

12. Failure to comply with the provisions of NRS 454.217 or 629.086;

13. Failure to obtain any training required by the Board pursuant to NRS 631.344; or

14. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This subsection applies to an owner or other principal responsible for the operation of the facility.

Sec. 3. NRS 632.347 is hereby amended to read as follows:

632.347 1. The Board may deny, revoke or suspend any license or certificate applied for or issued pursuant to this chapter, or take other disciplinary action against a licensee or holder of a certificate, upon determining that the licensee or certificate holder:

(a) Is guilty of fraud or deceit in procuring or attempting to procure a license or certificate pursuant to this chapter.

(b) Is guilty of any offense:

(1) Involving moral turpitude; or

(2) Related to the qualifications, functions or duties of a licensee or holder of a certificate,

➥ in which case the record of conviction is conclusive evidence thereof.

(c) Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

(d) Is unfit or incompetent by reason of gross negligence or recklessness in carrying out usual nursing functions.

(e) Uses any controlled substance, dangerous drug as defined in chapter 454 of NRS, or intoxicating liquor to an extent or in a manner which is dangerous or injurious to any other person or which impairs his or her ability to conduct the practice authorized by the license or certificate.

(f) Is a person with mental incompetence.

(g) Is guilty of unprofessional conduct, which includes, but is not limited to, the following:

(1) Conviction of practicing medicine without a license in violation of chapter 630 of NRS, in which case the record of conviction is conclusive evidence thereof.

(2) Impersonating any applicant or acting as proxy for an applicant in any examination required pursuant to this chapter for the issuance of a license or certificate.

(3) Impersonating another licensed practitioner or holder of a certificate.

(4) Permitting or allowing another person to use his or her license or certificate to practice as a licensed practical nurse, registered nurse, nursing assistant or medication aide - certified.

(5) Repeated malpractice, which may be evidenced by claims of malpractice settled against the licensee or certificate holder.

(6) Physical, verbal or psychological abuse of a patient.

(7) Conviction for the use or unlawful possession of a controlled substance or dangerous drug as defined in chapter 454 of NRS.

(h) Has willfully or repeatedly violated the provisions of this chapter. The voluntary surrender of a license or certificate issued pursuant to this chapter is prima facie evidence that the licensee or certificate holder has committed or expects to commit a violation of this chapter.

(i) Is guilty of aiding or abetting any person in a violation of this chapter.

(j) Has falsified an entry on a patient's medical chart concerning a controlled substance.

(k) Has falsified information which was given to a physician, pharmacist, podiatric physician or dentist to obtain a controlled substance.

(l) Has knowingly procured or administered a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328;

(3) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS; or

(4) Is an investigational drug or biological product prescribed to a patient pursuant to NRS 630.3735 or 633.6945.

(m) Has been disciplined in another state in connection with a license to practice nursing or a certificate to practice as a nursing assistant or medication aide - certified, or has committed an act in another state which would constitute a violation of this chapter.

(n) Has engaged in conduct likely to deceive, defraud or endanger a patient or the general public.

(o) Has willfully failed to comply with a regulation, subpoena or order of the Board.

(p) Has operated a medical facility at any time during which:

(1) The license of the facility was suspended or revoked; or

(2) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This paragraph applies to an owner or other principal responsible for the operation of the facility.

(q) Is an advanced practice registered nurse who has failed to obtain any training required by the Board pursuant to NRS 632.2375.

(r) Is an advanced practice registered nurse who has failed to comply with the provisions of NRS 453.163, 453.164, 453.226, 639.23507, 639.2391 to 639.23916, inclusive, ***and section 7 of this act*** and any regulations adopted by the State Board of Pharmacy pursuant thereto.

(s) Has engaged in the fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV.

(t) Has violated the provisions of NRS 454.217 or 629.086.

2. For the purposes of this section, a plea or verdict of guilty or guilty but mentally ill or a plea of nolo contendere constitutes a conviction of an offense. The Board may take disciplinary action pending the appeal of a conviction.

3. A licensee or certificate holder is not subject to disciplinary action solely for administering auto-injectable epinephrine pursuant to a valid order issued pursuant to NRS 630.374 or 633.707.

4. As used in this section, "investigational drug or biological product" has the meaning ascribed to it in NRS 454.351.

Sec. 4. NRS 633.511 is hereby amended to read as follows:

633.511 1. The grounds for initiating disciplinary action pursuant to this chapter are:

(a) Unprofessional conduct.

(b) Conviction of:

(1) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(2) A felony relating to the practice of osteopathic medicine or practice as a physician assistant;

(3) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

(4) Murder, voluntary manslaughter or mayhem;

(5) Any felony involving the use of a firearm or other deadly weapon;

(6) Assault with intent to kill or to commit sexual assault or mayhem;

(7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(8) Abuse or neglect of a child or contributory delinquency; or

(9) Any offense involving moral turpitude.

(c) The suspension of a license to practice osteopathic medicine or to practice as a physician assistant by any other jurisdiction.

(d) Malpractice or gross malpractice, which may be evidenced by a claim of malpractice settled against a licensee.

(e) Professional incompetence.

(f) Failure to comply with the requirements of NRS 633.527.

(g) Failure to comply with the requirements of subsection 3 of NRS 633.471.

(h) Failure to comply with the provisions of NRS 633.694.

(i) Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(1) The license of the facility is suspended or revoked; or

(2) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This paragraph applies to an owner or other principal responsible for the operation of the facility.

(j) Failure to comply with the provisions of subsection 2 of NRS 633.322.

(k) Signing a blank prescription form.

(l) Knowingly or willfully procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328;

(3) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS; or

(4) Is an investigational drug or biological product prescribed to a patient pursuant to NRS 630.3735 or 633.6945.

(m) Attempting, directly or indirectly, by intimidation, coercion or deception, to obtain or retain a patient or to discourage the use of a second opinion.

(n) Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient.

(o) In addition to the provisions of subsection 3 of NRS 633.524, making or filing a report which the licensee knows to be false, failing to file a record or report that is required by law or knowingly or willfully obstructing or inducing another to obstruct the making or filing of such a record or report.

(p) Failure to report any person the licensee knows, or has reason to know, is in violation of the provisions of this chapter or the regulations of the Board

within 30 days after the date the licensee knows or has reason to know of the violation.

(q) Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

(r) Engaging in any act that is unsafe in accordance with regulations adopted by the Board.

(s) Failure to comply with the provisions of NRS 629.515.

(t) Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.

(u) Failure to obtain any training required by the Board pursuant to NRS 633.473.

(v) Failure to comply with the provisions of NRS 633.6955.

(w) Failure to comply with the provisions of NRS 453.163, 453.164, 453.226, 639.23507, 639.2391 to 639.23916, inclusive, ***and section 7 of this act*** and any regulations adopted by the State Board of Pharmacy pursuant thereto.

(x) Fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV.

(y) Failure to comply with the provisions of NRS 454.217 or 629.086.

2. As used in this section, "investigational drug or biological product" has the meaning ascribed to it in NRS 454.351.

Sec. 5. NRS 635.130 is hereby amended to read as follows:

635.130 1. The Board, after notice and a hearing as required by law, and upon any cause enumerated in subsection 2, may take one or more of the following disciplinary actions:

(a) Deny an application for a license or refuse to renew a license.

(b) Suspend or revoke a license.

(c) Place a licensee on probation.

(d) Impose a fine not to exceed $5,000.

2. The Board may take disciplinary action against a licensee for any of the following causes:

(a) The making of a false statement in any affidavit required of the applicant for application, examination or licensure pursuant to the provisions of this chapter.

(b) Lending the use of the holder's name to an unlicensed person.

(c) If the holder is a podiatric physician, permitting an unlicensed person in his or her employ to practice as a podiatry hygienist.

(d) Habitual indulgence in the use of alcohol or any controlled substance which impairs the intellect and judgment to such an extent as in the opinion of the Board incapacitates the holder in the performance of his or her professional duties.

(e) Conviction of a crime involving moral turpitude.

(f) Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

(g) Conduct which in the opinion of the Board disqualifies the licensee to practice with safety to the public.

(h) The commission of fraud by or on behalf of the licensee regarding his or her license or practice.

(i) Gross incompetency.

(j) Affliction of the licensee with any mental or physical disorder which seriously impairs his or her competence as a podiatric physician or podiatry hygienist.

(k) False representation by or on behalf of the licensee regarding his or her practice.

(l) Unethical or unprofessional conduct.

(m) Failure to comply with the requirements of subsection 1 of NRS 635.118.

(n) Willful or repeated violations of this chapter or regulations adopted by the Board.

(o) Willful violation of the regulations adopted by the State Board of Pharmacy.

(p) Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(3) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS.

(q) Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(1) The license of the facility is suspended or revoked; or

(2) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This paragraph applies to an owner or other principal responsible for the operation of the facility.

(r) Failure to obtain any training required by the Board pursuant to NRS 635.116.

(s) Failure to comply with the provisions of NRS 453.163, 453.164, 453.226, 639.23507 and 639.2391 to 639.23916, inclusive, ***and section 7 of this act*** and any regulations adopted by the State Board of Pharmacy pursuant thereto.

(t) Fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV.

(u) Failure to comply with the provisions of NRS 454.217 or 629.086.

Sec. 6. NRS 636.295 is hereby amended to read as follows:

636.295 The following acts, conduct, omissions, or mental or physical conditions, or any of them, committed, engaged in, omitted, or being suffered by a licensee, constitute sufficient cause for disciplinary action:

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

2. Commission by the licensee of a felony relating to the practice of optometry or a gross misdemeanor involving moral turpitude of which the licensee has been convicted and from which he or she has been sentenced by a final judgment of a federal or state court in this or any other state, the judgment not having been reversed or vacated by a competent appellate court and the offense not having been pardoned by executive authority.

3. Conviction of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

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

5. Habitual drunkenness or addiction to any controlled substance.

6. Gross incompetency.

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

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

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

10. Perpetration of unethical or unprofessional conduct in the practice of optometry.

11. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(c) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS.

12. Any violation of the provisions of this chapter or any regulations adopted pursuant thereto.

13. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This subsection applies to an owner or other principal responsible for the operation of the facility.

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

15. Failure to comply with the provisions of NRS 453.163, 453.164, 453.226, 639.23507, 639.2391 to 639.23916, inclusive, ***and section 7 of this act*** and any regulations adopted by the State Board of Pharmacy pursuant thereto.

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

Sec. 7. Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this subsection ~~[,]~~ ***and except as otherwise provided by regulations adopted by the Board, a prescription for a controlled substance must be given to a pharmacy by electronic transmission in accordance with the regulations adopted by the Board. The requirements of this subsection do not apply to a prescription:***

(a) Issued by a veterinarian;

(b) Issued under circumstances prescribed by regulation of the Board where:

(1) Electronic transmission is unavailable due to technologic or electronic failure; or

(2) The drug will be dispensed at a pharmacy located outside of this State;

(c) Issued by a practitioner who will also dispense the drug;

(d) That includes, without limitation, information that is not supported by the program for electronically transmitting prescriptions prescribed by the National Council for Prescription Drug Programs or its successor organization or, if that entity ceases to exist, a program designated by the Board;

(e) For which electronic prescribing is prohibited by federal law;

(f) That is not issued for a specific patient;

(g) Issued pursuant to a protocol for research;

(h) Issued by a practitioner who has received a waiver from the Board pursuant to subsection 2; or

(i) Issued under circumstances in which the practitioner determines that:

(1) The patient is unable to obtain the drug in a timely manner if the prescription is given by electronic transmission; and

(2) Delay will adversely affect the patient's medical condition.

2. The Board may exempt a practitioner from the requirements of subsection 1 for not more than 1 year if the Board determines that the

practitioner is unable to give a prescription to a pharmacy by electronic transmission because of economic hardship, technological limitations that are not within the control of the practitioner or other exceptional circumstances.

3. A prescription for a controlled substance given to a pharmacy by a means other than electronic transmission under the conditions prescribed in subsection 1 or 2 must be given:

(a) Directly from the practitioner to a pharmacist;

(b) Indirectly by means of an order or written prescription signed by the practitioner;

(c) By an order transmitted orally by an agent of the practitioner; or

(d) By transmission using a facsimile machine.

4. This section must not be construed to require a pharmacist to:

(a) Verify that a prescription that is given by means other than electronic transmission meets the requirements of subsection 1; or

(b) Require a practitioner to indicate in a prescription for a controlled substance given to a pharmacy by means other than electronic transmission under the conditions prescribed in subsection 1 or 2 the circumstances authorizing the alternative means of delivery.

5. If the Board determines that a person has violated any provision of this section or any regulations adopted pursuant thereto, the Board may:

(a) Issue and serve on the person an order to cease and desist the conduct, which must include, without limitation, the telephone number to contact the Board.

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

(c) Assess against the person an administrative fine of not more than $5,000.

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

6. Violation of any provision of this section or any regulations adopted pursuant thereto is subject only to the administrative penalties described in subsection 5 and any professional discipline imposed by the Board.

Sec. 8. NRS 639.2353 is hereby amended to read as follows:

639.2353 Except as otherwise provided in ***section 7 of this act, a regulation adopted pursuant thereto or*** a regulation adopted pursuant to NRS 453.385 or 639.2357:

1. A prescription must be given:

(a) Directly from the practitioner to a pharmacist;

(b) Indirectly by means of an order ***or written prescription*** signed by the practitioner;

(c) By an oral order transmitted by an agent of the practitioner; or

(d) ~~[Except as otherwise provided in subsection 5, by]~~ ***By*** electronic transmission or transmission by a facsimile machine, including, without limitation, transmissions made from a facsimile machine to another facsimile machine, a computer equipped with a facsimile modem to a facsimile machine or a computer to another computer, pursuant to the regulations of the Board.

2. A written prescription must contain:

(a) Except as otherwise provided in this section, the name and signature of the practitioner, the registration number issued to the practitioner by the Drug Enforcement Administration and the address of the practitioner if that address is not immediately available to the pharmacist;

(b) The classification of his or her license;

(c) The name and date of birth of the patient, and the address of the patient if not immediately available to the pharmacist;

(d) The name, strength and quantity of the drug prescribed and the number of days that the drug is to be used, beginning on the day on which the prescription is filled;

(e) The symptom or purpose for which the drug is prescribed, if included by the practitioner pursuant to NRS 639.2352;

(f) Directions for use, including, without limitation, the dose of the drug prescribed, the route of administration and the number of refills authorized, if applicable;

(g) The code established in the International Classification of Diseases, Tenth Revision, Clinical Modification, adopted by the National Center for Health Statistics and the Centers for Medicare and Medicaid Services, or the code used in any successor classification system adopted by the National Center for Health Statistics and the Centers for Medicare and Medicaid Services, that corresponds to the diagnosis for which the controlled substance was prescribed; and

(h) The date of issue.

3. The directions for use must be specific in that they indicate the portion of the body to which the medication is to be applied or, if to be taken into the body by means other than orally, the orifice or canal of the body into which the medication is to be inserted or injected.

4. Each written prescription must be written in such a manner that any registered pharmacist would be able to dispense it. A prescription must be written in Latin or English and may include any character, figure, cipher or abbreviation which is generally used by pharmacists and practitioners in the writing of prescriptions.

~~[5. A prescription for a controlled substance must not be given by electronic transmission or transmission by a facsimile machine unless~~

~~authorized by federal law and NRS 439.581 to 439.595, inclusive, and the regulations adopted pursuant thereto.~~

~~6.~~ **5.** A prescription that is given by electronic transmission is not required to contain the signature of the practitioner if:

(a) It contains a facsimile signature, security code or other mark that uniquely identifies the practitioner;

(b) A voice recognition system, biometric identification technique or other security system approved by the Board is used to identify the practitioner; or

(c) It complies with the provisions of NRS 439.581 to 439.595, inclusive, and the regulations adopted pursuant thereto.

Sec. 9. NRS 639.2583 is hereby amended to read as follows:

639.2583 1. Except as otherwise provided in this section, if a practitioner has prescribed a:

(a) Drug by brand name and the practitioner has not indicated, by a method set forth in subsection 5, that a substitution is prohibited, the pharmacist who fills or refills the prescription shall dispense, in substitution, another drug which is available to him or her if the other drug:

(1) Is less expensive than the drug prescribed by brand name;

(2) Is biologically equivalent to the drug prescribed by brand name;

(3) Has the same active ingredient or ingredients of the same strength, quantity and form of dosage as the drug prescribed by brand name; and

(4) Is of the same generic type as the drug prescribed by brand name.

(b) Biological product and the practitioner has not indicated, by a method set forth in subsection 5, that a substitution is prohibited, the pharmacist who fills or refills the prescription shall dispense, in substitution, another biological product which is available to him or her if the other biological product:

(1) Is an interchangeable biological product for the biological product prescribed; and

(2) Is less expensive than the biological product prescribed by brand name.

2. If the pharmacist has available to him or her more than one drug or interchangeable biological product that may be substituted for the drug prescribed by brand name or biological product prescribed, the pharmacist shall dispense, in substitution, the least expensive of the drugs or interchangeable biological products that are available to him or her for substitution.

3. Before a pharmacist dispenses a drug or biological product in substitution for a drug prescribed by brand name or biological product prescribed, the pharmacist shall:

(a) Advise the person who presents the prescription that the pharmacist intends to dispense a drug or biological product in substitution; and

(b) Advise the person that he or she may refuse to accept the drug or biological product that the pharmacist intends to dispense in substitution, unless the pharmacist is being paid for the drug by a governmental agency.

4. If a person refuses to accept the drug or biological product that the pharmacist intends to dispense in substitution, the pharmacist shall dispense the drug prescribed by brand name or biological product prescribed, unless the pharmacist is being paid for the drug or biological product by a governmental agency, in which case the pharmacist shall dispense the drug or biological product in substitution.

5. A pharmacist shall not dispense a drug or biological product in substitution for a drug prescribed by brand name or biological product prescribed if the practitioner has indicated that a substitution is prohibited using one or more of the following methods:

(a) By oral communication to the pharmacist at any time before the drug or biological product is dispensed.

(b) By handwriting the words "Dispense as Written" on the form used for the prescription, including, without limitation, any form used for transmitting the prescription from a facsimile machine to another facsimile machine. The pharmacist shall disregard the words "Dispense as Written" if they have been placed on the form used for the prescription by preprinting or other mechanical process or by any method other than handwriting.

(c) By including the words "Dispense as Written" in any prescription that is given to the pharmacist by electronic transmission pursuant to ***section 7 of this act and*** the regulations of the Board or in accordance with NRS 439.581 to 439.595, inclusive, and the regulations adopted pursuant thereto, including, without limitation, an electronic transmission from a computer equipped with a facsimile modem to a facsimile machine or from a computer to another computer pursuant to the regulations of the Board.

6. The provisions of this section also apply to a prescription issued to a person by a practitioner from outside this State if the practitioner has not indicated, by a method set forth in subsection 5, that a substitution is prohibited.

7. The provisions of this section do not apply to:

(a) A prescription drug or biological product that is dispensed to any inpatient of a hospital by an inpatient pharmacy which is associated with that hospital;

(b) A prescription drug that is dispensed to any person by mail order or other common carrier by an Internet pharmacy which is certified by the Board pursuant to NRS 639.23288 and authorized to provide service by mail order or other common carrier pursuant to the provisions of this chapter; or

(c) A prescription drug or biological product that is dispensed to any person by a pharmacist if the substitution:

(1) Would violate the terms of a health care plan that maintains a mandatory, exclusive or closed formulary for its coverage for prescription drugs and biological products; or

(2) Would otherwise make the transaction ineligible for reimbursement by a third party.

Sec. 9.5. NRS 639.310 is hereby amended to read as follows:

639.310 Except as otherwise provided in NRS 639.23916 ~~[,]~~ ***and section 7 of this act,*** unless a greater penalty is specified, any person who violates any of the provisions of this chapter is guilty of a misdemeanor.

Sec. 10. NRS 453.256 is hereby amended to read as follows:

453.256 1. ~~[Except as otherwise provided in subsection 2, a substance included in schedule II must not be dispensed without the written prescription of a practitioner.~~

~~2. A controlled substance included in schedule II may be dispensed without the written prescription of a practitioner only:~~

~~(a) In an emergency, as defined by regulation of the Board, upon oral prescription of a practitioner, reduced to writing promptly and in any case within 72 hours, signed by the practitioner and filed by the pharmacy.~~

~~(b) Pursuant to an electronic prescription of a practitioner which complies with any regulations adopted by the Board concerning the use of electronic prescriptions.~~

~~(c) Upon the use of a facsimile machine to transmit the prescription for a substance included in schedule II by a practitioner or a practitioner's agent to a pharmacy for:~~

~~(1) Direct administration to a patient by parenteral solution; or~~

~~(2) A resident of a facility for intermediate care or a facility for skilled nursing which is licensed as such by the Division of Public and Behavioral Health of the Department.~~

~~➥ A prescription transmitted by a facsimile machine pursuant to this paragraph must be printed on paper which is capable of being retained for at least 2 years. For the purposes of this section, an electronic prescription or a prescription transmitted by facsimile machine constitutes a written prescription. The pharmacy shall keep prescriptions in conformity with the requirements of NRS 453.246.~~] ***A prescription for a controlled substance must be given to a pharmacy in compliance with section 7 of this act.*** A prescription for a substance included in schedule II must not be refilled.

~~[3. Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, a substance included in schedule III or IV which is a dangerous drug as determined under NRS 454.201, must not be dispensed without a written or oral prescription of a practitioner. The~~] ***A*** prescription ***for a substance included in schedule III or IV which is a dangerous drug as determined under NRS 454.201*** must not be filled or refilled more than 6 months after the date thereof or be refilled more than five times, unless renewed by the practitioner.

~~[4.]~~ ***2.*** A substance included in schedule V may be distributed or dispensed only for a medical purpose, including medical treatment or authorized research.

~~[5.]~~ ***3.*** A practitioner may dispense or deliver a controlled substance to or for a person or animal only for medical treatment or authorized research in the ordinary course of his or her profession.

~~[6.]~~ ***4.*** No civil or criminal liability or administrative sanction may be imposed on a pharmacist for action taken in good faith in reliance on a reasonable belief that an order purporting to be a prescription was issued by a practitioner in the usual course of professional treatment or in authorized research.

~~[7.]~~ ***5.*** An individual practitioner may not dispense a substance included in schedule II, III or IV for the practitioner's own personal use except in a medical emergency.

~~[8.]~~ ***6.*** A person who violates this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

~~[9.]~~ ***7.*** As used in this section ~~[~~:

~~(a) "Facsimile machine" means a device which sends or receives a reproduction or facsimile of a document or photograph which is transmitted electronically or telephonically by telecommunications lines.~~

~~(b) "Medical]~~ ***, "medical*** treatment" includes dispensing or administering a narcotic drug for pain, whether or not intractable.

~~[(c) "Parenteral solution" has the meaning ascribed to it in NRS 639.0105.]~~

Sec. 11. NRS 453.385 is hereby amended to read as follows:

453.385 1. Each prescription for a controlled substance must comply with the regulations of the Board adopted pursuant to subsection 2.

2. The Board shall, by regulation, adopt requirements for:

(a) The form and content of a prescription for a controlled substance. The requirements may vary depending upon the schedule of the controlled substance.

(b) Transmitting a prescription for a controlled substance to a pharmacy. The requirements may vary depending upon the schedule of the controlled substance.

(c) The form and contents of an order for a controlled substance given for a patient in a medical facility and the requirements for keeping records of such orders.

3. Except as otherwise provided in this subsection, the regulations adopted pursuant to subsection 2 must:

(a) Ensure compliance with, but may be more stringent than required by, applicable federal law governing controlled substances and the rules, regulations and orders of any federal agency administering such law. The regulations adopted pursuant to paragraph (b) of subsection 2 for the electronic transmission or transmission by a facsimile machine of a prescription for a controlled substance must not be more stringent than federal law governing the electronic transmission or transmission by a facsimile machine of a prescription for a controlled substance or the rules, regulations or orders of any federal agency administering such law; and

(b) Be consistent with the provisions of NRS 439.581 to 439.595, inclusive, ***and section 7 of this act*** and the regulations adopted pursuant thereto.

Sec. 12. (Deleted by amendment.)

Sec. 13. This act becomes effective:

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

2. On January 1, 2021, for all other purposes.

Assemblywoman Spiegel moved that the Assembly concur in the Senate Amendment No. 737 to Assembly Bill No. 310.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Amendment 737 to Assembly Bill 310 clarifies that a prescription for a controlled substance must be given to a pharmacy by electronic transmission, except in circumstances prescribed by the State Board of Pharmacy in regulation and in certain other cases.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 457.

The following Senate amendment was read:

Amendment No. 661.

AN ACT relating to chiropractic; **providing for the performance of dry needling by a chiropractor;** revising provisions relating to membership of the Chiropractic Physicians' Board of Nevada; revising provisions governing the application for a license to practice chiropractic; revising the time period in which a qualified applicant for a license to practice chiropractic may practice while waiting to take the Board's examination; revising provisions relating to temporary licenses to practice chiropractic; authorizing the Board to adopt certain regulations concerning the renewal of certain licenses and certificates; revising provisions relating to reinstating a license to practice chiropractic; revising provisions governing disciplinary action by the Board; repealing the definition of gross malpractice; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Chiropractic Physicians' Board of Nevada, consisting of seven members, and prohibits three or more persons who are resident graduates of the same school or college of chiropractic from serving on the Board at the same time. (NRS 634.020) **Section ~~1~~ 1.5** of this bill removes this prohibition.

Existing law requires an applicant for a license to practice chiropractic, not less than 60 days before the date of the licensing examination, to: (1) file an application for examination with the Secretary of the Board; (2) submit certain evidence relating to his or her qualifications for licensure; and (3) pay the examination application fee. (NRS 634.080, 634.090, 634.100) **Sections 2-4** of this bill eliminate the requirement for such actions to be completed 60 days in advance.

Section 2 of this bill additionally authorizes an applicant to take the licensing examination any time after the Executive Director of the Board

determines that his or her application is complete. **Section 3** of this bill additionally requires an applicant to submit evidence that the applicant has successfully: (1) completed certain parts of the examination administered by the National Board of Chiropractic Examiners; or (2) completed certain exit examinations from certain colleges of chiropractic.

Existing law authorizes an applicant for a license to practice chiropractic who has certain qualifications to perform chiropractic under the direct supervision of a chiropractor while the applicant is waiting to take the Board's examination. Existing law prohibits an applicant from practicing in such a manner for longer than 2 years. (NRS 634.105) **Section 5** of this bill prohibits an applicant from practicing in such a manner for longer than 90 days.

Existing law requires an applicant for a temporary license to practice chiropractic to file an application for a temporary license with the Secretary of the Board. (NRS 634.115) **Section 5.5** of this bill requires an applicant to file such an application with the Executive Director of the Board.

Existing law requires a license to practice chiropractic or a certificate as a chiropractor's assistant to be renewed biennially. Existing law requires a chiropractor and a chiropractor's assistant to submit satisfactory proof to the Board that he or she attended a certain number of hours of continuing education. (NRS 634.130) **Section 6** of this bill authorizes the Board to adopt regulations that provide for random audits of chiropractors and chiropractor's assistants to ensure compliance with these continuing education requirements. Existing law authorizes the Board to waive the renewal fee for a chiropractor or a chiropractor's assistant if the chiropractor or chiropractor's assistant was in active military service at the time the renewal fee was due. (NRS 634.130) **Section 6** authorizes the Board to adopt regulations that provide for the prorating or waiving of a renewal fee if such prorating or waiving is based on the date on which: (1) the license to practice chiropractic or certificate to practice as a chiropractor's assistant was issued by the Board; and (2) such a license or certificate must be renewed.

Existing law authorizes a person who held a license that has expired to apply to the Board to have the license reinstated to active status. Existing law requires such an applicant for reinstatement of his or her license to score 75 percent or higher on an examination prescribed by the Board on the provisions relating to the practice of chiropractic. (NRS 634.131) **Section 7** requires such an applicant to score: (1) for certain written, closed-book examinations, 75 percent or higher; or (2) for certain written, open-book examinations or online examinations, 90 percent or higher.

Existing law prescribes the grounds for initiating disciplinary action, including conviction of a felony relating to the practice of chiropractic. (NRS 634.140) **Section 8** of this bill revises the grounds by including conviction for any crime and adding incompetence or negligence in the practice of chiropractic as a ground for disciplinary action.

Existing law provides that a person charged with a ground for disciplinary action is entitled to a hearing before the Board. Existing law further provides

that if the Board finds the person guilty as charged in a complaint, the Board may order specified disciplinary actions. (NRS 634.190) **Section 9** of this bill revises provisions governing the Board's finding to whether the person committed one or more of the charges made in the complaint. **Section 9** also provides that the Board's order of disciplinary action may contain such terms, provisions or conditions as the Board deems proper to remedy or address the facts and circumstances of the case.

Existing law provides immunity from civil action for the Board or any person or other organization which initiates or assists in any lawful investigation or proceeding concerning the discipline of a chiropractor for gross malpractice, repeated malpractice or unprofessional conduct. (NRS 634.216) ~~[Existing law provides that unprofessional conduct includes malpractice. (NRS 634.018)]~~ **Section 10** of this bill **extends this immunity from civil action to the initiation or assistance in any lawful investigation or disciplinary proceeding rather than only to investigations or disciplinary proceedings related to gross malpractice, repeated malpractice or unprofessional conduct. Section 10 further** amends this provision to remove: (1) gross malpractice, the definition of which is repealed by **section 11** of this bill; and (2) repeated malpractice, which is no longer specified as an independent ground for disciplinary action.

Existing law prohibits a chiropractor from piercing or severing any body tissue, except to draw blood for diagnostic purposes. (NRS 634.225) Section 10.5 of this bill adds an exception to this prohibition for the performance of dry needling by a chiropractor who is authorized to do so by regulations adopted by the Board. Section 1 of this bill requires the Board to adopt regulations regarding the qualifications a chiropractor must obtain before he or she is authorized to perform dry needling, which qualifications must include not less than 150 hours of didactic education and training in dry needling.

Section 10.5 also prohibits a chiropractor from offering to engage in, advertising, soliciting or otherwise claiming to be able to perform acupuncture unless he or she is licensed to practice Oriental medicine. However, under section 10.5, a chiropractor who is qualified to perform dry needling pursuant to the regulations adopted by the Board is authorized to offer to engage in, advertise, solicit or otherwise claim to be able to perform dry needling.

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

Section 1. **Chapter 634 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The Board shall adopt regulations establishing the qualifications a chiropractor must obtain before he or she is authorized to perform dry needling. The qualifications adopted by regulation pursuant to this section

must include, without limitation, the successful completion of not less than 150 hours of didactic education and training in dry needling.

2. As used in this section, "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.

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 634.020 is hereby amended to read as follows:

634.020 1. The Chiropractic Physicians' Board of Nevada, consisting of seven members appointed by the Governor, is hereby created.

2. The Governor shall appoint:

(a) Four members who are:

(1) Graduates of chiropractic schools or colleges giving a course of study embracing the following subjects: Anatomy, bacteriology, chiropractic theory and practice, diagnosis or analysis, elementary chemistry and toxicology, histology, hygiene and sanitation, obstetrics and gynecology, pathology, physiology and symptomatology;

(2) Licensed under this chapter; and

(3) Actually engaged in the practice of chiropractic in this State and who have been so engaged in this State for at least 3 years preceding their appointment.

(b) One member who represents the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care. This member may be licensed under the provisions of this chapter.

(c) Two members who are representatives of the general public. A member appointed pursuant to this paragraph must not be:

(1) A chiropractor or a chiropractor's assistant; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a chiropractor or a chiropractor's assistant.

3. At least two of the appointees must have had a course in physiotherapy in a school or college of chiropractic. ~~[Not more than two persons who are resident graduates of the same school or college of chiropractic may serve simultaneously as members of the Board.]~~

Sec. 2. NRS 634.080 is hereby amended to read as follows:

634.080 1. An applicant for examination must file an application ~~[not less than 60 days before the date of the examination.~~

~~2. An application must be filed~~] with the Secretary of the Board on a form to be furnished by the ~~[Secretary.]~~ ***Executive Director of the Board. An applicant may take the examination any time after the Executive Director determines that his or her application is complete.***

~~[3.]~~ ***2.*** An application must be verified and must state:

(a) When and where the applicant was born, the various places of the applicant's residence during the 5 years immediately preceding the making of the application and the address to which he or she wishes the Board to mail the license.

(b) The name, age and sex of the applicant.

(c) The names and post office addresses of all persons by whom the applicant has been employed for a period of 5 years immediately preceding the making of the application.

(d) Whether or not the applicant has ever applied for a license to practice chiropractic in any other state and, if so, when and where and the results of the application.

(e) Whether the applicant is a citizen of the United States or lawfully entitled to remain and work in the United States.

(f) Whether or not the applicant has ever been admitted to the practice of chiropractic in any other state and, if so, whether any discharge, dismissal, disciplinary or other similar proceedings have ever been instituted against the applicant. Such an applicant must also attach a certificate from the chiropractic board of each state in which the applicant was licensed, certifying that the applicant is a member in good standing of the chiropractic profession in that state, and that no proceedings affecting the applicant's standing as a chiropractor are undisposed of and pending.

(g) The applicant's general and chiropractic education, including the schools attended and the time of attendance at each school, and whether the applicant is a graduate of any school or schools.

(h) The names of:

(1) Two persons who have known the applicant for at least 3 years; and

(2) A person who is a chiropractor licensed pursuant to the provisions of this chapter or a professor at a school of chiropractic.

(i) All other information required to complete the application.

~~[4.]~~ ***3.*** An application must include a copy of the applicant's official transcript from the school or college of chiropractic from which the applicant received his or her degree of doctor of chiropractic, which must be transmitted by the school or college of chiropractic directly to the Board.

Sec. 3. NRS 634.090 is hereby amended to read as follows:

634.090 1. An applicant must, in addition to the requirements of NRS 634.070 and 634.080, furnish satisfactory evidence to the Board:

(a) That the applicant is of good moral character;

(b) Except as otherwise provided in subsections 2 and 5, ~~[not less than 60 days before the date of the examination,]~~ that the applicant has a high school education and is a graduate from a college of chiropractic which is accredited

by the Council on Chiropractic Education or which has a reciprocal agreement with the Council on Chiropractic Education or any governmental accrediting agency, whose minimum course of study leading to the degree of doctor of chiropractic consists of not less than 4,000 hours of credit which includes instruction in each of the following subjects:

(1) Anatomy;
(2) Bacteriology;
(3) Chiropractic theory and practice;
(4) Diagnosis and chiropractic analysis;
(5) Elementary chemistry and toxicology;
(6) Histology;
(7) Hygiene and sanitation;
(8) Obstetrics and gynecology;
(9) Pathology;
(10) Physiology; and
(11) Physiotherapy; and

(c) That the applicant ~~[:]~~ ***has successfully:***

(1) ~~[Holds certificates which indicate that he or she has passed]~~ ***Completed*** parts I, II, III and IV, and the portion relating to physiotherapy, of the examination administered by the National Board of Chiropractic Examiners ~~[;]~~ ***or its successor organization;*** or

(2) ~~[Has actively practiced chiropractic in another state for not fewer than 7 of the immediately preceding 10 years without having any adverse disciplinary action taken against him or her.]~~ ***Completed an examination that is required to graduate from a college of chiropractic which is accredited by the Council on Chiropractic Education or which has a reciprocal agreement with the Council on Chiropractic Education or any governmental accrediting agency. Such an examination must be:***

(I) Administered by such a college; and

(II) Approved by the Board.

2. The Board may, for good cause shown, waive the requirement for a particular applicant that the college of chiropractic from which the applicant graduated must be accredited by the Council on Chiropractic Education or have a reciprocal agreement with the Council on Chiropractic Education or a governmental accrediting agency.

3. Except as otherwise provided in subsections 4 and 5, every applicant is required to submit evidence of the successful completion of not less than 60 credit hours at an accredited college or university.

4. Any applicant who has been licensed to practice in another state, and has been in practice for not less than 5 years, is not required to comply with the provisions of subsection 3.

5. If an applicant has received his or her training and education at a school or college located in a foreign country, the Board may, if the Board determines that such training and education is substantially equivalent to graduation from a college of chiropractic that is accredited by the Council on Chiropractic

Education and otherwise meets the requirements specified in paragraph (b) of subsection 1, waive the requirement that an applicant attend or graduate from a college that:

(a) Is accredited by the Council on Chiropractic Education; or

(b) Has a reciprocal agreement with the Council on Chiropractic Education or a governmental accrediting agency.

Sec. 4. NRS 634.100 is hereby amended to read as follows:

634.100 1. An applicant for a license to practice chiropractic in this State must pay the required fee to the Secretary of the Board ~~[not less than 60 days]~~ before the date of the examination.

2. Except as otherwise provided in NRS 622.090:

(a) For a written, closed-book examination which is administered in person by the Board, a score of 75 percent or higher in all subjects taken on the examination is a passing score.

(b) For a written, open-book examination which is administered in person by the Board or an examination that is taken online, a score of 90 percent or higher in all subjects taken on the examination is a passing score.

3. If an applicant fails to pass the first examination, the applicant may take a second examination within 1 year without payment of any additional fees. Except as otherwise provided in NRS 622.090, credit must be given on this examination for all subjects previously passed.

4. An applicant for a certificate as a chiropractor's assistant must pay the required fee to the Secretary of the Board before the application may be considered.

Sec. 5. NRS 634.105 is hereby amended to read as follows:

634.105 An applicant for a license to practice chiropractic who has the qualifications prescribed in NRS 634.090 may, while waiting to take the Board's examination but for no longer than ~~[2 years,]~~ ***90 days,*** perform chiropractic, including, without limitation, chiropractic adjustment or manipulation, under the direct supervision of a chiropractor who is professionally and legally responsible for the applicant's performance.

Sec. 5.5. NRS 634.115 is hereby amended to read as follows:

634.115 1. Except as otherwise provided in subsections 4 and 5, upon application, payment of the fee, if required, and the approval of its ~~[Secretary]~~ ***Executive Director*** and President, the Board may, without examination, grant a temporary license to practice chiropractic in this State to a person who holds a corresponding license or certificate in another jurisdiction which is in good standing and who actively practices chiropractic in that jurisdiction. A temporary license may be issued for the limited purpose of authorizing the holder thereof to treat patients in this State.

2. Except as otherwise provided in this subsection, an applicant for a temporary license must file an application with the ~~[Secretary]~~ ***Executive Director*** of the Board not less than 30 days before the applicant intends to practice chiropractic in this State. Upon the request of an applicant, the President or Secretary may, for good cause, authorize the applicant to file the

application fewer than 30 days before he or she intends to practice chiropractic in this State.

3. Except as otherwise provided in subsection 6, an application for a temporary license must be accompanied by a fee of $50 and include:

(a) The applicant's name, the address of his or her primary place of practice and the applicant's telephone number;

(b) A current photograph of the applicant measuring 2 by 2 inches;

(c) The name of the chiropractic school or college from which the applicant graduated and the date of graduation; and

(d) The number of the applicant's license to practice chiropractic in another jurisdiction.

4. A temporary license:

(a) Is valid for the period designated on the license, which must be not more than 10 days;

(b) Is valid for the place of practice designated on the license; and

(c) Is not renewable.

5. The Board may not grant more than two temporary licenses to an applicant during any calendar year.

6. A chiropractic physician who applies for a temporary license solely for the purpose of providing chiropractic services to a patient in this State without remuneration is not required to pay the fee required pursuant to subsection 3.

Sec. 6. NRS 634.130 is hereby amended to read as follows:

634.130 1. Licenses and certificates must be renewed biennially. Except as otherwise provided in subsection ~~[9,]~~ ***10 or 11,*** each person who is licensed or holds a certificate as a chiropractor's assistant pursuant to the provisions of this chapter must, upon the payment of the required renewal fee and the submission of all information required to complete the renewal, be granted a renewal license or certificate which authorizes the person to continue to practice for 2 years.

2. Except as otherwise provided in subsection ~~[9,]~~ ***10 or 11,*** the renewal fee must be paid and all information required to complete the renewal must be submitted to the Board by January 1 of:

(a) Each odd-numbered year for a licensee; and

(b) Each even-numbered year for a holder of a certificate as a chiropractor's assistant.

3. Except as otherwise provided in subsection 5, 6 or 7, a licensee in active practice within this State must submit satisfactory proof to the Board that, during the 24 months immediately preceding the renewal date of the license, the licensee has attended at least 36 hours of continuing education which is approved or endorsed by the Board.

4. Except as otherwise provided in subsection 5, 6 or 8, a holder of a certificate as a chiropractor's assistant in active practice within this State must submit satisfactory proof to the Board that, during the 24 months immediately preceding the renewal date of the certificate, the certificate holder has attended at least 12 hours of continuing education which is approved or endorsed by the

Board or the equivalent board of another state or jurisdiction that regulates chiropractors' assistants. The continuing education required by this subsection may include education related to lifesaving skills, including, without limitation, a course in cardiopulmonary resuscitation. The Board shall by regulation determine how many of the required 12 hours of continuing education must be course work related to such lifesaving skills. Any course of continuing education approved or endorsed by the Board or the equivalent board of another state or jurisdiction pursuant to this subsection may be conducted via the Internet or in a live setting, including, without limitation, a conference, workshop or academic course of instruction. The Board shall not approve or endorse a course of continuing education which is self-directed or conducted via home study.

5. The educational requirement of subsection 3 or 4 may be waived by the Board if the licensee or holder of a certificate as a chiropractor's assistant files with the Board a statement of a chiropractic physician, osteopathic physician or doctor of medicine certifying that the licensee or holder of a certificate as a chiropractor's assistant is suffering from a serious or disabling illness or physical disability which prevented the licensee or holder of a certificate as a chiropractor's assistant from completing the requirements for continuing education during the 24 months immediately preceding the renewal date of the license or certificate.

6. The Board may waive the educational requirement of subsection 3 or 4 for a licensee or a holder of a certificate as a chiropractor's assistant if the licensee or holder of a certificate submits to the Board proof that the licensee or holder of a certificate was in active military service which prevented the licensee or holder of a certificate from completing the requirements for continuing education during the 24 months immediately preceding the renewal date of the license or certificate.

7. A licensee is not required to comply with the requirements of subsection 3 until the first odd-numbered year after the year the Board issues to the licensee an initial license to practice as a chiropractor in this State.

8. A holder of a certificate as a chiropractor's assistant is not required to comply with the requirements of subsection 4 until the first even-numbered year after the Board issues to the holder of a certificate an initial certificate to practice as a chiropractor's assistant in this State.

9. ***The Board may adopt regulations that provide for random audits of licensees and holders of a certificate as a chiropractor's assistant to ensure compliance with subsection 3 or 4, as appropriate.***

10. The Board may waive the renewal fee for a licensee or holder of a certificate as a chiropractor's assistant if the licensee or holder of a certificate submits proof to the Board that the licensee or holder of a certificate was in active military service at the time the renewal fee was due.

~~[10.]~~ ***11. The Board may adopt regulations that provide for the prorating or waiving of the renewal fee for a licensee or holder of a***

certificate as a chiropractor's assistant if such prorating or waiving is based upon the date on which:

(a) The Board issues a license to practice chiropractic or a certificate as a chiropractor's assistant; and

(b) Such license or certification must be renewed.

12. If a licensee fails to:

(a) Except as otherwise provided in subsection ~~[9,]~~ ***10 or 11,*** pay the renewal fee by January 1 of an odd-numbered year;

(b) Except as otherwise provided in subsection 5 or 6, submit proof of continuing education pursuant to subsection 3;

(c) Notify the Board of a change in the location of his or her office pursuant to NRS 634.129; or

(d) Submit all information required to complete the renewal,

➥ the license automatically expires and, except as otherwise provided in NRS 634.131, may be reinstated only upon the payment, by January 1 of the even-numbered year following the year in which the license expired, of the required fee for reinstatement in addition to the renewal fee.

~~[11.]~~ ***13.*** If a holder of a certificate as a chiropractor's assistant fails to:

(a) Except as otherwise provided in subsection ~~[9,]~~ ***10 or 11,*** pay the renewal fee by January 1 of an even-numbered year;

(b) Except as otherwise provided in subsection 5 or 6, submit proof of continuing education pursuant to subsection 4;

(c) Notify the Board of a change in the location of his or her office pursuant to NRS 634.129; or

(d) Submit all information required to complete the renewal,

➥ the certificate automatically expires and may be reinstated only upon the payment of the required fee for reinstatement in addition to the renewal fee.

Sec. 7. NRS 634.131 is hereby amended to read as follows:

634.131 1. If a license expires pursuant to the provisions of subsection ~~[10]~~ ***12*** of NRS 634.130 and the license was not reinstated pursuant to the provisions of that subsection, the person who held the license may apply to the Board to have the license reinstated to active status.

2. An applicant to have an expired license reinstated to active status pursuant to subsection 1 must:

(a) Either:

(1) Submit satisfactory evidence to the Board:

(I) That the applicant has maintained an active practice in another state, territory or country within the preceding 5 years;

(II) From all other licensing agencies which have issued the applicant a license that he or she is in good standing and has no legal actions pending against him or her; and

(III) That the applicant has participated in a program of continuing education in accordance with NRS 634.130 for the year in which he or she seeks to be reinstated to active status; or

(2) Score ***:***

(I) For a written, closed-book examination which is administered in person by the Board, 75 percent or higher ***in all subjects*** on ~~[an]~~ ***the*** examination ~~[prescribed by the Board on]~~ ***concerning*** the provisions of this chapter and the regulations adopted by the Board; ***or***

(II) For a written, open-book examination which is administered in person by the Board or an examination that is taken online, 90 percent or higher in all subjects on the examination concerning the provisions of this chapter and the regulations adopted by the Board;

(b) Pay:

(1) The fee for the biennial renewal of a license to practice chiropractic;

(2) The fee for reinstating a license to practice chiropractic which has expired; and

(3) The fee for the processing of fingerprints established pursuant to subsection 4; and

(c) Submit a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

3. If any of the requirements set forth in subsection 2 are not met by an applicant for the reinstatement of an expired license to active status, the Board, before reinstating the license of the applicant to active status:

(a) Must hold a hearing to determine the professional competency and fitness of the applicant; and

(b) May require the applicant to:

(1) Pass the Special Purposes Examination for Chiropractic prepared by the National Board of Chiropractic Examiners; and

(2) Satisfy any additional requirements that the Board deems to be necessary.

4. The Board shall establish by regulation the fee for processing fingerprints. The fee must not exceed the sum of the amounts charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints.

Sec. 8. NRS 634.140 is hereby amended to read as follows:

634.140 The grounds for initiating disciplinary action pursuant to this chapter are:

1. Unprofessional conduct.

2. ***Incompetence or negligence in the practice of chiropractic.***

3. Conviction of:

(a) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(b) A ~~[felony]~~ ***crime*** relating to the practice of chiropractic;

(c) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive; or

(d) Any offense involving moral turpitude.

~~[3.]~~ ***4.*** Suspension or revocation of the license to practice chiropractic by any other jurisdiction.

~~[4.]~~ ***5.*** Referring, in violation of NRS 439B.425, a patient to a health facility, medical laboratory or commercial establishment in which the licensee has a financial interest.

~~[5.]~~ ***6.*** Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This subsection applies to an owner or other principal responsible for the operation of the facility.

Sec. 9. NRS 634.190 is hereby amended to read as follows:

634.190 1. The person charged is entitled to a hearing before the Board, but the failure of the person charged to attend a hearing or to defend himself or herself does not delay or void the proceedings. The Board may, for good cause shown, continue any hearing from time to time.

2. If the Board finds ***that*** the person ~~[guilty as charged]~~ ***committed one or more of the charges made*** in the complaint, ~~[it]~~ ***the Board*** may by order:

(a) Place the person on probation for a specified period or until further order of the Board.

(b) Administer to the person a public reprimand.

(c) Limit the practice of the person to, or by the exclusion of, one or more specified branches of chiropractic.

(d) Suspend the license of the person to practice chiropractic for a specified period or until further order of the Board.

(e) Revoke the license of the person to practice chiropractic.

(f) Impose a fine of not more than $5,000 for each act which constitutes a ground for disciplinary action, which must be deposited with the State Treasurer for credit to the State General Fund.

➥ The order of the Board may contain such other terms, provisions or conditions as the Board deems proper ~~[and which are not inconsistent with law.]~~ ***to remedy or address the facts and circumstances of the particular case.***

3. If the Board finds that a licensee has violated the provisions of NRS 439B.425, the Board shall suspend the license for a specified period or until further order of the Board.

4. The Board shall not administer a private reprimand.

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

Sec. 10. NRS 634.216 is hereby amended to read as follows:

634.216 The Board or any person who or other organization which initiates or assists in any lawful investigation or proceeding concerning the discipline of a chiropractor ~~[for gross malpractice, repeated malpractice or unprofessional conduct]~~ is immune from any civil action for that initiation or

assistance or any consequential damages, if the person or organization acted without malicious intent.

Sec. 10.5. **NRS 634.225 is hereby amended to read as follows:**

634.225 ***1.*** A chiropractor shall not pierce or sever any body tissue, except to ~~[draw]~~ ***:***

(a) Draw blood for diagnostic purposes ~~[.]~~ ***; or***

(b) Perform dry needling, if the chiropractor is qualified to do so pursuant to the regulations adopted by the Board pursuant to section 1 of this act.

2. A chiropractor shall not offer to engage in, advertise, solicit or otherwise claim to be able to perform acupuncture unless he or she is licensed to practice Oriental medicine pursuant to chapter 634A of NRS, except that a chiropractor who is qualified to perform dry needling pursuant to the regulations adopted pursuant to section 1 of this act may offer to engage in, advertise, solicit or otherwise claim to be able to perform dry needling.

3. As used in this section:

(a) "Acupuncture" has the meaning ascribed to it in NRS 634A.020.

(b) "Dry needling" has the meaning ascribed to it in section 1 of this act.

Sec. 11. NRS 634.015 is hereby repealed.

Sec. 12. This act becomes effective on July 1, 2019.

TEXT OF REPEALED SECTION

634.015 "Gross malpractice" defined. "Gross malpractice" means malpractice where the failure to exercise the requisite degree of care, diligence or skill consists of ministering to a patient while the chiropractor is under the influence of alcohol or any controlled substance.

Assemblywoman Spiegel moved that the Assembly concur in the Senate Amendment No. 661 to Assembly Bill No. 457.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 692.

AN ACT relating to chiropractic; providing for the performance of dry needling by a chiropractor; revising provisions relating to membership of the Chiropractic Physicians' Board of Nevada; revising provisions governing the application for a license to practice chiropractic; revising the time period in which a qualified applicant for a license to practice chiropractic may practice while waiting to take the Board's examination; revising provisions relating to temporary licenses to practice chiropractic; authorizing the Board to adopt certain regulations concerning the renewal of certain licenses and certificates; revising provisions relating to reinstating a license to practice chiropractic; revising provisions governing disciplinary action by the Board; repealing the definition of gross malpractice; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Chiropractic Physicians' Board of Nevada, consisting of seven members, and prohibits three or more persons who are resident graduates of the same school or college of chiropractic from serving on the Board at the same time. (NRS 634.020) **Section 1.5** of this bill removes this prohibition.

Existing law requires an applicant for a license to practice chiropractic, not less than 60 days before the date of the licensing examination, to: (1) file an application for examination with the Secretary of the Board; (2) submit certain evidence relating to his or her qualifications for licensure; and (3) pay the examination application fee. (NRS 634.080, 634.090, 634.100) **Sections 2-4** of this bill eliminate the requirement for such actions to be completed 60 days in advance.

Section 2 of this bill additionally authorizes an applicant to take the licensing examination any time after the Executive Director of the Board determines that his or her application is complete. **Section 3** of this bill additionally requires an applicant to submit evidence that the applicant has successfully: (1) completed certain parts of the examination administered by the National Board of Chiropractic Examiners; or (2) completed certain exit examinations from certain colleges of chiropractic.

Existing law authorizes an applicant for a license to practice chiropractic who has certain qualifications to perform chiropractic under the direct supervision of a chiropractor while the applicant is waiting to take the Board's examination. Existing law prohibits an applicant from practicing in such a manner for longer than 2 years. (NRS 634.105) **Section 5** of this bill prohibits an applicant from practicing in such a manner for longer than 90 days.

Existing law requires an applicant for a temporary license to practice chiropractic to file an application for a temporary license with the Secretary of the Board. (NRS 634.115) **Section 5.5** of this bill requires an applicant to file such an application with the Executive Director of the Board.

Existing law requires a license to practice chiropractic or a certificate as a chiropractor's assistant to be renewed biennially. Existing law requires a chiropractor and a chiropractor's assistant to submit satisfactory proof to the Board that he or she attended a certain number of hours of continuing education. (NRS 634.130) **Section 6** of this bill authorizes the Board to adopt regulations that provide for random audits of chiropractors and chiropractor's assistants to ensure compliance with these continuing education requirements. Existing law authorizes the Board to waive the renewal fee for a chiropractor or a chiropractor's assistant if the chiropractor or chiropractor's assistant was in active military service at the time the renewal fee was due. (NRS 634.130) **Section 6** authorizes the Board to adopt regulations that provide for the prorating or waiving of a renewal fee if such prorating or waiving is based on the date on which: (1) the license to practice chiropractic or certificate to practice as a chiropractor's assistant was issued by the Board; and (2) such a license or certificate must be renewed.

Existing law authorizes a person who held a license that has expired to apply to the Board to have the license reinstated to active status. Existing law requires such an applicant for reinstatement of his or her license to score 75 percent or higher on an examination prescribed by the Board on the provisions relating to the practice of chiropractic. (NRS 634.131) **Section 7** requires such an applicant to score: (1) for certain written, closed-book examinations, 75 percent or higher; or (2) for certain written, open-book examinations or online examinations, 90 percent or higher.

Existing law prescribes the grounds for initiating disciplinary action, including conviction of a felony relating to the practice of chiropractic. (NRS 634.140) **Section 8** of this bill revises the grounds by including conviction for any crime and adding incompetence or negligence in the practice of chiropractic as a ground for disciplinary action.

Existing law provides that a person charged with a ground for disciplinary action is entitled to a hearing before the Board. Existing law further provides that if the Board finds the person guilty as charged in a complaint, the Board may order specified disciplinary actions. (NRS 634.190) **Section 9** of this bill revises provisions governing the Board's finding to whether the person committed one or more of the charges made in the complaint. **Section 9** also provides that the Board's order of disciplinary action may contain such terms, provisions or conditions as the Board deems proper to remedy or address the facts and circumstances of the case.

Existing law provides immunity from civil action for the Board or any person or other organization which initiates or assists in any lawful investigation or proceeding concerning the discipline of a chiropractor for gross malpractice, repeated malpractice or unprofessional conduct. (NRS 634.216) **Section 10** of this bill extends this immunity from civil action to the initiation or assistance in any lawful investigation or disciplinary proceeding rather than only to investigations or disciplinary proceedings related to gross malpractice, repeated malpractice or unprofessional conduct. **Section 10** further amends this provision to remove: (1) gross malpractice, the definition of which is repealed by **section 11** of this bill; and (2) repeated malpractice, which is no longer specified as an independent ground for disciplinary action.

Existing law prohibits a chiropractor from piercing or severing any body tissue, except to draw blood for diagnostic purposes. (NRS 634.225) **Section 10.5** of this bill adds an exception to this prohibition for the performance of dry needling by a chiropractor who is authorized to do so by regulations adopted by the Board. **Section 1** of this bill requires the Board to adopt regulations regarding the qualifications a chiropractor must obtain before he or she is authorized to perform dry needling, which qualifications must include ~~[not less than 150 hours]~~ **the successful completion** of didactic education and training in dry needling.

Section 10.5 also prohibits a chiropractor from offering to engage in, advertising, soliciting or otherwise claiming to be able to perform acupuncture unless he or she is licensed to practice Oriental medicine. However, under

section 10.5, a chiropractor who is qualified to perform dry needling pursuant to the regulations adopted by the Board is authorized to offer to engage in, advertise, solicit or otherwise claim to be able to perform dry needling.

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

Section 1. Chapter 634 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board shall adopt regulations establishing the qualifications a chiropractor must obtain before he or she is authorized to perform dry needling. The qualifications adopted by regulation pursuant to this section must include, without limitation, the successful completion of ~~[not less than 150 hours of]~~ didactic education and training in dry needling.

2. As used in this section, "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.

Sec. 1.5. NRS 634.020 is hereby amended to read as follows:

634.020 1. The Chiropractic Physicians' Board of Nevada, consisting of seven members appointed by the Governor, is hereby created.

2. The Governor shall appoint:

(a) Four members who are:

(1) Graduates of chiropractic schools or colleges giving a course of study embracing the following subjects: Anatomy, bacteriology, chiropractic theory and practice, diagnosis or analysis, elementary chemistry and toxicology, histology, hygiene and sanitation, obstetrics and gynecology, pathology, physiology and symptomatology;

(2) Licensed under this chapter; and

(3) Actually engaged in the practice of chiropractic in this State and who have been so engaged in this State for at least 3 years preceding their appointment.

(b) One member who represents the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care. This member may be licensed under the provisions of this chapter.

(c) Two members who are representatives of the general public. A member appointed pursuant to this paragraph must not be:

(1) A chiropractor or a chiropractor's assistant; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a chiropractor or a chiropractor's assistant.

3. At least two of the appointees must have had a course in physiotherapy in a school or college of chiropractic. ~~[Not more than two persons who are resident graduates of the same school or college of chiropractic may serve simultaneously as members of the Board.]~~

Sec. 2. NRS 634.080 is hereby amended to read as follows:

634.080 1. An applicant for examination must file an application ~~[not less than 60 days before the date of the examination.~~

~~2. An application must be filed]~~ with the Secretary of the Board on a form to be furnished by the ~~[Secretary.]~~ ***Executive Director of the Board. An applicant may take the examination any time after the Executive Director determines that his or her application is complete.***

~~[3.]~~ ***2.*** An application must be verified and must state:

(a) When and where the applicant was born, the various places of the applicant's residence during the 5 years immediately preceding the making of the application and the address to which he or she wishes the Board to mail the license.

(b) The name, age and sex of the applicant.

(c) The names and post office addresses of all persons by whom the applicant has been employed for a period of 5 years immediately preceding the making of the application.

(d) Whether or not the applicant has ever applied for a license to practice chiropractic in any other state and, if so, when and where and the results of the application.

(e) Whether the applicant is a citizen of the United States or lawfully entitled to remain and work in the United States.

(f) Whether or not the applicant has ever been admitted to the practice of chiropractic in any other state and, if so, whether any discharge, dismissal, disciplinary or other similar proceedings have ever been instituted against the applicant. Such an applicant must also attach a certificate from the chiropractic board of each state in which the applicant was licensed, certifying that the applicant is a member in good standing of the chiropractic profession in that state, and that no proceedings affecting the applicant's standing as a chiropractor are undisposed of and pending.

(g) The applicant's general and chiropractic education, including the schools attended and the time of attendance at each school, and whether the applicant is a graduate of any school or schools.

(h) The names of:

(1) Two persons who have known the applicant for at least 3 years; and

(2) A person who is a chiropractor licensed pursuant to the provisions of this chapter or a professor at a school of chiropractic.

(i) All other information required to complete the application.

~~[4.]~~ ***3.*** An application must include a copy of the applicant's official transcript from the school or college of chiropractic from which the applicant received his or her degree of doctor of chiropractic, which must be transmitted by the school or college of chiropractic directly to the Board.

Sec. 3. NRS 634.090 is hereby amended to read as follows:

634.090 1. An applicant must, in addition to the requirements of NRS 634.070 and 634.080, furnish satisfactory evidence to the Board:

(a) That the applicant is of good moral character;

(b) Except as otherwise provided in subsections 2 and 5, ~~[not less than 60 days before the date of the examination,]~~ that the applicant has a high school education and is a graduate from a college of chiropractic which is accredited by the Council on Chiropractic Education or which has a reciprocal agreement with the Council on Chiropractic Education or any governmental accrediting agency, whose minimum course of study leading to the degree of doctor of chiropractic consists of not less than 4,000 hours of credit which includes instruction in each of the following subjects:

(1) Anatomy;
(2) Bacteriology;
(3) Chiropractic theory and practice;
(4) Diagnosis and chiropractic analysis;
(5) Elementary chemistry and toxicology;
(6) Histology;
(7) Hygiene and sanitation;
(8) Obstetrics and gynecology;
(9) Pathology;
(10) Physiology; and
(11) Physiotherapy; and

(c) That the applicant ~~[:]~~ ***has successfully:***

(1) ~~[Holds certificates which indicate that he or she has passed]~~ ***Completed*** parts I, II, III and IV, and the portion relating to physiotherapy, of the examination administered by the National Board of Chiropractic Examiners ~~[;]~~ ***or its successor organization;*** or

(2) ~~[Has actively practiced chiropractic in another state for not fewer than 7 of the immediately preceding 10 years without having any adverse disciplinary action taken against him or her.]~~ ***Completed an examination that is required to graduate from a college of chiropractic which is accredited by the Council on Chiropractic Education or which has a reciprocal agreement with the Council on Chiropractic Education or any governmental accrediting agency. Such an examination must be:***

(I) Administered by such a college; and
(II) Approved by the Board.

2. The Board may, for good cause shown, waive the requirement for a particular applicant that the college of chiropractic from which the applicant graduated must be accredited by the Council on Chiropractic Education or

have a reciprocal agreement with the Council on Chiropractic Education or a governmental accrediting agency.

3. Except as otherwise provided in subsections 4 and 5, every applicant is required to submit evidence of the successful completion of not less than 60 credit hours at an accredited college or university.

4. Any applicant who has been licensed to practice in another state, and has been in practice for not less than 5 years, is not required to comply with the provisions of subsection 3.

5. If an applicant has received his or her training and education at a school or college located in a foreign country, the Board may, if the Board determines that such training and education is substantially equivalent to graduation from a college of chiropractic that is accredited by the Council on Chiropractic Education and otherwise meets the requirements specified in paragraph (b) of subsection 1, waive the requirement that an applicant attend or graduate from a college that:

(a) Is accredited by the Council on Chiropractic Education; or

(b) Has a reciprocal agreement with the Council on Chiropractic Education or a governmental accrediting agency.

Sec. 4. NRS 634.100 is hereby amended to read as follows:

634.100 1. An applicant for a license to practice chiropractic in this State must pay the required fee to the Secretary of the Board ~~[not less than 60 days]~~ before the date of the examination.

2. Except as otherwise provided in NRS 622.090:

(a) For a written, closed-book examination which is administered in person by the Board, a score of 75 percent or higher in all subjects taken on the examination is a passing score.

(b) For a written, open-book examination which is administered in person by the Board or an examination that is taken online, a score of 90 percent or higher in all subjects taken on the examination is a passing score.

3. If an applicant fails to pass the first examination, the applicant may take a second examination within 1 year without payment of any additional fees. Except as otherwise provided in NRS 622.090, credit must be given on this examination for all subjects previously passed.

4. An applicant for a certificate as a chiropractor's assistant must pay the required fee to the Secretary of the Board before the application may be considered.

Sec. 5. NRS 634.105 is hereby amended to read as follows:

634.105 An applicant for a license to practice chiropractic who has the qualifications prescribed in NRS 634.090 may, while waiting to take the Board's examination but for no longer than ~~[2 years,]~~ ***90 days,*** perform chiropractic, including, without limitation, chiropractic adjustment or manipulation, under the direct supervision of a chiropractor who is professionally and legally responsible for the applicant's performance.

Sec. 5.5. NRS 634.115 is hereby amended to read as follows:

634.115 1. Except as otherwise provided in subsections 4 and 5, upon application, payment of the fee, if required, and the approval of its ~~[Secretary]~~ ***Executive Director*** and President, the Board may, without examination, grant a temporary license to practice chiropractic in this State to a person who holds a corresponding license or certificate in another jurisdiction which is in good standing and who actively practices chiropractic in that jurisdiction. A temporary license may be issued for the limited purpose of authorizing the holder thereof to treat patients in this State.

2. Except as otherwise provided in this subsection, an applicant for a temporary license must file an application with the ~~[Secretary]~~ ***Executive Director*** of the Board not less than 30 days before the applicant intends to practice chiropractic in this State. Upon the request of an applicant, the President or Secretary may, for good cause, authorize the applicant to file the application fewer than 30 days before he or she intends to practice chiropractic in this State.

3. Except as otherwise provided in subsection 6, an application for a temporary license must be accompanied by a fee of $50 and include:

(a) The applicant's name, the address of his or her primary place of practice and the applicant's telephone number;

(b) A current photograph of the applicant measuring 2 by 2 inches;

(c) The name of the chiropractic school or college from which the applicant graduated and the date of graduation; and

(d) The number of the applicant's license to practice chiropractic in another jurisdiction.

4. A temporary license:

(a) Is valid for the period designated on the license, which must be not more than 10 days;

(b) Is valid for the place of practice designated on the license; and

(c) Is not renewable.

5. The Board may not grant more than two temporary licenses to an applicant during any calendar year.

6. A chiropractic physician who applies for a temporary license solely for the purpose of providing chiropractic services to a patient in this State without remuneration is not required to pay the fee required pursuant to subsection 3.

Sec. 6. NRS 634.130 is hereby amended to read as follows:

634.130 1. Licenses and certificates must be renewed biennially. Except as otherwise provided in subsection ~~[9,]~~ ***10 or 11,*** each person who is licensed or holds a certificate as a chiropractor's assistant pursuant to the provisions of this chapter must, upon the payment of the required renewal fee and the submission of all information required to complete the renewal, be granted a renewal license or certificate which authorizes the person to continue to practice for 2 years.

2. Except as otherwise provided in subsection ~~[9,]~~ ***10 or 11,*** the renewal fee must be paid and all information required to complete the renewal must be submitted to the Board by January 1 of:

(a) Each odd-numbered year for a licensee; and

(b) Each even-numbered year for a holder of a certificate as a chiropractor's assistant.

3. Except as otherwise provided in subsection 5, 6 or 7, a licensee in active practice within this State must submit satisfactory proof to the Board that, during the 24 months immediately preceding the renewal date of the license, the licensee has attended at least 36 hours of continuing education which is approved or endorsed by the Board.

4. Except as otherwise provided in subsection 5, 6 or 8, a holder of a certificate as a chiropractor's assistant in active practice within this State must submit satisfactory proof to the Board that, during the 24 months immediately preceding the renewal date of the certificate, the certificate holder has attended at least 12 hours of continuing education which is approved or endorsed by the Board or the equivalent board of another state or jurisdiction that regulates chiropractors' assistants. The continuing education required by this subsection may include education related to lifesaving skills, including, without limitation, a course in cardiopulmonary resuscitation. The Board shall by regulation determine how many of the required 12 hours of continuing education must be course work related to such lifesaving skills. Any course of continuing education approved or endorsed by the Board or the equivalent board of another state or jurisdiction pursuant to this subsection may be conducted via the Internet or in a live setting, including, without limitation, a conference, workshop or academic course of instruction. The Board shall not approve or endorse a course of continuing education which is self-directed or conducted via home study.

5. The educational requirement of subsection 3 or 4 may be waived by the Board if the licensee or holder of a certificate as a chiropractor's assistant files with the Board a statement of a chiropractic physician, osteopathic physician or doctor of medicine certifying that the licensee or holder of a certificate as a chiropractor's assistant is suffering from a serious or disabling illness or physical disability which prevented the licensee or holder of a certificate as a chiropractor's assistant from completing the requirements for continuing education during the 24 months immediately preceding the renewal date of the license or certificate.

6. The Board may waive the educational requirement of subsection 3 or 4 for a licensee or a holder of a certificate as a chiropractor's assistant if the licensee or holder of a certificate submits to the Board proof that the licensee or holder of a certificate was in active military service which prevented the licensee or holder of a certificate from completing the requirements for continuing education during the 24 months immediately preceding the renewal date of the license or certificate.

7. A licensee is not required to comply with the requirements of subsection 3 until the first odd-numbered year after the year the Board issues to the licensee an initial license to practice as a chiropractor in this State.

8. A holder of a certificate as a chiropractor's assistant is not required to comply with the requirements of subsection 4 until the first even-numbered year after the Board issues to the holder of a certificate an initial certificate to practice as a chiropractor's assistant in this State.

9. ***The Board may adopt regulations that provide for random audits of licensees and holders of a certificate as a chiropractor's assistant to ensure compliance with subsection 3 or 4, as appropriate.***

10. The Board may waive the renewal fee for a licensee or holder of a certificate as a chiropractor's assistant if the licensee or holder of a certificate submits proof to the Board that the licensee or holder of a certificate was in active military service at the time the renewal fee was due.

~~[10.]~~ ***11. The Board may adopt regulations that provide for the prorating or waiving of the renewal fee for a licensee or holder of a certificate as a chiropractor's assistant if such prorating or waiving is based upon the date on which:***

(a) The Board issues a license to practice chiropractic or a certificate as a chiropractor's assistant; and

(b) Such license or certification must be renewed.

12. If a licensee fails to:

(a) Except as otherwise provided in subsection ~~[9,]~~ ***10 or 11,*** pay the renewal fee by January 1 of an odd-numbered year;

(b) Except as otherwise provided in subsection 5 or 6, submit proof of continuing education pursuant to subsection 3;

(c) Notify the Board of a change in the location of his or her office pursuant to NRS 634.129; or

(d) Submit all information required to complete the renewal,

➥ the license automatically expires and, except as otherwise provided in NRS 634.131, may be reinstated only upon the payment, by January 1 of the even-numbered year following the year in which the license expired, of the required fee for reinstatement in addition to the renewal fee.

~~[11.]~~ ***13.*** If a holder of a certificate as a chiropractor's assistant fails to:

(a) Except as otherwise provided in subsection ~~[9,]~~ ***10 or 11,*** pay the renewal fee by January 1 of an even-numbered year;

(b) Except as otherwise provided in subsection 5 or 6, submit proof of continuing education pursuant to subsection 4;

(c) Notify the Board of a change in the location of his or her office pursuant to NRS 634.129; or

(d) Submit all information required to complete the renewal,

➥ the certificate automatically expires and may be reinstated only upon the payment of the required fee for reinstatement in addition to the renewal fee.

Sec. 7. NRS 634.131 is hereby amended to read as follows:

634.131 1. If a license expires pursuant to the provisions of subsection ~~[10]~~ ***12*** of NRS 634.130 and the license was not reinstated pursuant to the provisions of that subsection, the person who held the license may apply to the Board to have the license reinstated to active status.

2. An applicant to have an expired license reinstated to active status pursuant to subsection 1 must:

(a) Either:

(1) Submit satisfactory evidence to the Board:

(I) That the applicant has maintained an active practice in another state, territory or country within the preceding 5 years;

(II) From all other licensing agencies which have issued the applicant a license that he or she is in good standing and has no legal actions pending against him or her; and

(III) That the applicant has participated in a program of continuing education in accordance with NRS 634.130 for the year in which he or she seeks to be reinstated to active status; or

(2) Score ***:***

(I) For a written, closed-book examination which is administered in person by the Board, 75 percent or higher ***in all subjects*** on ~~[an]~~ ***the*** examination ~~[prescribed by the Board on]~~ ***concerning*** the provisions of this chapter and the regulations adopted by the Board; ***or***

(II) For a written, open-book examination which is administered in person by the Board or an examination that is taken online, 90 percent or higher in all subjects on the examination concerning the provisions of this chapter and the regulations adopted by the Board;

(b) Pay:

(1) The fee for the biennial renewal of a license to practice chiropractic;

(2) The fee for reinstating a license to practice chiropractic which has expired; and

(3) The fee for the processing of fingerprints established pursuant to subsection 4; and

(c) Submit a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

3. If any of the requirements set forth in subsection 2 are not met by an applicant for the reinstatement of an expired license to active status, the Board, before reinstating the license of the applicant to active status:

(a) Must hold a hearing to determine the professional competency and fitness of the applicant; and

(b) May require the applicant to:

(1) Pass the Special Purposes Examination for Chiropractic prepared by the National Board of Chiropractic Examiners; and

(2) Satisfy any additional requirements that the Board deems to be necessary.

4. The Board shall establish by regulation the fee for processing fingerprints. The fee must not exceed the sum of the amounts charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints.

Sec. 8. NRS 634.140 is hereby amended to read as follows:

634.140 The grounds for initiating disciplinary action pursuant to this chapter are:

1. Unprofessional conduct.

2. ***Incompetence or negligence in the practice of chiropractic.***

3. Conviction of:

(a) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(b) A ~~[~~felony~~]~~ ***crime*** relating to the practice of chiropractic;

(c) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive; or

(d) Any offense involving moral turpitude.

~~[~~3.~~]~~ ***4.*** Suspension or revocation of the license to practice chiropractic by any other jurisdiction.

~~[~~4.~~]~~ ***5.*** Referring, in violation of NRS 439B.425, a patient to a health facility, medical laboratory or commercial establishment in which the licensee has a financial interest.

~~[~~5.~~]~~ ***6.*** Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This subsection applies to an owner or other principal responsible for the operation of the facility.

Sec. 9. NRS 634.190 is hereby amended to read as follows:

634.190 1. The person charged is entitled to a hearing before the Board, but the failure of the person charged to attend a hearing or to defend himself or herself does not delay or void the proceedings. The Board may, for good cause shown, continue any hearing from time to time.

2. If the Board finds ***that*** the person ~~[~~guilty as charged~~]~~ ***committed one or more of the charges made*** in the complaint, ~~[~~it~~]~~ ***the Board*** may by order:

(a) Place the person on probation for a specified period or until further order of the Board.

(b) Administer to the person a public reprimand.

(c) Limit the practice of the person to, or by the exclusion of, one or more specified branches of chiropractic.

(d) Suspend the license of the person to practice chiropractic for a specified period or until further order of the Board.

(e) Revoke the license of the person to practice chiropractic.

(f) Impose a fine of not more than $5,000 for each act which constitutes a ground for disciplinary action, which must be deposited with the State Treasurer for credit to the State General Fund.

➥ The order of the Board may contain such other terms, provisions or conditions as the Board deems proper ~~[and which are not inconsistent with law.]~~ ***to remedy or address the facts and circumstances of the particular case.***

3. If the Board finds that a licensee has violated the provisions of NRS 439B.425, the Board shall suspend the license for a specified period or until further order of the Board.

4. The Board shall not administer a private reprimand.

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

Sec. 10. NRS 634.216 is hereby amended to read as follows:

634.216 The Board or any person who or other organization which initiates or assists in any lawful investigation or proceeding concerning the discipline of a chiropractor ~~[for gross malpractice, repeated malpractice or unprofessional conduct]~~ is immune from any civil action for that initiation or assistance or any consequential damages, if the person or organization acted without malicious intent.

Sec. 10.5. NRS 634.225 is hereby amended to read as follows:

634.225 ***1.*** A chiropractor shall not pierce or sever any body tissue, except to ~~[draw]~~ ***:***

(a) Draw blood for diagnostic purposes ~~[.]~~ ***; or***

(b) Perform dry needling, if the chiropractor is qualified to do so pursuant to the regulations adopted by the Board pursuant to section 1 of this act.

2. A chiropractor shall not offer to engage in, advertise, solicit or otherwise claim to be able to perform acupuncture unless he or she is licensed to practice Oriental medicine pursuant to chapter 634A of NRS, except that a chiropractor who is qualified to perform dry needling pursuant to the regulations adopted pursuant to section 1 of this act may offer to engage in, advertise, solicit or otherwise claim to be able to perform dry needling.

3. As used in this section:

(a) "Acupuncture" has the meaning ascribed to it in NRS 634A.020.

(b) "Dry needling" has the meaning ascribed to it in section 1 of this act.

Sec. 11. NRS 634.015 is hereby repealed.

Sec. 12. This act becomes effective on July 1, 2019.

TEXT OF REPEALED SECTION

634.015 "Gross malpractice" defined. "Gross malpractice" means malpractice where the failure to exercise the requisite degree of care, diligence or skill consists of ministering to a patient while the chiropractor is under the influence of alcohol or any controlled substance.

Assemblywoman Spiegel moved that the Assembly concur in the Senate Amendment No. 692 to Assembly Bill No. 457.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

These amendments require the Chiropractic Physicians' Board of Nevada to adopt regulations establishing the qualifications a chiropractor must obtain before he or she is authorized to perform dry needling and remove the requirement that a chiropractor must complete a minimum of 150 hours of didactic education and training. These amendments provide immunity from civil action for a person who assists the Board in any lawful investigation or disciplinary proceeding, rather than only for a person who assists with an investigation or proceeding relating to unprofessional conduct.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 477.

The following Senate amendment was read:

Amendment No. 736.

SUMMARY—Enacts provisions governing ~~[the accrual of interest in]~~ certain consumer form contracts. ~~[;]~~ **and consumer debts.** (BDR 8-935)

AN ACT relating to consumer contracts; enacting the Consumer Protection from the Accrual of Predatory Interest After Default Act; prohibiting the use of certain form contracts; limiting prejudgment and postjudgment interest ~~[rates]~~ and attorney's fees under certain circumstances; prohibiting choice of law, forum selection and other provisions in certain form contracts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law contains various provisions governing retail installment sales. (Chapter 97 of NRS) **Sections 2-19** of this bill enact the Consumer Protection from the Accrual of Predatory Interest After Default Act, which contains provisions governing the use of form contracts in certain consumer transactions. **Sections 5-8** of this bill define "business," "consumer," "consumer debt" and "consumer form contract." **Section 9** of this bill prohibits the use of a consumer form contract by a business that is not in compliance with the provisions of this bill. **Section 10** of this bill exempts certain business organizations and other persons from the provisions of this bill. **Section 11** of this bill prohibits the inclusion of a choice of law or forum selection provision in a consumer form contract. **Section 12** of this bill requires any consumer form contract involving financial services be signed by the consumer in writing or electronically signed in full compliance with section 101(c) of the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. § 7001(c). **Section 13** of this bill prohibits the inclusion of certain provisions in a consumer form contract that would limit a consumer's rights. **Section 14** of this bill declares that any provision in a consumer form contract that violates the provisions of this bill is void and unenforceable. **Section 15** of this bill provides that if a consumer enters a consumer form contract with a person who is required to be licensed but is not, the contract is void for all purposes.

Section 17 of this bill provides certain ~~[methods for calculating the rate]~~ **limits on the amount** of prejudgment **interest** and **the rate of** postjudgment interest under ~~[different]~~ **certain** circumstances. **Sections 18 and 19** of this bill provide certain methods for calculating attorney's fees for the prevailing party in any action to collect a consumer debt.

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

Section 1. Title 8 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 19, inclusive, of this act.

Sec. 2. ***This chapter may be cited as the Consumer Protection from the Accrual of Predatory Interest After Default Act.***

Sec. 3. ***1. The purpose of this chapter is to protect consumers.***

2. This chapter must be construed as a consumer protections statute for all purposes.

3. This chapter must be liberally construed to effectuate its purpose.

Sec. 4. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 5 to 8, inclusive, of this act, have the meanings ascribed to them in those sections.***

Sec. 5. ***"Business" means a proprietorship, corporation, partnership, association, trust, unincorporated organization or other enterprise doing business in this State.***

Sec. 6. ***"Consumer" means a natural person.***

Sec. 7. ***"Consumer debt" means any obligation or alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance or services which are the subject of the transaction are primarily personal, family or household purposes, whether or not such obligation has been reduced to judgment.***

Sec. 8. ***1. "Consumer form contract" means a retail charge agreement or a retail installment contract involving a retail installment transaction in writing between a retail seller and a consumer buyer, or a lease in writing between a lessor and a consumer lessee, involving the sale or lease of goods or services, including, without limitation, credit or financial services, primarily for personal, family or household purposes and which has either been drafted by the business or by a third party for use with more than one consumer, unless a second consumer is the spouse of the first consumer.***

2. As used in this section:

(a) "Buyer" has the meaning ascribed to it in NRS 97.085.

(b) "Goods" has the meaning ascribed to it in NRS 97.035.

(c) "Retail charge agreement" has the meaning ascribed to it in NRS 97.095.

(d) "Retail installment contract" has the meaning ascribed to it in NRS 97.105.

(e) "Retail installment transaction" has the meaning ascribed to it in NRS 97.115.

(f) "Retail seller" has the meaning ascribed to it in NRS 97.125.

(g) "Services" has the meaning ascribed to it in NRS 97.135.

Sec. 9. *1. A business, including, without limitation, any officer, agent, employee or representative, shall not individually or in cooperation with another, solicit the execution of, receive or rely upon a consumer form contract, including, without limitation, reliance upon the consumer form contract as a basis of a suit or claim, unless the business has complied with the provisions of this chapter.*

2. The provisions of this chapter apply to any person who seeks to evade its application by any device, subterfuge or pretense.

Sec. 10. *The provisions of this chapter do not apply to:*

1. A person doing business pursuant to the authority of any law of this State or of the United States relating to banks, national banking associations, savings banks, trust companies, savings and loan associations, credit unions, mortgage brokers, mortgage bankers, thrift companies or insurance companies, including, without limitation, any affiliate or subsidiary of such a person regardless of whether the affiliate or subsidiary is a bank.

2. Any business:

(a) Whose principal purpose or activity is lending money on real property which is secured by a mortgage;

(b) Approved by the Federal National Mortgage Association as a seller or servicer; and

(c) Approved by the United States Department of Housing and Urban Development and the Department of Veterans Affairs.

3. A person who provides money for investment in loans secured by a lien on real property, on his or her own account.

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

5. A person who exclusively extends credit to any person who is not a resident of this State for any business, commercial or agricultural purpose that is located outside this State.

6. A person while performing any act authorized pursuant to chapter 604A of NRS.

7. A motor vehicle manufacturer or distributor, or an affiliate or captive financial institution of a motor vehicle manufacturer or distributor.

Sec. 11. *If a consumer form contract is signed by the consumer or otherwise formed while the consumer resides in this State with a person operating within this State:*

1. A choice of law provision in a consumer form contract which provides that the consumer form contract is to be governed or interpreted pursuant to the laws of another state is void. Enforcement and interpretation of such a

contract must be governed by the laws of this State if enforcement of the consumer form contract is sought in a court of this State.

2. A forum selection provision in a consumer form contract which provides that any claims or actions related to the consumer form contract must be litigated in a forum outside this State is void.

Sec. 12. ***1. Any consumer form contract involving a loan, extension of credit, deposit account or other financial services must be signed by the consumer in writing or electronically in full compliance with Section 101(c) of the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. § 7001(c).***

2. Any change of terms to a consumer form contract must be agreed to by the consumer by affirmative consent, signed in writing or electronically in full compliance with Section 101(c) of the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. § 7001(c).

Sec. 13. ***A consumer form contract must not contain:***

1. A provision that the consumer will hold the other party harmless, or that otherwise relieves the other party of liability, for any harm or damage caused to the consumer arising from the consumer form contract.

2. A confession of judgment clause.

3. A waiver of the right to a jury trial, unless the consumer agrees to an alternative dispute resolution such as binding arbitration, in any action brought by or against the consumer.

4. Any assignment of or order for payment of wages or other compensation for services.

5. A provision in which the consumer agrees not to assert any claim or defense arising out of the consumer form contract or to seek any remedies pursuant to any consumer protection law.

6. A waiver of any provision of this chapter or any other consumer protection statute. Any such waiver shall be deemed null, void and of no effect.

7. A provision requiring or having the practical effect of requiring that any aspect of a resolution of a dispute between the parties to the agreement be kept confidential. This subsection does not affect the right of the parties to agree that certain specified information is a trade secret or otherwise confidential or to later agree, after the dispute arises, to keep a resolution confidential.

Sec. 14. ***A provision in a consumer form contract that violates this chapter shall be void and unenforceable. A court may refuse to enforce other provisions of the consumer form contract as equity may require.***

Sec. 15. ***Any consumer form contract entered into by a consumer with a person who is required to be licensed pursuant to any provision of NRS or NAC in order to enter into the consumer transaction, but is not so licensed, is void. Neither the obligee nor any assignee of the obligation may collect, receive or retain any principal, finance charge or other fees in connection with the transaction.***

Sec. 16. (Deleted by amendment.)

Sec. 17. ***If the plaintiff is the prevailing party in any action to collect a consumer debt:***

1. ~~[And no rate of interest is stated in the consumer form contract, any prejudgment or postjudgment interest must be limited as set forth in this section.~~

~~2.]~~ And a rate of interest is stated in the consumer form contract, interest ~~[stops accruing at the rate stated in the consumer form contract on the date of default and]~~ may be awarded by the court only as set forth in this section.

~~[3.]~~ 2. Interest under the consumer form contract, prejudgment interest and postjudgment interest awarded by the court must not be compounded.

3. Any prejudgment interest the court awards the plaintiff must be limited to the lesser of:

(a) The accrued interest at the rate stated in the consumer form contract to the day the action to collect the debt is filed; or

(b) One hundred eighty days of interest at the rate stated in the consumer form contract.

4. ~~[Interest accrues at the rate stated in the consumer form contract only through the date of default, and any prejudgment or]~~ Any postjudgment interest the court awards the plaintiff must be limited to the lesser of:

(a) The rate of interest in the consumer form contract; or

(b) A rate equal to the prime rate at the largest bank in Nevada as ascertained by the Commissioner of Financial Institutions on January 1 or July 1, as the case may be, immediately preceding the date of judgment, plus 2 percent. The rate must ~~[be adjusted accordingly on each January 1 and July 1 thereafter]~~ remain fixed at that rate until the judgment is satisfied.

Sec. 18. ***1. If the plaintiff is the prevailing party in any action to collect a consumer debt, the plaintiff is entitled to collect attorney's fees only if the consumer form contract or other document evidencing the indebtedness sets forth an obligation of the consumer to pay such attorney's fee and subject to the following conditions:***

(a) If a consumer form contract or other document evidencing indebtedness provides for attorney's fees in some specific percentage, such provision and obligation is valid and enforceable for an amount not to exceed 15 percent of the amount of the debt, excluding attorney's fees and collection costs.

(b) If a consumer form contract or other document evidencing indebtedness provides for the payment of reasonable attorney's fees by the debtor, without specifying any specific percentage, such provision must be construed to mean the lesser of 15 percent of the amount of the debt, excluding attorney's fees and collection costs, or the amount of attorney's fees calculated by a reasonable rate for such cases multiplied by the amount of time reasonably expended to obtain the judgment.

2. The documentation setting forth a party's obligation to pay attorney's fees must be provided to the court before a court may enforce those provisions.

Sec. 19. ***If the debtor is the prevailing party in any action to collect a consumer debt, the debtor is entitled to an award of reasonable attorney's fees. The amount of the debt that the creditor sought may not be a factor in determining the reasonableness of the award.***

Sec. 20. The provisions of this act apply to contracts entered into on or after October 1, 2019.

Assemblywoman Spiegel moved that the Assembly concur in the Senate Amendment No. 736 to Assembly Bill No. 477.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 960.

AN ACT relating to consumer contracts; enacting the Consumer Protection from the Accrual of Predatory Interest After Default Act; prohibiting the use of certain form contracts; limiting prejudgment and postjudgment interest and attorney's fees under certain circumstances; prohibiting choice of law, forum selection and other provisions in certain form contracts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law contains various provisions governing retail installment sales. (Chapter 97 of NRS) **Sections 2-19** of this bill enact the Consumer Protection from the Accrual of Predatory Interest After Default Act, which contains provisions governing the use of form contracts in certain consumer transactions. **Sections 5-8** of this bill define "business," "consumer," "consumer debt" and "consumer form contract." **Section 9** of this bill prohibits the use of a consumer form contract by a business that is not in compliance with the provisions of this bill. **Section 10** of this bill exempts certain business organizations and other persons from the provisions of this bill. **Section 11** of this bill prohibits the inclusion of a choice of law or forum selection provision in a consumer form contract. **Section 12** of this bill requires any consumer form contract involving financial services be signed by the consumer in writing or electronically signed in full compliance with **s**ection 101(c) of the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. § 7001(c). **Section 13** of this bill prohibits the inclusion of certain provisions in a consumer form contract that would limit a consumer's rights. **Section 14** of this bill declares that any provision in a consumer form contract that violates the provisions of this bill is void and unenforceable. **Section 15** of this bill provides that if a consumer enters a consumer form contract with a person who is required to be licensed but is not, the contract is void for all purposes. **Section 17** of this bill provides certain limits on the amount of prejudgment interest and the rate of postjudgment interest under certain circumstances.

Sections 18 and 19 of this bill provide certain methods for calculating attorney's fees for the prevailing party in any action to collect a consumer debt.

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

Section 1. Title 8 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 19, inclusive, of this act.

Sec. 2. ***This chapter may be cited as the Consumer Protection from the Accrual of Predatory Interest After Default Act.***

Sec. 3. ***1. The purpose of this chapter is to protect consumers.***

2. This chapter must be construed as a consumer protections statute for all purposes.

3. This chapter must be liberally construed to effectuate its purpose.

Sec. 4. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 5 to 8, inclusive, of this act, have the meanings ascribed to them in those sections.***

Sec. 5. ***"Business" means a proprietorship, corporation, partnership, association, trust, unincorporated organization or other enterprise doing business in this State.***

Sec. 6. ***"Consumer" means a natural person.***

Sec. 7. ***"Consumer debt" means any obligation or alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance or services which are the subject of the transaction are primarily personal, family or household purposes, whether or not such obligation has been reduced to judgment.***

Sec. 8. ***1. "Consumer form contract" means a retail charge agreement or a retail installment contract involving a retail installment transaction in writing between a retail seller and a consumer buyer, or a lease in writing between a lessor and a consumer lessee, involving the sale or lease of goods or services, including, without limitation, credit or financial services, primarily for personal, family or household purposes and which has either been drafted by the business or by a third party for use with more than one consumer, unless a second consumer is the spouse of the first consumer.***

2. As used in this section:

(a) "Buyer" has the meaning ascribed to it in NRS 97.085.

(b) "Goods" has the meaning ascribed to it in NRS 97.035.

(c) "Retail charge agreement" has the meaning ascribed to it in NRS 97.095.

(d) "Retail installment contract" has the meaning ascribed to it in NRS 97.105.

(e) "Retail installment transaction" has the meaning ascribed to it in NRS 97.115.

(f) "Retail seller" has the meaning ascribed to it in NRS 97.125.

(g) "Services" has the meaning ascribed to it in NRS 97.135.

Sec. 9. *1. A business, including, without limitation, any officer, agent, employee or representative, shall not individually or in cooperation with another, solicit the execution of, receive or rely upon a consumer form contract, including, without limitation, reliance upon the consumer form contract as a basis of a suit or claim, unless the business has complied with the provisions of this chapter.*

2. The provisions of this chapter apply to any person who seeks to evade its application by any device, subterfuge or pretense.

Sec. 10. *The provisions of this chapter do not apply to:*

1. A person doing business pursuant to the authority of any law of this State or of the United States relating to banks, national banking associations, savings banks, trust companies, savings and loan associations, credit unions, mortgage brokers, mortgage bankers, thrift companies or insurance companies, including, without limitation, any affiliate or subsidiary of such a person regardless of whether the affiliate or subsidiary is a bank.

2. Any business:

(a) Whose principal purpose or activity is lending money on real property which is secured by a mortgage;

(b) Approved by the Federal National Mortgage Association as a seller or servicer; and

(c) Approved by the United States Department of Housing and Urban Development and the Department of Veterans Affairs.

3. A person who provides money for investment in loans secured by a lien on real property, on his or her own account.

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

5. A person who exclusively extends credit to any person who is not a resident of this State for any business, commercial or agricultural purpose that is located outside this State.

6. A person while performing any act authorized pursuant to chapter 604A of NRS.

7. A motor vehicle manufacturer or distributor, or an affiliate or captive financial ~~[institution]~~ entity of a motor vehicle manufacturer or distributor.

Sec. 11. *If a consumer form contract is signed by the consumer or otherwise formed while the consumer resides in this State with a person operating within this State:*

1. A choice of law provision in a consumer form contract which provides that the consumer form contract is to be governed or interpreted pursuant to the laws of another state is void. Enforcement and interpretation of such a contract must be governed by the laws of this State if enforcement of the consumer form contract is sought in a court of this State.

2. A forum selection provision in a consumer form contract which provides that any claims or actions related to the consumer form contract must be litigated in a forum outside this State is void.

Sec. 12. ***1. Any consumer form contract involving a loan, extension of credit, deposit account or other financial services must be signed by the consumer in writing or electronically in full compliance with Section 101(c) of the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. § 7001(c).***

2. Any change of terms to a consumer form contract must be agreed to by the consumer by affirmative consent, signed in writing or electronically in full compliance with Section 101(c) of the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. § 7001(c).

Sec. 13. ***A consumer form contract must not contain:***

1. A provision that the consumer will hold the other party harmless, or that otherwise relieves the other party of liability, for any harm or damage caused to the consumer arising from the consumer form contract.

2. A confession of judgment clause.

3. A waiver of the right to a jury trial, unless the consumer agrees to an alternative dispute resolution such as binding arbitration, in any action brought by or against the consumer.

4. Any assignment of or order for payment of wages or other compensation for services.

5. A provision in which the consumer agrees not to assert any claim or defense arising out of the consumer form contract or to seek any remedies pursuant to any consumer protection law.

6. A waiver of any provision of this chapter or any other consumer protection statute. Any such waiver shall be deemed null, void and of no effect.

7. A provision requiring or having the practical effect of requiring that any aspect of a resolution of a dispute between the parties to the agreement be kept confidential. This subsection does not affect the right of the parties to agree that certain specified information is a trade secret or otherwise confidential or to later agree, after the dispute arises, to keep a resolution confidential.

Sec. 14. ***A provision in a consumer form contract that violates this chapter shall be void and unenforceable. A court may refuse to enforce other provisions of the consumer form contract as equity may require.***

Sec. 15. ***Any consumer form contract entered into by a consumer with a person who is required to be licensed pursuant to any provision of NRS or NAC in order to enter into the consumer transaction, but is not so licensed, is void. Neither the obligee nor any assignee of the obligation may collect, receive or retain any principal, finance charge or other fees in connection with the transaction.***

Sec. 16. (Deleted by amendment.)

Sec. 17. ***If the plaintiff is the prevailing party in any action to collect a consumer debt:***

1. And a rate of interest is stated in the consumer form contract, interest may be awarded by the court only as set forth in this section.

2. Interest under the consumer form contract, prejudgment interest and postjudgment interest awarded by the court must not be compounded.

3. Any prejudgment interest the court awards the plaintiff must be limited to the lesser of:

(a) The accrued interest at the rate stated in the consumer form contract to the day the action to collect the debt is filed; or

(b) One hundred eighty days of interest at the rate stated in the consumer form contract.

4. Any postjudgment interest the court awards the plaintiff must be limited to the lesser of:

(a) The rate of interest in the consumer form contract; or

(b) A rate equal to the prime rate at the largest bank in Nevada as ascertained by the Commissioner of Financial Institutions on January 1 or July 1, as the case may be, immediately preceding the date of judgment, plus 2 percent. The rate must remain fixed at that rate until the judgment is satisfied.

Sec. 18. ***1. If the plaintiff is the prevailing party in any action to collect a consumer debt, the plaintiff is entitled to collect attorney's fees only if the consumer form contract or other document evidencing the indebtedness sets forth an obligation of the consumer to pay such attorney's fee and subject to the following conditions:***

(a) If a consumer form contract or other document evidencing indebtedness provides for attorney's fees in some specific percentage, such provision and obligation is valid and enforceable for an amount not to exceed 15 percent of the amount of the debt, excluding attorney's fees and collection costs.

(b) If a consumer form contract or other document evidencing indebtedness provides for the payment of reasonable attorney's fees by the debtor, without specifying any specific percentage, such provision must be construed to mean the lesser of 15 percent of the amount of the debt, excluding attorney's fees and collection costs, or the amount of attorney's fees calculated by a reasonable rate for such cases multiplied by the amount of time reasonably expended to obtain the judgment.

2. The documentation setting forth a party's obligation to pay attorney's fees must be provided to the court before a court may enforce those provisions.

Sec. 19. ***If the debtor is the prevailing party in any action to collect a consumer debt, the debtor is entitled to an award of reasonable attorney's fees. The amount of the debt that the creditor sought may not be a factor in determining the reasonableness of the award.***

Sec. 20. The provisions of this act apply to contracts entered into on or after October 1, 2019.

Assemblywoman Spiegel moved that the Assembly concur in the Senate Amendment No. 960 to Assembly Bill No. 477.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Amendment 736 exempts a motor vehicle manufacturer or distributor or an affiliate or captive financial institution of a motor vehicle manufacturer or distributor from the provisions of this bill. It clarifies the calculation of prejudgment and postjudgment interest owed by the consumer to the plaintiff if such party is the prevailing party in any action to collect consumer debt. Amendment 960 revises language to say "financial entity" instead of "financial institution."

Motion carried by a constitutional majority.

Bill ordered to enrollment.

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

Assembly in recess at 1:20 p.m.

ASSEMBLY IN SESSION

At 1:21 p.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 68.

Bill read third time.

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

Amendment No. 997.

AN ACT relating to apprenticeships; ~~[transferring certain duties relating to apprenticeships from the State Apprenticeship Council to the Office of Workforce Innovation;]~~ **revising provisions regarding discrimination in apprenticeship programs;** revising the ~~[qualifications of the member]~~ **membership and operations** of the State Apprenticeship Council **;** ~~[who represents the general public; revising provisions governing the appointment and supervision of the State Apprenticeship Director; revising provisions relating to the administration of apprenticeships, the evaluation of apprenticeship programs and the registration of apprenticeship programs and agreements;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Eligibility for registration of an apprenticeship program for various federal purposes is conditioned on a program's acceptance and registration with the Office of Apprenticeship of the Employment and Training Administration of the United States Department of Labor or with a state apprenticeship agency~~

~~recognized by the Office of Apprenticeship. (29 C.F.R. § 29.3) To be recognized as a state apprenticeship agency by the Office of Apprenticeship, an agency must submit to the Department of Labor a state apprenticeship law that conforms to the requirements of existing federal regulations. (29 C.F.R. § 29.13) This bill amends existing law governing apprenticeships to conform with the requirements of those existing federal regulations.~~

~~Existing federal regulations require the state apprenticeship agency of a state to approve and register apprenticeship programs and exercise certain other powers and duties in order for the agency to be recognized as an authorized agency for registering apprenticeship programs for certain federal purposes. (29 C.F.R. §§ 29.1, 29.5) Existing law requires the State Apprenticeship Council to: (1) establish standards governing programs of apprenticeship; (2) receive, process and dispose of controversies or differences arising out of an apprenticeship agreement; (3) register and approve programs of apprenticeship; (4) investigate suspected violations of the terms or conditions of an approved program; and (5) suspend certain persons from participation in a program of apprenticeship. (NRS 610.095, 610.140, 610.144, 610.150, 610.180, 610.185) Sections 4, 14-16, 18, 19 and 21-24 of this bill transfer these requirements from the State Apprenticeship Council to the Office of Workforce Innovation as the state apprenticeship agency in this State. Section 11 of this bill requires the State Apprenticeship Council to perform certain duties at the direction of the Office of Workforce Innovation. Section 10 of this bill requires the member of the State Apprenticeship Council who is a representative of the general public to be familiar with apprenticeable occupations and prohibits the Office of Workforce Innovation from permitting the State Apprenticeship Council to perform certain duties of the Office of Workforce Innovation.~~

~~Section 3 of this bill requires the Office of Workforce Innovation to evaluate the performance of each registered apprenticeship program in this State and establishes standards for the conduct, operation or administration of a registered apprenticeship program. Section 5 of this bill requires the Office of Workforce Innovation to grant reciprocal approval for federal purposes to certain programs of apprenticeship and apprenticeship standards that are registered in other states if reciprocal approval is requested and the program meets the requirements of this State regarding wages, hours and apprentice ratios.~~

~~Existing federal regulations require that each program of apprenticeship include, in addition to on the job training, related instruction on technical subjects related to the occupation which must be taught by an apprenticeship instructor who meets certain qualifications. (29 C.F.R. § 29.5) Section 2 of this bill requires an apprenticeship instructor to meet the qualifications required by federal law.~~

~~Sections 6 and 7 of this bill establish procedures for the deregistration of a program of apprenticeship either voluntarily or by the Office of Workforce Innovation for reasonable cause.~~

~~— Existing law requires the Governor to appoint a State Apprenticeship Director who serves at the pleasure of the Governor. (NRS 610.110) Section 12 of this bill requires the Office of Workforce Innovation to employ a State Apprenticeship Director and provides that the State Apprenticeship Director serves at the pleasure of the Executive Director.~~

~~— Existing law requires a program sponsor to submit to the State Apprenticeship Director a written notice of the termination of an apprenticeship agreement within 10 days. (NRS 610.140) Section 14 of this bill requires this notice to be submitted within 45 days.~~

~~— Sections 15 and 16 of this bill enact provisions based on existing federal regulations to establish the term of an apprenticeship, provide for the transfer of an apprentice to another employer and establish the maximum length of a probationary period for an apprentice.]~~

Existing law requires an apprenticeship agreement to include a statement that the apprentice will not be subject to discrimination on the basis of certain categories. (NRS 610.150) Existing law also requires the suspension for 1 year of certain entities from participation in an apprenticeship program if the entity is found to have discriminated on the basis of certain categories. (NRS 610.185) **Section 16** of this bill adds genetic information, national origin and age of 40 years or older to the list of categories included in an apprenticeship agreement for which discrimination is prohibited. ~~[Section 16 also requires an apprenticeship agreement to include a request for demographic data.]~~ **Section 19 of this bill** adds **"** genetic information **"** and **"** age of 40 years or older **"** to the list of categories **for** which an entity may be suspended for discriminating ~~[on the basis of.]~~ **against an apprentice. Section 9 of this bill makes conforming changes.**

Existing law creates the State Apprenticeship Council, the voting members of which are appointed by the Governor. (NRS 610.030) Section 10 of this bill changes the membership of the Council, including changing the qualifications for the voting members, reducing the number of voting members from nine to seven and providing that the voting members are appointed by the Governor upon the recommendation of the Executive Director of the Office of Workforce Innovation. Section 24.5 of this bill provides that the terms of the existing voting members of the Council expire upon the passage and approval of this bill and that, as soon as practicable after the passage and approval of this bill, the membership of the Council set forth in section 10 of this bill must be appointed.

Existing law requires the Governor to select from the membership of the Council a Chair and Vice Chair, who hold office for 1 year. (NRS 610.070) Section 10.5 of this bill requires the Executive Director of the Office of Workforce Innovation to select the Chair and Vice Chair of the Council and provides that the Chair, or the Vice Chair in the absence of the Chair, is not entitled to a vote, except to break a tie.

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

Section 1. ~~[Chapter 610 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.]~~ **(Deleted by amendment.)**

Sec. 2. ~~*[1. An apprenticeship instructor must:*~~

~~*(a) Meet the requirements of the State Board of Education to teach career and technical education in this State or be a subject matter expert; and*~~

~~*(b) Have training in teaching techniques and adult learning styles, which may occur before or after the apprenticeship instructor begins providing related technical instruction in connection with a program.*~~

~~*2. As used in this section, "subject matter expert" means a person who is recognized within an industry as having expertise in a specific occupation, including, without limitation, a journeyworker.]*~~ **(Deleted by amendment.)**

Sec. 3. ~~*[1. The Office of Workforce Innovation shall evaluate the performance of each registered program. Each registered program must be conducted, operated or administered in adherence to the terms of the program sponsor's standards of apprenticeship and associated appendices, in conformance with the goals and policies of the United States Department of Labor as articulated in 29 C.F.R. Part 29 and in guidance issued by the Office of Apprenticeship of the Employment and Training Administration of the United States Department of Labor.*~~

~~*2. The Office of Workforce Innovation shall evaluate the completion rates of a program in comparison to the national average for completion rates. Based on this review, the Office of Workforce Innovation must provide technical assistance to programs with completion rates lower than the national average.*~~

~~*3. The cancellation of an apprenticeship agreement during the probationary period shall not have an adverse impact on the completion rate of the sponsor of the program.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~*[The Office of Workforce Innovation shall:*~~

~~*1. Register and approve or reject proposed programs and standards for apprenticeship.*~~

~~*2. After providing notice and a hearing and for good cause shown, deny an application for approval of a program, suspend, terminate, cancel or place conditions upon any approved program, or place an approved program on probation for any violation of the provisions of this title or 29 C.F.R. Part 29 as specified in regulations adopted by the Council at the direction of the Office of Workforce Innovation.]*~~ **(Deleted by amendment.)**

Sec. 5. ~~*[1. The Office of Workforce Innovation shall accord reciprocal approval for federal purposes to programs and standards that are registered in other states by the Office of Apprenticeship of the Employment and Training Administration of the United States Department of Labor or a state registration agency if such reciprocity is requested by the program*~~

~~*sponsor and the program for which reciprocal approval is sought meets the wage and hour provisions and apprentice ratio standards of this State.*~~

~~*2. As used in this section, "registration agency" means a state apprenticeship agency that is responsible for registering apprenticeship programs and apprentices and that is recognized by the United States Department of Labor.]*~~ **(Deleted by amendment.)**

Sec. 6. ~~*[The Office of Workforce Innovation may deregister a program:*~~

~~*1. Upon the submission by the program sponsor of a written request for cancellation which:*~~

~~*(a) States that the program sponsor is requesting the cancellation of the registration and the effective date of the requested cancellation.*~~

~~*(b) Contains an attestation by the program sponsor that the program sponsor will notify, within 15 days after the date of acknowledgment, all apprentices registered to the program:*~~

~~*(1) Of the cancellation of the program and the effective date of the cancellation;*~~

~~*(2) That the cancellation automatically deprives the apprentice of individual registration;*~~

~~*(3) That deregistration of the program removes the apprentice from coverage for federal purposes which require the approval of an apprenticeship program by the United States Secretary of Labor; and*~~

~~*(4) That all apprentices are referred to the Office of Workforce Innovation for information about potential transfer to other registered programs.*~~

~~*2. Upon reasonable cause, as provided by section 7 of this act.]*~~ **(Deleted by amendment.)**

Sec. 7. ~~*[1. The Office of Workforce Innovation may commence deregistration proceedings against a program for reasonable cause if the program is not conducted, operated or administered in accordance with the registered standards of the program or with the requirements of this chapter or 29 C.F.R. Part 29.*~~

~~*2. If the Office of Workforce Innovation determines that a program is not being operated in accordance with the registered standards or with the requirements of this chapter or 29 C.F.R. Part 29, the Office of Workforce Innovation shall notify the program sponsor of the determination in writing. The notice must:*~~

~~*(a) Be sent to the contact person of the program sponsor;*~~

~~*(b) Be sent by registered or certified mail, with return receipt requested;*~~

~~*(c) State the deficiencies identified by the Office of Workforce Innovation and the remedy or remedies required; and*~~

~~*(d) State that a determination of reasonable cause for deregistration will be made unless corrective action is taken to remedy the deficiencies within 30 days.*~~

~~*3. Upon request of a program sponsor, the Office of Workforce Innovation may for good cause extend by 30 days the time within which a*~~

~~*program sponsor must take corrective action as provided by the notice sent as required by subsection 2.*~~

~~*4. During the period for corrective action, including any extension of time granted pursuant to subsection 3, the Office of Workforce Innovation shall provide all reasonable assistance to the program sponsor to achieve conformity with the registered standards of the program and the requirements of this chapter and 29 C.F.R. Part 29.*~~

~~*5. If the required corrective actions to remedy the deficiencies are not taken within the period for corrective action, including any extension of time granted pursuant to subsection 3, the Office of Workforce Innovation shall send a notice to the program sponsor, by registered or certified mail, return receipt requested, which states that:*~~

~~*(a) The notice was sent pursuant to this subsection;*~~

~~*(b) Certain deficiencies were called to the program sponsor's attention and lists:*~~

~~*(1) The deficiencies identified and the remedy or remedies required;*~~

~~*(2) The date of each notice sent pursuant to subsection 2; and*~~

~~*(3) Any other date on which deficiencies were called to the attention of the program sponsor or remedies were required;*~~

~~*(c) The sponsor has failed or refused to correct such deficiencies;*~~

~~*(d) Based on the stated deficiencies and the failure to remedy them, a determination has been made that there is reasonable cause to deregister the program and the program may be deregistered unless, within 15 days of the receipt of the notice, the program sponsor requests a hearing with the Office of Workforce Innovation; and*~~

~~*(e) If the sponsor does not request a hearing, the entire matter will be submitted to the Administrator for a decision on the record with respect to deregistration.*~~

~~*6. If the program sponsor does not request a hearing, the Office of Workforce Innovation shall transmit to the Administrator a report containing all pertinent facts and circumstances concerning the nonconformity, including the findings and recommendation for deregistration and copies of all relevant documents and records. Any statement concerning interviews, meetings and conferences must include the time, date, place and persons present.*~~

~~*7. If the program sponsor requests a hearing, the Office of Workforce Innovation shall transmit to the Administrator a report containing all the information listed in subsection 6 for referral to the Office of Administrative Law Judges of the United States Department of Labor.*~~

~~*8. A program which was deregistered pursuant to this section may be reinstated upon presentation to the Office of Workforce Innovation of adequate evidence that the program is operating in accordance with this chapter and 29 C.F.R. Part 29.*~~

~~*9. As used in this section, "Administrator" means the Administrator of the Office of Apprenticeship of the Employment and Training*~~

~~***Administration of the United States Department of Labor or any person specifically designated by the Administrator.]***~~ **(Deleted by amendment.)**

Sec. 8. ~~[NRS 610.010 is hereby amended to read as follows:~~

~~610.010 As used in this chapter, unless the context otherwise requires:~~

~~1. "Agreement" means a written and signed~~ ***apprenticeship*** ~~agreement [of indenture as an apprentice.]~~ ***between an apprentice and an employer, the program sponsor if the program sponsor is not the employer and an apprenticeship committee acting as agent for the program sponsor, which contains the terms and conditions of the employment and training of the apprentice and which complies with the provisions of NRS 610.150 and 29 C.F.R. § 29.7.***

~~2. "Apprentice" means a [person]~~ ***worker*** ~~who is [covered]~~ ***:***

~~***(a) 16 years of age or older, except where a higher minimum age is otherwise provided by law;***~~

~~***(b) Employed to learn an apprenticeable occupation under standards of apprenticeship fulfilling the requirements of NRS 610.144 and 29 C.F.R. § 29.5; and***~~

~~***(c) Covered*** ~~by a written agreement, issued pursuant to a program with an employer, or with an association of employers or an organization of employees acting as agent for an employer.~~

~~***3. "Apprenticeable occupation" means an occupation which is specified by an industry and which:***~~

~~***(a) Involves skills that are customarily learned in a practical way through a structured, systematic program of on-the-job supervised learning;***~~

~~***(b) Is clearly identified and commonly recognized throughout the industry;***~~

~~***(c) Involves the progressive attainment of manual, mechanical or technical skills and knowledge which, in accordance with the industry standard for the occupation, would require the completion of at least 2,000 hours of on-the-job learning to attain; and***~~

~~***(d) Requires related instruction to supplement the on-the-job learning.***~~

~~***4. "Competency" means the attainment of manual, mechanical or technical skills and knowledge, as specified by an occupational standard and demonstrated by an appropriate hands-on observation proficiency measurement or a written proficiency measurement.***~~

~~***5. "Completion rate" means the percentage of individual apprentices registered to a specific program during a 1-year time frame who receive a certificate of apprenticeship completion within 1 year of the projected completion date, not including any apprentice whose apprenticeship agreement was cancelled during the probationary period.***~~

~~***6.*** "Council" means the State Apprenticeship Council created by NRS 610.030.~~

~~[4.]~~ ***7.*** ~~"Disability" means, with respect to a person:~~

~~(a) A physical or mental impairment that substantially limits one or more of the major life activities of the person;~~

~~(b) A record of such an impairment; or~~

~~(c) Being regarded as having such an impairment.~~

~~[5.] *8. "Employer" means any person or organization employing an apprentice.*~~

9. ~~"Executive Director" means the Executive Director of the Office of Workforce Innovation.~~

~~[6.] *10.* "Gender identity or expression" means a gender related identity, appearance, expression or behavior of a person, regardless of the person's assigned sex at birth.~~

~~[7.] *11. "Interim credential" means a credential issued by the Office of Workforce Innovation, upon request of the appropriate program sponsor, as certification of competency attainment by an apprentice and representing partial competency in the occupation.*~~

~~*12. "Journeyworker" means a worker who has attained a level of skill, abilities and competencies recognized within an industry as having mastered the skills and competencies required for the occupation.*~~

13. ~~"Office of Workforce Innovation" means the Office of Workforce Innovation in the Office of the Governor created by NRS 223.800.~~

~~[8.] *14.* "Program" means a [program of] *plan containing all terms and conditions for the qualification, recruitment, selection, employment and* training [and instruction as an apprentice in an occupation in which a person may be apprenticed.~~

~~9.] *of apprentices, as required by this chapter and 29 C.F.R. Parts 29 and 30, including such matters as the requirement for a written apprenticeship agreement.*~~

~~*15. "Program sponsor" means a person, association, committee or organization operating a program and in whose name the program is, or will be, registered.*~~

16. ~~"Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.~~

~~[10.] *17.* "State Apprenticeship Director" means the person appointed pursuant to NRS 610.110.]~~ **(Deleted by amendment.)**

Sec. 9. NRS 610.020 is hereby amended to read as follows:

610.020 The purposes of this chapter are:

1. To open to people, without regard to race, color, creed, sex, sexual orientation, gender identity or expression, religion, disability ~~[or]~~ ***, genetic information,*** national origin ~~[,]~~ ***or age of 40 years or older,*** the opportunity to obtain training that will equip them for profitable employment and citizenship.

2. To establish, as a means to this end, an organized program for the voluntary training of persons under approved standards for apprenticeship, providing facilities for their training and guidance in the arts and crafts of industry and trade, with instruction in related and supplementary education.

3. To promote opportunities for employment for all persons, without regard to race, color, creed, sex, sexual orientation, gender identity or expression, religion, disability ~~[or]~~ ***, genetic information,*** national origin ~~[,]~~ ***or***

age of 40 years or older, under conditions providing adequate training and reasonable earnings.

4. To regulate the supply of skilled workers in relation to the demand for skilled workers.

5. To establish standards for the training of apprentices in approved programs.

6. To establish a State Apprenticeship Council.

7. To provide for a State Apprenticeship Director with the authority to carry out the purposes of this chapter.

8. To provide for reports to the Legislature and to the public regarding the status of the training of apprentices in the State.

9. To accomplish related ends.

Sec. 10. NRS 610.030 is hereby amended to read as follows:

610.030 There is hereby created ~~[a]~~ ***the*** State Apprenticeship Council ***[which operates solely at the direction of the Office of Workforce Innovation. The Office of Workforce Innovation shall not permit the State Apprenticeship Council to perform any of the duties entrusted to the Office of Workforce Innovation pursuant to sections 3 to 7, inclusive, of this act. The State Apprenticeship Council is]*** composed of:

1. The following voting members, appointed by the Governor ~~[.]~~ ***upon recommendation of the Executive Director of the Office of Workforce Innovation:***

(a) ~~[Four members who are representatives from employer associations and have knowledge concerning occupations in which a person may be apprenticed.~~

~~(b) Four members who are representatives from employee organizations and have knowledge concerning occupations in which a person may be apprenticed.~~

~~(c) One member who is a representative of the general public.~~ ***and who is familiar with apprenticeable occupations.]*** ***Two members who represent management and have, or have had, a defined role in a jointly administered apprenticeship program, one of whom must be from northern Nevada and one of whom must be from southern Nevada.***

(b) Two members who represent labor and have, or have had, a defined role in a jointly administered apprenticeship program, one of whom must be from northern Nevada and one of whom must be from southern Nevada.

(c) Two members, one who represents management and one who represents labor, who have, or have had, a defined role or job in a statewide, jointly administered apprenticeship program.

(d) One member who is a representative of the general public.

2. The following nonvoting members:

(a) The Executive Director of the Office of Economic Development or his or her designee.

(b) The Superintendent of Public Instruction or his or her designee.

(c) One representative of a community college located in a county whose population is 700,000 or more, appointed by the Chancellor of the Nevada System of Higher Education.

(d) One representative of a community college located in a county whose population is less than 700,000, appointed by the Chancellor of the Nevada System of Higher Education.

Sec. 10.5. **NRS 610.070 is hereby amended to read as follows:**

610.070 1. The ~~[Governor]~~ ***Executive Director of the Office of Workforce Innovation*** shall select from the membership of the Council a Chair and Vice Chair, who shall hold office for ~~[1 year.]~~ ***2 years. Notwithstanding the provisions of NRS 610.030, the Chair, or the Vice Chair in the absence of the Chair, is not entitled to a vote except to break a tie.***

2. The State Apprenticeship Director shall serve as the nonvoting Secretary of the Council.

3. The Council may prescribe such bylaws as it deems necessary for its operation.

4. The Council shall meet at least once in each calendar quarter at a time and place specified by the call of the Chair, the State Apprenticeship Director, the Executive Director or a majority of the members of the Council. Special meetings of the Council may be held at the call of the Chair, the State Apprenticeship Director, the Executive Director or a majority of the members of the Council at such additional times as they deem necessary.

5. ~~[Five]~~ ***The Chair, or the Vice Chair in the absence of the Chair, and four*** voting members of the Council constitutes a quorum, and a quorum may exercise any power or authority conferred on the Council.

Sec. 11. ~~[NRS 610.090 is hereby amended to read as follows:~~

~~610.090 The Council shall [:] , at the direction of the Office of Workforce Innovation:~~

~~1. [Establish] *Recommend* standards for programs and agreements that are not lower than those prescribed by this chapter.~~

~~2. [Upon review and approval, extend written reciprocal recognition to multistate joint programs.~~

~~3. Adopt such] *Promulgate* regulations as may be necessary to carry out the intent and purposes of this chapter.~~

~~[4. Administer the provisions of this chapter as a regulatory body.~~

~~5.] *3.* Consistent with its duties and obligations under this chapter, demonstrate linkages and coordination with the State's economic development strategies and workforce investment system that is paid for wholly or in part out of public money, as set forth in 29 C.F.R. § 29.13.~~

~~[6. Adopt]~~

~~*4. Promulgate* regulations pursuant to 29 C.F.R. Parts 29 and 30.~~

~~[7. Perform such other functions as may be necessary for the fulfillment of the intent and purposes of this chapter.]~~ **(Deleted by amendment.)**

Sec. 12. ~~[NRS 610.110 is hereby amended to read as follows:~~

~~610.110 1. The [Governor] *Office of Workforce Innovation* shall [appoint] *employ* a State Apprenticeship Director.~~

~~2. The State Apprenticeship Director:~~

~~(a) Shall report to the Executive Director.~~

~~(b) Is not in the classified or unclassified service of the State and serves at the pleasure of the [Governor.] *Executive Director.*~~

~~(c) Must have responsible administrative experience in public or business administration or must possess broad management skills in areas related to the functions of this chapter.~~

~~(d) Must have the demonstrated ability to administer a major public agency in the field of workforce development, and must possess the following skills and attributes:~~

~~(1) A comprehensive knowledge of administrative principles and a working knowledge of broad principles relating to subject matters under his or her administrative direction.~~

~~(2) The administrative ability to assess the adequacy of agency operations and the protection of the public interest as related to the subject fields.~~

~~(3) An ability to organize and present oral and written communication to the Governor, the Legislature and other pertinent officials or persons.~~

~~(4) A background which demonstrates that he or she can impartially serve the interests of both employees and employers.~~

~~(e) Must not, at the time of appointment or at any time during his or her term of office, receive payment or compensation as the officer of any labor organization or have a pecuniary interest in any labor organization.]~~ **(Deleted by amendment.)**

Sec. 13. ~~[NRS 610.120 is hereby amended to read as follows:~~

~~610.120 1. The State Apprenticeship Director shall:~~

~~(a) Administer the provisions of this chapter with the advice and guidance of the State Apprenticeship Council.~~

~~(b) Keep a record of agreements and their dispositions.~~

~~(c) Issue certificates of completion of apprenticeship [at the request of the local joint apprenticeship committee.] *upon successful completion of a program by an apprentice.*~~

~~(d) Promote apprenticeship programs through public engagement activities and other initiatives [.] *, including, without limitation, providing education and outreach to employers.*~~

~~(e) Ensure information and resources related to applications for new apprenticeship programs are made available to the public, including, without limitation, information related to technical assistance and requirements for applicants of new apprenticeship programs.~~

~~(f) Establish and maintain an Internet website that provides information regarding apprenticeship programs to the public.~~

~~(g) Assist the Council in identifying opportunities for linkages and coordination with the State's economic development strategies and workforce~~

~~investment system that is paid for wholly or in part with public money, in accordance with 29 C.F.R. § 29.13.~~

~~(h) Coordinate community-based outreach initiatives designed to promote apprenticeship opportunities among students, displaced workers and other persons who face barriers to entering the workforce.~~

~~(i) Prepare budgets and compile annual reports to the Legislature, Executive Director and Governor.~~

~~(j) Perform other administrative duties on behalf of the Council.~~

~~(k) Perform such other duties as are necessary to carry out the intent and purposes of this chapter.~~

~~2. The administration and supervision of related and supplemental instruction for apprentices, coordination of instruction with job experiences, and the selection and training of teachers and coordinators for that instruction are the responsibility of the [local joint apprenticeship committees.]~~ ***program sponsor.***

~~3. As used in this section, "technical assistance" means guidance provided by the Office of Workforce Innovation to the sponsor of a proposed or existing apprenticeship program for the development, revision, amendment or processing of standards of apprenticeship or apprenticeship agreements and the provision of advice to or consultation with such a sponsor to further compliance with the provisions of this chapter and any regulations adopted pursuant thereto.]~~ **(Deleted by amendment.)**

Sec. 14. ~~[NRS 610.140 is hereby amended to read as follows:~~

~~610.140 1. A local or state~~ ***joint*** ~~apprenticeship committee shall:~~

~~(a) In accordance with standards established by the [Council,]~~ ***Office of Workforce Innovation,*** ~~work in an advisory capacity with employers and employees in matters regarding schedules of operations, application of wage rates, and working conditions for apprentices, which conditions must specify the number of apprentices which may be employed locally in the trade under programs and agreements entered into under this chapter.~~

~~(b) Adjust disputes concerning apprenticeships not otherwise provided for in bona fide collective bargaining agreements.~~

~~(c) Within [10]~~ ***45*** ~~days after the termination of any agreement, submit to the State Apprenticeship Director a written notice which includes the name of the apprentice and the reason for the termination.~~

~~(d) Keep the Council informed of all actions.~~

~~2. The decisions of local or state joint apprenticeship committees are, at all times, subject to appeal to the [Council.]~~ ***Office of Workforce Innovation.]*** **(Deleted by amendment.)**

Sec. 15. ~~[NRS 610.144 is hereby amended to read as follows:~~

~~610.144 To be eligible for registration and approval by the [Council,]~~ ***Office of Workforce Innovation,*** ~~a proposed program must:~~

~~1. Be an organized, written plan embodying the terms and conditions of employment, training and supervision of one or more apprentices in an~~

~~***apprenticeable*** occupation ~~[~~in which a person may be apprenticed~~]~~ and be subscribed to by a sponsor who has undertaken to carry out the program.~~

~~2. Contain the pledge of equal opportunity prescribed in 29 C.F.R. § 30.3(e) and ~~**:** **[**~~, when applicable.~~**]**~~

~~(a) A plan of affirmative action in accordance with 29 C.F.R. § 30.4 ~~**[**~~;~~**]** **, *when applicable;***~~

~~(b) A method of selection authorized in 29 C.F.R. § 30.10; ***and***~~

~~(c) ~~**[**~~A nondiscriminatory pool for application as an apprentice; or~~

~~(d) Similar~~**]** ***Parallel*** ~~requirements expressed in a state plan for equal opportunity in employment in apprenticeships adopted pursuant to 29 C.F.R. Part 30 and approved by the United States Department of Labor.~~

~~3. Contain ~~**[**~~:~~**]** ***all of the following:***~~

~~(a) Provisions concerning the employment and training of the apprentice in a skilled ~~**[**~~trade;~~**]** ***occupation.***~~

~~(b) ~~**[**~~A~~**]** ***Provisions that address the*** ~~term of apprenticeship~~ ***, including:***~~

~~***(1) The approach used to measure the term of the apprenticeship. The term of apprenticeship must be measured using:***~~

~~***(I) A time-based approach, which requires the completion*** ~~of not less than 2,000 hours of ~~**[**~~work experience, consistent with training requirements as established by practice in the trade;~~**]** ***on the job learning, as described in a work process schedule, or the industry standard number of hours for on-the-job learning, whichever is greater;***~~

~~***(II) A competency-based approach, which requires the attainment of competency as measured by the successful demonstration by the apprentice of acquired skills and knowledge, as verified by the program sponsor; or***~~

~~***(III) A hybrid-based approach, which measures the acquisition of skills by the apprentice through a combination of a minimum number of hours of on-the-job learning and the successful demonstration of competency as described in a work process schedule.***~~

~~***➥ The determination of the appropriate approach must be made by the program sponsor, subject to approval by the Office of Workforce Innovation, as appropriate to the apprenticeable occupation.***~~

~~***(2) If the program proposes to use a competency-based approach, provisions addressing how on-the-job learning will be integrated into the program, describing competencies and identifying an appropriate means of testing and evaluating for such competencies.***~~

~~***(3) If the program proposes to issue interim credentials in connection with the use of a time-based, competency-based or hybrid-based approach, provisions identifying the interim credentials, demonstrating how such credentials link to the components of the apprenticeable occupation, and establishing the process for assessing an apprentice's demonstration of competency associated with each interim credential. The Office of Workforce Innovation shall not issue an interim credential for any competency other than a recognized component of an apprenticeable occupation.***~~

~~(e) An outline of the *work* processes in which the apprentice will receive supervised *work* experience and training on the job, and the allocation of the approximate time to be spent in each major process.~~ **[**~~,~~**]**

~~(d) Provisions for organized, related and supplemental instruction in technical subjects related to the~~ **[**~~trade~~**]** ***occupation*** ~~with a minimum of 144 hours for each year of apprenticeship,~~ **[**~~given in a~~**]** ***accomplished through media such as*** ~~classroom~~ ***, occupational*** ~~or~~ **[**~~through trade, industrial or correspondence~~**]** ***industry*** ~~courses~~ **[**~~of equivalent value~~**]** ***, electronic media*** ~~or other~~ **[**~~forms of study~~**]** ***instruction*** ~~approved by the~~ **[**~~Council;~~**]** ***Office of Workforce Innovation. Such related instruction must be provided by an apprenticeship instructor who meets the requirements set forth in section 2 of this act.***

~~(e) A progressively increasing, reasonable and profitable schedule of wages to be paid to the apprentice consistent with the skills acquired.~~ **[**~~,~~**]** ***The wages set forth in the schedule of wages, including, without limitation, the entry level wage, must*** ~~not~~ ***be*** ~~less than~~ **[**~~that allowed~~**]** ***the minimum wage prescribed*** ~~by federal or state law or regulations or by a collective bargaining agreement.~~ **[**~~;~~**]**

~~(f) Provisions for a periodic review and evaluation of the apprentice's progress in performance on the job and related instruction and the maintenance of appropriate records of such progress.~~ **[**~~;~~**]**

~~(g) A numeric ratio of apprentices to~~ **[**~~journeymen~~**]** ***journeyworkers*** ~~consistent with proper supervision, training, safety, continuity of employment and applicable provisions in collective bargaining agreements,~~ **[**~~in language that is~~**]** ***except where such ratios are expressly prohibited by the collective bargaining agreements. The ratio language must be*** ~~specific and~~ **[**~~clear~~**]** ***clearly described*** ~~as to its application~~ **[**~~in terms of job sites, workforces, departments or plants;~~**]** ***to the job site, workforce, department or plant.***

~~(h) A probationary period that is reasonable in relation to the full term of apprenticeship, with full credit given for that period toward the completion of the full term of apprenticeship.~~ **[**~~;~~**]** ***The probationary period must not exceed 25 percent of the length of the program or 1 year, whichever is shorter.***

~~(i) Provisions for adequate and safe equipment and facilities for training and supervision and for the training of apprentices in safety on the job and in related instruction.~~ **[**~~;~~**]**

~~(j) The minimum qualifications required by a sponsor for persons entering the program, with an eligible starting age of not less than 16 years.~~ **[**~~;~~**]**

~~(k) Provisions for the placement of an apprentice under a written agreement as required by this chapter, incorporating directly or by reference the standards of the program.~~ **[**~~;~~**]**

~~(l) Provisions for the granting of advanced standing or credit to all applicants on an equal basis for *demonstrated competency or* previously acquired experience, training or skills, with commensurate wages for each advanced step granted.~~ **[**~~;~~**]**

~~(m) Provisions for the transfer of the employer's training obligation when the employer is unable to fulfill his or her obligation under the agreement to another employer under the same or a similar program with the consent of the apprentice and the local joint apprenticeship committee or~~ ***program*** ~~sponsor~~ **.** ~~[of the program;]~~ ***Such provisions must provide that:***

~~***(1) The transferring apprentice must be provided a transcript of related instruction and on-the-job learning by the committee or program sponsor.***~~

~~***(2) Any such transfer of an apprentice must be to the same occupation.***~~

~~***(3) A new apprenticeship agreement must be executed when a transfer occurs between program sponsors.***~~

~~(n) Provisions for the assurance of qualified training personnel and adequate supervision on the job~~ **.** ~~[;]~~

~~(o) Provisions for the issuance of an appropriate certificate evidencing the successful completion of an apprenticeship~~ **.** ~~[;]~~

~~(p) An identification of the Office of Workforce Innovation as the agency for registration of the program~~ **.** ~~[;]~~

~~(q)~~ ***Provisions for the registration, cancellation and deregistration of the program, and for the prompt submission of any modification or amendment of a program standard to the Office of Workforce Innovation for approval.***

~~***(r)*** Provisions for the registration of agreements and of modifications and amendments thereto~~ **.** ~~[;~~

~~(r)~~ ***(s)*** ~~Provisions for notice to the State Apprenticeship Director of persons who have successfully completed the program and of all cancellations,~~ ***transfers,*** ~~suspensions and terminations of agreements and~~ ***a statement of*** ~~the [causes]~~ ***reasons*** ~~therefor [;~~

~~(s)~~ ***, within 45 days after the successful completion of the program or the cancellation, transfer, suspension or termination of an agreement.***

~~***(t)*** Provisions for the [termination]~~ ***cancellation*** ~~of an agreement during the probationary period by either party without cause~~ **.** ~~[;~~

~~(t)~~ ***(u)*** ~~A statement that the program will be conducted, operated and administered in conformity with the applicable provisions of 29 C.F.R. Part 30 or a state plan for equal opportunity in employment in apprenticeships adopted pursuant to 29 C.F.R. Part 30 and approved by the United States Department of Labor~~ **.** ~~[;~~

~~(u)~~ ***(v)*** ~~The~~ ***contact information, including, the*** ~~name~~ **,** ~~[and]~~ ~~address~~ **,** ***telephone number and electronic mail address*** ~~of the appropriate authority under the program to receive, process and make disposition of complaints~~ **.** ~~[; and~~

~~(v)~~ ***(w)*** ~~Provisions for the recording and maintenance of all records concerning apprenticeships as may be required by the [Council]~~ ***Office of Workforce Innovation*** ~~and applicable laws.]~~ **(Deleted by amendment.)**

Sec. 16. NRS 610.150 is hereby amended to read as follows:

610.150 Every agreement entered into under this chapter must contain : ~~***[all of the following:]***~~

1. The names and signatures of the contracting parties and the signature of a parent or legal guardian if the apprentice is a minor.

2. The date of birth of the apprentice , ***[and, if the apprentice elects to provide it, the social security number of the apprentice.]***

3. The name and address of the sponsor of the program , ***[and the Office of Workforce Innovation.]***

4. A statement of the trade or craft ***[occupation]*** in which the apprentice is to be trained, and the beginning date and expected duration of the apprenticeship.

5. A statement showing the ***[:***

(a) If the program is a time-based program, the] number of hours to be spent by the apprentice in work ***[on the job in the program;***

(b) If the program is a competency-based program, a description of the skill sets to be attained by completion of the program, including, without limitation, the on-the-job learning component of the program;

(c) If the program is a hybrid-based program, the minimum number of hours to be spent by the apprentice and a description of the skill sets to be attained by completion of the program;] and the

[(d) The] number of hours to be spent in related and supplemental instruction , ***[in technical subjects related to the occupation,]*** which instruction must not be less than 144 hours per year.

6. A statement setting forth a schedule of the ***[work]*** processes in the trade ***[occupation]*** or division of industry in which the apprentice is to be trained and the approximate time to be spent at each process.

7. A statement of the graduated scale of wages to be paid the apprentice and whether or not compensation is to be paid for the required time ***[spent]*** in school. ***[required related instruction.]***

8. Statements providing:

(a) For a specific period of probation during which the agreement may be terminated ***[cancelled]*** by either party to the agreement upon written notice to the State Apprenticeship Director ; ***[without adverse impact on the program sponsor;]*** and

(b) That after the probationary period the agreement may be cancelled at the request of the apprentice, or suspended, cancelled or terminated by the sponsor for good cause, with due notice to the apprentice and a reasonable opportunity for corrective action, and with written notice to the apprentice and the State Apprenticeship Director of the final action taken.

9. A reference incorporating as part of the agreement the standards of the program as it exists on the date of the agreement and as it may be amended during the period of the agreement.

10. A statement that the apprentice will be accorded equal opportunity in all phases of employment and training as an apprentice without discrimination because of race, color, creed, sex, sexual orientation, gender identity or expression, religion ***,*** ~~[or]~~ disability ~~[.]~~ ***, genetic information, national origin or age of 40 years or older.***

11. A statement naming the Council ~~*[Office of Workforce Innovation]*~~ as the authority designated pursuant to NRS 610.180 to receive, process and dispose of controversies or differences arising out of the agreement when the controversies or differences cannot be adjusted locally or resolved in accordance with the program or collective bargaining agreements.

12. ~~*[A request for demographic data, including, without limitation, the race, sex and ethnicity of the apprentice and an invitation to self-identify as an individual with a disability as defined in 29 C.F.R. § 30.2.*~~

~~*13.]*~~ Such additional terms and conditions as are prescribed or approved by the Council ~~*[Office of Workforce Innovation]*~~ not inconsistent with the provisions of this chapter.

Sec. 17. ~~[NRS 610.160 is hereby amended to read as follows:~~

~~610.160 [1. No agreement under this chapter is effective until it is approved by the local joint apprenticeship committee and the Council. A copy of the agreement must be forwarded within 10 days after approval by the local joint apprenticeship committee to the Council.~~

~~2. Every agreement must be signed by the employer, by an association of employers or by an organization of employees acting as agent for an employer, and by the apprentice. If the apprentice is a minor, the agreement must also be signed by:~~

~~(a) Both parents, if the minor is living with both parents;~~

~~(b) The custodial parent, if the minor is living with only one parent; or~~

~~(c) The minor's legal guardian.~~

~~3.] If a minor enters into an agreement under this chapter for a period of training extending into his or her majority, the agreement is likewise binding for the period covered during his or her majority.]~~ **(Deleted by amendment.)**

Sec. 18. ~~[NRS 610.180 is hereby amended to read as follows:~~

~~610.180 1. Upon the complaint of any interested person or upon its own initiative, the [Council]~~ ~~*Office of Workforce Innovation*~~ ~~may investigate to determine if there has been a violation of the terms or conditions of an approved program or an agreement made under this chapter. The [Council]~~ ~~*Office of Workforce Innovation*~~ ~~may hold necessary hearings, inquiries and other proceedings. The parties to each agreement and the sponsors and interested participants in the program shall be given a fair and impartial hearing, after reasonable notice. A copy of the determination or decision of each hearing must be filed with the State Apprenticeship Director.~~

~~2. A person shall not institute any action based upon:~~

~~(a) An agreement;~~

~~(b) Proposed or approved standards for apprenticeship; or~~

~~(c) A program governed by this chapter,~~

~~" unless the person first exhausts all administrative remedies provided by this chapter.]~~ **(Deleted by amendment.)**

Sec. 19. NRS 610.185 is hereby amended to read as follows:

610.185 The State Apprenticeship Council ~~*[Office of Workforce Innovation]*~~ shall suspend for 1 year the right of any employer, association of

employers or organization of employees acting as agent for an employer to participate in a program under the provisions of this chapter if the Nevada Equal Rights Commission, after notice and hearing, finds that the employer, association or organization has discriminated against an apprentice because of race, color, creed, sex, sexual orientation, gender identity or expression, religion, disability ***, genetic information,*** ~~[or]~~ national origin ***or age of 40 years or older,*** in violation of this chapter.

Sec. 20. ~~[NRS 223.820 is hereby amended to read as follows:~~

~~223.820 The Executive Director of the Office of Workforce Innovation shall:~~

~~1. Provide support to the Office of the Governor, the Governor's Workforce Development Board [created] *established* by [NRS 232.935] *executive order of the Governor* and the industry sector councils established by the Governor's Workforce Development Board on matters relating to workforce development.~~

~~2. Work in coordination with the Office of Economic Development to establish criteria and goals for workforce development and diversification in this State.~~

~~3. Collect and systematize and present in biennial reports to the Governor and the Legislature such statistical details relating to workforce development in the State as the Executive Director of the Office may deem essential to further the objectives of the Office of Workforce Innovation.~~

~~4. At the direction of the Governor:~~

~~(a) Identify, recommend and implement policies related to workforce development.~~

~~(b) Define career pathways and identify priority career pathways for secondary and postsecondary education.~~

~~(c) Discontinue career pathways offered by the State which fail to meet minimum standards of quality, rigor and cross-education alignment, or that do not demonstrate a connection to priority industry needs.~~

~~(d) In consultation with the Governor's Workforce Development Board, identify industry recognized credentials, workforce development programs and education.~~

~~(e) Maintain and oversee the statewide longitudinal data system that links data relating to early childhood education programs and K-12 public education with data relating to postsecondary education and the workforce in this State.~~

~~(f) Collect accurate educational data in the statewide longitudinal data system for the purpose of analyzing student performance through employment to assist in improving the educational system and workforce training program in this State.~~

~~(g) Apply for and administer grants, including, without limitation, those that may be available from funding reserved for statewide workforce investment activities.~~

~~(h) Review the status and structure of local workforce investment areas in the State, in coordination with the Governor and the Governor's Workforce Development Board.~~

~~(i) Report periodically to the Governor's Workforce Development Board concerning the administration of the policies and programs of the Office of Workforce Innovation.~~

~~(j) On or before March 31 of each year, submit to the Governor a complete report of the activities, discussions, findings and recommendations of the Office of Workforce Innovation.~~

~~(k) Oversee the State Apprenticeship Council and the State Apprenticeship Director pursuant to NRS 610.110 to 610.185, inclusive, *and sections 2 to 7, inclusive, of this act* and perform such other functions as may be necessary for the fulfillment of the intent and purposes of chapter 610 of NRS.~~

~~(l) Suggest improvements regarding the allocation of federal and state money to align workforce training and related education programs in the State, including, but not limited to, career and technical education.~~

~~(m) On or before January 1 of each year, collect and analyze data as needed to create a written report for the purposes of this paragraph, and submit such a report to the Director of the Legislative Counsel Bureau. The report must include, without limitation:~~

~~(1) Statistical data based on an analysis of the number of persons within this State who are engaged in an occupation or profession that is regulated by a regulatory body in relation to the total population of this State or any geographic area within this State;~~

~~(2) The demand within this State or any geographic area within this State for the types of services provided by persons within this State who are engaged in an occupation or profession that is regulated by a regulatory body; and~~

~~(3) Any other factors relating to the types of services provided by persons within this State who are engaged in an occupation or profession that is regulated by a regulatory body that adversely affect public health or safety.~~

~~As used in this paragraph, "regulatory body" has the meaning ascribed to it in NRS 622.060.~~

~~(n) On or before January 1 of each year, submit to the Director of the Legislative Counsel Bureau a written report that includes, without limitation, the most current data and reports produced by the statewide longitudinal data system.~~] **(Deleted by amendment.)**

Sec. 21. [~~NRS 361.106 is hereby amended to read as follows:~~

~~361.106 1. Except as otherwise provided in subsection 2, the real and personal property of an apprenticeship program is exempt from taxation if the property is:~~

~~(a) Held in a trust created pursuant to 29 U.S.C. § 186; or~~

~~(b) Owned by a local or state apprenticeship committee and the apprenticeship program is:~~

~~(1) Operated by an organization which is qualified pursuant to 26 U.S.C. § 501(c)(3) or (5); and~~

~~(2) Registered and approved by the [State Apprenticeship Council] *Office of Workforce Innovation* pursuant to chapter 610 of NRS.~~

~~2. If any property exempt from taxation pursuant to subsection 1 is used for a purpose other than that of the apprenticeship program required in subsection 1, and a rent or other valuable consideration is received for its use, the property must be taxed, unless the rent or other valuable consideration is paid or given by an organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c)(3).]~~ **(Deleted by amendment.)**

Sec. 22. ~~[NRS 701B.921 is hereby amended to read as follows:~~

~~701B.921 1. The Department of Employment, Training and Rehabilitation and the Housing Division of the Department of Business and Industry shall establish contractual relationships with one or more nonprofit collaboratives to carry out the State's mission of creating new jobs in the fields of energy efficiency and renewable energy by combining job training with weatherization, energy retrofit applications or the development of renewable energy plants.~~

~~2. To qualify as a nonprofit collaborative for the purposes of this section, a nonprofit entity:~~

~~(a) Must enter into a written agreement relating to job training and career development activities with:~~

~~(1) A labor management agency or other affiliated agency which has established an apprenticeship program that is registered and approved by the [State Apprenticeship Council] *Office of Workforce Innovation* pursuant to chapter 610 of NRS; and~~

~~(2) A community college or another institution of higher education; and~~

~~(b) Must conduct or have the ability to conduct training programs in at least one of the three geographic regions of this State, including southern Nevada, northern Nevada and rural Nevada.~~

~~→ Such a nonprofit entity may also enter into a written agreement relating to job training and career development activities with a trade association which has an accredited job skills training program.~~

~~3. Within the limits of money available to the Department for this purpose, the Department shall contract with one or more qualified nonprofit collaboratives to:~~

~~(a) Carry out programs for job training in fields relating to energy efficiency and the use of renewable energy.~~

~~(b) In concert with a labor management agency or other affiliated agency which has established an apprenticeship program that is registered and approved by the [State Apprenticeship Council] *Office of Workforce Innovation* pursuant to chapter 610 of NRS, develop apprenticeship programs to train laborers in skills related to:~~

~~(1) The implementation of energy efficiency measures.~~

~~(2) The use of renewable energy.~~

~~(3) Performing audits of the energy efficiency of buildings, facilities, residences and structures.~~

~~(4) The weatherization of buildings, facilities, residences and structures.~~

~~(5) The retrofitting of buildings, facilities, residences and structures.~~

~~(6) The construction and operation of centralized renewable energy plants.~~

~~(7) The manufacturing of components relating to work performed pursuant to subparagraphs (1) to (6), inclusive.~~

~~4. The job training described in subsection 3 must be sufficiently detailed to allow workers, as applicable, to perform:~~

~~(a) The services set forth in NRS 702.270.~~

~~(b) The services set forth in NRS 618.910 to 618.936, inclusive.~~

~~(c) Such other vocational or professional services, or both, as the Department deems appropriate.~~

~~5. Funding provided for the job training described in subsection 3:~~

~~(a) Must, to the extent money is available for the purpose, include the cost of tuition and supplies.~~

~~(b) May include a cost of living stipend which may or may not be in addition to any available unemployment compensation.~~

~~6. Within the limits of money available to the Division for the purpose, the Division shall contract with one or more governmental entities, community action agencies or nonprofit organizations, including, without limitation, qualified nonprofit collaboratives, to:~~

~~(a) Identify, in different regions of the State, neighborhoods that will qualify for funding for residential weatherization projects pursuant to federal programs focusing on residential weatherization; and~~

~~(b) Issue requests for proposals for contractors and award contracts for projects to promote energy efficiency through weatherization. Any such requests for proposals and contracts must include, without limitation:~~

~~(1) Provisions stipulating that all employees of the outside contractors who work on the project must be paid prevailing wages;~~

~~(2) Provisions requiring that each outside contractor:~~

~~(I) Employ on each such project a number of persons trained as described in paragraph (b) of subsection 3 that is equal to or greater than 50 percent of the total workforce the contractor employs on the project; or~~

~~(II) If the Director of the Department determines in writing, pursuant to a request submitted by the contractor, that the contractor cannot reasonably comply with the provisions of sub-subparagraph (I) because there are not available a sufficient number of such trained persons, employ a number of persons trained as described in paragraph (b) of subsection 3 or trained through any apprenticeship program that is registered and approved by the [State Apprenticeship Council] *Office of Workforce Innovation* pursuant to chapter 610 of NRS that is equal to or greater than 50 percent of the total workforce the contractor employs on the project;~~

~~(3) A component pursuant to which persons trained as described in paragraph (b) of subsection 3 must be classified and paid prevailing wages depending upon the classification of the skill in which they are trained; and~~

~~(4) A component that requires each contractor to offer to employees working on the project, and to their dependents, health care in the same manner as a policy of insurance pursuant to chapters 689A and 689B of NRS or the Employee Retirement Income Security Act of 1974.~~

~~7. The Department and the Division:~~

~~(a) Shall apply for and accept any grant, appropriation, allocation or other money available pursuant to:~~

~~(1) The Green Jobs Act of 2007, 29 U.S.C. § 2916(e); and~~

~~(2) The American Recovery and Reinvestment Act of 2009, Public Law 111-5; and~~

~~(b) May apply for and accept any other available gift, grant, appropriation or donation from any public or private source,~~

~~→ to assist the Department and the Division in carrying out the provisions of this section.~~

~~8. The Department and the Division shall each report to the Interim Finance Committee at each meeting held by the Interim Finance Committee with respect to the activities in which they have engaged pursuant to this section.~~

~~9. As used in this section, "community action agencies" means private corporations or public agencies established pursuant to the Economic Opportunity Act of 1964, Public Law 88-452, which are authorized to administer money received from federal, state, local or private funding entities to assess, design, operate, finance and oversee antipoverty programs.~~**]**

(Deleted by amendment.)

Sec. 23. ~~[NRS 701B.924 is hereby amended to read as follows:~~

~~701B.924 1. The State Public Works Board shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and 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 pursuant to the provisions of this section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:~~

~~(a) The length of time necessary to commence the project.~~

~~(b) The number of workers estimated to be employed on the project.~~

~~(c) The effectiveness of the project in reducing energy consumption.~~

~~(d) The estimated cost of the project.~~

~~(e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.~~

~~(f) Whether the project has qualified for participation in one or more of the following programs:~~

~~(1) The Solar Energy Systems Incentive Program created by NRS 701B.240;~~

~~(2) The Renewable Energy School Pilot Program created by NRS 701B.350;~~

~~(3) The Wind Energy Systems Demonstration Program created by NRS 701B.580;~~

~~(4) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820; or~~

~~(5) An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.~~

~~2. The board of trustees of each school district shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and 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 pursuant to the provisions of this section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:~~

~~(a) The length of time necessary to commence the project.~~

~~(b) The number of workers estimated to be employed on the project.~~

~~(c) The effectiveness of the project in reducing energy consumption.~~

~~(d) The estimated cost of the project.~~

~~(e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.~~

~~(f) Whether the project has qualified for participation in one or more of the following programs:~~

~~(1) The Solar Energy Systems Incentive Program created by NRS 701B.240;~~

~~(2) The Renewable Energy School Pilot Program created by NRS 701B.350;~~

~~(3) The Wind Energy Systems Demonstration Program created by NRS 701B.580;~~

~~(4) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820; or~~

~~(5) An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.~~

~~3. The Board of Regents of the University of Nevada shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and 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 pursuant to the provisions of this section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:~~

~~(a) The length of time necessary to commence the project.~~

~~(b) The number of workers estimated to be employed on the project.~~

~~(c) The effectiveness of the project in reducing energy consumption.~~

~~(d) The estimated cost of the project.~~

~~(e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.~~

~~(f) Whether the project has qualified for participation in one or more of the following programs:~~

~~(1) The Solar Energy Systems Incentive Program created by NRS 701B.240;~~

~~(2) The Renewable Energy School Pilot Program created by NRS 701B.350;~~

~~(3) The Wind Energy Systems Demonstration Program created by NRS 701B.580;~~

~~(4) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820; or~~

~~(5) An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.~~

~~4. As soon as practicable after an entity described in subsections 1, 2 and 3 selects a project, the entity shall proceed to enter into a contract with one or more contractors to perform the work on the project. The request for proposals and all contracts for each project must include, without limitation:~~

~~(a) Provisions stipulating that all employees of the contractors and subcontractors who work on the project must be paid prevailing wages pursuant to the requirements of chapter 338 of NRS;~~

~~(b) Provisions requiring that each contractor and subcontractor employed on each such project:~~

~~(1) Employ a number of persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 that is equal to or greater than 50 percent of the total workforce the contractor or subcontractor employs on the project; or~~

~~(2) If the Director of the Department determines in writing, pursuant to a request submitted by the contractor or subcontractor, that the contractor or subcontractor cannot reasonably comply with the provisions of subparagraph (1) because there are not available a sufficient number of such trained persons, employ a number of persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 or trained through any apprenticeship program that is registered and approved by the [State Apprenticeship Council] *Office of Workforce Innovation* pursuant to chapter 610 of NRS that is equal to or greater than 50 percent of the total workforce the contractor or subcontractor employs on the project;~~

~~(c) A component pursuant to which persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 must be classified and paid prevailing wages depending upon the classification of the skill in which they are trained; and~~

~~(d) A component that requires each contractor or subcontractor to offer to employees working on the project, and to their dependents, health care in the same manner as a policy of insurance pursuant to chapters 689A and 689B of NRS or the Employee Retirement Income Security Act of 1974.~~

~~5. The State Public Works Board, each of the school districts and the Board of Regents of the University of Nevada shall each provide a report to the Interim Finance Committee which describes the projects selected pursuant to this section and a report of the dates on which those projects are scheduled to be completed.]~~ **(Deleted by amendment.)**

Sec. 24. ~~[NRS 610.095 is hereby repealed.]~~ **(Deleted by amendment.)**

Sec. 24.5. **1. The terms of office of the voting members of the State Apprenticeship Council created by NRS 610.030 who are incumbent on the date of passage and approval of this act expire on that date.**

2. As soon as practicable on or after the date of passage and approval of this act, the Executive Director of the Office of Workforce Innovation created by NRS 223.800 shall recommend and the Governor shall appoint the voting members of the State Apprenticeship Council created by NRS 610.030, as amended by section 10 of this act.

Sec. 25. This act becomes effective ~~[on July 1, 2019.]~~ **upon passage and approval.**

~~]~~

~~TEXT OF REPEALED SECTION~~

~~610.095 Additional duties.~~

~~The State Apprenticeship Council shall:~~

~~1. Register and approve or reject proposed programs and standards for apprenticeship.~~

~~2. After providing notice and a hearing and for good cause shown, deny an application for approval of a program, suspend, terminate, cancel or place conditions upon any approved program, or place an approved program on probation for any violation of the provisions of this title as specified in regulations adopted by the State Apprenticeship Council.]~~

Assemblywoman Spiegel moved the adoption of the amendment.

Remarks by Assemblywoman Spiegel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 223.

Bill read third time.

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

Amendment No. 992.

AN ACT relating to public welfare; requiring the Department of Health and Human Services to seek a federal waiver to provide certain dental care for persons with diabetes; ~~[making an appropriation to pay for the provision of such care;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law authorizes a state to apply for and obtain a waiver of certain requirements concerning the Medicaid program for an experimental, pilot or demonstration project that is likely to assist in promoting the goals of that program. (42 U.S.C. § 1315) **Section 1** of this bill requires the Department of Health and Human Services to apply for such a waiver to provide certain dental care for persons with diabetes who are at least 21 years of age. **Section 2** of this bill makes a conforming change. **Sections 3 and 4** of this bill require a health maintenance organization or managed care organization that provides health care services through managed care to recipients of Medicaid to provide notice to such a recipient who is eligible to receive dental coverage pursuant to **section 2** of his or her eligibility for such care. ~~[Section 5 of this bill appropriates money to the Department to carry out the waiver.]~~ **Section 6** of this bill requires the Department to: (1) use effective purchasing methods, including collaborating with other public and nonprofit entities that provide health coverage to negotiate lower prices for services, when implementing the waiver; and (2) submit to the 81st Session of the Legislature a report concerning the implementation of the waiver.

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

Section 1. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall apply to the Secretary of Health and Human Services for a waiver granted pursuant to 42 U.S.C. § 1315 to authorize the Department to provide the dental care described in this section for persons with diabetes who are at least 21 years of age. To the extent authorized by the waiver ~~***[,]***~~ ***and in accordance with any requirements of the waiver, including, without limitation, requirements concerning fiscal neutrality, such dental care must consist of an initial oral evaluation and, if that evaluation determines, in accordance with the criteria for periodontal disease prescribed by the American Academy of Periodontology or its successor organization, that:***

(a) The person does not have periodontal disease:

(1) Dental prophylaxis for adults, an oral evaluation, the tracking and monitoring of glycosylated hemoglobin and notification of the person and his or her primary care provider, if any, concerning abnormal results once every 180 days;

(2) A comprehensive periodontal evaluation annually; and

(3) Filling of cavities, as necessary.

(b) The person has periodontal disease:

(1) Up to four quadrants of periodontal scaling and root planing every 36 months or, if periodontal scaling and root planing are determined to be unnecessary in accordance with the guidelines prescribed by the American

Dental Association or its successor organization, dental prophylaxis for adults every 180 days;

(2) One periodontal maintenance procedure every 91 days;

(3) Tracking and monitoring of glycosylated hemoglobin and notification of the person and his or her primary care provider, if any, concerning abnormal results every 90 days; and

(4) Filling of cavities, as necessary.

2. The Director shall collaborate with the Division of Public and Behavioral Health of the Department when carrying out the provisions of this section.

3. As used in this section, "dental prophylaxis" means the use of dental tools and polishing procedures to remove plaque, tartar and stains from the portion of the tooth that extends above the gum line.

Sec. 2. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ***and section 1 of this act,*** 422.580, 432.010 to 432.133, inclusive, 432B.621 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department, other than the State Public Defender of the Office of State Public Defender who is appointed pursuant to NRS 180.010.

Sec. 3. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

If the Department of Health and Human Services obtains a waiver to provide the dental care described in section 1 of this act, a health maintenance organization that provides health care services through managed care to recipients of Medicaid must:

1. Provide written notice to each such recipient who is diagnosed with diabetes and is eligible to receive dental care pursuant to section 1 of this act of his or her eligibility to receive such care; and

2. Coordinate with any entity necessary to ensure that eligible recipients of Medicaid receive the benefits prescribed by that section.

Sec. 4. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

If the Department of Health and Human Services obtains a waiver to provide the dental care described in section 1 of this act, a managed care organization that provides health care services through managed care to recipients of Medicaid must:

1. Provide written notice to each such recipient who is diagnosed with diabetes and is eligible to receive dental care pursuant to section 1 of this act of his or her eligibility to receive such care; and

2. Coordinate with any entity necessary to ensure that eligible recipients of Medicaid receive the benefits prescribed by that section.

Sec. 5. ~~[1. There is hereby appropriated from the State General Fund to the Department of Health and Human Services for the purpose of carrying out the provisions of section 1 of this act the following sums:~~

~~For the Fiscal Year 2019-2020 ..... $7,000,000~~

~~For the Fiscal Year 2020-2021 ..... $7,000,000~~

~~2. The sums appropriated by this section are available for either fiscal year. Any remaining balance of those sums must not be committed for expenditure after June 30, 2021, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2021, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2021.]~~ **(Deleted by amendment.)**

Sec. 6. 1. The Department of Health and Human Services shall use effective purchasing methods when carrying out the provisions of section 1 of this act. Such methods must include, without limitation and to the extent practicable, collaborating with the Department of Administration to negotiate prices for the purchase of the services described in section 1 of this act for recipients of Medicaid and other coverage funded by the State.

2. On or before January 1, 2021, the Division of Health Care Financing and Policy of the Department of Health and Human Services and the Division of Public and Behavioral Health of the Department shall submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a report concerning the implementation of section 1 of this act.

Sec. 7. This act becomes effective on July 1, 2019.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 319.

Bill read third time.

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

Amendment No. 991.

AN ACT relating to professional licensing; authorizing a person to petition a professional or occupational licensing board for a determination of whether the person's criminal history will disqualify him or her from obtaining a license; requiring a professional or occupational licensing board to implement a process for such a petition; establishing certain requirements for such process; requiring a professional or occupational licensing board to make a quarterly report to the Legislative Counsel Bureau with certain information; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law allows a person to apply for various professional and occupational licenses if a person meets the requirements established in statute and by the professional or occupational licensing board which grants the license. (Title 54 of NRS; Chapters 1, 7, 90, ~~[116A, 119A,]~~ 232B, 240A, 244, 289, 361, 379, 394, 433, 435, 445B, 453A, 455C, 457, 477, 482, 487, 489, 490, 502-505, 534, 544, 555, 557, 576, 581, 582, 584, 587, 599A, 599B, 618 and 706 of NRS, NRS 391.060, 458.0255, 458.0256) Existing law requires certain boards to submit a quarterly report to the Director of the Legislative Counsel Bureau containing certain information. (NRS 622.100) **Section 1** of this bill requires a regulatory body to develop and implement a process by which a person can petition the regulatory body for a determination of whether the person's criminal history will disqualify the person from obtaining a license from the regulatory body. **Section 1** requires the regulatory body to inform the person of the regulatory body's determination within 90 days after the petition is submitted and allows the regulatory body to rescind the determination at any time. **Section 1** authorizes a regulatory body to provide instructions to a person who receives a determination of disqualification to remedy the determination and resubmit his or her petition after remedying the determination. **Section 1** authorizes a person to petition the regulatory body at any time, including before obtaining any education necessary to obtain a license. **Section 1** authorizes the regulatory body to charge a fee of up to $50 for the costs of considering a petition. **Section 1** authorizes a regulatory body to post information on its Internet website concerning the requirements for obtaining a license and a list of crimes that would disqualify a person for a license. **Section 1** also authorizes a regulatory body to request the criminal history record of a person who petitions the regulatory body for a determination of disqualification or qualification. **Section 1** prohibits a person who petitions a regulatory body from submitting false or misleading information to the regulatory body. **Section 2** of this bill requires a regulatory body to include certain information concerning the determinations of qualification or disqualification in its quarterly report to the Director of the Legislative Counsel Bureau. **Sections ~~[3 - 5,]~~ 3, 9-13, 15, 16, 19, 25, 26, 28, 29, 32, 36, 38, 43-45, 47-51, 53, 57, 63, 67-70 and 72-76** of this bill replicate the requirements of **section 1** for other professional or occupational licensing boards, in addition to requiring the respective professional or occupational licensing board to submit a quarterly report to the Director of the Legislative Counsel Bureau containing certain information.

Existing law establishes the Sunset Subcommittee of the Legislative Commission. (NRS 232B.210-232B.250) Existing law requires the Sunset Subcommittee to conduct reviews of the professional and occupational licensing boards in this State and make recommendations on the continued existence or efficiency of the board. (NRS 232B.220, 232B.250) **Section 6** of this bill requires the Sunset Subcommittee to conduct a review of each professional or occupational licensing board and regulatory body in this State

to determine whether the restrictions on the criminal history of an applicant for an occupational or professional license are appropriate. **Section 8** of this bill requires the Sunset Subcommittee to include in any recommendation made on the appropriateness of a restriction on the criminal history of an applicant suggestions for legislative action.

Sections 7, 14, 17, 18, 20-24, 27, 30, 31, 37, 46, 52, 54-56, 58-62, 64-66, 71 and 77-85 of this bill make conforming changes.

WHEREAS, The right of a natural person to pursue an occupation or profession is a fundamental right; and

WHEREAS, Regulations of occupations and professions shall be construed and applied to increase economic opportunities, promote competition and encourage innovation; and

WHEREAS, Where the State of Nevada finds it is necessary to displace competition, it will use the least restrictive regulation necessary to protect consumers from present, significant and substantiated harms that threaten public health and safety; and

WHEREAS, A regulation of an occupation or profession may be enforced against a natural person only to the extent the natural person sells goods or provides services that are explicitly included in the statute that defines the scope of practice of the occupation; and

WHEREAS, The fundamental right of a natural person to pursue an occupation includes the right of a natural person with a criminal history to obtain an occupational or professional license; now, therefore,

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

Section 1. Chapter 622 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in chapters 624 and 648 of NRS, a regulatory body shall develop and implement a process by which a person with a criminal history may petition the regulatory body to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license from the regulatory body.

2. Not later than 90 days after a petition is submitted to a regulatory body pursuant to subsection 1, a regulatory body shall inform the person of the determination of the regulatory body of whether the person's criminal history will disqualify the person from obtaining a license. A regulatory body is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. A regulatory body may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the regulatory body at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the regulatory body.

5. A person may submit a new petition to the regulatory body not earlier than 2 years after the final determination of the initial petition submitted to the regulatory body.

6. A regulatory body may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. A regulatory body may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. A regulatory body may post on its Internet website:

(a) The requirements to obtain a license from the regulatory body; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license from the regulatory body.

8. A regulatory body may request the criminal history record of a person who petitions the regulatory body for a determination pursuant to subsection 1. To the extent consistent with federal law, if the regulatory body makes such a request of a person, the regulatory body shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions a regulatory body for a determination pursuant to subsection 1 shall not submit false or misleading information to the regulatory body.

Sec. 2. NRS 622.100 is hereby amended to read as follows:

622.100 1. Each regulatory body shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director:

(a) A summary of each disciplinary action taken by the regulatory body during the immediately preceding calendar quarter against any licensee of the regulatory body; and

(b) A report that includes:

(1) For the immediately preceding calendar quarter:

(I) The number of licenses issued by the regulatory body;

(II) The total number of applications for licensure received by the regulatory body;

(III) The number of applications rejected by the regulatory body as incomplete;

(IV) The average number of days between the date of rejection of an application as incomplete and the resubmission by the applicant of a complete application;

(V) A list of each reason given by the regulatory body for the denial of an application and the number of applications denied by the regulatory body for each such reason; ~~[and]~~

(VI) The number of applications reviewed on an individual basis by the regulatory body or the executive head of the regulatory body; ~~[and]~~

(VII) The number of petitions submitted to the regulatory body pursuant to section 1 of this act;

(VIII) The number of determinations of disqualification made by the regulatory body pursuant to section 1 of this act; and

(IX) The reasons for such determinations; and

(2) Any other information that is requested by the Director or which the regulatory body determines would be helpful to the Legislature in evaluating whether the continued existence of the regulatory body is necessary.

2. The Director shall:

(a) Provide any information received pursuant to subsection 1 to a member of the public upon request;

(b) Cause a notice of the availability of such information to be posted on the public website of the Nevada Legislature on the Internet; and

(c) Transmit a compilation of the information received pursuant to subsection 1 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

3. The Director, on or before the first day of each regular session of the Legislature and at such other times as directed, shall compile the reports received pursuant to paragraph (b) of subsection 1 and distribute copies of the compilation to the Senate Standing Committee on Commerce, Labor and Energy and the Assembly Standing Committee on Commerce and Labor, each of which shall review the compilation to determine whether the continued existence of each regulatory body is necessary.

Sec. 3. Chapter 1 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Court Administrator shall develop and implement a process by which a person with a criminal history may petition the Court Administrator to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a certificate or registration as a court interpreter pursuant to NRS 1.510.

2. Not later than 90 days after a petition is submitted to the Court Administrator pursuant to subsection 1, the Court Administrator shall inform the person of the determination of the Court Administrator of whether the person's criminal history will disqualify the person from obtaining a certificate or registration. The Court Administrator is not bound by his or her determination of disqualification or qualification and may rescind such a determination at any time.

3. The Court Administrator may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Court Administrator at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a certificate or registration.

5. A person may submit a new petition to the Court Administrator not earlier than 2 years after the final determination of the initial petition submitted to the Court Administrator.

6. The Court Administrator may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Court Administrator may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Court Administrator may post on its Internet website:

(a) The requirements to obtain a certification or registration as a court interpreter; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a certification or registration as a court interpreter from the Court Administrator.

8. The Court Administrator may request the criminal history record of a person who petitions the Court Administrator for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Court Administrator makes such a request of a person, the Court Administrator shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Court Administrator for a determination pursuant to subsection 1 shall not submit false or misleading information to the Court Administrator.

10. The Court Administrator shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Court Administrator pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Court Administrator pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Court Administrator determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 4. ~~[Chapter 116A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~***1. The Division shall develop and implement a process by which a person with a criminal history may petition the Division to review the criminal***~~

~~*history of the person to determine if the person's criminal history will disqualify the person from obtaining a certificate or registration pursuant to this chapter.*~~

~~*2. Not later than 90 days after a petition is submitted to the Division pursuant to subsection 1, the Division shall inform the person of the determination of the Division of whether the person's criminal history will disqualify the person from obtaining a certificate or registration. The Division is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.*~~

~~*3. The Division may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.*~~

~~*4. A person with a criminal history may petition the Division at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a certificate or registration.*~~

~~*5. A person may submit a new petition to the Division not earlier than 2 years after the final determination of the initial petition submitted to the Division.*~~

~~*6. The Division may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Division may waive such fees or allow such fees to be covered by funds from a scholarship or grant.*~~

~~*7. The Division may post on its Internet website:*~~

~~*(a) The requirements to obtain a certificate or registration from the Division; and*~~

~~*(b) A list of crimes, if any, that would disqualify a person from obtaining a certificate or registration from the Division.*~~

~~*8. The Division may request the criminal history record of a person who petitions the Division for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Division makes such a request of a person, the Division shall require the person to submit his or her criminal history record which includes a report from:*~~

~~*(a) The Central Repository for Nevada Records of Criminal History; and*~~

~~*(b) The Federal Bureau of Investigation.*~~

~~*9. A person who petitions the Division for a determination pursuant to subsection 1 shall not submit false or misleading information to the Division.*~~

~~*10. The Division shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:*~~

~~*(a) The number of petitions submitted to the Division pursuant to subsection 1;*~~

~~*(b) The number of determinations of disqualification made by the Division pursuant to subsection 1;*~~

~~*(c) The reasons for such determinations; and*~~

~~*(d) Any other information that is requested by the Director or which the Division determines would be helpful.*~~

~~*11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.]*~~ **(Deleted by amendment.)**

Sec. 5. ~~[Chapter 119A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. The Division shall develop and implement a process by which a person with a criminal history may petition the Division to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license or registration pursuant to this chapter.*~~

~~*2. Not later than 90 days after a petition is submitted to the Division pursuant to subsection 1, the Division shall inform the person of the determination of the Division of whether the person's criminal history will disqualify the person from obtaining a license or registration. The Division is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.*~~

~~*3. The Division may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.*~~

~~*4. A person with a criminal history may petition the Division at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license or registration from the Division.*~~

~~*5. A person may submit a new petition to the Division not earlier than 2 years after the final determination of the initial petition submitted to the Division.*~~

~~*6. The Division may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Division may waive such fees or allow such fees to be covered by funds from a scholarship or grant.*~~

~~*7. The Division may post on its Internet website:*~~

~~*(a) The requirements to obtain a license or registration from the Division; and*~~

~~*(b) A list of crimes, if any, that would disqualify a person from obtaining a license or registration from the Division.*~~

~~*8. The Division may request the criminal history record of a person who petitions the Division for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Division makes such a request of a person, the Division shall require the person to submit his or her criminal history record which includes a report from:*~~

~~*(a) The Central Repository for Nevada Records of Criminal History; and*~~

~~*(b) The Federal Bureau of Investigation.*~~

~~*9. A person who petitions the Division for a determination pursuant to subsection 1 shall not submit false or misleading information to the Division.*~~

~~*10. The Division shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:*~~

~~*(a) The number of petitions submitted to the Division pursuant to subsection 1;*~~

~~*(b) The number of determinations of disqualification made by the Division pursuant to subsection 1;*~~

~~*(c) The reasons for such determinations; and*~~

~~*(d) Any other information that is requested by the Director or which the Division determines would be helpful.*~~

~~*11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.]*~~ **(Deleted by amendment.)**

Sec. 6. Chapter 232B of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Sunset Subcommittee of the Legislative Commission shall conduct a review of each professional or occupational licensing board and regulatory body in this State to determine whether the restrictions on the criminal history of an applicant for an occupational or professional license are appropriate.

2. Each professional or occupational licensing board and regulatory body subject to review pursuant to subsection 1 must submit information to the Sunset Subcommittee on a form prescribed by the Sunset Subcommittee. The information must include, without limitation:

(a) The number of petitions submitted to a professional or occupational licensing board and regulatory body pursuant to sections 1, ~~[3-5,]~~ 3, 9-13, 15, 16, 19, 25, 26, 28, 29, 32, 36, 38, 43-45, 47-51, 53, 57, 63, 67-70 and 72-76 of this act;

(b) The number of determinations of disqualification made by the professional or occupational licensing board and regulatory body pursuant to sections 1, ~~[3-5,]~~ 3, 9-13, 15, 16, 19, 25, 26, 28, 29, 32, 36, 38, 43-45, 47-51, 53, 57, 63, 67-70 and 72-76 of this act; and

(c) The reasons for such determinations of disqualification.

3. As used in this section, "regulatory body" has the meaning ascribed to it in NRS 622.060.

Sec. 7. NRS 232B.220 is hereby amended to read as follows:

232B.220 1. The Sunset Subcommittee of the Legislative Commission shall conduct a review of each board and commission in this State which is not provided for in the Nevada Constitution or established by an executive order of the Governor to determine whether the board or commission should be terminated, modified, consolidated with another board or commission or continued. Such a review must include, without limitation:

(a) An evaluation of the major policies and programs of the board or commission, including, without limitation, an examination of other programs or services offered in this State to determine if any other provided programs or services duplicate those offered by the board or commission;

(b) Any recommendations for improvements in the policies and programs offered by the board or commission; and

(c) A determination of whether any statutory tax exemptions, abatements or money set aside to be provided to the board or commission should be terminated, modified or continued.

2. The Sunset Subcommittee shall review not less than 10 boards and commissions specified in subsection 1 each legislative interim.

3. Any action taken by the Sunset Subcommittee concerning a board or commission pursuant to NRS 232B.210 to 232B.250, inclusive, ***and section 6 of this act*** is in addition or supplemental to any action taken by the Legislative Commission pursuant to NRS 232B.010 to 232B.100, inclusive.

Sec. 8. NRS 232B.250 is hereby amended to read as follows:

232B.250 1. If the Sunset Subcommittee of the Legislative Commission determines to recommend the termination of a board or commission, its recommendation must include suggestions for appropriate direct legislative action, if any, which is made necessary or desirable by the termination of the board or commission.

2. If the Sunset Subcommittee determines to recommend the consolidation, modification or continuation of a board or commission, its recommendation must include suggestions for appropriate direct legislative action, if any, which would make the operation of the board or commission or its successor more efficient or effective.

3. ***If the Sunset Subcommittee determines to recommend the modification, continuation or removal of the restrictions on the criminal history of an applicant for an occupational or professional license, its recommendation must include suggestions for appropriate direct legislative action, if any, which is made necessary or desirable by any modification, continuation or removal of such restrictions.***

4. On or before June 30, 2012, the Sunset Subcommittee shall make all of its initial recommendations pursuant to this section, if any. The Sunset Subcommittee shall make all subsequent recommendations pursuant to this section, if any, on or before June 30 of each even-numbered year occurring thereafter.

Sec. 9. Chapter 240A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Secretary of State shall develop and implement a process by which a person with a criminal history may petition the Secretary of State to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a registration pursuant to NRS 240A.100.

2. Not later than 90 days after a petition is submitted to the Secretary of State pursuant to subsection 1, the Secretary of State shall inform the person of the determination of the Secretary of State of whether the person's criminal history will disqualify the person from obtaining a registration. The Secretary of State is not bound by his or her determination of disqualification or qualification and may rescind such a determination at any time.

3. The Secretary of State may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Secretary of State at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a registration from the Secretary of State.

5. A person may submit a new petition to the Secretary of State not earlier than 2 years after the final determination of the initial petition submitted to the Secretary of State.

6. The Secretary of State may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Secretary of State may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Secretary of State may post on its Internet website:

(a) The requirements to obtain a registration pursuant to NRS 240A.100 from the Secretary of State; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a registration from the Secretary of State.

8. The Secretary of State may request the criminal history record of a person who petitions the Secretary of State for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Secretary of State makes such a request of a person, the Secretary of State shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Secretary of State for a determination pursuant to subsection 1 shall not submit false or misleading information to the Secretary of State.

10. The Secretary of State shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Secretary of State pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Secretary of State pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Secretary of State determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 10. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A board of county commissioners or county license board shall develop and implement a process by which a person with a criminal history may petition the board of county commissioners or county license board to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license.

2. Not later than 90 days after a petition is submitted to a board of county commissioners or county license board pursuant to subsection 1, a board of county commissioners or county license board shall inform the person of the determination of the board of county commissioners or county license board of whether the person's criminal history will disqualify the person from obtaining a license. The board of county commissioners or county license board is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. A board of county commissioners or county license board may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the board of county commissioners or county license board at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the board of county commissioners or county license board.

5. A person may submit a new petition to the board of county commissioners or county license board not earlier than 2 years after the final determination of the initial petition submitted to the board of county commissioners or county license board.

6. A board of county commissioners or county license board may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. A board of county commissioners or county license board may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. A board of county commissioners or county license board may post on its Internet website:

(a) The requirements to obtain a license from the board of county commissioners or county license board, as applicable; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license from a board of county commissioners or county license board.

8. A board of county commissioners or county license board may request the criminal history record of a person who petitions the board of county commissioners or county license board for a determination pursuant to subsection 1. To the extent consistent with federal law, if the board of county commissioners or county license board makes such a request of a person, the board of county commissioners or county license board shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the board of county commissioners or county license board for a determination pursuant to subsection 1 shall not submit false or misleading information to the board of county commissioners or county license board.

10. A board of county commissioners or county license board shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to a board of county commissioners or county license board pursuant to subsection 1;

(b) The number of determinations of disqualification made by a board of county commissioners or county license board pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which a board of county commissioners or county license board determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 11. Chapter 361 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall develop and implement a process by which a person with a criminal history may petition the Department to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining an appraiser's certificate pursuant to NRS 361.221.

2. Not later than 90 days after a petition is submitted to the Department pursuant to subsection 1, the Department shall inform the person of the determination of the Department of whether the person's criminal history will disqualify the person from obtaining a certificate. The Department is

not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Department may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Department at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a certificate from the Department.

5. A person may submit a new petition to the Department not earlier than 2 years after the final determination of the initial petition submitted to the Department.

6. The Department may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Department may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Department may post on its Internet website:

(a) The requirements to obtain an appraiser's certificate from the Department; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a certificate from the Department.

8. The Department may request the criminal history record of a person who petitions the Department for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Department makes such a request of a person, the Department shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Department for a determination pursuant to subsection 1 shall not submit false or misleading information to the Department.

10. The Department shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Department pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Department pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Department determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 12. Chapter 379 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The State Library, Archives and Public Records Administrator shall develop and implement a process by which a person with a criminal history may petition the State Library, Archives and Public Records Administrator to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a certification pursuant to NRS 379.0073.

2. Not later than 90 days after a petition is submitted to the State Library, Archives and Public Records Administrator pursuant to subsection 1, the State Library, Archives and Public Records Administrator shall inform the person of the determination of the State Library, Archives and Public Records Administrator of whether the person's criminal history will disqualify the person from obtaining a certification. The State Library, Archives and Public Records Administrator is not bound by his or her determination of disqualification or qualification and may rescind such a determination at any time.

3. The State Library, Archives and Public Records Administrator may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the State Library, Archives and Public Records Administrator at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a certification from the State Library, Archives and Public Records Administrator.

5. A person may submit a new petition to the State Library, Archives and Public Records Administrator not earlier than 2 years after the final determination of the initial petition submitted to the State Library, Archives and Public Records Administrator.

6. The State Library, Archives and Public Records Administrator may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The State Library, Archives and Public Records Administrator may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The State Library, Archives and Public Records Administrator may post on its Internet website:

(a) The requirements to obtain a certification from the State Library, Archives and Public Records Administrator; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a certification from the State Library, Archives and Public Records Administrator.

8. The State Library, Archives and Public Records Administrator may request the criminal history record of a person who petitions the State Library, Archives and Public Records Administrator for a determination pursuant to subsection 1. To the extent consistent with federal law, if the State Library, Archives and Public Records Administrator makes such a request of a person, the State Library, Archives and Public Records Administrator shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the State Library, Archives and Public Records Administrator for a determination pursuant to subsection 1 shall not submit false or misleading information to the State Library, Archives and Public Records Administrator.

10. The State Library, Archives and Public Records Administrator shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the State Library, Archives and Public Records Administrator pursuant to subsection 1;

(b) The number of determinations of disqualification made by the State Library, Archives and Public Records Administrator pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the State Library, Archives and Public Records Administrator determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 13. Chapter 433 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division shall develop and implement a process by which a person with a criminal history may petition the Division to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a certificate pursuant to NRS 433.601 to 433.621, inclusive.

2. Not later than 90 days after a petition is submitted to the Division pursuant to subsection 1, the Division shall inform the person of the determination of the Division of whether the person's criminal history will disqualify the person from obtaining a certificate. The Division is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Division may provide instructions to a person who receives a determination of disqualification to remedy the determination of

disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Division at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a certificate from the Division.

5. A person may submit a new petition to the Division not earlier than 2 years after the final determination of the initial petition submitted to the Division.

6. The Division may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Division may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Division may post on its Internet website:

(a) The requirements to obtain a certification pursuant to NRS 433.601 to 433.621, inclusive, from the Division; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a certification from the Division.

8. The Division may request the criminal history record of a person who petitions the Division for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Division makes such a request of a person, the Division shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Division for a determination pursuant to subsection 1 shall not submit false or misleading information to the Division.

10. The Division shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Division pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Division pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Division determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 14. NRS 433.601 is hereby amended to read as follows:

433.601 As used in NRS 433.601 to 433.621, inclusive, ***and section 13 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 433.603 and 433.605 have the meanings ascribed to them in those sections.

Sec. 15. Chapter 435 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division shall develop and implement a process by which a person with a criminal history may petition the Division to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a certificate pursuant to this chapter.

2. Not later than 90 days after a petition is submitted to the Division pursuant to subsection 1, the Division shall inform the person of the determination of the Division of whether the person's criminal history will disqualify the person from obtaining a certificate. The Division is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Division may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Division at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a certificate from the Division.

5. A person may submit a new petition to the Division not earlier than 2 years after the final determination of the initial petition submitted to the Division.

6. The Division may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Division may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Division may post on its Internet website:

(a) The requirements to obtain a certificate from the Division; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a certificate from the Division.

8. The Division may request the criminal history record of a person who petitions the Division for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Division makes such a request of a person, the Division shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Division for a determination pursuant to subsection 1 shall not submit false or misleading information to the Division.

10. The Division shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Division pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Division pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Division determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 16. Chapter 445B of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department of Motor Vehicles shall develop and implement a process by which a person with a criminal history may petition the Department to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a qualification to inspect devices for the control of emissions for motor vehicles pursuant to NRS 445B.775.

2. Not later than 90 days after a petition is submitted to the Department of Motor Vehicles pursuant to subsection 1, the Department shall inform the person of the determination of the Department of whether the person's criminal history will disqualify the person from obtaining a qualification. The Department is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Department of Motor Vehicles may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Department of Motor Vehicles at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a qualification from the Department.

5. A person may submit a new petition to the Department of Motor Vehicles not earlier than 2 years after the final determination of the initial petition submitted to the Department.

6. The Department of Motor Vehicles may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Department may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Department of Motor Vehicles may post on its Internet website:

(a) The requirements to obtain a qualification from the Department; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a qualification from the Department.

8. The Department of Motor Vehicles may request the criminal history record of a person who petitions the Department for a determination

pursuant to subsection 1. To the extent consistent with federal law, if the Department makes such a request of a person, the Department shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Department of Motor Vehicles for a determination pursuant to subsection 1 shall not submit false or misleading information to the Department.

10. The Department of Motor Vehicles shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Department pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Department pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Department determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 17. NRS 445B.790 is hereby amended to read as follows:

445B.790 1. The Department of Motor Vehicles shall, by regulation, establish procedures for inspecting authorized inspection stations, authorized stations and fleet stations, and may require the holder of a license for an authorized inspection station, authorized station or fleet station to submit any material or document which is used in the program to control emissions from motor vehicles.

2. The Department may deny, suspend or revoke the license of an approved inspector, authorized inspection station, authorized station or fleet station if:

(a) The approved inspector or the holder of a license for an authorized inspection station, authorized station or fleet station is not complying with the provisions of NRS 445B.700 to 445B.815, inclusive ~~,~~ ***, and section 16 of this act.***

(b) The holder of a license for an authorized inspection station, authorized station or fleet station refuses to furnish the Department with the requested material or document.

(c) The approved inspector has issued a fraudulent certificate of compliance, whether intentionally or negligently. A "fraudulent certificate" includes, but is not limited to:

(1) A backdated certificate;

(2) A postdated certificate; and

(3) A certificate issued without an inspection.

(d) The approved inspector does not follow the prescribed test procedure.

Sec. 18. NRS 445B.845 is hereby amended to read as follows:

445B.845 1. A violation of any provision of NRS 445B.700 to 445B.845, inclusive, ***and section 16 of this act*** relating to motor vehicles, or any regulation adopted pursuant thereto relating to motor vehicles, is a misdemeanor. The provisions of NRS 445B.700 to 445B.845, inclusive, ***and section 16 of this act,*** or any regulation adopted pursuant thereto, must be enforced by any peace officer.

2. Satisfactory evidence that the motor vehicle or its equipment conforms to those provisions or regulations, when supplied by the owner of the motor vehicle to the Department of Motor Vehicles within 10 days after the issuance of a citation pursuant to subsection 1, may be accepted by the court as a complete or partial mitigation of the offense.

Sec. 19. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division shall develop and implement a process by which a person with a criminal history may petition the Division to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a certificate to operate an intermediary service organization pursuant to NRS 449.431.

2. Not later than 90 days after a petition is submitted to the Division pursuant to subsection 1, the Division shall inform the person of the determination of the Division of whether the person's criminal history will disqualify the person from obtaining a certificate. The Division is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Division may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Division at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a certificate from the Division.

5. A person may submit a new petition to the Division not earlier than 2 years after the final determination of the initial petition submitted to the Division.

6. The Division may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Division may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Division may post on its Internet website:

(a) The requirements to obtain a certificate from the Division; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a certificate from the Division.

8. The Division may request the criminal history record of a person who petitions the Division for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Division makes such a request of a person, the Division shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Division for a determination pursuant to subsection 1 shall not submit false or misleading information to the Division.

10. The Division shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Division pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Division pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Division determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 20. NRS 449.4304 is hereby amended to read as follows:

449.4304 As used in NRS 449.4304 to 449.4339, inclusive, ***and section 19 of this act,*** unless the context otherwise requires, "intermediary service organization" means a nongovernmental entity that provides services authorized pursuant to NRS 449.4308 for a person with a disability or other responsible person.

Sec. 21. NRS 449.431 is hereby amended to read as follows:

449.431 1. Except as otherwise provided in subsection 2, a person shall not operate or maintain in this State an intermediary service organization without first obtaining a certificate to operate an intermediary service organization as provided in NRS 449.4304 to 449.4339, inclusive ~~.~~ ***, and section 19 of this act.***

2. A person who is licensed to operate an agency to provide personal care services in the home pursuant to this chapter is not required to obtain a certificate to operate an intermediary service organization as described in this section.

3. A person who violates the provisions of this section is guilty of a misdemeanor.

Sec. 22. NRS 449.4321 is hereby amended to read as follows:

449.4321 The Division may deny an application for a certificate to operate an intermediary service organization or may suspend or revoke any certificate

issued under the provisions of NRS 449.4304 to 449.4339, inclusive, ***and section 19 of this act*** upon any of the following grounds:

1. Violation by the applicant or the holder of a certificate of any of the provisions of NRS 449.4304 to 449.4339, inclusive, ***and section 19 of this act*** or of any other law of this State or of the standards, rules and regulations adopted thereunder.

2. Aiding, abetting or permitting the commission of any illegal act.

3. Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the operation of an intermediary service organization.

4. Conduct or practice detrimental to the health or safety of a person under contract with or employees of the intermediary service organization.

Sec. 23. NRS 449.4335 is hereby amended to read as follows:

449.4335 1. If an intermediary service organization violates any provision related to its certification, including, without limitation, any provision of NRS 449.4304 to 449.4339, inclusive, ***and section 19 of this act,*** or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to NRS 449.4336, may, as it deems appropriate:

(a) Prohibit the intermediary service organization from providing services pursuant to NRS 449.4308 until it determines that the intermediary service organization has corrected the violation;

(b) Impose an administrative penalty of not more than $1,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(c) Appoint temporary management to oversee the operation of the intermediary service organization and to ensure the health and safety of the persons for whom the intermediary service organization performs services, until:

(1) It determines that the intermediary service organization has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. If the intermediary service organization fails to pay any administrative penalty imposed pursuant to paragraph (b) of subsection 1, the Division may:

(a) Suspend the certificate to operate an intermediary service organization which is held by the intermediary service organization until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

3. The Division may require any intermediary service organization that violates any provision of NRS 449.4304 to 449.4339, inclusive, ***and section 19 of this act,*** or any condition, standard or regulation adopted by the Board, to make any improvements necessary to correct the violation.

4. Any money collected as administrative penalties pursuant to this section must be accounted for separately and used to protect the health or property of the persons for whom the intermediary service organization performs services in accordance with applicable federal standards.

Sec. 24. NRS 449.4338 is hereby amended to read as follows:

449.4338 1. Except as otherwise provided in subsection 2 of NRS 449.431, the Division may bring an action in the name of the State to enjoin any person from operating or maintaining an intermediary service organization within the meaning of NRS 449.4304 to 449.4339, inclusive ~~[.]~~ ***, and section 19 of this act:***

(a) Without first obtaining a certificate to operate an intermediary service organization; or

(b) After the person's certificate has been revoked or suspended by the Division.

2. It is sufficient in such action to allege that the defendant did, on a certain date and in a certain place, operate and maintain the intermediary service organization without a certificate.

Sec. 25. Chapter 450B of NRS is hereby amended by adding thereto a new section to read as follows:

1. The health authority shall develop and implement a process by which a person with a criminal history may petition the health authority to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license as an attendant or firefighter or a certificate pursuant to NRS 450B.160.

2. Not later than 90 days after a petition is submitted to the health authority pursuant to subsection 1, the health authority shall inform the person of the determination of the health authority of whether the person's criminal history will disqualify the person from obtaining a license or certificate. The health authority is not bound by his or her determination of disqualification or qualification and may rescind such a determination at any time.

3. The health authority may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the health authority at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license or certificate from the health authority.

5. A person may submit a new petition to the health authority not earlier than 2 years after the final determination of the initial petition submitted to the health authority.

6. The health authority may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this

section. The health authority may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The health authority may post on its Internet website:

(a) The requirements to obtain a license or certificate from the health authority; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license or certificate from the health authority.

8. The health authority may request the criminal history record of a person who petitions the health authority for a determination pursuant to subsection 1. To the extent consistent with federal law, if the health authority makes such a request of a person, the health authority shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the health authority for a determination pursuant to subsection 1 shall not submit false or misleading information to the health authority.

10. The health authority shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the health authority pursuant to subsection 1;

(b) The number of determinations of disqualification made by the health authority pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the health authority determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 26. Chapter 453A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall develop and implement a process by which a person with a criminal history may petition the Department to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a medical marijuana establishment agent registration card or medical marijuana establishment registration certificate pursuant to this chapter.

2. Not later than 90 days after a petition is submitted to the Department pursuant to subsection 1, the Department shall inform the person of the determination of the Department of whether the person's criminal history will disqualify the person from obtaining a medical marijuana establishment agent registration card or medical marijuana establishment registration

certificate. The Department is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Department may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Department at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a medical marijuana establishment agent registration card or medical marijuana establishment registration certificate from the Department.

5. A person may submit a new petition to the Department not earlier than 2 years after the final determination of the initial petition submitted to the Department.

6. The Department may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Department may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Department may post on its Internet website:

(a) The requirements to obtain a medical marijuana establishment agent registration card and a medical marijuana establishment registration certificate from the Department; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a medical marijuana establishment agent registration card or a medical marijuana establishment registration certificate from the Department.

8. The Department may request the criminal history record of a person who petitions the Department for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Department makes such a request of a person, the Department shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Department for a determination pursuant to subsection 1 shall not submit false or misleading information to the Department.

10. The Department shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Department pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Department pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Department determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 27. NRS 453A.344 is hereby amended to read as follows:

453A.344 1. Except as otherwise provided in subsection 2, the Department shall collect not more than the following maximum fees:

For the initial issuance of a medical marijuana establishment registration certificate for a medical marijuana dispensary	$30,000
For the renewal of a medical marijuana establishment registration certificate for a medical marijuana dispensary	5,000
For the initial issuance of a medical marijuana establishment registration certificate for a cultivation facility	3,000
For the renewal of a medical marijuana establishment registration certificate for a cultivation facility	1,000
For the initial issuance of a medical marijuana establishment registration certificate for a facility for the production of edible marijuana products or marijuana-infused products	3,000
For the renewal of a medical marijuana establishment registration certificate for a facility for the production of edible marijuana products or marijuana-infused products	1,000
For each person identified in an application for the initial issuance of a medical marijuana establishment agent registration card	75
For each person identified in an application for the renewal of a medical marijuana establishment agent registration card	75
For the initial issuance of a medical marijuana establishment registration certificate for an independent testing laboratory	5,000
For the renewal of a medical marijuana establishment registration certificate for an independent testing laboratory	3,000

2. In addition to the fees described in subsection 1, each applicant for a medical marijuana establishment registration certificate must pay to the Department:

(a) A one-time, nonrefundable application fee of $5,000; and

(b) The actual costs incurred by the Department in processing the application, including, without limitation, conducting background checks.

3. Any revenue generated from the fees imposed pursuant to this section:

(a) Must be expended first to pay the costs of the Department in carrying out the provisions of NRS 453A.320 to 453A.370, inclusive ~~[.]~~ ***, and section 26 of this act;*** and

(b) If any excess revenue remains after paying the costs described in paragraph (a), such excess revenue must be paid over to the State Treasurer to

be deposited to the credit of the State Distributive School Account in the State General Fund.

Sec. 28. Chapter 455C of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division shall develop and implement a process by which a person with a criminal history may petition the Division to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a certificate as a boiler inspector or elevator mechanic pursuant to NRS 455C.110.

2. Not later than 90 days after a petition is submitted to the Division pursuant to subsection 1, the Division shall inform the person of the determination of the Division of whether the person's criminal history will disqualify the person from obtaining a certificate. The Division is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Division may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Division at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a certificate from the Division.

5. A person may submit a new petition to the Division not earlier than 2 years after the final determination of the initial petition submitted to the Division.

6. The Division may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Division may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Division may post on its Internet website:

(a) The requirements to obtain a certificate from the Division; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a certificate from the Division.

8. The Division may request the criminal history record of a person who petitions the Division for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Division makes such a request of a person, the Division shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Division for a determination pursuant to subsection 1 shall not submit false or misleading information to the Division.

10. The Division shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Division pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Division pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Division determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 29. Chapter 457 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division shall develop and implement a process by which a person with a criminal history may petition the Division to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a certificate of authorization to operate a radiation machine for mammography pursuant to NRS 457.183.

2. Not later than 90 days after a petition is submitted to the Division pursuant to subsection 1, the Division shall inform the person of the determination of the Division of whether the person's criminal history will disqualify the person from obtaining a certificate. The Division is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Division may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Division at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a certificate from the Division.

5. A person may submit a new petition to the Division not earlier than 2 years after the final determination of the initial petition submitted to the Division.

6. The Division may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Division may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Division may post on its Internet website:

(a) The requirements to obtain a certificate from the Division; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a certificate from the Division.

8. The Division may request the criminal history record of a person who petitions the Division for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Division makes such a request of a person, the Division shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Division for a determination pursuant to subsection 1 shall not submit false or misleading information to the Division.

10. The Division shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Division pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Division pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Division determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 30. NRS 457.182 is hereby amended to read as follows:

457.182 As used in NRS 457.182 to 457.187, inclusive, ***and section 29 of this act,*** unless the context otherwise requires:

1. "Mammography" means radiography of the breast to enable a physician to determine the presence, size, location and extent of cancerous or potentially cancerous tissue in the breast.

2. "Radiation" means radiant energy which exceeds normal background levels and which is used in radiography.

3. "Radiography" means the making of a film or other record of an internal structure of the body by passing X-rays or gamma rays through the body to act on film or other receptor of images.

Sec. 31. NRS 457.187 is hereby amended to read as follows:

457.187 1. The Division may impose an administrative fine, not to exceed $5,000, against the owner, lessee or other person responsible for a radiation machine for mammography for a violation of the provisions of NRS 457.182 to 457.186, inclusive, ***and section 29 of this act,*** or for a violation of a regulation adopted pursuant thereto.

2. Any money collected as a result of an administrative fine imposed pursuant to subsection 1 must be deposited in the State General Fund.

Sec. 32. Chapter 458 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division shall develop and implement a process by which a person with a criminal history may petition the Division to review the criminal

history of the person to determine if the person's criminal history will disqualify the person from obtaining a certificate as a detoxification technician pursuant to NRS 458.025.

2. Not later than 90 days after a petition is submitted to the Division pursuant to subsection 1, the Division shall inform the person of the determination of the Division of whether the person's criminal history will disqualify the person from obtaining a certificate. The Division is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Division may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Division at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a certificate from the Division.

5. A person may submit a new petition to the Division not earlier than 2 years after the final determination of the initial petition submitted to the Division.

6. The Division may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Division may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Division may post on its Internet website:

(a) The requirements to obtain a certification from the Division; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a certification from the Division.

8. The Division may request the criminal history record of a person who petitions the Division for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Division makes such a request of a person, the Division shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Division for a determination pursuant to subsection 1 shall not submit false or misleading information to the Division.

10. The Division shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Division pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Division pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Division determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 33. (Deleted by amendment.)

Sec. 34. (Deleted by amendment.)

Sec. 35. (Deleted by amendment.)

Sec. 36. Chapter 477 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The State Fire Marshal shall develop and implement a process by which a person with a criminal history may petition the State Fire Marshal to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a certificate of registration as a fire performer or apprentice fire performer pursuant to NRS 477.223.

2. Not later than 90 days after a petition is submitted to the State Fire Marshal pursuant to subsection 1, the State Fire Marshal shall inform the person of the determination of the State Fire Marshal of whether the person's criminal history will disqualify the person from obtaining a certificate of registration. The State Fire Marshal is not bound by his or her determination of disqualification or qualification and may rescind such a determination at any time.

3. The State Fire Marshal may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the State Fire Marshal at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a certificate from the State Fire Marshal.

5. A person may submit a new petition to the State Fire Marshal not earlier than 2 years after the final determination of the initial petition submitted to the State Fire Marshal.

6. The State Fire Marshal may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The State Fire Marshal may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The State Fire Marshal may post on its Internet website:

(a) The requirements to obtain a certificate from the State Fire Marshal; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a certificate from the State Fire Marshal.

8. The State Fire Marshal may request the criminal history record of a person who petitions the State Fire Marshal for a determination pursuant to

subsection 1. To the extent consistent with federal law, if the State Fire Marshal makes such a request of a person, the State Fire Marshal shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the State Fire Marshal for a determination pursuant to subsection 1 shall not submit false or misleading information to the State Fire Marshal.

10. The State Fire Marshal shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the State Fire Marshal pursuant to subsection 1;

(b) The number of determinations of disqualification made by the State Fire Marshal pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the State Fire Marshal determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 37. NRS 477.220 is hereby amended to read as follows:

477.220 As used in NRS 477.220 to 477.226, inclusive, ***and section 36 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 477.221 and 477.222 have the meanings ascribed to them in those sections.

Sec. 38. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall develop and implement a process by which a person with a criminal history may petition the Department to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license pursuant to this chapter.

2. Not later than 90 days after a petition is submitted to the Department pursuant to subsection 1, the Department shall inform the person of the determination of the Department of whether the person's criminal history will disqualify the person from obtaining a license. The Department is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Department may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Department at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the Department.

5. A person may submit a new petition to the Department not earlier than 2 years after the final determination of the initial petition submitted to the Department.

6. The Department may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Department may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Department may post on its Internet website:

(a) The requirements to obtain a license from the Department; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license from the Department.

8. The Department may request the criminal history record of a person who petitions the Department for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Department makes such a request of a person, the Department shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Department for a determination pursuant to subsection 1 shall not submit false or misleading information to the Department.

10. The Department shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Department pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Department pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Department determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 39. (Deleted by amendment.)

Sec. 40. (Deleted by amendment.)

Sec. 41. (Deleted by amendment.)

Sec. 42. (Deleted by amendment.)

Sec. 43. Chapter 487 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall develop and implement a process by which a person with a criminal history may petition the Department to review the

criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license pursuant to this chapter.

2. Not later than 90 days after a petition is submitted to the Department pursuant to subsection 1, the Department shall inform the person of the determination of the Department of whether the person's criminal history will disqualify the person from obtaining a license. The Department is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Department may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Department at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the Department.

5. A person may submit a new petition to the Department not earlier than 2 years after the final determination of the initial petition submitted to the Department.

6. The Department may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Department may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Department may post on its Internet website:

(a) The requirements to obtain a license from the Department; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license from the Department.

8. The Department may request the criminal history record of a person who petitions the Department for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Department makes such a request of a person, the Department shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Department for a determination pursuant to subsection 1 shall not submit false or misleading information to the Department.

10. The Department shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Department pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Department pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Department determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 44. Chapter 489 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division shall develop and implement a process by which a person with a criminal history may petition the Division to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license pursuant to this chapter.

2. Not later than 90 days after a petition is submitted to the Division pursuant to subsection 1, the Division shall inform the person of the determination of the Division of whether the person's criminal history will disqualify the person from obtaining a license. The Division is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Division may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Division at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the Division.

5. A person may submit a new petition to the Division not earlier than 2 years after the final determination of the initial petition submitted to the Division.

6. The Division may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Division may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Division may post on its Internet website:

(a) The requirements to obtain a license from the Division; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license from the Division.

8. The Division may request the criminal history record of a person who petitions the Division for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Division makes such a request of a person, the Division shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Division for a determination pursuant to subsection 1 shall not submit false or misleading information to the Division.

10. The Division shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Division pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Division pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Division determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 45. Chapter 490 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall develop and implement a process by which a person with a criminal history may petition the Department to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license pursuant to NRS 490.200 or a temporary permit.

2. Not later than 90 days after a petition is submitted to the Department pursuant to subsection 1, the Department shall inform the person of the determination of the Department of whether the person's criminal history will disqualify the person from obtaining a license or temporary permit. The Department is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Department may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Department at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license or temporary permit from the Department.

5. A person may submit a new petition to the Department not earlier than 2 years after the final determination of the initial petition submitted to the Department.

6. The Department may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Department may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Department may post on its Internet website:

(a) The requirements to obtain a license or temporary permit from the Department; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license or temporary permit from the Department.

8. The Department may request the criminal history record of a person who petitions the Department for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Department makes such a request of a person, the Department shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Department for a determination pursuant to subsection 1 shall not submit false or misleading information to the Department.

10. The Department shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Department pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Department pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Department determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 46. NRS 490.510 is hereby amended to read as follows:

490.510 1. The Department may impose an administrative fine, not to exceed $2,500, for a violation of any provision of NRS 490.0827, 490.125 and 490.150 to 490.520, inclusive, ***and section 45 of this act,*** or any rule, regulation or order adopted or issued pursuant thereto. The Department shall afford to any person so fined an opportunity for a hearing pursuant to the provisions of NRS 233B.121.

2. All administrative fines collected by the Department pursuant to subsection 1 must be deposited with the State Treasurer to the credit of the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration created by NRS 490.085.

3. In addition to any other remedy provided by this chapter, the Department may compel compliance with any provision of this chapter and any rule, regulation or order adopted or issued pursuant thereto by injunction or other appropriate remedy, and the Department may institute and maintain in the name of the State of Nevada any such enforcement proceedings.

Sec. 47. Chapter 502 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall develop and implement a process by which a person with a criminal history may petition the Department to review the

criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license to practice taxidermy pursuant to NRS 502.370.

2. Not later than 90 days after a petition is submitted to the Department pursuant to subsection 1, the Department shall inform the person of the determination of the Department of whether the person's criminal history will disqualify the person from obtaining a license. The Department is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Department may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Department at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the Department.

5. A person may submit a new petition to the Department not earlier than 2 years after the final determination of the initial petition submitted to the Department.

6. The Department may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Department may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Department may post on its Internet website:

(a) The requirements to obtain a license from the Department; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license from the Department.

8. The Department may request the criminal history record of a person who petitions the Department for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Department makes such a request of a person, the Department shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Department for a determination pursuant to subsection 1 shall not submit false or misleading information to the Department.

10. The Department shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Department pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Department pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Department determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 48. Chapter 503 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall develop and implement a process by which a person with a criminal history may petition the Department to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a falconry license pursuant to NRS 503.583.

2. Not later than 90 days after a petition is submitted to the Department pursuant to subsection 1, the Department shall inform the person of the determination of the Department of whether the person's criminal history will disqualify the person from obtaining a falconry license. The Department is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Department may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Department at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a falconry license from the Department.

5. A person may submit a new petition to the Department not earlier than 2 years after the final determination of the initial petition submitted to the Department.

6. The Department may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Department may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Department may post on its Internet website:

(a) The requirements to obtain a falconry license from the Department; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a falconry license from the Department.

8. The Department may request the criminal history record of a person who petitions the Department for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Department makes such a request of a person, the Department shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Department for a determination pursuant to subsection 1 shall not submit false or misleading information to the Department.

10. The Department shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Department pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Department pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Department determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 49. Chapter 504 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall develop and implement a process by which a person with a criminal history may petition the Department to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a master guide license or subguide license pursuant to NRS 504.390.

2. Not later than 90 days after a petition is submitted to the Department pursuant to subsection 1, the Department shall inform the person of the determination of the Department of whether the person's criminal history will disqualify the person from obtaining a license. The Department is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Department may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Department at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the Department.

5. A person may submit a new petition to the Department not earlier than 2 years after the final determination of the initial petition submitted to the Department.

6. The Department may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Department may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Department may post on its Internet website:

(a) The requirements to obtain a license from the Department; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license from the Department.

8. The Department may request the criminal history record of a person who petitions the Department for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Department makes such a request of a person, the Department shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Department for a determination pursuant to subsection 1 shall not submit false or misleading information to the Department.

10. The Department shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Department pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Department pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Department determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 50. Chapter 505 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall develop and implement a process by which a person with a criminal history may petition the Department to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a fur dealer's license pursuant to NRS 502.240.

2. Not later than 90 days after a petition is submitted to the Department pursuant to subsection 1, the Department shall inform the person of the determination of the Department of whether the person's criminal history will disqualify the person from obtaining a license. The Department is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Department may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Department at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the Department.

5. A person may submit a new petition to the Department not earlier than 2 years after the final determination of the initial petition submitted to the Department.

6. The Department may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Department may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Department may post on its Internet website:

(a) The requirements to obtain a license from the Department; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license from the Department.

8. The Department may request the criminal history record of a person who petitions the Department for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Department makes such a request of a person, the Department shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Department for a determination pursuant to subsection 1 shall not submit false or misleading information to the Department.

10. The Department shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Department pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Department pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Department determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 51. Chapter 534 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The State Engineer shall develop and implement a process by which a person with a criminal history may petition the State Engineer to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license to drill pursuant to NRS 534.140.

2. Not later than 90 days after a petition is submitted to the State Engineer pursuant to subsection 1, the State Engineer shall inform the person of the determination of the State Engineer of whether the person's criminal history will disqualify the person from obtaining a license. The State Engineer is not bound by his or her determination of disqualification or qualification and may rescind such a determination at any time.

3. The State Engineer may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the State Engineer at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the State Engineer.

5. A person may submit a new petition to the State Engineer not earlier than 2 years after the final determination of the initial petition submitted to the State Engineer.

6. The State Engineer may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The State Engineer may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The State Engineer may post on its Internet website:

(a) The requirements to obtain a license from the State Engineer; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license from the State Engineer.

8. The State Engineer may request the criminal history record of a person who petitions the State Engineer for a determination pursuant to subsection 1. To the extent consistent with federal law, if the State Engineer makes such a request of a person, the State Engineer shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the State Engineer for a determination pursuant to subsection 1 shall not submit false or misleading information to the State Engineer.

10. The State Engineer shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the State Engineer pursuant to subsection 1;

(b) The number of determinations of disqualification made by the State Engineer pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the State Engineer determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 52. NRS 534.190 is hereby amended to read as follows:

534.190 Any person violating any of the provisions of NRS 534.010 to 534.180, inclusive, ***and section 51 of this act*** shall be guilty of a misdemeanor.

Sec. 53. Chapter 544 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director shall develop and implement a process by which a person with a criminal history may petition the Director to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license and a permit pursuant to NRS 544.120.

2. Not later than 90 days after a petition is submitted to the Director pursuant to subsection 1, the Director shall inform the person of the determination of the Director of whether the person's criminal history will disqualify the person from obtaining a license and a permit. The Director is not bound by his or her determination of disqualification or qualification and may rescind such a determination at any time.

3. The Director may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Director at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license and a permit from the Director.

5. A person may submit a new petition to the Director not earlier than 2 years after the final determination of the initial petition submitted to the Director.

6. The Director may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Director may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Director may post on its Internet website:

(a) The requirements to obtain a license and a permit from the Director; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license and a permit from the Director.

8. The Director may request the criminal history record of a person who petitions the Director for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Director makes such a request of a

person, the Director shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Director for a determination pursuant to subsection 1 shall not submit false or misleading information to the Director.

10. The Director of the State Department of Conservation and Natural Resources shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director of the Legislative Counsel Bureau, a report that includes:

(a) The number of petitions submitted to the Director of the State Department of Conservation and Natural Resources pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Director of the State Department of Conservation and Natural Resources pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director of the Legislative Counsel Bureau or which the Director of the State Department of Conservation and Natural Resources determines would be helpful.

11. The Director of the Legislative Counsel Bureau shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 54. NRS 544.070 is hereby amended to read as follows:

544.070 As used in NRS 544.070 to 544.240, inclusive, ***and section 53 of this act,*** unless the context requires otherwise:

1. "Director" means the Director of the State Department of Conservation and Natural Resources.

2. "Operation" means:

(a) The performance of weather modification and control activities pursuant to a single contract entered into for the purpose of producing, or attempting to produce, a certain modifying effect within one geographical area over one continuing time interval not exceeding 1 year; or

(b) If the performance of weather modification and control activities is to be undertaken individually or jointly by a person or persons to be benefited and not undertaken pursuant to a contract, the performance of weather modification and control activities entered into for the purpose of producing, or attempting to produce, a certain modifying effect within one geographical area over one continuing time interval not exceeding 1 year.

3. "Research and development" means theoretical analysis, exploration and experimentation and the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental

and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials and processes.

4. "Weather modification and control" means changing or controlling, or attempting to change or control, by artificial methods the natural development of any or all atmospheric cloud forms or precipitation forms which occur in the troposphere.

Sec. 55. NRS 544.220 is hereby amended to read as follows:

544.220 1. The Director may suspend or revoke any license or permit issued if it appears that the licensee no longer possesses the qualifications necessary for the issuance of a new license or permit. The Director may suspend or revoke any license or permit if it appears that the licensee has violated any of the provisions of NRS 544.070 to 544.240, inclusive ~~,~~ ***, and section 53 of this act.*** Such suspension or revocation shall occur only after notice to the licensee and a reasonable opportunity granted such licensee to be heard respecting the grounds for the proposed suspension or revocation. The Director may refuse to renew the license of, or to issue another permit to, any applicant who has failed to comply with any provisions of NRS 544.070 to 544.240, inclusive ~~,~~ ***, and section 53 of this act.***

2. The Director may modify the terms of a permit after issuance thereof if the licensee is first given notice and a reasonable opportunity for a hearing respecting the grounds for the proposed modification and if it appears to the Director that it is necessary for the protection of the health or the property of any person to make the modification proposed.

Sec. 56. NRS 544.240 is hereby amended to read as follows:

544.240 Any person violating any of the provisions of NRS 544.070 to 544.240, inclusive, ***and section 53 of this act,*** or any lawful regulation or order issued pursuant thereto shall be guilty of a misdemeanor and a continuing violation is punishable as a separate offense for each day during which it occurs.

Sec. 57. Chapter 555 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director shall develop and implement a process by which a person with a criminal history may petition the Director to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license as a government applicator pursuant to NRS 555.2772 or a business license or license as an applicator pursuant to NRS 555.290.

2. Not later than 90 days after a petition is submitted to the Director pursuant to subsection 1, the Director shall inform the person of the determination of the Director of whether the person's criminal history will disqualify the person from obtaining a license. The Director is not bound by his or her determination of disqualification or qualification and may rescind such a determination at any time.

3. The Director may provide instructions to a person who receives a determination of disqualification to remedy the determination of

disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Director at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the Director.

5. A person may submit a new petition to the Director not earlier than 2 years after the final determination of the initial petition submitted to the Director.

6. The Director may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Director may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Director may post on its Internet website:

(a) The requirements to obtain a license from the Director; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license from the Director.

8. The Director may request the criminal history record of a person who petitions the Director for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Director makes such a request of a person, the Director shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Director for a determination pursuant to subsection 1 shall not submit false or misleading information to the Director.

10. The Director of the State Department of Agriculture shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Director of the State Department of Agriculture pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Director of the State Department of Agriculture pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director of the Legislative Counsel Bureau or which the Director of the State Department of Agriculture determines would be helpful.

11. The Director of the Legislative Counsel Bureau shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 58. NRS 555.2605 is hereby amended to read as follows:

555.2605 As used in NRS 555.2605 to 555.460, inclusive, ***and section 57 of this act,*** unless the context otherwise requires, the words and terms defined

in NRS 555.261 to 555.2695, inclusive, have the meanings ascribed to them in those sections.

Sec. 59. NRS 555.273 is hereby amended to read as follows:

555.273 All state agencies, municipal corporations and public utilities or any other governmental agency and any government applicator is subject to the provisions of NRS 555.2605 to 555.460, inclusive, ***and section 57 of this act,*** and rules adopted thereunder concerning the application of restricted-use pesticides by any person.

Sec. 60. NRS 555.350 is hereby amended to read as follows:

555.350 1. The Director may suspend, pending inquiry, for not longer than 10 days, and, after opportunity for a hearing, may revoke, suspend or modify any business license or license issued to an applicator or government applicator under NRS 555.2605 to 555.460, inclusive, ***and section 57 of this act*** if the Director finds that:

(a) The licensee is no longer qualified;

(b) The licensee has engaged in fraudulent business practices in pest control;

(c) The licensee has made false or fraudulent claims through any media by misrepresenting the effect of materials or methods to be used;

(d) The licensee has applied known ineffective or improper materials;

(e) The licensee has operated faulty or unsafe equipment;

(f) The licensee has made any application of materials in a manner inconsistent with labeling or any restriction imposed by regulation of the Director, or otherwise in a faulty, careless or negligent manner;

(g) The licensee has violated any of the provisions of NRS 555.2605 to 555.460, inclusive, ***and section 57 of this act,*** or regulations adopted pursuant thereto;

(h) The licensee has engaged in the business of pest control without having a licensed agent, operator, primary principal or principal in direct on-the-job supervision;

(i) The licensee has aided or abetted a licensed or an unlicensed person to evade the provisions of NRS 555.2605 to 555.460, inclusive, ***and section 57 of this act,*** combined or conspired with such a licensee or an unlicensed person to evade the provisions, or allowed the license to be used by an unlicensed person;

(j) The licensee was intentionally guilty of fraud or deception in the procurement of the license;

(k) The licensee was intentionally guilty of fraud, falsification or deception in the issuance of an inspection report on wood-destroying pests or other report or record required by regulation;

(l) The licensee has been convicted of, or entered a plea of nolo contendere to, a category A or B felony or a category C, D or E felony if the conviction occurred or the plea was entered for the category C, D or E felony during the immediately preceding 10 years in any court of competent jurisdiction in the United States or any other country; or

(m) The licensee has failed to provide adequate instruction or supervision to any unlicensed employee working under the supervision of the licensee.

2. A business license and any license issued to a principal of the business as an applicator is suspended automatically, without action of the Director, if the proof of public liability and property damage or drift insurance filed pursuant to NRS 555.330 is cancelled, and the licenses remain suspended until the insurance is re-established.

3. If the licensee is a natural person, any licensee against whom the Director initiates disciplinary action pursuant to this section shall, within 30 days after receiving written notice of the disciplinary action from the Director and in accordance with any regulations adopted by the Department, submit to the Director any document or other information required by the Department to perform a background check of the licensee. Any document or other information submitted pursuant to this subsection must be accompanied by the appropriate fees, if any, specified in regulations adopted by the Department for performing the background check. A willful failure of a licensee to comply with the requirements of this subsection constitutes an additional ground for the revocation, suspension or modification of the license pursuant to this section.

Sec. 61. NRS 555.460 is hereby amended to read as follows:

555.460 Any person violating the provisions of NRS 555.2605 to 555.420, inclusive, ***and section 57 of this act,*** or the regulations adopted pursuant thereto, is guilty of a misdemeanor and, in addition to any criminal penalty, shall pay to the Department an administrative fine of not more than $5,000 per violation. If an administrative fine is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the Department.

Sec. 62. NRS 555.470 is hereby amended to read as follows:

555.470 1. The Director shall adopt regulations specifying a schedule of fines which may be imposed, upon notice and a hearing, for each violation of the provisions of NRS 555.2605 to 555.460, inclusive ~~.~~ ***, and section 57 of this act.*** The maximum fine that may be imposed by the Director for each violation must not exceed $5,000 per day. All fines collected by the Director pursuant to this subsection must be remitted to the county treasurer of the county in which the violation occurred for credit to the county school district fund.

2. The Director may:

(a) In addition to imposing a fine pursuant to subsection 1, issue an order requiring a violator to take appropriate action to correct the violation; or

(b) Request the district attorney of the appropriate county to investigate or file a criminal complaint against any person that the State Board of Agriculture suspects may have violated any provision of NRS 555.2605 to 555.460, inclusive ~~.~~ ***, and section 57 of this act.***

Sec. 63. Chapter 557 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall develop and implement a process by which a person with a criminal history may petition the Department to review the criminal history of the person to determine if the person's criminal history will disqualify the person from registering as a grower, handler or producer pursuant to NRS 557.200.

2. Not later than 90 days after a petition is submitted to the Department pursuant to subsection 1, the Department shall inform the person of the determination of the Department of whether the person's criminal history will disqualify the person from registration. The Department is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Department may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Department at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a registration from the Department.

5. A person may submit a new petition to the Department not earlier than 2 years after the final determination of the initial petition submitted to the Department.

6. The Department may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Department may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Department may post on its Internet website:

(a) The requirements to register with the Department; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a registration from the Department.

8. The Department may request the criminal history record of a person who petitions the Department for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Department makes such a request of a person, the Department shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Department for a determination pursuant to subsection 1 shall not submit false or misleading information to the Department.

10. The Department shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Department pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Department pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Department determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 64. NRS 557.100 is hereby amended to read as follows:

557.100 As used in NRS 557.100 to 557.290, inclusive, ***and section 63 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 557.110 to 557.180, inclusive, have the meanings ascribed to them in those sections.

Sec. 65. NRS 557.190 is hereby amended to read as follows:

557.190 The provisions of NRS 557.100 to 557.290, inclusive, ***and section 63 of this act*** do not apply to the Department or an institution of higher education which grows or cultivates industrial hemp pursuant to NRS 557.010 to 557.080, inclusive.

Sec. 66. NRS 557.280 is hereby amended to read as follows:

557.280 1. The Department may refuse to issue or renew, suspend or revoke the registration of a grower, handler or producer for a violation of any provision of NRS 557.100 to 557.290, inclusive, ***and section 63 of this act,*** the regulations adopted pursuant thereto or any lawful order of the Department.

2. In addition to any other penalty provided by law, the Department may impose an administrative fine on any person who violates any of the provisions of NRS 557.100 to 557.290, inclusive, ***and section 63 of this act,*** the regulations adopted pursuant thereto or any lawful order of the Department in an amount not to exceed $2,500.

3. All fines collected by the Department pursuant to subsection 2 must be deposited with the State Treasurer for credit to the State General Fund.

Sec. 67. Chapter 576 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall develop and implement a process by which a person with a criminal history may petition the Department to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license as a broker, dealer, commission merchant or agent pursuant to NRS 576.030.

2. Not later than 90 days after a petition is submitted to the Department pursuant to subsection 1, the Department shall inform the person of the determination of the Department of whether the person's criminal history will disqualify the person from obtaining a license. The Department is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Department may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Department at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the Department.

5. A person may submit a new petition to the Department not earlier than 2 years after the final determination of the initial petition submitted to the Department.

6. The Department may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Department may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Department may post on its Internet website:

(a) The requirements to obtain a license from the Department; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license from the Department.

8. The Department may request the criminal history record of a person who petitions the Department for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Department makes such a request of a person, the Department shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Department for a determination pursuant to subsection 1 shall not submit false or misleading information to the Department.

10. The Department shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Department pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Department pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Department determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 68. Chapter 581 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The State Sealer of Consumer Equitability shall develop and implement a process by which a person with a criminal history may petition the State Sealer of Consumer Equitability to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a certificate of registration pursuant to NRS 581.103.

2. Not later than 90 days after a petition is submitted to the State Sealer of Consumer Equitability pursuant to subsection 1, the State Sealer of Consumer Equitability shall inform the person of the determination of the State Sealer of Consumer Equitability of whether the person's criminal history will disqualify the person from obtaining a certificate of registration. The State Sealer of Consumer Equitability is not bound by his or her determination of disqualification or qualification and may rescind such a determination at any time.

3. The State Sealer of Consumer Equitability may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the State Sealer of Consumer Equitability at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a certificate of registration from the State Sealer of Consumer Equitability.

5. A person may submit a new petition to the State Sealer of Consumer Equitability not earlier than 2 years after the final determination of the initial petition submitted to the State Sealer of Consumer Equitability.

6. The State Sealer of Consumer Equitability may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The State Sealer of Consumer Equitability may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The State Sealer of Consumer Equitability may post on its Internet website:

(a) The requirements to obtain a certificate of registration from the State Sealer of Consumer Equitability; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a certificate of registration from the State Sealer of Consumer Equitability.

8. The State Sealer of Consumer Equitability may request the criminal history record of a person who petitions the State Sealer of Consumer Equitability for a determination pursuant to subsection 1. To the extent consistent with federal law, if the State Sealer of Equitability makes such a request of a person, the State Sealer of Equitability shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the State Sealer of Consumer Equitability for a determination pursuant to subsection 1 shall not submit false or misleading information to the State Sealer of Consumer Equitability.

10. The State Sealer of Consumer Equitability shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the State Sealer of Consumer Equitability pursuant to subsection 1;

(b) The number of determinations of disqualification made by the State Sealer of Consumer Equitability pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the State Sealer of Consumer Equitability determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 69. Chapter 582 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The State Sealer of Consumer Equitability shall develop and implement a process by which a person with a criminal history may petition the State Sealer of Consumer Equitability to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license as a public weighmaster pursuant to NRS 582.028.

2. Not later than 90 days after a petition is submitted to the State Sealer of Consumer Equitability pursuant to subsection 1, the State Sealer of Consumer Equitability shall inform the person of the determination of the State Sealer of Consumer Equitability of whether the person's criminal history will disqualify the person from obtaining a license. The State Sealer of Consumer Equitability is not bound by his or her determination of disqualification or qualification and may rescind such a determination at any time.

3. The State Sealer of Consumer Equitability may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the State Sealer of Consumer Equitability at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the State Sealer of Consumer Equitability.

5. A person may submit a new petition to the State Sealer of Consumer Equitability not earlier than 2 years after the final determination of the initial petition submitted to the State Sealer of Consumer Equitability.

6. The State Sealer of Consumer Equitability may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The State Sealer of Consumer Equitability may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The State Sealer of Consumer Equitability may post on its Internet website:

(a) The requirements to obtain a license from the State Sealer of Consumer Equitability; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license from the State Sealer of Consumer Equitability.

8. The State Sealer of Consumer Equitability may request the criminal history record of a person who petitions the State Sealer of Consumer Equitability for a determination pursuant to subsection 1. To the extent consistent with federal law, if the State Sealer of Consumer Equitability makes such a request of a person, the State Sealer of Consumer Equitability shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the State Sealer of Consumer Equitability for a determination pursuant to subsection 1 shall not submit false or misleading information to the State Sealer of Consumer Equitability.

10. The State Sealer of Consumer Equitability shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the State Sealer of Consumer Equitability pursuant to subsection 1;

(b) The number of determinations of disqualification made by the State Sealer of Consumer Equitability pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the State Sealer of Consumer Equitability determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 70. Chapter 584 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director shall develop and implement a process by which a person with a criminal history may petition the Director to review the criminal history of the person to determine if the person's criminal history will

disqualify the person from obtaining a milk tester's license pursuant to NRS 584.215.

2. Not later than 90 days after a petition is submitted to the Director pursuant to subsection 1, the Director shall inform the person of the determination of the Director of whether the person's criminal history will disqualify the person from obtaining a license. The Director is not bound by his or her determination of disqualification or qualification and may rescind such a determination at any time.

3. The Director may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Director at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the Director.

5. A person may submit a new petition to the Director not earlier than 2 years after the final determination of the initial petition submitted to the Director.

6. The Director may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Director may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Director may post on its Internet website:

(a) The requirements to obtain a license from the Director; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license from the Director.

8. The Director may request the criminal history record of a person who petitions the Director for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Director makes such a request of a person, the Director shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Director for a determination pursuant to subsection 1 shall not submit false or misleading information to the Director.

10. The Director of the State Department of Agriculture shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Director of the State Department of Agriculture pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Director of the State Department of Agriculture pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director of the Legislative Counsel Bureau or which the Director of the State Department of Agriculture determines would be helpful.

11. The Director of the Legislative Counsel Bureau shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 71. NRS 584.285 is hereby amended to read as follows:

584.285 Any person violating any provision of NRS 584.215 to 584.285, inclusive, ***and section 70 of this act*** shall be guilty of a misdemeanor.

Sec. 72. Chapter 587 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director shall develop and implement a process by which a person with a criminal history may petition the Director to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license or registration pursuant to this chapter.

2. Not later than 90 days after a petition is submitted to the Director pursuant to subsection 1, the Director shall inform the person of the determination of the Director of whether the person's criminal history will disqualify the person from obtaining a license or registration. The Director is not bound by his or her determination of disqualification or qualification and may rescind such a determination at any time.

3. The Director may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Director at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license or registration from the Director.

5. A person may submit a new petition to the Director not earlier than 2 years after the final determination of the initial petition submitted to the Director.

6. The Director may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Director may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Director may post on its Internet website:

(a) The requirements to obtain a license or registration from the Director; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license or registration from the Director.

8. The Director may request the criminal history record of a person who petitions the Director for a determination pursuant to subsection 1. To the

extent consistent with federal law, if the Director makes such a request of a person, the Director shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Director for a determination pursuant to subsection 1 shall not submit false or misleading information to the Director.

10. The Director of the State Department of Agriculture shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director of the Legislative Counsel Bureau, a report that includes:

(a) The number of petitions submitted to the Director of the State Department of Agriculture pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Director of the State Department of Agriculture pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director of the Legislative Counsel Bureau or which the Director of the State Department of Agriculture determines would be helpful.

11. The Director of the Legislative Counsel Bureau shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 73. Chapter 599A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of county commissioners of any county and the governing body of an incorporated city shall develop and implement a process by which a person with a criminal history may petition the board of county commissioners of any county and the governing body of an incorporated city to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license pursuant to NRS 599A.050.

2. Not later than 90 days after a petition is submitted to the board of county commissioners of any county and the governing body of an incorporated city pursuant to subsection 1, the board of county commissioners of any county and the governing body of an incorporated city shall inform the person of the determination of the board of county commissioners of any county and the governing body of an incorporated city of whether the person's criminal history will disqualify the person from obtaining a license. The board of county commissioners of any county and the governing body of an incorporated city is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The board of county commissioners of any county and the governing body of an incorporated city may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the board of county commissioners of any county and the governing body of an incorporated city at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the board of county commissioners of any county and the governing body of an incorporated city.

5. A person may submit a new petition to the board of county commissioners of any county and the governing body of an incorporated city not earlier than 2 years after the final determination of the initial petition submitted to the board of county commissioners of any county and the governing body of an incorporated city.

6. The board of county commissioners of any county and the governing body of an incorporated city may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The board of county commissioners of any county and the governing body of an incorporated city may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The board of county commissioners of any county and the governing body of an incorporated city may post on its Internet website:

(a) The requirements to obtain a license from the board of county commissioners or the governing body, as applicable; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license from the board of county commissioners of any county and the governing body of an incorporated city, as applicable.

8. The board of county commissioners of any county and the governing body of an incorporated city may request the criminal history record of a person who petitions the board of county commissioners or the governing body, as applicable, for a determination pursuant to subsection 1. To the extent consistent with federal law, if the board of county commissioners or governing body, as applicable, makes such a request of a person, the board of county commissioners or governing body, as applicable, shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the board of county commissioners of any county and the governing body of an incorporated city for a determination pursuant to subsection 1 shall not submit false or misleading information to the board of county commissioners or governing body, as applicable.

10. The board of county commissioners of any county and the governing body of an incorporated city shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the board of county commissioners of any county and the governing body of an incorporated city pursuant to subsection 1;

(b) The number of determinations of disqualification made by the board of county commissioners of any county and the governing body of an incorporated city pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the board of county commissioners of any county and the governing body of an incorporated city determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 74. Chapter 599B of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division shall develop and implement a process by which a person with a criminal history may petition the Division to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a registration pursuant to NRS 599B.080.

2. Not later than 90 days after a petition is submitted to the Division pursuant to subsection 1, the Division shall inform the person of the determination of the Division of whether the person's criminal history will disqualify the person from obtaining a registration. The Division is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Division may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Division at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a registration from the Division.

5. A person may submit a new petition to the Division not earlier than 2 years after the final determination of the initial petition submitted to the Division.

6. The Division may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The

Division may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Division may post on its Internet website:

(a) The requirements to obtain a registration from the Division; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a registration from the Division.

8. The Division may request the criminal history record of a person who petitions the Division for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Division makes such a request of a person, the Division shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Division for a determination pursuant to subsection 1 shall not submit false or misleading information to the Division.

10. The Division shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Division pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Division pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Division determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 75. Chapter 618 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division shall develop and implement a process by which a person with a criminal history may petition the Division to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license or certification pursuant to this chapter.

2. Not later than 90 days after a petition is submitted to the Division pursuant to subsection 1, the Division shall inform the person of the determination of the Division of whether the person's criminal history will disqualify the person from obtaining a license or certification. The Division is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Division may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1

not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Division at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license or certification from the Division.

5. A person may submit a new petition to the Division not earlier than 2 years after the final determination of the initial petition submitted to the Division.

6. The Division may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Division may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Division may post on its Internet website:

(a) The requirements to obtain a license or certification from the Division; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license or certification from the Division.

8. The Division may request the criminal history record of a person who petitions the Division for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Division makes such a request of a person, the Division shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Division for a determination pursuant to subsection 1 shall not submit false or misleading information to the Division.

10. The Division shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Division pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Division pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Division determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 76. Chapter 706 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Authority shall develop and implement a process by which a person with a criminal history may petition the Authority to review the criminal history of the person to determine if the person's criminal history

will disqualify the person from obtaining a driver's permit pursuant to NRS 706.462.

2. Not later than 90 days after a petition is submitted to the Authority pursuant to subsection 1, the Authority shall inform the person of the determination of the Authority of whether the person's criminal history will disqualify the person from obtaining a driver's permit. The Authority is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Authority may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Authority at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a driver's permit from the Authority.

5. A person may submit a new petition to the Authority not earlier than 2 years after the final determination of the initial petition submitted to the Authority.

6. The Authority may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Authority may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Authority may post on its Internet website:

(a) The requirements to obtain a driver's permit from the Authority; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a driver's permit from the Authority.

8. The Authority may request the criminal history record of a person who petitions the Authority for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Authority makes such a request of a person, the Authority shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Authority for a determination pursuant to subsection 1 shall not submit false or misleading information to the Authority.

10. The Authority shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Authority pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Authority pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Authority determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 77. NRS 706.011 is hereby amended to read as follows:

706.011 As used in NRS 706.011 to 706.791, inclusive, ***and section 76 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 706.013 to 706.146, inclusive, have the meanings ascribed to them in those sections.

Sec. 78. NRS 706.158 is hereby amended to read as follows:

706.158 The provisions of NRS 706.011 to 706.791, inclusive, ***and section 76 of this act*** relating to brokers do not apply to any person whom the Authority determines is:

1. A motor club which holds a valid certificate of authority issued by the Commissioner of Insurance;
2. A bona fide charitable organization, such as a nonprofit corporation or a society, organization or association for educational, religious, scientific or charitable purposes; or
3. A broker of transportation services provided by an entity that is exempt pursuant to NRS 706.745 from the provisions of NRS 706.386 or 706.421.

Sec. 79. NRS 706.163 is hereby amended to read as follows:

706.163 The provisions of NRS 706.011 to 706.861, inclusive, ***and section 76 of this act*** do not apply to vehicles leased to or owned by:

1. The Federal Government or any instrumentality thereof.
2. Any state or a political subdivision thereof.

Sec. 80. NRS 706.2885 is hereby amended to read as follows:

706.2885 1. A certificate of public convenience and necessity, permit or license issued in accordance with this chapter is not a franchise and may be revoked.

2. The Authority may at any time, for good cause shown, after investigation and hearing and upon 5 days' written notice to the grantee, suspend any certificate, permit or license issued in accordance with the provisions of NRS 706.011 to 706.791, inclusive, ***and section 76 of this act*** for a period not to exceed 60 days.

3. Upon receipt of a written complaint or on its own motion, the Authority may, after investigation and hearing, revoke any certificate, permit or license. If service of the notice required by subsection 2 cannot be made or if the grantee relinquishes the grantee's interest in the certificate, permit or license by so notifying the Authority in writing, the Authority may revoke the certificate, permit or license without a hearing.

4. Except as otherwise provided in NRS 706.1519, the proceedings thereafter are governed by the provisions of chapter 233B of NRS.

Sec. 81. NRS 706.461 is hereby amended to read as follows:

706.461 When:

1. A complaint has been filed with the Authority alleging that any vehicle is being operated without a certificate of public convenience and necessity or contract carrier's permit as required by NRS 706.011 to 706.791, inclusive ~~[,]~~ ***, and section 76 of this act;*** or

2. The Authority has reason to believe that any:

(a) Person is advertising to provide:

(1) The services of a fully regulated carrier in intrastate commerce; or

(2) Towing services,

➥ without including the number of the person's certificate of public convenience and necessity or permit in each advertisement; or

(b) Provision of NRS 706.011 to 706.791, inclusive, ***and section 76 of this act*** is being violated,

➥ the Authority shall investigate the operations or advertising and may, after a hearing, order the owner or operator of the vehicle or the person advertising to cease and desist from any operation or advertising in violation of NRS 706.011 to 706.791, inclusive ~~[,]~~ ***, and section 76 of this act.*** The Authority shall enforce compliance with the order pursuant to the powers vested in the Authority by NRS 706.011 to 706.791, inclusive, ***and section 76 of this act*** or by other law.

Sec. 82. NRS 706.736 is hereby amended to read as follows:

706.736 1. Except as otherwise provided in subsection 2, the provisions of NRS 706.011 to 706.791, inclusive, ***and section 76 of this act*** do not apply to:

(a) The transportation by a contractor licensed by the State Contractors' Board of the contractor's own equipment in the contractor's own vehicles from job to job.

(b) Any person engaged in transporting the person's own personal effects in the person's own vehicle, but the provisions of this subsection do not apply to any person engaged in transportation by vehicle of property sold or to be sold, or used by the person in the furtherance of any commercial enterprise other than as provided in paragraph (d), or to the carriage of any property for compensation.

(c) Special mobile equipment.

(d) The vehicle of any person, when that vehicle is being used in the production of motion pictures, including films to be shown in theaters and on television, industrial training and educational films, commercials for television and video discs and tapes.

(e) A private motor carrier of property which is used for any convention, show, exhibition, sporting event, carnival, circus or organized recreational activity.

(f) A private motor carrier of property which is used to attend livestock shows and sales.

(g) The transportation by a private school of persons or property in connection with the operation of the school or related school activities, so long as the vehicle that is used to transport the persons or property does not have a

gross vehicle weight rating of 26,001 pounds or more and is not registered pursuant to NRS 706.801 to 706.861, inclusive.

2. Unless exempted by a specific state statute or a specific federal statute, regulation or rule, any person referred to in subsection 1 is subject to:

(a) The provisions of paragraph (d) of subsection 1 of NRS 706.171 and NRS 706.235 to 706.256, inclusive, 706.281, 706.457 and 706.458.

(b) All rules and regulations adopted by reference pursuant to paragraph (b) of subsection 1 of NRS 706.171 concerning the safety of drivers and vehicles.

(c) All standards adopted by regulation pursuant to NRS 706.173.

3. The provisions of NRS 706.311 to 706.453, inclusive, 706.471, 706.473, 706.475 and 706.6411 which authorize the Authority to issue:

(a) Except as otherwise provided in paragraph (b), certificates of public convenience and necessity and contract carriers' permits and to regulate rates, routes and services apply only to fully regulated carriers.

(b) Certificates of public convenience and necessity to operators of tow cars and to regulate rates for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle apply to operators of tow cars.

4. Any person who operates pursuant to a claim of an exemption provided by this section but who is found to be operating in a manner not covered by any of those exemptions immediately becomes liable, in addition to any other penalties provided in this chapter, for the fee appropriate to the person's actual operation as prescribed in this chapter, computed from the date when that operation began.

5. As used in this section, "private school" means a nonprofit private elementary or secondary educational institution that is licensed in this State.

Sec. 83. NRS 706.756 is hereby amended to read as follows:

706.756 1. Except as otherwise provided in subsection 2, any person who:

(a) Operates a vehicle or causes it to be operated in any carriage to which the provisions of NRS 706.011 to 706.861, inclusive, ***and section 76 of this act*** apply without first obtaining a certificate, permit or license, or in violation of the terms thereof;

(b) Fails to make any return or report required by the provisions of NRS 706.011 to 706.861, inclusive, ***and section 76 of this act,*** or by the Authority or the Department pursuant to the provisions of NRS 706.011 to 706.861, inclusive ~~[,]~~ ***, and section 76 of this act;***

(c) Violates, or procures, aids or abets the violating of, any provision of NRS 706.011 to 706.861, inclusive ~~[,]~~ ***, and section 76 of this act;***

(d) Fails to obey any order, decision or regulation of the Authority or the Department;

(e) Procures, aids or abets any person in the failure to obey such an order, decision or regulation of the Authority or the Department;

(f) Advertises, solicits, proffers bids or otherwise is held out to perform transportation as a common or contract carrier in violation of any of the

provisions of NRS 706.011 to 706.861, inclusive ~~[.]~~ ***, and section 76 of this act;***

(g) Advertises as providing:

(1) The services of a fully regulated carrier; or

(2) Towing services,

➥ without including the number of the person's certificate of public convenience and necessity or contract carrier's permit in each advertisement;

(h) Knowingly offers, gives, solicits or accepts any rebate, concession or discrimination in violation of the provisions of this chapter;

(i) Knowingly, willfully and fraudulently seeks to evade or defeat the purposes of this chapter;

(j) Operates or causes to be operated a vehicle which does not have the proper identifying device;

(k) Displays or causes or permits to be displayed a certificate, permit, license or identifying device, knowing it to be fictitious or to have been cancelled, revoked, suspended or altered;

(l) Lends or knowingly permits the use of by one not entitled thereto any certificate, permit, license or identifying device issued to the person so lending or permitting the use thereof; or

(m) Refuses or fails to surrender to the Authority or Department any certificate, permit, license or identifying device which has been suspended, cancelled or revoked pursuant to the provisions of this chapter,

➥ is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $100 nor more than $1,000, or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.

2. Any person who, in violation of the provisions of NRS 706.386, operates as a fully regulated common motor carrier without first obtaining a certificate of public convenience and necessity or any person who, in violation of the provisions of NRS 706.421, operates as a contract motor carrier without first obtaining a permit is guilty of a misdemeanor and shall be punished:

(a) For a first offense within a period of 12 consecutive months, by a fine of not less than $500 nor more than $1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

(b) For a second offense within a period of 12 consecutive months and for each subsequent offense that is committed within a period of 12 consecutive months of any prior offense under this subsection, by a fine of $1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

3. Any person who, in violation of the provisions of NRS 706.386, operates or permits the operation of a vehicle in passenger service without first obtaining a certificate of public convenience and necessity is guilty of a gross misdemeanor.

4. If a law enforcement officer witnesses a violation of any provision of subsection 2 or 3, the law enforcement officer may cause the vehicle to be

towed immediately from the scene and impounded in accordance with NRS 706.476.

5. The fines provided in this section are mandatory and must not be reduced under any circumstances by the court.

6. Any bail allowed must not be less than the appropriate fine provided for by this section.

Sec. 84. NRS 706.758 is hereby amended to read as follows:

706.758 1. It is unlawful for any person to advertise services for which a certificate of public convenience and necessity or a contract carrier's permit is required pursuant to NRS 706.011 to 706.791, inclusive, ***and section 76 of this act,*** unless the person has been issued such a certificate or permit.

2. If, after notice and a hearing, the Authority determines that a person has engaged in advertising in a manner that violates the provisions of this section, the Authority may, in addition to any penalty, punishment or disciplinary action authorized by the provisions of NRS 706.011 to 706.791, inclusive, ***and section 76 of this act,*** issue an order to the person to cease and desist the unlawful advertising and to:

(a) Cause any telephone number included in the advertising, other than a telephone number to a provider of paging services, to be disconnected.

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

3. If a person fails to comply with paragraph (a) of subsection 2 within 5 days after the date that the person receives an order pursuant to subsection 2, the Authority may request the Commission to order the appropriate provider of telephone service to disconnect any telephone number included in the advertisement, except for a telephone number to a provider of paging services. If a person fails to comply with paragraph (b) of subsection 2 within 5 days after the date the person receives an order pursuant to subsection 2, the Authority may request the provider of paging services to switch the beeper number or disconnect the paging services provided to the person, whichever the provider deems appropriate.

4. If the provider of paging services receives a request from a person pursuant to subsection 2 or a request from the Authority pursuant to subsection 3, it shall:

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

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

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

5. As used in this section:

(a) "Advertising" includes, but is not limited to, the issuance of any sign, card or device, or the permitting or allowing of any sign or marking on a motor

vehicle, in any building, structure, newspaper, magazine or airway transmission, on the Internet or in any directory under the listing of "fully regulated carrier" with or without any limiting qualifications.

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

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

(d) "Provider of telephone service" has the meaning ascribed to it in NRS 707.355.

Sec. 85. NRS 706.781 is hereby amended to read as follows:

706.781 In addition to all the other remedies provided by NRS 706.011 to 706.861, inclusive, ***and section 76 of this act,*** for the prevention and punishment of any violation of the provisions thereof and of all orders of the Authority or the Department, the Authority or the Department may compel compliance with the provisions of NRS 706.011 to 706.861, inclusive, ***and section 76 of this act,*** and with the orders of the Authority or the Department by proceedings in mandamus, injunction or by other civil remedies.

Sec. 85.5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 86. This act becomes effective on July 1, 2019.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 345.

Bill read third time.

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

Amendment No. 929.

AN ACT relating to elections; authorizing each county and city clerk to establish polling places where any registered voter of the county or city, respectively, may vote in person on the day of certain elections; authorizing an elector to register to vote during certain periods before and on the day of certain elections and setting forth the requirements for such registration; requiring the Secretary of State to establish a system for voter registration on the Internet website of the Secretary of State and setting forth certain requirements for that system; requiring the Department of Motor Vehicles to provide a form to decline voter registration or indicate a political party affiliation after concluding certain transactions with the Department; requiring a county clerk to reject certain applications to register to vote that are automatically transmitted to the county clerk by the Department of Motor Vehicles; revising requirements to publish certain information relating to

elections in a newspaper; revising certain provisions relating to a student trainee serving as election board officer; requiring a provisional ballot to include all offices, candidates and measures upon which the person casting the provisional ballot would be entitled to vote if he or she were casting a regular ballot; revising certain deadlines related to absent ballots; authorizing a registered voter to request an absentee ballot for all elections; revising certain other requirements for absent ballots; revising the hours for early voting; authorizing county and city clerks to extend the hours for early voting after the hours have been published; establishing certain protections for private property owners who rent private property for use as a polling place; ~~[authorizing certain persons who are 17 years of age to vote at a primary city election or primary election under certain circumstances;]~~ establishing certain requirements for the database of the Department of Motor Vehicles relating to processing and verifying voter registration information; **making appropriations;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under the Nevada Constitution, a person must be a qualified elector in order to be a registered voter. (Nev. Const. Art. 2, §§ 1, 6) Under Nevada's elections laws, a person who is a qualified elector and meets certain statutory requirements may register to vote, and a person who is at least 17 years but less than 18 years of age and meets certain statutory requirements may preregister to vote. Within a certain period after such a person registers or preregisters to vote and is deemed to be a registered voter, the person must be issued a voter registration card that contains certain registration information. (NRS 293.485, 293.4855, 293.517)

Section 1.5 of this bill defines the term "voter registration card" for the purposes of Nevada's elections laws, and section 1.7 of this bill lists the information that must be contained in the voter registration card under existing law. In addition, section 1.7 clarifies that if a person is qualified to register to vote for an election and has properly completed any authorized method to register to vote for the election, the issuance of a voter registration card to the person is not a prerequisite to vote in the election. Similarly, section 56 of this bill also clarifies that once a person who preregisters to vote is deemed to be a registered voter, the issuance of a voter registration card to the person is not a prerequisite to vote in an election.

Existing law requires ~~[a]~~ **the** county clerk to establish the boundaries of election precincts and authorizes election precincts to be combined into election districts. (NRS 293.205-293.209) Existing law prohibits a person from applying for or receiving a ballot at any election precinct or district other than the one at which the person is entitled to vote. (NRS 293.730) **Section 2** of this bill authorizes ~~[a]~~ **the** county clerk to establish one or more polling places in the county where any person entitled to vote in the county by personal appearance may do so on the day of a primary or general election. **Section 3** of this bill requires the county clerk to publicize the location of such polling

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

Existing law sets forth deadlines for registering to vote by mail, computer or appearing in person at the office of ~~[a]~~ **the** county or city clerk. (NRS 293.560, 293C.527) The last day to register to vote for a primary election, primary city election, general election or general city election: (1) by mail is the fourth Tuesday preceding the election; (2) by appearing in person at the office of the county or city clerk, as applicable, is the third Tuesday preceding the election; and (3) by computer is the Thursday preceding the first day of the period for early voting for the election. **Sections 5.1-9.8 , 64 and 105** of this bill ~~[provide]~~ **revise these deadlines and authorize additional methods and times for voter registration for a primary election, primary city election, general election or general city election.**

Section 6 of this bill provides that: (1) ~~[after the date that registration closes for a primary, primary city, general or general city election under the existing deadlines and until]~~ **through** the Thursday preceding the election, an elector may register to vote by computer using the **online** registration system provided on the website of the Office of the Secretary of State; and (2) ~~[such an]~~ **after such online registration, the** elector may **appear and** vote in person at a polling place during the period for early voting or on election day under certain circumstances. ~~[Sections 5.1-9.8 also]~~ **Section 6 further provides that the elector must vote by casting a provisional ballot for all offices, candidates and measures on the ballot, except that the elector is entitled to cast a regular ballot if it is verified, at the time of voting, that the elector is qualified to cast a regular ballot in the election.**

In addition to other methods of registration and notwithstanding the close of registration under other provisions of law, sections 8 and 9 of this bill authorize an elector to register to vote in person ~~[for a primary, primary city, general or general city election]~~ **at a polling place** during the period for early voting or on the day of the election and to vote on the same day as the registration under certain circumstances. **Sections 8 and 9 also direct the county or city clerk to authorize one or more of the following methods of registration at the polling place: (1) a paper application; (2) a computer system established for the county; or (3) the Secretary of State's online system. However, sections 8 and 9 permit the county or city clerk to limit the use of a particular method, such as a paper application, to circumstances when another method is not reasonably available.**

To register and vote in person on the same day ~~[,]~~ **under sections** ~~[5.1-9.8 require]~~ **8 and 9,** an elector ~~[to]~~ **must** appear at a polling place, complete an application to register to vote by computer **or another authorized method** at

the polling place and provide proof of identity and residence. Upon completion of the application and verification of identity and residence, the elector: (1) is deemed to be conditionally registered to vote and may vote in that election only at the polling place at which he or she registered to vote; and (2) must vote by casting a provisional ballot for all offices **, candidates, questions** and measures on the ballot**. ~~[, but the]~~ However, under section 8, the elector is entitled to cast a regular ballot during the period for early voting if it is verified, at the time of voting, that the elector is qualified to cast a regular ballot in the election.**

Sections 6, 8, 9 and 9.4 of this bill provide that, if the elector casts a provisional ballot **, it** will be counted only after final verification to determine whether the elector was qualified to register to vote and to cast the ballot in the election. **Section 9.6 of this bill provides that the county or city clerk: (1) shall not include any provisional ballot in the unofficial results reported on election night; and (2) beginning on the day following the election, shall regularly report the results of the counting of the provisional ballots until such counting is completed. Section 9.8 of this bill directs the Secretary of State to establish a system, such as a toll-free telephone number or an Internet website, to inform an elector who cast a provisional ballot whether or not the ballot was counted and, if not, the reason why the ballot was not counted.**

With regard to other methods of voter registration, sections 64 and 105 of this bill change the deadline for registering in person at the offices of the county or city clerk to the fourth Tuesday preceding the election, which is the same deadline for registering by mail. Sections 64 and 105 also eliminate the existing requirement that certain offices of the county or city clerk remain open for extended office hours during the last days before the deadline to register in person at those offices.

Under existing law, a registered voter may use an application to register to vote to correct his or her voter registration information. (NRS 293.5235) Section 5.9 of this bill allows a registered voter, after the close of registration, to use certain authorized methods to update his or her voter registration information. Section 5.9 also authorizes the county or city clerk to require the voter to cast a provisional ballot if any circumstances exist that give the clerk reasonable cause to believe that the use of a provisional ballot is necessary to provide sufficient time to verify and determine whether the voter is eligible to cast the ballot in the election based on his or her updated voter registration information.

Under existing law and various city charters, the Legislature has provided that city elections are governed by Nevada's elections laws, so far as those laws can be made applicable and are not inconsistent with the city charters. (NRS 293.126, 293C.110) To ensure statewide uniformity and consistency in the application of sections 5.1-9.8 regarding voter registration, sections 5.7, 15.5, 82, 117, 118, 120, 123, 125, 128, 131, 134, 137, 140, 143, 145 and 147 of this bill amend existing law and the

applicable city charters to provide that sections 5.1-9.8 apply to city elections and supersede and preempt any conflicting provisions of the city charters.

Under existing law, the Secretary of State serves as the Chief Officer of Elections and is responsible for the execution and enforcement of state and federal law relating to Nevada's elections. (NRS 293.124) Section 11 of this bill requires the Secretary of State to establish ~~[a]~~ **an online** system for voter registration on the Internet website of the Office of the Secretary of State and sets forth certain requirements for the **online** system. **Section 148.6 of this bill makes an appropriation to the Secretary of State for the purposes of implementing and operating the online system and verifying voter registration information.**

~~[Existing law]~~ **At the 2018 general election, the voters approved Ballot Question No. 5, also known as the Automatic Voter Registration Initiative, which** requires the Department of Motor Vehicles to **: (1) establish a system for the secure electronic storage and transmission of voter registration information obtained from a person who applies for the issuance or renewal of or a change of address on any driver's license or identification card; (2)** collect certain **voter registration** information from ~~[a]~~ **the** person ~~[who does not decline]~~ **, unless he or she affirmatively declines** to apply to register to vote **;** and **(3)** transmit that information to the county clerk of the county in which the person resides to register that person to vote or update his or her voter registration information. (2018 Ballot Question No. 5, Automatic Voter Registration Initiative) ~~[Section]~~

In carrying out its duties regarding voter registration, section 12 of this bill requires the Department to provide a person with a form that allows the person to: (1) affirmatively decline to be registered to vote or have his or her voter registration updated; and (2) indicate a political party affiliation. The form ~~[may be returned by]~~ **also must inform** the person **that he or she may return the form** immediately after his or her transaction with the Department to a secured container within the Department ~~[.]~~ **or update his or her voter registration information using the Secretary of State's online system. Section 12** further provides that if a person fails to return the form ~~[,]~~ **at the end of his or her transaction with the Department,** that person will be deemed to have consented to the transmission of his or her **voter registration** information **,** and the Department will transmit ~~[his or her voter registration]~~ **that** information to the county clerk who will list the person's political party as nonpartisan under certain circumstances. ~~[Section]~~ **Sections 148.4 and 148.5 of this bill make appropriations to the Department for the purposes of carrying out its duties regarding voter registration.**

After receiving the voter registration information transmitted by the Department, section 13 of this bill provides that the county clerk must review the ~~[voter registration]~~ information ~~[transmitted by the Department]~~ to determine whether the person is eligible to **register to** vote. If the county clerk determines the person is not eligible to **register to** vote, **section 13** provides

that the voter registration information shall be deemed not to be a complete application to register to vote and that person shall be deemed not to have applied to register to vote.

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

Existing law prohibits ~~[a]~~ **the** county ~~[clerk]~~ or city clerk from assigning more than one student trainee to serve as an election board officer to any one polling place. (NRS 293.2175, 293.227, 293C.222) **Sections 21, 21.5 and 86** of this bill remove that prohibition so that more than one student trainee may be assigned to a polling place.

Existing federal law requires states to allow certain registered voters to cast provisional ballots in special circumstances to ensure that the voters facing those circumstances are not unfairly denied the right to vote. (Section 302 of the Help America Vote Act of 2002, 52 U.S.C. § 21082) To comply with federal law, existing Nevada law authorizes a person to cast a provisional ballot if the person completes a written affirmation and: (1) declares that he or she is registered to vote and is eligible to vote in the election in the jurisdiction but his or her name does not appear on the voter registration list; (2) has registered to vote by mail or computer, has not voted in an election for federal office in this State and fails to provide identification to an election board officer at the polling place; or (3) declares that he or she is entitled to vote after the polling place would close as a result of certain court orders. A provisional ballot allows the person casting it to vote only for candidates for federal office. After the election, provisional ballots are kept separate from regular ballots and are only counted towards the result of the election under certain circumstances. (NRS 293.3081-293.3085) **Sections 10.3 and 37-39** of this bill ensure that the provisions governing provisional ballots subject to the federal requirements are kept separate in Nevada's elections laws from the provisions governing provisional ballots cast under **sections 5.1-9.8**. However, **sections 5.8 and 10.6** of this bill ensure that both types of provisional ballots include all offices, candidates ~~[and ballot questions]~~ **and measures** on which the person who is casting the provisional ballot would be entitled to vote if he or she were casting a regular ballot.

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

within 28 days of distributing the forms and to mail the forms not later than 35 days before an election.

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

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

Existing law requires that an absent ballot be received by the county or city clerk by the time the polls close on the day of an election. (NRS 293.317) ~~[Section]~~ **Sections 45 and 76.5** of this bill instead ~~[provides]~~ **provide** that an absent ballot must be: (1) delivered by hand to the county or city clerk by the time set for the closing of the polls; or (2) mailed to the county or city clerk and postmarked on or before the day of an election ~~[.]~~ **and also received by the county or city clerk within the period for the counting of absent ballots, which continues through the seventh day following the election.**

Existing law establishes a process for ~~[a]~~ **the** county or city clerk to follow upon receiving an absent ballot from a registered voter. (NRS 293.325, 293C.325) **Sections 46 and 96** of this bill revise this process to require the county **or city** clerk to check the signature on the envelope of an absent ballot against all signatures of the voter in the records of the ~~[county]~~ clerk, and if two employees of the office of the ~~[county]~~ clerk question whether the signature matches, the county **or city** clerk must contact the voter to ask whether it is the signature of the voter. **Sections 46 and 96** further require the county ~~[and]~~ **or** city ~~[clerks]~~ **clerk** to contact a voter who has neglected to sign the return envelope of an absent ballot.

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

Existing law requires the county ~~[clerk and]~~ **or** city clerk to publish the dates and hours that early voting will be conducted at each permanent and temporary

polling place for early voting. (NRS 293.3576, 293C.3576) **Sections 50 and 102** of this bill provide that the county ~~[clerk]~~ or city clerk may extend the hours that early voting will be conducted after the hours have been published.

Existing law authorizes ~~[a]~~ **the** county or city clerk to rent privately owned locations to be designated as a polling place on election day. (NRS 293.437) **Section 52.6** of this bill provides that the legal rights and remedies of the owner or lessor of the private property to be rented as a location to be used as a polling place are not impaired or affected by renting the property.

~~[Existing law authorizes persons who are 17 years old and who meet certain eligibility requirements to preregister to vote. (NRS 293.4855) Sections 55 and 56 of this bill authorize a 17-year-old who will be 18 years of age on or before the date of the next general city or general election to vote in the primary city election or primary election. However, under existing law and various city charters, certain candidates who win a majority of the vote in the primary election are declared elected to office without appearing on the ballot in the general election. (NRS 293.260, 293C.175, 293C.180) Sections 25, 84.5, 84.6, 117, 118, 120, 122, 123, 125, 127, 128, 130, 131, 133, 134, 136, 137, 139, 140, 142, 143, 145 and 147 of this bill remove the provisions allowing certain candidates to be elected to office in the primary election and instead require the candidates to appear on the ballot for the general election to ensure that any candidate voted upon by a 17-year-old at a primary city election or primary election is not declared elected to the office at the primary city election or primary election.]~~

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

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

Under the Nevada Constitution and existing statutes, persons who circulate initiative and referendum petitions proposing changes in the law are required to submit the petitions to the county clerks by certain deadlines, so the clerks

can verify whether the petitions have a sufficient number of valid signatures to qualify for the ballot. (Nev. Const. Art. 19, §§ 1, 2; NRS 295.056) **Section 112.2** of this bill revises those deadlines.

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[2]~~ **1.5** to 13, inclusive, of this act.

Sec. 1.5. ***"Voter registration card" means a voter registration card that is issued to a voter pursuant to any provision of this title and contains the information set forth in section 1.7 of this act.***

Sec. 1.7. ***1. A voter registration card must contain:***

(a) The name, address, political affiliation and precinct number of the voter;

(b) The date of its issuance; and

(c) The signature of the county clerk.

2. If a voter is qualified to register to vote for an election and has properly completed any method authorized by the provisions of this title to register to vote for the election, the issuance of a voter registration card to the voter is not a prerequisite to vote in the election.

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

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

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

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

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

2. The provisions of subsection 1 do not apply if every polling place in the county is a polling place where any person entitled to vote in the county by personal appearance may do so on the day of the primary election or general election.

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

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

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

Sec. 5. *1. Except as otherwise provided in NRS 293.283 [,] and sections 5.1 to 9.8, inclusive, of this act, upon the appearance of a person to cast a ballot at a polling place established pursuant to section 2 of this act, the election board officer shall:*

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

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

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

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

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

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

(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the voter registration card issued to the voter . [at the time he or she registered to vote.]

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

4. The county clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that county in the current election.

5. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place where he or she applies to vote.

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

(a) Prepare the mechanical voting device for the voter;

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

(c) Allow the voter to cast a vote.

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

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

Sec. 5.2. ***"Election" means:***

1. A primary election;

2. A general election;

3. A primary city election; or

4. A general city election.

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

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

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

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

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

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

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

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

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

Sec. 5.7. ***1. <u>Except as otherwise provided in subsections 2 and 3, the provisions of sections 5.1 to 9.8, inclusive, of this act apply to city elections and supersede and preempt any conflicting provisions of a city charter, regardless of the date of the enactment or amendment of the conflicting provisions of the city charter.</u>***

<u>2.</u> The provisions of sections 5.1 to 9.8, inclusive, of this act relating to early voting do not apply to a city election if the governing body of the city

has not provided for the conduct of early voting by personal appearance in the city election pursuant to NRS 293C.110.

~~[2.]~~ 3. The provisions of sections 5.1 to 9.8, inclusive, of this act do not apply to a city election in which all ballots must be cast by mail pursuant to NRS 293C.112.

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

Sec. 5.9. 1. After the close of registration for an election pursuant to NRS 293.560 or 293C.527, a registered voter may update his or her voter registration information, including, without limitation, his or her name, address and party affiliation.

2. The county or city clerk shall authorize one or more of the following methods for a registered voter to update his or her voter registration information pursuant to this section:

(a) A paper application;

(b) A system established pursuant to NRS 293.506 for using a computer to register voters; or

(c) The system established by the Secretary of State pursuant to section 11 of this act.

➥ If the county or city clerk authorizes the use of more than one method, the county or city clerk may limit the use of a particular method to circumstances when another method is not reasonably available.

3. If a registered voter updates his or her voter registration information pursuant to this section and applies to vote in the election, the county or city clerk may require the voter to cast a provisional ballot in the election if any circumstances exist that give the county or city clerk reasonable cause to believe that the use of a provisional ballot is necessary to provide sufficient time to verify and determine whether the voter is eligible to cast the ballot in the election based on his or her updated voter registration information.

4. If a registered voter casts a provisional ballot in the election pursuant to this section, the provisional ballot is subject to final verification in accordance with the procedures that apply to other provisional ballots cast in the election pursuant to sections 5.1 to 9.8, inclusive, of this act.

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

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

(a) During the period for early voting, at any polling place for early voting ~~[in]~~ by personal appearance in the county or city, as applicable, in which the elector is eligible to vote; or

(b) On the day of the election , at:

(1) A polling place established pursuant to section 2 or 73 of this act, if one has been established in the county or city, as applicable, in which the elector ~~[registers]~~ is eligible to vote; or

(2) The polling place for his or her election precinct.

3. To vote in person, an elector who submits an application to register to vote pursuant to this section must:

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

(b) Inform an election board officer that, before appearing at the polling place, the elector submitted an application to register to vote by computer using the system established by the Secretary of State pursuant to section 11 of this act; and

(c) Except as otherwise provided in subsection 4, provide his or her current and valid driver's license or identification card issued by the Department of Motor Vehicles which shows his or her physical address as proof of the elector's identity and residency.

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

(a) A military identification card;

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

(c) A bank or credit union statement;

(d) A paycheck;

(e) An income tax return;

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

(g) A motor vehicle registration;

(h) A property tax statement; or

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

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

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

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

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

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

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

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

(3) Must vote by casting a provisional ballot [.] , unless it is verified, at that time, that the elector is qualified to register to vote and to cast a regular ballot in the election at that polling place.

Sec. 7. (Deleted by amendment.)

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

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

(a) Appear before the close of polls at a polling place for early voting [.] by personal appearance in the county or city, as applicable, in which the elector is eligible to vote.

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

(1) If] a method authorized by the county or city clerk [, a] pursuant to this paragraph. The county or city clerk shall authorize one or more of the following methods for a person to register to vote pursuant to this paragraph:

(1) A paper application;

(2) A system established pursuant to NRS 293.506 for using a computer to register voters; or

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

➥ If the county or city clerk authorizes the use of more than one method, the county or city clerk may limit the use of a particular method to circumstances when another method is not reasonably available.

(c) Except as otherwise provided in subsection 3, provide his or her current and valid driver's license or identification card issued by the Department of Motor Vehicles which shows his or her physical address as proof of the elector's identity and residency.

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

(a) A military identification card;

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

(c) A bank or credit union statement;

(d) A paycheck;

(e) An income tax return;

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

(g) A motor vehicle registration;

(h) A property tax statement; or

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

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

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

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

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

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

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

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

(3) Must vote by casting a provisional ballot ~~[.]~~ , unless it is verified, at that time, that the elector is qualified to register to vote and to cast a regular ballot in the election at that polling place.

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

2. To register to vote on the day of the election, an elector must:

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

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

~~(1) If]~~ a method authorized by the county or city clerk ~~[, a]~~ pursuant to this paragraph. The county or city clerk shall authorize one or more of the following methods for a person to register to vote pursuant to this paragraph:

(1) A paper application;

(2) A system established pursuant to NRS 293.506 for using a computer to register voters; or

~~[(2)]~~ (3) The system established by the Secretary of State pursuant to section 11 of this act . ~~[; and]~~

➥ If the county or city clerk authorizes the use of more than one method, the county or city clerk may limit the use of a particular method to circumstances when another method is not reasonably available.

(c) Except as otherwise provided in subsection 3, provide his or her current and valid driver's license or identification card issued by the Department of Motor Vehicles which shows his or her physical address as proof of the elector's identity and residency.

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

(a) A military identification card;

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

(c) A bank or credit union statement;

(d) A paycheck;

(e) An income tax return;

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

(g) A motor vehicle registration;

(h) A property tax statement; or

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

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

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

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

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

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

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

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

(3) Must vote by casting a provisional ballot.

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

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

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

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

2. For the purposes of final verification:

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

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

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

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

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

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

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

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

Sec. 10. (Deleted by amendment.)

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

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

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

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

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

(a) Preregister and register to vote;

(b) Cancel his or her preregistration or voter registration;

(c) Update his or her preregistration or voter registration information, including, without limitation, the person's name, address and party affiliation; and

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

2. The system established pursuant to subsection 1 must:

(a) Be user friendly;

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

(c) Inform any person who uses the system to register to vote for an election pursuant to sections 6, 8 and 9 of this act that the person may vote in the election only if the person complies with the applicable requirements established by those sections.

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

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

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

(c) The penalties for submitting a false application.

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

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

(b) The notice set forth in NRS 225.083.

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

(a) Affirmatively decline to be registered to vote or have his or her voter registration updated; and

(b) Elect to indicate a political party affiliation.

2. The form provided by the Department pursuant to subsection 1 ~~[must]~~ :

(a) Must include a notice informing the person ~~[:~~

~~(a) Of]~~ of the information required pursuant to paragraphs (b) and (c) of subsection 2 of section 3 of the 2018 Ballot Question No. 5, the Automatic Voter Registration Initiative ~~[; and~~

~~(b) That]~~ , and that the person may ~~[return]~~ :

(1) Return the completed form at the end of his or her transaction with the Department by depositing the form in the secured container provided by the Department pursuant to subsection 3 ~~[.]~~ ; or

(2) Use the system established by the Secretary of State pursuant to section 11 of this act to update his or her voter registration information, including, without limitation, the person's name, address and party affiliation.

(b) May include any other information that the Department determines is necessary to carry out the provisions of this section.

3. The Department shall provide a secured container within the Department designated for the return of any form provided to a person pursuant to this section.

4. For the purposes of sections 4 and 5 of the 2018 Ballot Question No. 5, the Automatic Voter Registration Initiative:

(a) If a person deposits the completed form in the secured container at the end of his or her transaction with the Department and has not affirmatively declined in the form to be registered to vote or have his or her voter registration updated:

(1) The Department shall be deemed to have collected the information contained in the form from the person during his or her transaction with the Department; and

(2) The person shall be deemed to have consented to the transmission of that information and the other information and documents collected during his or her transaction with the Department to the Secretary of State and the appropriate county clerks for the purpose of registering the person to vote or updating the person's existing voter registration information in order to correct the statewide voter registration list pursuant to NRS 293.530, if necessary.

(b) If a person does not deposit the form in the secured container at the end of his or her transaction with the Department:

(1) The person shall be deemed to have consented to the transmission of the information and documents collected during his or her transaction with the Department to the Secretary of State and the appropriate county clerks for the purpose of registering the person to vote or updating the person's existing voter registration information in order to correct the statewide voter registration list pursuant to NRS 293.530, if necessary.

(2) The appropriate county clerk shall list the person's political party as nonpartisan, unless the person is already a registered voter listed as affiliated with a political party in the person's existing voter registration information.

5. The Department may adopt regulations to carry out the provisions of this section.

Sec. 13. ***1. Each county clerk shall review the voter registration information transmitted by the Department of Motor Vehicles pursuant to section 5 of the 2018 Ballot Question No. 5, the Automatic Voter Registration Initiative, and section 12 of this act to determine whether the person is eligible to register to vote in this State.***

2. If the county clerk determines that a person is not eligible to register to vote pursuant to subsection 1:

(a) It shall be deemed that the transmittal is not a completed voter registration application;

(b) It shall be deemed that the person did not apply to register to vote; and

(c) The county clerk must reject the application and may not register that person to vote.

Sec. 13.3. **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 1.5 of this act*** have the meanings ascribed to them in those sections.

Sec. 13.5. NRS 293.093 is hereby amended to read as follows:

293.093 "Regular votes" means the votes cast by registered voters, except votes cast by ***:***

1. An absent ballot ***;***

2. A provisional ballot pursuant to sections 5.1 to 9.8, inclusive, of this act; or

3. A provisional ballot ~~[.]~~ ***pursuant to NRS 293.3081 to 293.3086, inclusive, and sections 10.3 and 10.6 of this act.***

Sec. 14. NRS 293.095 is hereby amended to read as follows:

293.095 "Roster" means the record in printed or electronic form furnished to election board officers which ~~[contains]~~ ***:***

1. Contains a list of ~~[eligible]~~ ***registered*** voters and is to be used for obtaining the signature of each ~~[person applying for a ballot.]~~ ***registered voter who applies to vote at a polling place; or***

2. Is to be used for obtaining the signature of each elector who applies to register to vote ~~[and]~~ or applies to vote at a polling place pursuant to sections 5.1 to 9.8, inclusive, of this act.

Sec. 15. (Deleted by amendment.)

Sec. 15.5. NRS 293.126 is hereby amended to read as follows:

293.126 ***1. The provisions of sections 5.1 to 9.8, inclusive, of this act apply to city elections.***

2. The ***other*** provisions of this chapter, not inconsistent with the provisions of chapter 293C of NRS or a city charter, ***also*** apply to city elections.

Sec. 16. NRS 293.1273 is hereby amended to read as follows:

293.1273 ~~[In any county where registrations are performed and records are kept by computer, a]~~ ***A*** facsimile of a voter's signature that is created by a computer may be used if a verification or comparison of the signature is required by any provision of this title.

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 18.5. **NRS 293.12757 is hereby amended to read as follows:**

293.12757 ~~[A]~~ ***If a person is qualified to register to vote and has properly completed any method authorized by the provisions of this title to register to vote:***

1. The person may sign a petition required under the election laws of this State on or after the date ***on which*** the person is deemed to be registered to vote pursuant to NRS 293.4855 ***,*** ~~[or]~~ 293.517 ~~[, subsection 7 of NRS]~~ ***or*** 293.5235 ~~[or]~~ ***, sections 5.1 to 9.8, inclusive, of this act,*** section 6 of the 2018 Ballot Question No. 5, the Automatic Voter Registration Initiative ~~[.]~~ ***, or any other provision of this title; and***

2. The county clerk shall use the date prescribed by subsection 1 for the purposes of the verification of the person's signature on the petition.

Sec. 19. NRS 293.1277 is hereby amended to read as follows:

293.1277 1. If the Secretary of State finds that the total number of signatures submitted to all the county clerks is 100 percent or more of the number of registered voters needed to declare the petition sufficient, the Secretary of State shall immediately so notify the county clerks. After the notification, each of the county clerks shall determine the number of registered voters who have signed the documents submitted in the county clerk's county and, in the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, shall tally the number of signatures for each petition district contained or fully contained within the county clerk's county. This determination must be completed within 9 days, excluding Saturdays, Sundays and holidays, after the notification pursuant to this subsection regarding a petition containing signatures which are required to be verified pursuant to NRS 293.128, 295.056, 298.109, 306.035 or 306.110, and within 3 days, excluding Saturdays, Sundays and holidays, after the notification pursuant to this subsection regarding a petition containing signatures which are required to be verified pursuant to NRS 293.172 or 293.200. For the purpose of verification pursuant to this section, the county clerk shall not include in his or her tally of total signatures any signature included in the incorrect petition district.

2. Except as otherwise provided in subsection 3, if more than 500 names have been signed on the documents submitted to a county clerk, the county clerk shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerk is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures, whichever is greater. If documents were submitted to the county clerk for more than one petition district wholly contained within that county, a separate random sample must be performed for each petition district.

3. If a petition district comprises more than one county and the petition is for an initiative or referendum proposing a constitutional amendment or a statewide measure, and if more than 500 names have been signed on the documents submitted for that petition district, the appropriate county clerks shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerks within the petition district is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures presented in the petition district, whichever is greater. The Secretary of State shall determine the number of signatures that must be verified by each county clerk within the petition district.

4. In determining from the records of registration the number of registered voters who signed the documents, the county clerk may use the signatures contained in the file of applications to register to vote. If the county clerk uses that file, the county clerk shall ensure that every application in the file is examined, including any application in his or her possession which may not yet be entered into the county clerk's records. Except as otherwise provided in subsection 5, the county clerk shall rely only on the appearance of the signature and the address and date included with each signature in making his or her determination.

5. If:

(a) Pursuant to NRS 293.506, a county clerk establishes a system to allow persons to register to vote by computer;

(b) ***A person registers to vote using the system established by the Secretary of State pursuant to section 11 of this act;***

(c) A person registers to vote pursuant to NRS 293D.230 and signs his or her application to register to vote using a digital signature or an electronic signature; or

~~[(c)]~~ ***(d)*** 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. In the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, when the county clerk is determining the number of registered voters who signed the documents from each petition district contained fully or partially within the county clerk's county, he or she must use the statewide voter registration list available pursuant to NRS 293.675.

7. Except as otherwise provided in subsection 9, upon completing the examination, the county clerk shall immediately attach to the documents a certificate properly dated, showing the result of the examination, including the tally of signatures by petition district, if required, and transmit the documents with the certificate to the Secretary of State. In the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, if a petition district comprises more than one county, the appropriate county clerks shall comply with the regulations adopted by the Secretary of State pursuant to this section to complete the certificate. A copy of this certificate must be filed in the clerk's office. When the county clerk transmits the certificate to the Secretary of State, the county clerk shall notify the Secretary of State of the number of requests to remove a name received by the county clerk pursuant to NRS 295.055 or 306.015.

8. A person who submits a petition to the county clerk which is required to be verified pursuant to NRS 293.128, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 must be allowed to witness the verification of the signatures. A public officer who is the subject of a recall petition must also be allowed to witness the verification of the signatures on the petition.

9. For any petition containing signatures which are required to be verified pursuant to the provisions of NRS 293.200, 306.035 or 306.110 for any county, district or municipal office within one county, the county clerk shall not transmit to the Secretary of State the documents containing the signatures of the registered voters.

10. The Secretary of State shall by regulation establish further procedures for carrying out the provisions of this section.

Sec. 19.5. **NRS 293.177 is hereby amended to read as follows:**

293.177 1. Except as otherwise provided in NRS 293.165 and 293.166, a name may not be printed on a ballot to be used at a primary election unless the person named has filed a declaration of candidacy or an acceptance of candidacy, and has paid the fee required by NRS 293.193 not earlier than:

(a) For a candidate for judicial office, the first Monday in January of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in January; and

(b) For all other candidates, the first Monday in March of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in March.

2. A declaration of candidacy or an acceptance of candidacy required to be filed by this section must be in substantially the following form:

(a) For partisan office:

DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....

State of Nevada

County of .....

For the purpose of having my name placed on the official ballot as a candidate for the ..... Party nomination for the office of ……, I, the undersigned …….., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ……., in the City or Town of ……., County of ……., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am registered as a member of the ..... Party; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that I have not, in violation of the provisions of NRS 293.176, changed the designation of my political party or political party affiliation on an official application to register to vote in any state

since December 31 before the closing filing date for this election; that I generally believe in and intend to support the concepts found in the principles and policies of that political party in the coming election; that if nominated as a candidate of the ..... Party at the ensuing election, I will accept that nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy or acceptance of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public or other person
authorized to administer an oath

(b) For nonpartisan office:

DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....

State of Nevada

County of .....

For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ……, in the City or Town of ……., County of ……, State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....;

that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a nonpartisan candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy or acceptance of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public or other person
authorized to administer an oath

3. The address of a candidate which must be included in the declaration of candidacy or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if the candidate fails to comply with the following provisions of this subsection or, if applicable, the provisions of subsection 4:

(a) The candidate shall not list the candidate's address as a post office box unless a street address has not been assigned to his or her residence; and

(b) Except as otherwise provided in subsection 4, the candidate shall present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's

name and residential address, but not including a voter registration card. ~~[issued pursuant to NRS 293.517.]~~

4. If the candidate executes an oath or affirmation under penalty of perjury stating that the candidate is unable to present to the filing officer the proof of residency required by subsection 3 because a street address has not been assigned to the candidate's residence or because the rural or remote location of the candidate's residence makes it impracticable to present the proof of residency required by subsection 3, the candidate shall present to the filing officer:

(a) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate; and

(b) Alternative proof of the candidate's residential address that the filing officer determines is sufficient to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050. The Secretary of State may adopt regulations establishing the forms of alternative proof of the candidate's residential address that the filing officer may accept to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050.

5. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to subsection 3 or 4. Such a copy:

(a) May not be withheld from the public; and

(b) Must not contain the social security number, driver's license or identification card number or account number of the candidate.

6. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the filing officer for the office as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293.182. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the filing officer duplicate copies of the process. The filing officer shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the filing officer a different address for that purpose, in which case the filing officer shall mail the copy to the last address so designated.

7. If the filing officer receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the filing officer:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored by a court of competent jurisdiction; and

(b) Shall transmit the credible evidence and the findings from such investigation to the Attorney General, if the filing officer is the Secretary of State, or to the district attorney, if the filing officer is a person other than the Secretary of State.

8. The receipt of information by the Attorney General or district attorney pursuant to subsection 7 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293.182 to which the provisions of NRS 293.2045 apply.

9. Any person who knowingly and willfully files a declaration of candidacy or acceptance of candidacy which contains a false statement in violation of this section is guilty of a gross misdemeanor.

Sec. 20. NRS 293.203 is hereby amended to read as follows:

293.203 Immediately upon receipt by the county clerk of the certified list of candidates from the Secretary of State, the county clerk shall publish a notice of primary election or general election in a newspaper of general circulation in the county once a week for 2 successive weeks. If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest Nevada county. The notice must contain:

1. The date of the election.
2. The location of the polling places.
3. The hours during which the polling places will be open for voting.

~~[4. The names of the candidates.~~

~~5. A list of the offices to which the candidates seek nomination or election.]~~

➥ The notice required for a general election pursuant to this section may be published in conjunction with the notice required for a proposed constitution or constitutional amendment pursuant to NRS 293.253. If the notices are combined in this manner, they must be published three times in accordance with subsection 3 of NRS 293.253.

Sec. 21. NRS 293.2175 is hereby amended to read as follows:

293.2175 1. The county clerk may appoint a pupil as a trainee for the position of election board officer. To qualify for such an appointment, the pupil must be:

(a) A United States citizen, a resident of Nevada and a resident of the county in which the pupil serves;

(b) Enrolled in high school; and

(c) At the time of service, at least 16 years of age.

2. The county clerk may only appoint a pupil as a trainee if:

(a) The pupil is appointed without party affiliation;

(b) The county clerk sends the pupil a certificate stating the date and hours that the pupil will act as a trainee;

(c) At least 20 days before the election in which the pupil will act as a trainee, the principal of the high school or the pupil's assigned school counselor receives the county clerk's certificate and a written request signed by the pupil's parent or guardian to be excused from school for the time specified in the certificate;

(d) The principal of the high school or the assigned school counselor of the pupil approves the pupil's request; and

(e) The pupil attends the training class required by NRS 293B.260.

3. Except as otherwise provided in this subsection, the county clerk may assign a trainee such duties as the county clerk deems appropriate. The county clerk shall not ~~[~~:

~~(a) Require~~] ***require*** the trainee to perform those duties later than 10 p.m. or any applicable curfew, whichever is earlier **.** ~~[~~; ~~or~~

~~(b) Assign more than one trainee to serve as an election board officer in any one polling place.~~]

4. The county clerk may compensate a trainee for service at the same rate fixed for election board officers generally.

Sec. 21.5. NRS 293.227 is hereby amended to read as follows:

293.227 1. Each election board must have one member designated as the chair by the county or city clerk. The election boards shall make the records of election required by this chapter.

2. The appointment of a trainee as set forth in NRS 293.2175 and 293C.222 may be used to determine the number of members on the election board, but under no circumstances may ~~[~~:

~~(a) The election board of any polling place include more than one trainee; or~~

~~(b) A~~] ***a*** trainee serve as chair of the election board.

3. The county or city clerk shall conduct or cause to be conducted a school to acquaint the members of an election board with the election laws, duties of election boards, regulations of the Secretary of State and with the procedure for making the records of election and using the register for election boards.

4. The board of county commissioners of any county or the city council of any city may reimburse the members of an election board who attend the school for their travel expenses at a rate not exceeding 10 cents per mile.

Sec. 22. NRS 293.250 is hereby amended to read as follows:

293.250 1. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall, in a manner consistent with the election laws of this State, prescribe:

(a) The form of all ballots, absent ballots, diagrams, sample ballots, certificates, notices, declarations, applications to preregister and register to vote, lists, applications, registers, rosters, statements and abstracts required by the election laws of this State.

(b) The procedures to be followed and the requirements of ~~[~~a~~]~~ ***:***

(1) A system established pursuant to NRS 293.506 for using a computer to register voters and to keep records of registration.

(2) The system established by the Secretary of State pursuant to section 11 of this act for using a computer to register voters.

2. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall prescribe with respect to the matter to be printed on every kind of ballot:

(a) The placement and listing of all offices, candidates and measures upon which voting is statewide, which must be uniform throughout the State.

(b) The listing of all other candidates required to file with the Secretary of State, and the order of listing all offices, candidates and measures upon which voting is not statewide, from which each county or city clerk shall prepare appropriate ballot forms for use in any election in his or her county.

3. The Secretary of State shall place the condensation of each proposed constitutional amendment or statewide measure near the spaces or devices for indicating the voter's choice.

4. The fiscal note for, explanation of, arguments for and against, and rebuttals to such arguments of each proposed constitutional amendment or statewide measure must be included on all sample ballots.

5. The condensations and explanations for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Attorney General. The arguments and rebuttals for or against constitutional amendments and statewide measures proposed by initiative or referendum must be prepared in the manner set forth in NRS 293.252. The fiscal notes for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Fiscal Analysis Division of the Legislative Counsel Bureau. The condensations, explanations, arguments, rebuttals and fiscal notes must be in easily understood language and of reasonable length, and whenever feasible must be completed by August 1 of the year in which the general election is to be held. The explanations must include a digest. The digest must include a concise and clear summary of any existing laws directly related to the constitutional amendment or statewide measure and a summary of how the constitutional amendment or statewide measure adds to, changes or repeals such existing laws. For a constitutional amendment or statewide measure that creates, generates, increases or decreases any public revenue in any form, the first paragraph of the digest must include a statement that the constitutional amendment or statewide measure creates, generates, increases or decreases, as applicable, public revenue.

6. The names of candidates for township and legislative or special district offices must be printed only on the ballots furnished to voters of that township or district.

7. A county clerk:

(a) May divide paper ballots into two sheets in a manner which provides a clear understanding and grouping of all measures and candidates.

(b) Shall prescribe the color or colors of the ballots and voting receipts used in any election which the clerk is required to conduct.

Sec. 23. NRS 293.253 is hereby amended to read as follows:

293.253 1. The Secretary of State shall provide each county clerk with copies of any proposed constitution ~~[,]~~ ***or*** constitutional amendment ~~[or statewide measure]~~ which will appear on the general election ballot, together with the copies of the condensations, explanations, arguments, rebuttals and fiscal notes prepared pursuant to NRS 218D.810, 293.250 and 293.252.

2. Whenever feasible, the Secretary of State shall provide those copies on or before the first Monday in August of the year in which the proposals will appear on the ballot. Copies of any additional proposals must be provided as soon after their filing as feasible.

3. Each county clerk shall cause a copy of the full text of any such constitution or amendment and its condensation, explanation, arguments, rebuttals and fiscal note to be published, in conspicuous display advertising format of not less than 10 column inches, in a newspaper of general circulation in the county three times at intervals of not less than 7 days, the first publication to be on or before the first Monday in October. If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest Nevada county.

4. If a copy of any such constitution or amendment is furnished by the Secretary of State too late to be published at 7-day intervals, it must be published three times at the longest intervals feasible in each county.

5. ~~[Each county clerk shall cause a copy of the condensation of any statewide measure and its explanation, arguments, rebuttals and fiscal note to be published on or before the first Monday in October in a newspaper of general circulation in the county. If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest Nevada county.~~

~~— 6.]~~ The portion of the cost of publication which is attributable to publishing the questions, explanations, arguments, rebuttals and fiscal notes of proposed constitutions ~~[,]~~ ***or*** constitutional amendments ~~[or statewide measures]~~ is a charge against the State and must be paid from the Reserve for Statutory Contingency Account upon recommendation by the Secretary of State and approval by the State Board of Examiners.

Sec. 24. NRS 293.2546 is hereby amended to read as follows:

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

1. To receive and cast a ballot that:

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

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

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

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

4. To vote ***during any period for early voting or*** on election day if the voter is waiting in line ***to vote or register to vote*** at ~~[his or her]~~ ***a*** polling place ***at which the voter is entitled*** to vote ***or register to vote*** ~~[before 7 p.m.]~~ ***at the time that the polls close*** and the voter has not already cast a vote in that election.

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

6. To request assistance in voting, if necessary.

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

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

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

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

11. To have complaints about elections and election contests resolved fairly, accurately and efficiently.

Sec. 25. ~~[NRS 293.260 is hereby amended to read as follows:~~

~~293.260 1. If there is no contest of election for nomination to a particular office, neither the title of the office nor the name of the candidate may appear on the ballot at the primary election.~~

~~2. If a major political party has two or more candidates for a particular office, the person who receives the highest number of votes at the primary election must be declared the nominee of that major political party for the office.~~

~~3. If not more than the number of candidates to be elected have filed for nomination for:~~

~~(a) Any partisan office~~ ***, or any nonpartisan office*** ~~[or]~~ ***] other than*** ~~the office of [judge of a district court, judge of the Court of Appeals or justice of the Supreme Court,]~~ ***member of a town advisory board,*** ~~the names of those candidates must be omitted from all ballots for a primary election and placed on all ballots for the general election . [;~~

~~(b) Any nonpartisan office, other than the office of judge of a district court, judge of the Court of Appeals, justice of the Supreme Court or member of a town advisory board, the names of those candidates must appear on the ballot for a primary election unless the candidates were nominated pursuant to subsection 2 of NRS 293.165. If a candidate receives one or more votes at the primary election, the candidate must be declared elected to the office and his or her name must not be placed on the ballot for the general election. If a candidate does not receive one or more votes at the primary election, his or her name must be placed on the ballot for the general election; and~~

~~(c)~~ ***(b)*** ~~The office of member of a town advisory board, the candidate must be declared elected to the office , and no election must be held for that office.~~

~~4. If there are not more than twice the number of candidates to be elected to a nonpartisan office, the candidates must, without a primary election, be declared the nominees for the office, and the names of the candidates must be omitted from all ballots for [a]~~ ***the*** ~~primary election and placed on all ballots for the general election.~~

~~5. If there are more than twice the number of candidates to be elected to a nonpartisan office, the names of the candidates must appear on the ballot for a primary election. Those candidates who receive the highest number of votes at~~

~~the primary election, not to exceed twice the number to be elected, must be declared nominees for the office , and the names of those candidates must be placed on the ballot for the general election . [, except that if one of those candidates receives a majority of the votes cast in the primary election for:~~

~~— (a) The office of judge of a district court, judge of the Court of Appeals or justice of the Supreme Court, the candidate must be declared the only nominee for the office and only his or her name must be placed on the ballot for the general election.~~

~~— (b) Any other nonpartisan office, the candidate must be declared elected to the office and his or her name must not be placed on the ballot for the general election.]~~ **(Deleted by amendment.)**

Sec. 26. NRS 293.272 is hereby amended to read as follows:

293.272 1. Except as otherwise provided in subsection 2 and in NRS 293.2725 and 293.3083, a person who registered by mail or computer to vote shall, for the first election in which the person votes at which that registration is valid, vote in person unless he or she has previously voted in the county in which he or she is registered to vote.

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

(a) Is entitled to vote in the manner prescribed in NRS 293.343 to 293.355, inclusive;

(b) Is entitled to vote an absent ballot pursuant to federal law **,** ~~[or]~~ NRS 293.316 ~~[or 293.3165]~~ or chapter 293D of NRS;

(c) Is disabled;

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

(e) Submits or has previously submitted a written request for an absent ballot that is signed by the registered voter before a notary public or other person authorized to administer an oath; or

~~[(e)]~~ ***(f)*** Requests an absent ballot in person at the office of the county clerk.

Sec. 27. NRS 293.2725 is hereby amended to read as follows:

293.2725 1. Except as otherwise provided in subsection 2, in NRS 293.3081 and 293.3083 ***, in sections 5.1 to 9.8, inclusive, of this act*** and in federal law, a person who registers to vote by mail or computer or registers to vote pursuant to section 4 of the 2018 Ballot Question No. 5, the Automatic Voter Registration Initiative, or a person who preregisters to vote by mail or computer and is subsequently deemed to be registered to vote, and who has not previously voted in an election for federal office in this State:

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Registers to vote pursuant to section 4 of the 2018 Ballot Question No. 5, the Automatic Voter Registration Initiative, and at that time presents to the Department of Motor Vehicles:

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

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

(3) A driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;

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

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

(f) Is entitled to vote otherwise than in person under any other federal law.

3. The provisions of subsection 1 apply to a person described in paragraph (b) of subsection 2 if the voter registration card issued to the person ~~[pursuant to subsection 6 of NRS 293.517]~~ is mailed by the county clerk to the person and returned to the county clerk by the United States Postal Service.

Sec. 28. (Deleted by amendment.)

Sec. 29. NRS 293.273 is hereby amended to read as follows:

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

2. ~~[Whenever at any election all the votes of the polling place, as shown on the roster, have been cast, the election board officers shall close the polls, and the counting of votes must begin and continue without unnecessary delay until the count is completed.~~

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

~~4.]~~ ***from:***

(a) Registered voters who apply to vote at the polling place; and

(b) Electors who apply to register to vote ~~[and]~~ or apply to vote at the polling place pursuant to sections 5.1 to 9.8, inclusive, of this act.

3. No person **,** other than election board officers engaged in receiving, preparing or depositing ballots ***or registering electors,*** may be permitted inside the guardrail during the time the polls are open, except by authority of the election board as necessary to keep order and carry out the provisions of this title.

Sec. 30. NRS 293.275 is hereby amended to read as follows:

293.275 ~~[No]~~

1. Except as otherwise provided in subsection 2, an election board may ***not*** perform its duty in serving registered voters at any polling place in any election provided for in this title, unless it has before it ~~[the]~~ ***:***

(a) The roster ***designated*** for ***registered voters who apply to vote at*** the polling place ~~[.]~~ ***; and***

(b) The roster designated for electors who apply to register to vote ~~[and]~~ or apply to vote at the polling place pursuant to sections 5.1 to 9.8, inclusive, of this act.

2. For a polling place established pursuant to section 2 or 73 of this act, an election board may perform its duty in serving registered voters at the polling place in an election if the election board has before it the roster for the county or city, as applicable.

Sec. 31. (Deleted by amendment.)

Sec. 32. NRS 293.277 is hereby amended to read as follows:

293.277 1. Except as otherwise provided in NRS 293.283 and 293.541 ~~[,]~~ ***and sections 5.1 to 9.8, inclusive, of this act,*** if a person's name appears in the roster, or if the person provides an affirmation pursuant to NRS 293.525, the person is entitled to vote and must sign his or her name in the roster or on

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

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

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

(b) A driver's license;

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

(d) A military identification card; or

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

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

Sec. 32.5. **NRS 293.283 is hereby amended to read as follows:**

293.283 1. If, because of physical limitations, a registered voter is unable to sign his or her name in the roster or on a signature card as required by NRS 293.277, the voter must be identified by:

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

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

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

2. If the identity of the voter is verified, the election board officer shall indicate in the roster "Identified" by the voter's name.

Sec. 33. NRS 293.285 is hereby amended to read as follows:

293.285 1. Except as otherwise provided in NRS 293.283 ~~[,]~~ ***and sections 5.1 to 9.8, inclusive, of this act*** ~~[, a]~~ **:**

(a) A registered voter applying to vote shall state his or her name to the election board officer in charge of the roster ~~[,]~~ **;** and ~~[the]~~

(b) The election board officer shall ~~[immediately announce]~~ **:**

(1) Announce the name ~~[, instruct]~~ ***of the registered voter;***

(2) Instruct the ***registered*** voter to sign the roster or signature card ~~[, and verify]~~ **;**

(3) Verify the signature of the ***registered*** voter in the manner set forth in NRS 293.277 ~~[.]~~ **;** ***and*** ~~***[verify]***~~

(4) Verify that the registered voter has not already voted in that county in the current election.

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

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

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

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

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

Sec. 34. NRS 293.296 is hereby amended to read as follows:

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

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

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

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

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

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

Sec. 35. NRS 293.3025 is hereby amended to read as follows:

293.3025 The Secretary of State and each county and city clerk shall ensure that a copy of each of the following is posted in a conspicuous place at each polling place on election day:

1. A sample ballot;

2. Information concerning the date and hours of operation of the polling place;

3. Instructions for voting and casting a ballot, including a provisional ballot ~~[.]~~ ***pursuant to sections 5.1 to 9.8, inclusive, of this act or a provisional ballot pursuant to NRS 293.3081 to 293.3086, inclusive, and sections 10.3 and 10.6 of this act;***

4. Instructions concerning the identification required for persons who registered by mail ***or computer*** and are first-time voters for federal office in this State;

5. Information concerning the accessibility of polling places to persons with disabilities;

6. General information concerning federal and state laws which prohibit acts of fraud and misrepresentation; and

7. Information concerning the eligibility of a candidate, a ballot question or any other matter appearing on the ballot as a result of a judicial determination or by operation of law, if any.

Sec. 35.5. **NRS 293.303 is hereby amended to read as follows:**

293.303 1. A person applying to vote may be challenged:

(a) Orally by any registered voter of the precinct upon the ground that he or she is not the person entitled to vote as claimed or has voted before at the same election. A registered voter who initiates a challenge pursuant to this paragraph must submit an affirmation that is signed under penalty of perjury and in the form prescribed by the Secretary of State stating that the challenge is based on the personal knowledge of the registered voter.

(b) On any ground set forth in a challenge filed with the county clerk pursuant to the provisions of NRS 293.547.

2. If a person is challenged, an election board officer shall tender the challenged person the following oath or affirmation:

(a) If the challenge is on the ground that the challenged person does not belong to the political party designated upon the roster, "I swear or affirm under penalty of perjury that I belong to the political party designated upon the roster";

(b) If the challenge is on the ground that the roster does not show that the challenged person designated the political party to which he or she claims to belong, "I swear or affirm under penalty of perjury that I designated on the application to register to vote the political party to which I claim to belong";

(c) If the challenge is on the ground that the challenged person does not reside at the residence for which the address is listed in the roster, "I swear or affirm under penalty of perjury that I reside at the residence for which the address is listed in the roster";

(d) If the challenge is on the ground that the challenged person previously voted a ballot for the election, "I swear or affirm under penalty of perjury that I have not voted for any of the candidates or questions included on this ballot for this election"; or

(e) If the challenge is on the ground that the challenged person is not the person he or she claims to be, "I swear or affirm under penalty of perjury that I am the person whose name is in this roster."

➥ The oath or affirmation must be set forth on a form prepared by the Secretary of State and signed by the challenged person under penalty of perjury.

3. Except as otherwise provided in subsection 4, if the challenged person refuses to execute the oath or affirmation so tendered, the person must not be issued a ballot, and the election board officer shall indicate in the roster "Challenged" by the person's name.

4. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (a) or (b) of subsection 2, the election board officers shall issue the person a nonpartisan ballot.

5. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (c) of subsection 2, the election board officers shall inform the person that he or she is entitled to vote only in the manner prescribed in NRS 293.304.

6. If the challenged person executes the oath or affirmation and the challenge is not based on the ground set forth in paragraph (e) of subsection 2, the election board officers shall issue the person a partisan ballot.

7. If the challenge is based on the ground set forth in paragraph (c) of subsection 2, and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot until he or she furnishes satisfactory identification which contains proof of the address at which the person actually resides. For the purposes of this subsection, a voter registration card ~~[issued pursuant to NRS 293.517]~~ does not provide proof of the address at which a person resides.

8. If the challenge is based on the ground set forth in paragraph (e) of subsection 2 and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot unless the person:

(a) Furnishes official identification which contains a photograph of the person, such as a driver's license or other official document; or

(b) Brings before the election board officers a person who is at least 18 years of age who:

(1) Furnishes official identification which contains a photograph of that person, such as a driver's license or other official document; and

(2) Executes an oath or affirmation under penalty of perjury that the challenged person is who he or she swears to be.

9. The election board officers shall:

(a) Record on the challenge list:

(1) The name of the challenged person;

(2) The name of the registered voter who initiated the challenge; and

(3) The result of the challenge; and

(b) If possible, orally notify the registered voter who initiated the challenge of the result of the challenge.

Sec. 36. NRS 293.305 is hereby amended to read as follows:

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

(a) Registered voters waiting ***in line*** to ***apply to*** vote ~~[,]~~ ***at the polling place; or***

(b) Electors waiting in line to apply to register to vote [and] or apply to vote at the polling place pursuant to sections 5.1 to 9.8, inclusive, of this act, ➥ the doors of the polling place must be closed after all ~~[such]~~ ***those registered*** voters ***and electors*** have been admitted to the polling place. ~~[Voting,]~~ ***The registration of those electors and the voting by those registered voters and***

electors must continue until ~~[those voters have voted.]~~ ***all such registration and voting has been completed.***

2. The deputy sheriff shall allow other persons to enter the polling place after the doors have been closed ***pursuant to subsection 1*** for the purpose of observing or any other legitimate purpose if there is room within the polling place and ~~[such]~~ ***the*** admittance ***of the other persons*** will not interfere unduly with the ***registration of the electors and the*** voting ~~[. or]~~ ***by the*** ~~[registration of]~~ ***registered voters*** ~~[,]~~ ***and electors.***

Sec. 37. NRS 293.3081 is hereby amended to read as follows:

293.3081 A person at a polling place may cast a provisional ballot in an election ~~[to vote for a candidate for federal office]~~ ***pursuant to NRS 293.3081 to 293.3086, inclusive, and sections 10.3 and 10.6 of this act*** if the person complies with the applicable provisions of NRS 293.3082 and:

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

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

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

Sec. 38. NRS 293.3082 is hereby amended to read as follows:

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

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

(b) The reason for casting the provisional ballot;

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

(d) The date and type of election;

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

(f) The signature of the election board officer;

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

(h) If the person is casting the provisional ballot pursuant to subsection 1 of NRS 293.3081:

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

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

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

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

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

(i) If the person is casting the provisional ballot pursuant to subsection 2 of NRS 293.3081:

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

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

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

(j) If the person is casting the provisional ballot pursuant to subsection 3 of NRS 293.3081, the voter registration number, if any, issued to the person.

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

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

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

(c) The election board officer shall issue a provisional ballot to the person to vote . ~~[only for candidates for federal offices.]~~

Sec. 39. NRS 293.3083 is hereby amended to read as follows:

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

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

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

3. Completes the written affirmation set forth in subsection 1 of NRS 293.3082.

Sec. 40. (Deleted by amendment.)

Sec. 41. (Deleted by amendment.)

Sec. 42. NRS 293.3095 is hereby amended to read as follows:

293.3095 1. A person who, during the 6 months immediately preceding an election, distributes to more than a total of 500 registered voters a form to request an absent ballot for the election shall:

(a) Distribute the form prescribed by the Secretary of State, which must, in 14-point type or larger:

(1) Identify the person who is distributing the form; and

(2) Include a notice stating, "This is a request for an absent ballot.";

(b) Not later than ~~[14]~~ ***28*** days before distributing such a form, provide to the county clerk of each county to which a form will be distributed written notification of the approximate number of forms to be distributed to voters in the county and of the first date on which the forms will be distributed;

(c) Not return or offer to return to a county clerk a form that was mailed to a registered voter pursuant to this subsection; and

(d) Not mail such a form later than ~~[21]~~ ***35*** days before the election.

2. The provisions of this section do not authorize a person to vote by absent ballot if the person is not otherwise eligible to vote by absent ballot.

Sec. 43. NRS 293.313 is hereby amended to read as follows:

293.313 1. Except as otherwise provided in NRS 293.272 and 293.502, a registered voter may request an absent ballot if, before 5 p.m. on the ~~[seventh]~~ ***14th*** calendar day preceding the election, the registered voter:

(a) Provides sufficient written notice to the county clerk; and

(b) Has identified himself or herself to the satisfaction of the county clerk.

2. A registered voter may request an absent ballot for all elections held during the year he or she requests an absent ballot.

3. A county clerk shall consider a request from a voter who has given sufficient written notice on a form provided by the Federal Government as a request for an absent ballot for the primary and general elections immediately following the date on which the county clerk received the request.

4. It is unlawful for a person fraudulently to request an absent ballot in the name of another person or to induce or coerce another person fraudulently to request an absent ballot in the name of another person. A person who violates this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 44. NRS 293.3165 is hereby amended to read as follows:

293.3165 1. A registered voter ~~[with a physical disability or]~~ who ~~[is at least 65 years of age and]~~ provides sufficient written notice to the appropriate county clerk may request that the registered voter receive an absent ballot for all elections at which the registered voter is eligible to vote.

2. Except as otherwise provided in subsection 4, upon receipt of a request submitted by a registered voter pursuant to subsection 1, the county clerk shall:

(a) Issue an absent ballot to the registered voter for each primary election, general election and special election other than a special city election that is conducted after the date the written statement is submitted to the county clerk.

(b) Inform the applicable city clerk of receipt of the written statement. Upon receipt of the notice from the county clerk, the city clerk shall issue an absent ballot for each primary city election, general city election and special city election that is conducted after the date the city clerk receives notice from the county clerk.

3. If, at the direction of the registered voter ~~[,]~~ ***with a physical disability or who is at least 65 years of age,*** a person:

(a) Marks and signs an absent ballot issued to the registered voter pursuant to the provisions of this section on behalf of the registered voter, the person must:

(1) Indicate next to his or her signature that the ballot has been marked and signed on behalf of the registered voter; and

(2) Submit a written statement with the absent ballot that includes the name, address and signature of the person.

(b) Assists a registered voter to mark and sign an absent ballot issued to the registered voter pursuant to the provisions of this section, the person or registered voter must submit a written statement with the absent ballot that includes the name, address and signature of the person.

4. A county clerk may not mail an absent ballot requested by a registered voter pursuant to subsection 1 if, after the request is submitted:

(a) The registered voter is designated inactive pursuant to NRS 293.530; ~~[or]~~

(b) The county clerk cancels the registration of the person pursuant NRS 293.527, 293.530, 293.535 or 293.540 ~~[.]~~ ***; or***

(c) An absent ballot is returned to the county clerk as undeliverable, unless the registered voter has submitted a new request pursuant to subsection 1.

5. The procedure authorized pursuant to this section is subject to all other provisions of this chapter relating to voting by absent ballot to the extent that those provisions are not inconsistent with the provisions of this section.

Sec. 45. NRS 293.317 is hereby amended to read as follows:

293.317 ~~[Absent]~~

1. Except as otherwise provided in subsection 2, absent ballots, including special absent ballots, ~~[received]~~ ***must be:***

(a) Delivered by ***hand to*** the county ~~[or city]~~ clerk ~~[after]~~ ***before the time set for closing of*** the polls ~~[are closed]~~ ***pursuant to NRS 293.273; or***

(b) Mailed to the county ~~[or city]~~ clerk and ~~[postmarked]~~ :

(1) Postmarked on ***or before*** the day of election ~~[. are invalid.]~~ ***; and***

(2) Received by the county clerk within the period for the counting of absent ballots pursuant to subsection 2 of NRS 293.333.

2. If an absent ballot is received not more than 3 days after the day of the election and the date of the postmark cannot be determined, the absent

ballot shall be deemed to have been postmarked on or before the day of the election.

Sec. 46. NRS 293.325 is hereby amended to read as follows:

293.325 1. Except as otherwise provided in ~~[~~subsection 2 and~~]~~ NRS 293D.200, when an absent ballot is returned by a registered voter to the county clerk through the mail, by facsimile machine or other approved electronic transmission or in person, and record thereof is made in the absent ballot record book, the county clerk shall ***check the signature in accordance with the following procedure:***

(a) The county clerk shall check the signature on the return envelope, facsimile or other approved electronic transmission against all signatures of the voter available in the records of the county clerk.

(b) If at least two employees in the office of the county clerk believe there is a reasonable question of fact as to whether the signature on the absent ballot matches the signature of the voter, the county clerk shall contact the voter and ask the voter to confirm whether the signature on the absent ballot belongs to the voter.

2. Except as otherwise provided in subsection 3, if the county clerk determines pursuant to subsection 1 that the absent voter is entitled to cast a ballot and:

(a) No absent ballot central counting board has been appointed, the county clerk shall neatly stack, unopened, the absent ballot with any other absent ballot received that day in a container and deliver, or cause to be delivered, that container to the appropriate election board.

~~[~~2. Except as otherwise provided in NRS 293D.200, if an~~]~~

(b) An absent ballot central counting board has been appointed, ~~[~~when an absent ballot is returned by a registered voter to the county clerk through the mail, by facsimile machine or other approved electronic transmission or in person, the county clerk shall check the signature on the return envelope, facsimile or other approved electronic transmission against the original signature of the voter on the county clerk's register. If the county clerk determines that the absent voter is entitled to cast a ballot,~~]~~ the county clerk shall deposit the ballot in the proper ballot box or place the ballot, unopened, in a container that must be securely locked or under the control of the county clerk at all times. At the end of each day before election day, the county clerk may remove the ballots from each ballot box, neatly stack the ballots in a container and seal the container with a numbered seal. Not earlier than 4 working days before the election, the county clerk shall deliver the ballots to the absent ballot central counting board to be processed and prepared for counting pursuant to the procedures established by the Secretary of State to ensure the confidentiality of the prepared ballots until after the polls have closed pursuant to NRS 293.273 or 293.305.

3. If the county clerk determines when checking the signature of the voter pursuant to subsection 1 that the absent voter did not sign the return envelope as required pursuant to NRS 293.330 but is otherwise entitled to

cast a ballot, the county clerk shall contact the absent voter and advise the voter of the procedures to provide a signature established pursuant to subsection 4. For the absent ballot to be counted, the absent voter must provide a signature within the period for the counting of absent ballots pursuant to subsection 2 of NRS 293.333.

4. Each county clerk shall prescribe procedures for a voter who did not sign the return envelope of an absent ballot in order to:

(a) Contact the voter;

(b) Allow the voter to provide a signature; and

(c) After a signature is provided, ensure the absent ballot is delivered to the appropriate election board or the absent ballot central counting board, as applicable.

Sec. 47. NRS 293.330 is hereby amended to read as follows:

293.330 1. Except as otherwise provided in subsection 2 of NRS 293.323 and chapter 293D of NRS, and any regulations adopted pursuant thereto, when an absent voter receives an absent ballot, the absent voter must mark and fold it in accordance with the instructions, deposit it in the return envelope, seal the envelope, affix his or her signature on the back of the envelope in the space provided therefor and mail ***or deliver*** the return envelope.

2. Except as otherwise provided in subsection 3, if an absent voter who has requested a ballot by mail applies to vote the ballot in person at:

(a) The office of the county clerk, the absent voter must mark the ballot, seal it in the return envelope and affix his or her signature in the same manner as provided in subsection 1, and deliver the envelope to the clerk.

(b) A polling place, including, without limitation, a polling place for early voting, the absent voter must surrender the absent ballot and provide satisfactory identification before being issued a ballot to vote at the polling place. A person who receives a surrendered absent ballot shall mark it "Cancelled."

3. If an absent voter who has requested a ballot by mail applies to vote in person at the office of the county clerk or a polling place, including, without limitation, a polling place for early voting, and the voter does not have the absent ballot to deliver or surrender, the voter must be issued a ballot to vote if the voter:

(a) Provides satisfactory identification;

(b) Is a registered voter who is otherwise entitled to vote; and

(c) Signs an affirmation under penalty of perjury on a form prepared by the Secretary of State declaring that the voter has not voted during the election.

4. Except as otherwise provided in NRS 293.316 and 293.3165, it is unlawful for any person to return an absent ballot other than the voter who requested the absent ballot or, at the request of the voter, a member of the voter's family. A person who returns an absent ballot and who is a member of the family of the voter who requested the absent ballot shall, under penalty of perjury, indicate on a form prescribed by the county clerk that the person is a

member of the family of the voter who requested the absent ballot and that the voter requested that the person return the absent ballot. A person who violates the provisions of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 48. NRS 293.333 is hereby amended to read as follows:

293.333 ***1.*** Except as otherwise provided in NRS 293D.200, on the day of an election, the election boards receiving the absent voters' ballots from the county clerk shall, in the presence of a majority of the election board officers, remove the ballots from the ballot box and the containers in which the ballots were transported pursuant to NRS 293.325 and deposit the ballots in the regular ballot box in the following manner:

~~[1.]~~ ***(a)*** The name of the voter, as shown on the return envelope or approved electronic transmission must be called and checked as if the voter were voting in person;

~~[2.]~~ ***(b)*** The signature on the back of the return envelope or on the approved electronic transmission must be compared with that on the application to register to vote;

~~[3.]~~ ***(c)*** If the board determines that the absent voter is entitled to cast a ballot, the envelope must be opened, the numbers on the ballot and envelope or approved electronic transmission compared, the number strip or stub detached from the ballot and, if the numbers are the same, the ballot deposited in the regular ballot box; and

~~[4.]~~ ***(d)*** The election board officers shall indicate in the roster "Voted" by the name of the voter.

2. Counting of absent ballots must continue through the seventh day following the election.

Sec. 49. NRS 293.3568 is hereby amended to read as follows:

293.3568 1. The period for early voting by personal appearance begins the third Saturday preceding a primary or general election and extends through the Friday before election day, Sundays and federal holidays excepted.

2. The county clerk may:

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

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

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

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

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

~~(2) During the second week of early voting, from 8 a.m. until 6 p.m., or until 8 p.m. if~~] ***during the period for early voting, for at least 8 hours during such hours as*** the county clerk ~~[so requires.]~~ ***may establish.***

(b) On any Saturday that falls within the period for early voting, for at least 4 hours ~~[between 10 a.m. and 6 p.m.]~~ ***during such hours as the county clerk may establish.***

(c) If the county clerk includes a Sunday that falls within the period for early voting, pursuant to subsection 2, during such hours as the county clerk may establish.

Sec. 50. NRS 293.3576 is hereby amended to read as follows:

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

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

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

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

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

4. No additional polling places for early voting may be established after the schedule is published pursuant to this section.

5. The hours that early voting will be conducted at each polling place for early voting may be extended at the discretion of the county clerk after the schedule is published pursuant to this section.

Sec. 51. NRS 293.3585 is hereby amended to read as follows:

293.3585 1. Except as otherwise provided in NRS 293.283 ~~[,]~~ ***and sections 5.1 to 9.8, inclusive, of this act,*** upon the appearance of a person to cast a ballot for early voting, an election board officer shall:

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

(b) Instruct the voter to sign the roster for early voting ~~[,]~~ or a signature card.

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

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

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

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

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

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

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

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

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

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

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

(c) The date of voting early in person.

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

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

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

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

(c) Allow the voter to cast a vote.

8. A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293.303.

Sec. 52. NRS 293.3604 is hereby amended to read as follows:

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

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

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

(1) The title of the election;

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

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

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

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

(6) The number of signatures in the roster designated for electors who ~~***[registered]***~~ ***applied to register to vote*** ~~***[and]***~~ ***or applied to vote at the polling place pursuant to sections 5.1 to 9.8, inclusive, of this act.***

(b) Secure:

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

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

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

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

(b) The voting rosters used for early voting;

(c) The signature cards used for early voting;

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

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

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

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

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

Sec. 52.2. NRS 293.387 is hereby amended to read as follows:

293.387 1. As soon as the returns from all the precincts and districts in any county have been received by the board of county commissioners, the board shall meet and canvass the returns. The canvass must be completed on or before the ~~[sixth working]~~ ***10th*** day following the election.

2. In making its canvass, the board shall:

(a) Note separately any clerical errors discovered; and

(b) Take account of the changes resulting from the discovery, so that the result declared represents the true vote cast.

3. The county clerk shall, as soon as the result is declared, enter upon the records of the board an abstract of the result, which must contain the number of votes cast for each candidate. The board, after making the abstract, shall cause the county clerk to certify the abstract and, by an order made and entered in the minutes of its proceedings, to make:

(a) A copy of the certified abstract; and

(b) A mechanized report of the abstract in compliance with regulations adopted by the Secretary of State,

➥ and transmit them to the Secretary of State not more than 7 working days after the election.

4. The Secretary of State shall, immediately after any primary election, compile the returns for all candidates voted for in more than one county. The Secretary of State shall make out and file in his or her office an abstract thereof, and shall certify to the county clerk of each county the name of each person nominated, and the name of the office for which the person is nominated.

Sec. 52.4. NRS 293.393 is hereby amended to read as follows:

293.393 1. On or before the ~~[sixth working]~~ ***10th*** day after any general election or any other election at which votes are cast for any United States Senator, Representative in Congress, member of the Legislature or any state

officer who is elected statewide, the board of county commissioners shall open the returns of votes cast and make abstracts of the votes.

2. Abstracts of votes must be prepared in the manner prescribed by the Secretary of State by regulation.

3. The county clerk shall make out a certificate of election to each of the persons having the highest number of votes for the district, county and township offices.

4. Each certificate must be delivered to the person elected upon application at the office of the county clerk.

Sec. 52.6. NRS 293.437 is hereby amended to read as follows:

293.437 1. The county or city clerk may designate any building, public or otherwise, or any portion of a building, as the site for any polling place or any number of polling places for any of the precincts or districts in the county or city.

2. If, in the opinion of the county or city clerk, the convenience and comfort of the voters and election officers will be best served by putting two or more polling places in any such building, or if, in the opinion of the county or city clerk, the expense to the county or city for polling places can be diminished by putting two or more polling places in any such building, the county or city clerk may so provide.

3. In precincts where there are no public buildings or other appropriate locations owned by the State, county, township, city, town or precinct, privately owned locations may be rented at a rate not to exceed $35 for each election if only one precinct is involved and at a rate not to exceed $50 for each election if more than one precinct is involved.

4. The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a polling place pursuant to subsection 3, except to the extent necessary to conduct voting at that location.

Sec. 53. NRS 293.4689 is hereby amended to read as follows:

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

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

(b) The abstract of votes required pursuant to the provisions of NRS 293.388.

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

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

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

Sec. 54. NRS 293.469 is hereby amended to read as follows:

293.469 Each county clerk is encouraged to:

1. Not later than the earlier date of the notice provided pursuant to NRS 293.203 or the first notice provided pursuant to subsection ~~[4 5]~~ ***3*** of NRS 293.560, notify the public, through means designed to reach members of the public who are elderly or disabled, of the provisions of NRS 293.2955, 293.296, 293.313, 293.316 and 293.3165.

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

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

(a) Related to elections; and

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

Sec. 54.5. NRS 293.4695 is hereby amended to read as follows:

293.4695 1. Each county clerk shall collect the following information regarding each primary and general election, on a form provided by the Secretary of State and made available at each polling place in the county, each polling place for early voting in the county, the office of the county clerk and any other location deemed appropriate by the Secretary of State:

(a) The number of ballots that have been discarded or for any reason not included in the final canvass of votes, along with an explanation for the exclusion of each such ballot from the final canvass of votes.

(b) A report on each malfunction of any mechanical voting system, including, without limitation:

(1) Any known reason for the malfunction;

(2) The length of time during which the mechanical voting system could not be used;

(3) Any remedy for the malfunction which was used at the time of the malfunction; and

(4) Any effect the malfunction had on the election process.

(c) A list of each polling place not open during the time prescribed pursuant to NRS 293.273 and an account explaining why each such polling place was not open during the time prescribed pursuant to NRS 293.273.

(d) A description of each challenge made to the eligibility of a voter pursuant to NRS 293.303 and the result of each such challenge.

(e) A description of each complaint regarding a ballot cast by mail or facsimile filed with the county clerk and the resolution, if any, of the complaint.

(f) The results of any audit of election procedures and practices conducted pursuant to regulations adopted by the Secretary of State pursuant to this chapter.

(g) ***The number of provisional ballots cast pursuant to sections 5.1 to 9.8, inclusive, of this act.***

(h) The number of provisional ballots cast ***pursuant to NRS 293.3081 to 293.3086, inclusive, and sections 10.3 and 10.6 of this act*** and the reason for the casting of each ***such*** provisional ballot.

2. Each county clerk shall submit to the Secretary of State, on a form provided by the Secretary of State, the information collected pursuant to subsection 1 not more than 60 days after each primary and general election.

3. The Secretary of State may contact any political party and request information to assist in the investigation of any allegation of voter intimidation.

4. The Secretary of State shall establish and maintain an Internet website pursuant to which the Secretary of State shall solicit and collect voter comments regarding election processes.

5. The Secretary of State shall compile the information and comments collected pursuant to this section into a report and shall submit the report to the Director of the Legislative Counsel Bureau for transmission to the Legislature not sooner than 30 days before and not later than 30 days after the first day of each regular session of the Legislature.

6. The Secretary of State may make the report required pursuant to subsection 5 available on an Internet website established and maintained by the Secretary of State.

Sec. 55. ~~[NRS 293.485 is hereby amended to read as follows:~~

~~293.485 1. Every citizen of the United States, 18 years of age or over, who has continuously resided in this State and in the county 30 days and in the precinct 10 days next preceding the day of the next succeeding:~~

~~(a) Primary election;~~

~~(b) Primary city election;~~

~~(c) General election; or~~

~~(d) General city election,~~

~~→ and who has registered in the manner provided in this chapter, is entitled to vote at that election.~~

~~2. *Every citizen of the United States, who is 17 years of age and who will be 18 years of age on or before the date of the general election or general city election and has continuously resided in this State and in the county 30 days and in the precinct 10 days next preceding the day of the next succeeding:*~~

~~*(a) Primary election; or*~~

~~*(b) Primary city election,*~~

~~→ *and who has preregistered in the manner provided in this chapter, is entitled to vote at that election.*~~

~~*3.* This section does not exclude the registration of eligible persons whose 18th birthday or the date of whose completion of the required residence occurs on or before the next succeeding:~~

~~(a) Primary election;~~

~~(b) Primary city election;~~

~~(c) General election;~~

~~(d) General city election; or~~

~~(e) Any other election.]~~ **(Deleted by amendment.)**

Sec. 56. NRS 293.4855 is hereby amended to read as follows:

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

2. If a ~~*[Except as otherwise provided in subsections 3 and 4, a]*~~ person ~~*[who]*~~ preregisters to vote , he or she shall be deemed to be a registered voter on his or her 18th birthday ~~*[,]*~~ unless:

~~*[3. Except as otherwise provided in subsection 4, a person who preregisters to vote shall be deemed a registered voter only for the purposes of voting in any primary election or primary city election, if he or she will be 18 years of age on or before the date of the next general election or general city election, as applicable. The county clerk shall include any such person in the roster of registered voters for a primary election or primary city election.*~~

~~*4. A person shall not be deemed a registered voter pursuant to subsection 2 or 3 if:]*~~

(a) The person's preregistration has been cancelled as described in subsection 7; ~~*[9;]*~~ or

(b) Except as otherwise provided in NRS 293D.210, ~~*[at the time of the primary election or primary city election or]*~~ on the person's 18th birthday, ~~*[as applicable,]*~~ he or she does not satisfy the voter eligibility requirements set forth in NRS 293.485.

3. ~~*[5.]*~~ The county clerk shall issue to a person who is deemed to be registered to vote pursuant to subsection 2 a voter registration card ~~[as described in subsection 6 of NRS 293.517]~~ as soon as practicable after the person is deemed to be registered to vote ~~[.]~~ ***, but the issuance of a voter registration card to the person is not a prerequisite to vote in an election.***

4. ~~*[6.]*~~ On the date that a person who preregisters to vote is deemed to be registered to vote , ~~*[pursuant to subsection 2,]*~~ his or her application to preregister to vote is deemed to be his or her application to register to vote.

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

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

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

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

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

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

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

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

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

Sec. 56.5. **NRS 293.505 is hereby amended to read as follows:**

293.505 1. All justices of the peace, except those located in county seats, are ex officio field registrars to carry out the provisions of this chapter.

2. The county clerk shall appoint at least one registered voter to serve as a field registrar of voters who, except as otherwise provided in NRS 293.5055, shall preregister and register voters within the county for which the field registrar is appointed. Except as otherwise provided in subsection 1, a candidate for any office may not be appointed or serve as a field registrar. A field registrar serves at the pleasure of the county clerk and shall perform such duties as the county clerk may direct. The county clerk shall not knowingly appoint any person as a field registrar who has been convicted of a felony involving theft or fraud. The Secretary of State may bring an action against a county clerk to collect a civil penalty of not more than $5,000 for each person who is appointed as a field registrar in violation of this subsection. Any civil penalty collected pursuant to this subsection must be deposited with the State Treasurer for credit to the State General Fund.

3. A field registrar shall demand of any person who applies for preregistration or registration all information required by the application to preregister or register to vote, as applicable, and shall administer all oaths required by this chapter.

4. When a field registrar has in his or her possession five or more completed applications to preregister or register to vote, the field registrar shall

forward them to the county clerk, but in no case may the field registrar hold any number of them for more than 10 days.

5. Each field registrar shall forward to the county clerk all completed applications in his or her possession immediately after the last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable. Within 5 days after the last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable, a field registrar shall return all unused applications in his or her possession to the county clerk. If all of the unused applications are not returned to the county clerk, the field registrar shall account for the unreturned applications.

6. Each field registrar shall submit to the county clerk a list of the serial numbers of the completed applications to preregister or register to vote and the names of the electors on those applications. The serial numbers must be listed in numerical order.

7. Each field registrar shall post notices sent to him or her by the county clerk for posting in accordance with the election laws of this State.

8. A field registrar, employee of a voter registration agency or person assisting a voter pursuant to ~~[subsection 13 of]~~ NRS 293.5235 shall not:

(a) Delegate any of his or her duties to another person; or

(b) Refuse to preregister or register a person on account of that person's political party affiliation.

9. A person shall not hold himself or herself out to be or attempt to exercise the duties of a field registrar unless the person has been so appointed.

10. A county clerk, field registrar, employee of a voter registration agency or person assisting another person pursuant to ~~[subsection 13 of]~~ NRS 293.5235 shall not:

(a) Solicit a vote for or against a particular question or candidate;

(b) Speak to a person on the subject of marking his or her ballot for or against a particular question or candidate; or

(c) Distribute any petition or other material concerning a candidate or question which will be on the ballot for the ensuing election,

➥ while preregistering or registering the person.

11. When the county clerk receives applications to preregister or register to vote from a field registrar, the county clerk shall issue a receipt to the field registrar. The receipt must include:

(a) The number of persons preregistered or registered; and

(b) The political party of the persons preregistered or registered.

12. A county clerk, field registrar, employee of a voter registration agency or person assisting another person pursuant to ~~[subsection 13 of]~~ NRS 293.5235 shall not:

(a) Knowingly:

(1) Register a person who is not a qualified elector or a person who has filed a false or misleading application to register to vote; or

(2) Preregister a person who does not meet the qualifications set forth in NRS 293.4855; or

(b) Preregister or register a person who fails to provide satisfactory proof of identification and the address at which the person actually resides.

13. A county clerk, field registrar, employee of a voter registration agency, person assisting another person pursuant to ~~[subsection 13 of]~~ NRS 293.5235 or any other person providing a form for the application to preregister or register to vote to an elector for the purpose of preregistering or registering to vote:

(a) If the person who assists another person with completing the form for the application to preregister or register to vote retains the form, shall enter his or her name on the duplicate copy or receipt retained by the person upon completion of the form; and

(b) Shall not alter, deface or destroy an application to preregister or register to vote that has been signed by a person except to correct information contained in the application after receiving notice from the person that a change in or addition to the information is required.

14. If a field registrar violates any of the provisions of this section, the county clerk shall immediately suspend the field registrar and notify the district attorney of the county in which the violation occurred.

15. A person who violates any of the provisions of subsection 8, 9, 10, 12 or 13 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 57. NRS 293.506 is hereby amended to read as follows:

293.506 1. A county clerk may, with approval of the board of county commissioners, establish a system for using a computer to register voters and to keep records of registration.

2. A system established pursuant to subsection 1 must:

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

(b) Allow a person to preregister to vote and the county clerk to keep records of preregistration by computer.

3. ~~[Regardless]~~ Except as otherwise provided in sections 5.1 to 9.8, inclusive, of this act, regardless of whether a county clerk establishes a system pursuant to subsection 1, the county clerk shall accept applications to preregister and register to vote submitted by computer to the Secretary of State through the system established by the Secretary of State pursuant to section 11 of this act.

Sec. 58. NRS 293.510 is hereby amended to read as follows:

293.510 1. Except as otherwise provided in subsection 3, in counties where computers are not used to register voters, the county clerk shall:

(a) Segregate original applications to register to vote according to the precinct in which the registered voters reside and arrange the applications in each precinct or district in alphabetical order. The applications for each precinct or district must be kept separately for each precinct or district. These applications must be used to prepare the rosters.

(b) Arrange the duplicate applications of registration in alphabetical order for the entire county and keep them in binders or a suitable file which constitutes the registrar of voters' register.

2. Except as otherwise provided in subsection 3, in any county where a computer is used to register voters, the county clerk shall:

(a) Arrange the original applications to register to vote for the entire county in a manner in which an original application may be quickly located. These original applications constitute the registrar of voters' register.

(b) Segregate the applications to register to vote in a computer file according to the precinct or district in which the registered voters reside, and for each precinct or district have printed a computer listing which contains the applications to register to vote in alphabetical order. These listings of applications to register to vote must be used to prepare the rosters.

3. From the applications to register to vote received by each county clerk, the county clerk shall:

(a) Segregate the applications electronically transmitted by the Department of Motor Vehicles pursuant to subsection 1 of section 5 of the 2018 Ballot Question No. 5, the Automatic Voter Registration Initiative, in a computer file according to the precinct or district in which the registered voters reside; and

(b) Arrange the applications in each precinct or district in alphabetical order.

4. Each county clerk shall keep the applications to preregister to vote separate from the applications to register to vote until such applications are deemed to be applications to register to vote pursuant to ***subsection 2 of*** NRS 293.4855.

Sec. 59. NRS 293.517 is hereby amended to read as follows:

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

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

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

(c) Pursuant to the provisions of NRS 293.524 or chapter 293D of NRS or section 4 of the 2018 Ballot Question No. 5, the Automatic Voter Registration Initiative;

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

(e) By submitting an application to preregister or register to vote by computer ~~[.]~~ ***using the system:***

(1) Established by the Secretary of State pursuant to section 11 of this act; or

(2) Established by the county clerk, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters ~~[.]~~ ***; or***

(f) By any other method authorized by the provisions of this title.

➥ The county clerk shall require a person to submit official identification as proof of residence and identity, such as a driver's license or other official document, before preregistering or registering the person. If the applicant preregisters or registers to vote pursuant to this subsection and fails to provide proof of residence and identity, the applicant must provide proof of residence and identity before casting a ballot in person or by mail or after casting a provisional ballot pursuant to NRS 293.3081 ~~[or 293.3083.]~~ ***to 293.3086, inclusive, and sections 10.3 and 10.6 of this act.*** For the purposes of this subsection, a voter registration card ~~[issued pursuant to subsection 6 7]~~ does not provide proof of the residence or identity of a person.

2. ***In addition to the methods for registering to vote described in subsection 1, an elector may register to vote pursuant to sections 5.1 to 9.8, inclusive, of this act.***

3. Except as otherwise provided in sections 2 to 7, inclusive, of the 2018 Ballot Question No. 5, the Automatic Voter Registration Initiative, the application to preregister or register to vote must be signed and verified under penalty of perjury by the person preregistering or the elector registering.

~~[3.]~~ ***4.*** Each person or elector who is or has been married must be preregistered or registered under his or her own given or first name, and not under the given or first name or initials of his or her spouse.

~~[4.]~~ ***5.*** A person or an elector who is preregistered or registered and changes his or her name must complete a new application to preregister or register to vote, as applicable. The person or elector may obtain a new application:

(a) At the office of the county clerk or field registrar;

(b) By submitting an application to preregister or register to vote pursuant to the provisions of NRS 293.5235;

(c) By submitting a written statement to the county clerk requesting the county clerk to mail an application to preregister or register to vote;

(d) At any voter registration agency; or

(e) By submitting an application to preregister or register to vote by computer ~~[.]~~ ***using the system:***

(1) Established by the Secretary of State pursuant to section 11 of this act; or

(2) Established by the county clerk, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters.

➥ If the elector fails to register under his or her new name, the elector may be challenged pursuant to the provisions of NRS 293.303 or 293C.292 and may be required to furnish proof of identity and subsequent change of name.

~~[~~5.~~]~~ ***6.*** Except as otherwise provided in subsection ~~[~~7~~]~~ ***8, sections 5.1 to 9.8, inclusive, and 13 of this act*** and sections 4 to 7, inclusive, of the 2018 Ballot Question No. 5, the Automatic Voter Registration Initiative, an elector who registers to vote pursuant to paragraph (a) of subsection 1 shall be deemed to be registered upon the completion of an application to register to vote.

~~[~~6.~~]~~ ***7.*** After the county clerk determines that the application to register to vote of a person is complete and that, except as otherwise provided in NRS 293D.210, the person is eligible to vote pursuant to NRS 293.485, the county clerk shall issue a voter registration card to the voter**.** ~~[~~which contains:

~~(a) The name, address, political affiliation and precinct number of the voter;~~

~~(b) The date of issuance; and~~

~~(c) The signature of the county clerk.~~

~~7.~~~~]~~ ***8.*** If a person or an elector submits an application to preregister or register to vote or an affidavit described in paragraph (c) of subsection 1 of NRS 293.507 that contains any handwritten additions, erasures or interlineations, the county clerk may object to the application if the county clerk believes that because of such handwritten additions, erasures or interlineations, the application is incomplete or that, except as otherwise provided in NRS 293D.210, the person is not eligible to preregister pursuant to NRS 293.4855 or the elector is not eligible to vote pursuant to NRS 293.485, as applicable. If the county clerk objects pursuant to this subsection, he or she shall immediately notify the person or elector, as applicable, and the district attorney of the county. Not later than 5 business days after the district attorney receives such notification, the district attorney shall advise the county clerk as to whether:

(a) The application is complete and, except as otherwise provided in NRS 293D.210, the person is eligible to preregister pursuant to NRS 293.4855 or the elector is eligible to vote pursuant to NRS 293.485; and

(b) The county clerk should proceed to process the application.

~~[~~.~~]~~

9. If the district attorney advises the county clerk to process the application ~~[~~,~~]~~ ***pursuant to subsection 8,*** the county clerk shall immediately issue a voter registration card to the applicant ~~[~~pursuant to subsection 6, ~~7, if applicable.~~]~~ **,** ***unless the applicant is preregistered to vote and does not currently meet the requirements to be issued a voter registration card pursuant to NRS 293.4855.***

Sec. 60. (Deleted by amendment.)

Sec. 61. NRS 293.5235 is hereby amended to read as follows:

293.5235 1. Except as otherwise provided in NRS 293.502 ***, sections 5.1 to 9.8, inclusive, of this act*** and chapter 293D of NRS, a person may preregister or register to vote by ~~[~~mailing~~]~~ **:**

(a) Mailing an application to preregister or register to vote to the county clerk of the county in which the person resides**.** ~~[~~or may preregister or register to vote by~~]~~

(b) A computer ~~[~~,~~]~~ ***using ~~[the]~~*** **:**

(1) The system established by the Secretary of State pursuant to section 11 of this act ; or [any]

(2) A system established by the county clerk, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to preregister or register to vote.

(c) Any other method authorized by the provisions of this title.

2. The county clerk shall, upon request, mail an application to preregister or register to vote to an applicant. The county clerk shall make the applications available at various public places in the county.

3. Except as otherwise provided in sections 5.1 to 9.8, inclusive, of this act:

(a) An application to preregister to vote may be used to correct information in a previous application.

(b) An application to register to vote may be used to correct information in the registrar of voters' register.

[2.] ***4.*** An application to preregister or register to vote which is mailed to an applicant by the county clerk or made available to the public at various locations or voter registration agencies in the county may be returned to the county clerk by mail or in person. For the purposes of this section, an application which is personally delivered to the county clerk shall be deemed to have been returned by mail.

[3.] ***5.*** The applicant must complete the application, including, without limitation, checking the boxes described in paragraphs (b) and (c) of subsection [10] ***12*** and signing the application.

[4.] ***6.*** The county clerk shall, upon receipt of an application, determine whether the application is complete.

[5.] ***7.*** If the county clerk determines that the application is complete, he or she shall, within 10 days after receiving the application, mail to the applicant:

(a) A notice that the applicant is preregistered or registered to vote, as applicable. If the applicant is registered to vote, the county clerk must also mail to the applicant a voter registration card ***;*** [as required by subsection 6 of NRS 293.517;] or

(b) A notice that the person's application to preregister to vote or the registrar of voters' register has been corrected to reflect any changes indicated on the application.

[6.] ***8.*** Except as otherwise provided in subsection 5 of NRS 293.518 [,] ***and section 13 of this act,*** if the county clerk determines that the application is not complete, the county clerk shall, as soon as possible, mail a notice to the applicant that additional information is required to complete the application. If the applicant provides the information requested by the county clerk within 15 days after the county clerk mails the notice, the county clerk shall, within 10 days after receiving the information, mail to the applicant:

(a) A notice that the applicant is:

(1) Preregistered to vote; or

(2) Registered to vote and a voter registration card ***;*** ~~[as required by subsection 6 of NRS 293.517;]~~ or

(b) A notice that the person's application to preregister to vote or the registrar of voters' register has been corrected to reflect any changes indicated on the application.

➥ If the applicant does not provide the additional information within the prescribed period, the application is void.

~~[7.]~~ ***9.*** The applicant shall be deemed to be preregistered or registered or to have corrected the information in the application to preregister to vote or the registrar of voters' register on the date the application is postmarked or received by the county clerk, whichever is earlier.

~~[8.]~~ ***10.*** If the applicant fails to check the box described in paragraph (b) of subsection ~~[10,]~~ ***12,*** the application shall not be considered invalid ***,*** and the county clerk shall provide a means for the applicant to correct the omission at the time the applicant appears to vote in person at the assigned polling place.

~~[9.]~~ ***11.*** The Secretary of State shall prescribe the form for applications to preregister or register to vote by:

(a) Mail, which must be used to preregister or register to vote by mail in this State.

(b) Computer, which must be used to preregister or register to vote ~~[in:]~~ ***by computer using:***

(1) ~~[*In* a county]~~ ***A system established by the county clerk,*** if the county clerk has established a system pursuant to NRS 293.506 for using a computer to preregister or register to vote ~~[.]~~ ***; or***

(2) ~~[*Using the*]~~ ***The system established by the Secretary of State pursuant to section 11 of this act.***

~~[10.]~~ ***12.*** The application to preregister or register to vote by mail must include:

(a) A notice in at least 10-point type which states:

> NOTICE: You are urged to return your application to the County Clerk in person or by mail. If you choose to give your completed application to another person to return to the County Clerk on your behalf, and the person fails to deliver the application to the County Clerk, you will not be preregistered or registered to vote, as applicable. Please retain the duplicate copy or receipt from your application to preregister or register to vote.

(b) The question, "Are you a citizen of the United States?" and boxes for the applicant to check to indicate whether or not the applicant is a citizen of the United States.

(c) If the application is to:

(1) Preregister to vote, the question, "Are you at least 17 years of age and not more than 18 years of age?" and boxes to indicate whether or not the applicant is at least 17 years of age and not more than 18 years of age.

(2) Register to vote, the question, "Will you be at least 18 years of age on or before election day?" and boxes for the applicant to check to indicate whether or not the applicant will be at least 18 years of age or older on election day.

(d) A statement instructing the applicant not to complete the application if the applicant checked "no" in response to the question set forth in:

(1) If the application is to preregister to vote, paragraph (b) or subparagraph (1) of paragraph (c).

(2) If the application is to register to vote, paragraph (b) or subparagraph (2) of paragraph (c).

(e) A statement informing the applicant that if the application is submitted by mail and the applicant is preregistering or registering to vote for the first time, the applicant must submit the information set forth in paragraph (a) of subsection 2 of NRS 293.2725 to avoid the requirements of subsection 1 of NRS 293.2725 upon voting for the first time.

~~[11.]~~ ***13.*** Except as otherwise provided in subsection 5 of NRS 293.518, the county clerk shall not preregister or register a person to vote pursuant to this section unless that person has provided all of the information required by the application.

~~[12.]~~ ***14.*** The county clerk shall mail, by postcard, the notices required pursuant to subsections ~~[5]~~ ***7*** and ~~[6.]~~ ***8.*** If the postcard is returned to the county clerk by the United States Postal Service because the address is fictitious or the person does not live at that address, the county clerk shall attempt to determine whether the person's current residence is other than that indicated on the application to preregister or register to vote in the manner set forth in NRS 293.530.

~~[13.]~~ ***15.*** A person who, by mail, preregisters or registers to vote pursuant to this section may be assisted in completing the application to preregister or register to vote by any other person. The application must include the mailing address and signature of the person who assisted the applicant. The failure to provide the information required by this subsection will not result in the application being deemed incomplete.

~~[14.]~~ ***16.*** An application to preregister or register to vote must be made available to all persons, regardless of political party affiliation.

~~[15.]~~ ***17.*** An application must not be altered or otherwise defaced after the applicant has completed and signed it. An application must be mailed or delivered in person to the office of the county clerk within 10 days after it is completed.

~~[16.]~~ ***18.*** A person who willfully violates any of the provisions of subsection ~~[13, 14]~~ ***15, 16*** or ~~[15]~~ ***17*** is guilty of a category E felony and shall be punished as provided in NRS 193.130.

~~[17.]~~ ***19.*** The Secretary of State shall adopt regulations to carry out the provisions of this section.

Sec. 62. NRS 293.530 is hereby amended to read as follows:

293.530 1. Except as otherwise provided in NRS 293.541:

(a) County clerks may use any reliable and reasonable means available to correct the portions of the statewide voter registration list which are relevant to the county clerks and to determine whether a registered voter's current residence is other than that indicated on the voter's application to register to vote.

(b) A county clerk may, with the consent of the board of county commissioners, make investigations of registration in the county by census, by house-to-house canvass or by any other method.

(c) A county clerk shall cancel the registration of a voter pursuant to this subsection if:

(1) The county clerk mails a written notice to the voter which the United States Postal Service is required to forward;

(2) The county clerk mails a return postcard with the notice which has a place for the voter to write his or her new address, is addressed to the county clerk and has postage guaranteed;

(3) The voter does not respond; and

(4) The voter does not appear to vote in an election before the polls have closed in the second general election following the date of the notice.

(d) For the purposes of this subsection, the date of the notice is deemed to be 3 days after it is mailed.

(e) The county clerk shall maintain records of:

(1) Any notice mailed pursuant to paragraph (c);

(2) Any response to such notice; and

(3) Whether a person to whom a notice is mailed appears to vote in an election,

➥ for not less than 2 years after creation.

(f) The county clerk shall use any postcards which are returned to correct the portions of the statewide voter registration list which are relevant to the county clerk.

(g) If a voter fails to return the postcard mailed pursuant to paragraph (c) within 30 days, the county clerk shall designate the voter as inactive on the voter's application to register to vote.

(h) The Secretary of State shall adopt regulations to prescribe the method for maintaining a list of voters who have been designated as inactive pursuant to paragraph (g).

(i) If:

(1) The name of a voter is added to the statewide voter registration list pursuant to section 6 of the 2018 Ballot Question No. 5, the Automatic Voter Registration Initiative; or

(2) The voter registration information of a voter whose name is on the statewide voter registration list is updated pursuant to section 6 of the 2018 Ballot Question No. 5, the Automatic Voter Registration Initiative,

➥ the county clerk shall provide written notice of the addition or change to the voter not later than 5 working days after the addition or change is made. Except as otherwise provided in this paragraph, the notice must be mailed to the

current residence of the voter. The county clerk may send the notice by electronic mail if the voter confirms the validity of the electronic mail address to which the notice will be sent by responding to a confirmation inquiry sent to that electronic mail address. Such a confirmation inquiry must be sent for each notice sent pursuant to this paragraph.

2. A county clerk is not required to take any action pursuant to this section in relation to a person who preregisters to vote until the person is deemed to be registered to vote pursuant to ***subsection 2 of*** NRS 293.4855.

Sec. 63. NRS 293.535 is hereby amended to read as follows:

293.535 1. The county clerk shall notify a registrant if any elector or other reliable person files an affidavit with the county clerk stating that:

(a) The registrant is not a citizen of the United States; or

(b) The registrant has:

(1) Moved outside the boundaries of the county where he or she is registered to another county, state, territory or foreign country, with the intention of remaining there for an indefinite time and with the intention of abandoning his or her residence in the county where registered; and

(2) Established residence in some other state, territory or foreign country, or in some other county of this state, naming the place.

➥ The affiant must state that he or she has personal knowledge of the facts set forth in the affidavit.

2. Upon the filing of an affidavit pursuant to paragraph (b) of subsection 1, the county clerk shall notify the registrant in the manner set forth in NRS 293.530 and shall enclose a copy of the affidavit. If the registrant fails to respond or appear to vote within the required time, the county clerk shall cancel the registration.

3. An affidavit filed pursuant to paragraph (a) of subsection 1 must be filed not later than 30 days before an election. Upon the filing of such an affidavit, the county clerk shall notify the registrant by registered or certified mail, return receipt requested, of the filing of the affidavit, and shall enclose a copy of the affidavit. Unless the registrant, within 15 days after the return receipt has been filed in the office of the county clerk, presents satisfactory proof of citizenship, the county clerk shall cancel the registration.

4. The provisions of this section do not prevent the challenge provided for in NRS 293.303 or 293C.292.

5. A county clerk is not required to take any action pursuant to this section in relation to a person who is preregistered to vote until the person is deemed to be registered to vote pursuant to ***subsection ~~[3]~~ 2 of*** NRS 293.4855.

Sec. 63.5. **NRS 293.541 is hereby amended to read as follows:**

293.541 1. The county clerk shall cancel the preregistration of a person or the registration of a voter if:

(a) After consultation with the district attorney, the district attorney determines that there is probable cause to believe that information in the application to preregister or register to vote concerning the identity or residence of the person or voter is fraudulent;

(b) The county clerk provides a notice as required pursuant to subsection 2 or executes an affidavit of cancellation pursuant to subsection 3; and

(c) The person or voter fails to present satisfactory proof of identity and residence pursuant to subsection 2, 4 or 5.

2. Except as otherwise provided in subsection 3, the county clerk shall notify the person or voter by registered or certified mail, return receipt requested, of a determination made pursuant to subsection 1. The notice must set forth the grounds for cancellation. Unless the person or voter, within 15 days after the return receipt has been filed in the office of the county clerk, presents satisfactory proof of identity and residence to the county clerk, the county clerk shall cancel the person's preregistration or the voter's registration, as applicable.

3. If insufficient time exists before a pending election to provide the notice required by subsection 2 to a registered voter, the county clerk shall execute an affidavit of cancellation and file the affidavit of cancellation with the registrar of voters' register and:

(a) In counties where records of registration are not kept by computer, the county clerk shall attach a copy of the affidavit of cancellation in the roster.

(b) In counties where records of registration are kept by computer, the county clerk shall have the affidavit of cancellation printed on the computer entry for the registration and add a copy of it to the roster.

4. If a voter appears to vote at the election next following the date that an affidavit of cancellation was executed for the voter pursuant to this section, the voter must be allowed to vote only if the voter furnishes:

(a) Official identification which contains a photograph of the voter, including, without limitation, a driver's license or other official document; and

(b) Satisfactory identification that contains proof of the address at which the voter actually resides and that address is consistent with the address listed on the roster.

5. If a determination is made pursuant to subsection 1 concerning information in the registration to vote of a voter and an absent ballot or a ballot voted by a voter who resides in a mailing precinct is received from the voter, the ballot must be kept separate from other ballots and must not be counted unless the voter presents satisfactory proof to the county clerk of identity and residence before such ballots are counted on election day.

6. For the purposes of this section, a voter registration card ~~[issued pursuant to NRS 293.517]~~ does not provide proof of the:

(a) Address at which a person actually resides; or

(b) Residence or identity of a person.

Sec. 64. NRS 293.560 is hereby amended to read as follows:

293.560 1. Except as otherwise provided in NRS 293.502, 293D.230 and 293D.300 ~~[.]~~ ***and sections 5.1 to 9.8, inclusive, of this act:***

(a) For a primary or general election, or a recall or special election that is held on the same day as a primary or general election, the last day to register to vote:

(1) By mail is the fourth Tuesday preceding the primary or general election.

(2) By appearing in person at the office of the county clerk or, if open, a county facility designated pursuant to NRS 293.5035, is the ~~[third]~~ ***fourth*** Tuesday preceding the primary or general election.

(3) By computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters, is the Thursday preceding the ~~[first day of the period for early voting.]~~ ***primary or general election, unless the system is used to register voters for the election pursuant to section 8 or 9 of this act.***

(4) By computer using the system established by the Secretary of State pursuant to section 11 of this act, is the Thursday preceding the ~~[first day of the period for early voting.]~~ primary or general election, unless the system is used to register voters for the election pursuant to section 8 or 9 of this act.

(b) If a recall or special election is not held on the same day as a primary or general election, the last day to register to vote for the recall or special election by any ~~[means]~~ ***method of registration*** is the third Saturday preceding the recall or special election.

2. ***Except as otherwise provided in sections 5.1 to 9.8, inclusive, of this act, after the deadlines for the close of registration for a primary or general election set forth in subsection 1, no person may register to vote for the election.***

~~***[3.*** For a primary ***election or a recall*** or special election, the office of the county clerk must be open until 7 p.m. during the last 2 days on which a person may register to vote in person. In ***pursuant to subparagraph (2) of paragraph (a) of subsection 1 or paragraph (b) of subsection 1, except that in*** a county whose population is less than 100,000, the office of the county clerk may close at 5 p.m. during the last 2 days a person may register to vote in person ***this period*** if approved by the board of county commissioners.~~

~~3. ***4.*** For a general election:~~

~~(a) In a county whose population is less than 100,000, the office of the county clerk must be open until 7 p.m. during the last 2 days on which a person may register to vote in person. The ***pursuant to subparagraph (2) of paragraph (a) of subsection 1, except that the*** office of the county clerk may close at 5 p.m. ***during this period*** if approved by the board of county commissioners.~~

~~(b) In a county whose population is 100,000 or more, the office of the county clerk must be open during the last 4 days on which a person may register to vote in person, ***pursuant to subparagraph (2) of paragraph (a) of subsection 1,*** according to the following schedule:~~

~~(1) On weekdays until 9 p.m.; and~~

~~(2) A minimum of 8 hours on Saturdays, Sundays and legal holidays.~~

~~4. ***5.]***~~

3. Except for a ***recall or*** special election held pursuant to chapter 306 or 350 of NRS:

(a) The county clerk of each county shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the county indicating:

(1) The day and time that ***each method of*** registration ***for the election, as set forth in subsection 1,*** will be closed; and

(2) If the county clerk has designated a county facility pursuant to NRS 293.5035, the location of that facility.

➥ If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest county in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the close of registration for any election.

~~[5. 6.]~~ ***4.*** The offices of the county clerk, a county facility designated pursuant to NRS 293.5035 and other ex officio registrars may remain open on the last Friday in October in each even-numbered year.

~~[6. 7.]~~ ***5.*** A county facility designated pursuant to NRS 293.5035 may be open during the periods described in this section for such hours of operation as the county clerk may determine, as set forth in subsection 3 of NRS 293.5035.

Sec. 65. (Deleted by amendment.)

Sec. 66. NRS 293.563 is hereby amended to read as follows:

293.563 1. During the interval between the closing of registration and the election, the county clerk shall prepare for ~~[each]~~ ***:***

(a) Each polling place ~~[at]~~ ***:***

(1) A roster containing the registered voters eligible to vote at the polling place ~~[.]~~ ***; and***

(2) A roster designated for electors who apply to register to vote ~~[and]~~ or apply to vote at the polling place pursuant to sections 5.1 to 9.8, inclusive, of this act; and

(b) Each polling place established pursuant to section 2 or 73 of this act a roster containing the registered voters eligible to vote in the county or city, respectively.

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

Sec. 67. (Deleted by amendment.)

Sec. 68. NRS 293.565 is hereby amended to read as follows:

293.565 1. Except as otherwise provided in subsection 3, sample ballots must include:

(a) If applicable, the statement required by NRS 293.267;

(b) The fiscal note or description of anticipated financial effect, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.015, 295.095 or 295.230 for each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(c) An explanation, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.121 or 295.230, of each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(d) Arguments for and against each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question, and rebuttals to each argument, as provided pursuant to NRS 218D.810, 293.250, 293.252 or 295.121; and

(e) The full text of each proposed constitutional amendment.

2. If, pursuant to the provisions of NRS 293.2565, the word "Incumbent" must appear on the ballot next to the name of the candidate who is the incumbent, the word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent.

3. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

4. A county clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a county clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the county clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

5. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 4, the county clerk shall distribute the sample ballot to the registered voter by mail.

6. Except as otherwise provided in subsection 7, before the period for early voting for any election begins, the county clerk shall distribute to each registered voter in the county by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place ~~[.]~~ ***or places.*** If the location of the polling place ***or places*** has changed since the last election:

(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE ***OR PLACES*** HAS CHANGED SINCE THE LAST ELECTION

7. If a person registers to vote less than 20 days before the date of an election, the county clerk is not required to distribute to the person the sample ballot for that election by mail or electronic means.

8. Except as otherwise provided in subsection 9, a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type; and

(b) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN LARGE TYPE, CALL (Insert appropriate telephone number)

9. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

10. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

11. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots distributed to that person from the county are in large type.

12. The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place ***or places*** and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the county clerk has provided pursuant to subsection 4 of NRS 293.2955 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the county clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at his or her regularly designated polling place ~~.~~ ***or places.***

13. The cost of distributing sample ballots for any election other than a primary or general election must be borne by the political subdivision holding the election.

Sec. 69. NRS 293.675 is hereby amended to read as follows:

293.675 1. The Secretary of State shall establish and maintain an official statewide voter registration list, which may be maintained on the Internet, in consultation with each county and city clerk.

2. The statewide voter registration list must:

(a) Be a uniform, centralized and interactive computerized list;

(b) Serve as the single method for storing and managing the official list of registered voters in this State;

(c) Serve as the official list of registered voters for the conduct of all elections in this State;

(d) Contain the name and registration information of every legally registered voter in this State;

(e) Include a unique identifier assigned by the Secretary of State to each legally registered voter in this State;

(f) Except as otherwise provided in subsection ~~[6,]~~ ***7,*** be coordinated with the appropriate databases of other agencies in this State;

(g) Be electronically accessible to each state and local election official in this State at all times;

(h) Except as otherwise provided in subsection ~~[7,]~~ ***8,*** allow for data to be shared with other states under certain circumstances; and

(i) Be regularly maintained to ensure the integrity of the registration process and the election process.

3. Each county and city clerk shall:

(a) Except for information related to the preregistration of persons to vote, electronically enter into the statewide voter registration list all information related to voter registration obtained by the county or city clerk at the time the information is provided to the county or city clerk; and

(b) Provide the Secretary of State with information concerning the voter registration of the county or city and other reasonable information requested by the Secretary of State in the form required by the Secretary of State to establish or maintain the statewide voter registration list.

4. In establishing and maintaining the statewide voter registration list, the Secretary of State shall enter into a cooperative agreement with the Department of Motor Vehicles to match information in the database of the statewide voter registration list with information in the appropriate database of the Department of Motor Vehicles to verify the accuracy of the information in an application to register to vote.

5. The Department of Motor Vehicles shall enter into an agreement with the Social Security Administration pursuant to 52 U.S.C. § 21083, to verify the accuracy of information in an application to register to vote.

6. ***The Department of Motor Vehicles shall ensure that its database:***

(a) Is capable of processing any information related to an application to register to vote, an application to update voter registration information or a request to verify the accuracy of voter registration information as quickly as is feasible; and

(b) Does not limit the number of applications to register to vote, applications to update voter registration information or requests to verify the accuracy of voter registration information that may be processed by the database in any given day.

7. Except as otherwise provided in NRS 481.063 or any provision of law providing for the confidentiality of information, the Secretary of State may enter into an agreement with an agency of this State pursuant to which the agency provides to the Secretary of State any information in the possession of the agency that the Secretary of State deems necessary to maintain the statewide voter registration list.

~~[7.]~~ ***8.*** The Secretary of State may:

(a) Request from the chief officer of elections of another state any information which the Secretary of State deems necessary to maintain the statewide voter registration list; and

(b) Provide to the chief officer of elections of another state any information which is requested and which the Secretary of State deems necessary for the chief officer of elections of that state to maintain a voter registration list, if the Secretary of State is satisfied that the information provided pursuant to this paragraph will be used only for the maintenance of that voter registration list.

Sec. 70. NRS 293.730 is hereby amended to read as follows:

293.730 1. A person shall not:

(a) Remain in or outside of any polling place so as to interfere with the conduct of the election.

(b) Except an election board officer, receive from any voter a ballot prepared by the voter.

(c) Remove a ballot from any polling place before the closing of the polls.

(d) Apply for or receive a ballot at any election precinct or district other than ~~[the]~~ one at which the person is entitled to vote.

(e) Show his or her ballot to any person, after voting, so as to reveal any of the names voted for.

(f) Inside a polling place, ask another person for whom he or she intends to vote.

(g) Except an election board officer, deliver a ballot to a voter.

(h) Except an election board officer in the course of the election board officer's official duties, inside a polling place, ask another person his or her name, address or political affiliation.

2. A voter shall not:

(a) Receive a ballot from any person other than an election board officer.

(b) Deliver to an election board or to any member thereof any ballot other than the one received.

(c) Place any mark upon his or her ballot by which it may afterward be identified as the one voted by the person.

3. Any person who violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 71. NRS 293.790 is hereby amended to read as follows:

293.790 If any person whose vote has been rejected offers to vote at the same election, at any polling place other than ~~[the]~~ one in which the person is ~~[registered]~~ ***entitled*** to vote, such person is guilty of a gross misdemeanor.

Sec. 72. Chapter 293C of NRS is hereby amended by adding thereto the provisions set forth as sections 73 to ~~[81,]~~ **76.5,** inclusive of this act.

Sec. 73. ***1. A city clerk may establish one or more polling places in the city where any person entitled to vote in the city by personal appearance may do so on the day of the primary city election or general city election.***

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

Sec. 74. ***1. Except as otherwise provided in subsection 2, if a city clerk establishes one or more polling places pursuant to section 73 of this act, the city clerk must:***

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

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

2. The provisions of subsection 1 do not apply if every polling place in the city is designated as a polling place where any person entitled to vote in the city by personal appearance may do so on the day of the primary city election or general city election.

3. No additional polling place may be established pursuant to section 73 of this act after the publication pursuant to this section, except in the case of an emergency and if approved by the Secretary of State.

Sec. 75. ***1. For each polling place established pursuant to section 73 of this act, if any, the city clerk shall prepare a roster that contains, for every registered voter in the city, the voter's name, the address where he or she is registered to vote, his or her voter identification number, the voter's precinct or district number and the voter's signature.***

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

Sec. 76. ***1. Except as otherwise provided in NRS 293C.272 ~~[,]~~ and sections 5.1 to 9.8, inclusive, of this act, upon the appearance of a person to cast a ballot at a polling place established pursuant to section 73 of this act, if any, the election board officer shall:***

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

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

(c) Verify the signature of the voter in the manner set forth in NRS 293C.270.

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

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

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

(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the voter registration card issued to the voter . ~~[at the time he or she registered to vote.]~~

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

4. The city clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that city in the current election.

5. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place where he or she applies to vote.

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

(a) Prepare the mechanical voting device for the voter;

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

(c) Allow the voter to cast a vote.

7. A voter applying to vote at a polling place established pursuant to section 73 of this act, if any, may be challenged pursuant to NRS 293C.292.

Sec. 76.5. 1. Except as otherwise provided in subsection 2, absent ballots, including special absent ballots, must be:

(a) Delivered by hand to the city clerk before the time set for closing of the polls pursuant to NRS 293C.267; or

(b) Mailed to the city clerk and:

(1) Postmarked on or before the day of election; and

(2) Received by the city clerk within the period for the counting of absent ballots pursuant to subsection 2 of NRS 293C.332.

2. If an absent ballot is received not more than 3 days after the day of the election and the date of the postmark cannot be determined, the absent ballot shall be deemed to have been postmarked on or before the day of the election.

Sec. 77. (Deleted by amendment.)

Sec. 78. (Deleted by amendment.)

Sec. 79. (Deleted by amendment.)

Sec. 80. (Deleted by amendment.)

Sec. 81. (Deleted by amendment.)

Sec. 82. NRS 293C.110 is hereby amended to read as follows:

293C.110 1. Except as otherwise provided in subsection 2 ~~[,]~~ ***and section 5.7 of this act, the*** conduct of any city election is under the control of the governing body of the city, and it shall, by ordinance, provide for the holding of the election, appoint the necessary election officers and election boards and do all other things required to carry the election into effect.

2. Except as otherwise provided in NRS 293C.112, the governing body of the city shall provide for:

(a) Absent ballots to be voted in a city election pursuant to NRS 293C.304 to 293C.325, inclusive, and 293C.330 to 293C.340, inclusive; and

(b) The conduct of:

(1) Early voting by personal appearance in a city election pursuant to NRS 293C.355 to 293C.361, inclusive ~~[,]~~ ***, and sections 5.1 to 9.8, inclusive, of this act;***

(2) Voting by absent ballot in person in a city election pursuant to NRS 293C.327; or

(3) Both early voting by personal appearance as described in subparagraph (1) and voting by absent ballot in person as described in subparagraph (2).

Sec. 83. NRS 293C.112 is hereby amended to read as follows:

293C.112 1. The governing body of a city may conduct a city election in which all ballots must be cast by mail if:

(a) The election is a special election; or

(b) The election is a primary city election or general city election in which the ballot includes only:

(1) Offices and ballot questions that may be voted on by the registered voters of only one ward; or

(2) One office or ballot question.

2. The provisions of ***sections 5.1 to 9.8, inclusive, of this act,*** NRS 293C.265 to 293C.302, inclusive, 293C.304 to 293C.340, inclusive, and 293C.355 to 293C.361, inclusive, do not apply to an election conducted pursuant to this section.

3. For the purposes of an election conducted pursuant to this section, each precinct in the city shall be deemed to have been designated a mailing precinct pursuant to NRS 293C.342.

Sec. 84. (Deleted by amendment.)

Sec. 84.5. ~~[NRS 293C.175 is hereby amended to read as follows:~~

~~293C.175 1. Except as otherwise provided in NRS 293C.115, a primary city election must be held in each city of population category one, and in each city of population category two that has so provided by ordinance, on the first Tuesday after the first Monday in April of every year in which a general city election is to be held, at which time there must be nominated candidates for offices to be voted for at the next general city election.~~

~~2. Except as otherwise provided in NRS 293C.115, a candidate for any office to be voted for at the primary city election must file a declaration of candidacy with the city clerk not less than 60 days or more than 70 days before the date of the primary city election. The city clerk shall charge and collect from the candidate and the candidate must pay to the city clerk, at the time of filing the declaration of candidacy, a filing fee in an amount fixed by the governing body of the city by ordinance or resolution. The filing fees collected by the city clerk must be deposited to the credit of the general fund of the city.~~

~~3. All candidates, except as otherwise provided in NRS 266.220, must be voted upon by the electors of the city at large.~~

~~[4. If, in a primary city election held in a city of population category one or two, one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the candidate must be declared elected to the office and the candidate's name must not be placed on the ballot for the general city election. If, in the primary city election, no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general city election.]~~ **(Deleted by amendment.)**

Sec. 84.6. ~~[NRS 293C.180 is hereby amended to read as follows:~~

~~293C.180 1. If at 5 p.m. on the last day for filing a declaration of candidacy, there is only one candidate who has filed for nomination for an office, that candidate must be declared elected~~ **,** ~~and no election may be held for that office.~~

~~2. Except as otherwise provided in subsection 1, if [not] *a city is required by NRS 293C.175 or any other law or by any city charter or ordinance to hold a primary city election and there are:*~~

~~*(a) Not* more than twice the number of candidates to be elected [have filed for nomination for] *to* an office, *the candidates must, without a primary city election, be declared the nominees for the office, and* the names of [those] *the* candidates must be omitted from all ballots for [a] *the* primary city election and placed on all ballots for [a] *the* general city election.~~

~~[3. If more]~~

~~*(b) More* than twice the number of candidates to be elected [have filed for nomination for] *to* an office, the names of the candidates must appear on the ballot for [a] *the* primary city election. [Except as otherwise provided in subsection 4 of NRS 293C.175, those] *Those* candidates who receive the highest number of votes at [that] *the primary city* election, not to exceed twice the number to be elected, must be declared nominees for the office [.] *, and the names of those candidates must be placed on all ballots for the general city election.*~~

~~*3. The provisions of this section supersede and preempt any conflicting provisions of a city charter regarding the omission or the placement of the names of candidates on ballots for any required primary city election or*~~

~~*general city election, regardless of the date of the enactment or amendment of the conflicting provisions of the city charter.]*~~ **(Deleted by amendment.)**

Sec. 84.8. **NRS 293C.185 is hereby amended to read as follows:**

293C.185 1. Except as otherwise provided in NRS 293C.115 and 293C.190, a name may not be printed on a ballot to be used at a primary city election unless the person named has filed a declaration of candidacy or an acceptance of candidacy and has paid the fee established by the governing body of the city not earlier than 70 days before the primary city election and not later than 5 p.m. on the 60th day before the primary city election.

2. A declaration of candidacy required to be filed by this section must be in substantially the following form:

DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....

State of Nevada

City of.....

For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, ..., the undersigned do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the city, township or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a candidate at the ensuing election I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy or acceptance of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public or other person
authorized to administer an oath

3. The address of a candidate that must be included in the declaration or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if the candidate fails to comply with the following provisions of this subsection or, if applicable, the provisions of subsection 4:

(a) The candidate shall not list the candidate's address as a post office box unless a street address has not been assigned to the residence; and

(b) Except as otherwise provided in subsection 4, the candidate shall present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card**.** ~~[issued pursuant to NRS 293.517.]~~

4. If the candidate executes an oath or affirmation under penalty of perjury stating that the candidate is unable to present to the filing officer the proof of residency required by subsection 3 because a street address has not been assigned to the candidate's residence or because the rural or remote location of the candidate's residence makes it impracticable to present the proof of residency required by subsection 3, the candidate shall present to the filing officer:

(a) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate; and

(b) Alternative proof of the candidate's residential address that the filing officer determines is sufficient to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050. The Secretary of State may adopt regulations establishing the forms of alternative proof of the candidate's residential address that the filing officer may accept

to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050.

5. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to subsection 3 or 4. Such a copy:

(a) May not be withheld from the public; and

(b) Must not contain the social security number, driver's license or identification card number or account number of the candidate.

6. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the city clerk as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293C.186. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the city clerk duplicate copies of the process. The city clerk shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the city clerk a different address for that purpose, in which case the city clerk shall mail the copy to the last address so designated.

7. If the city clerk receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the city clerk:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored by a court of competent jurisdiction; and

(b) Shall transmit the credible evidence and the findings from such investigation to the city attorney.

8. The receipt of information by the city attorney pursuant to subsection 7 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293C.186 to which the provisions of NRS 293.2045 apply.

9. Any person who knowingly and willfully files a declaration of candidacy or acceptance of candidacy which contains a false statement in violation of this section is guilty of a gross misdemeanor.

Sec. 85. NRS 293C.187 is hereby amended to read as follows:

293C.187 Not later than 30 days before the primary city election and the general city election, the city clerk shall cause to be published a notice of the election in a newspaper of general circulation in the city once a week for 2 successive weeks. If a newspaper of general circulation is not published in the city, the publication may be made in a newspaper of general circulation published within the county in which the city is located. If a newspaper of general circulation is not published in that county, the publication may be made in a newspaper of general circulation published in the nearest Nevada county. The notice must contain:

1. The date of the election.
2. The location of the polling places.
3. The hours during which the polling places will be open for voting.

~~[4. The names of the candidates.~~

~~5. A list of the offices to which the candidates seek nomination or election.]~~

Sec. 86. NRS 293C.222 is hereby amended to read as follows:

293C.222 1. The city clerk may appoint a pupil as a trainee for the position of election board officer. To qualify for such an appointment, the pupil must be:

(a) A United States citizen, a resident of Nevada and a resident of the city in which the pupil serves;

(b) Enrolled in high school; and

(c) At the time of service, at least 16 years of age.

2. The city clerk may only appoint a pupil as a trainee if:

(a) The pupil is appointed without party affiliation;

(b) The city clerk sends the pupil a certificate stating the date and hours that the pupil will act as a trainee;

(c) At least 20 days before the election in which the pupil will act as a trainee, the principal of the high school or the assigned school counselor of the pupil receives the city clerk's certificate and a written request signed by the pupil's parent or guardian to be excused from school for the time specified in the certificate;

(d) The principal of the high school or the assigned school counselor of the pupil approves the pupil's request; and

(e) The pupil attends the training class required by NRS 293B.260.

3. Except as otherwise provided in this subsection, the city clerk may assign a trainee such duties as the city clerk deems appropriate. The city clerk shall not ~~[~~:

~~(a) Require]~~ ***require*** the trainee to perform those duties later than 10 p.m., or any applicable curfew, whichever is earlier **.** ~~[; or~~

~~(b) Assign more than one trainee to serve as an election board officer in any one polling place.]~~

4. The city clerk may compensate a trainee for service at the same rate fixed for election board officers generally.

Sec. 87. NRS 293C.265 is hereby amended to read as follows:

293C.265 1. Except as otherwise provided in subsection 2 and in NRS 293.2725 and 293.3083, a person who registered by mail or computer to vote shall, for the first city election in which the person votes at which that registration is valid, vote in person unless he or she has previously voted in the county in which he or she is registered to vote.

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

(a) Is entitled to vote in the manner prescribed in NRS 293C.342 to 293C.352, inclusive;

(b) Is entitled to vote an absent ballot pursuant to federal law **,** ~~[or]~~ NRS 293C.317 ~~[or 293C.318]~~ or chapter 293D of NRS;

(c) Is disabled;

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

(e) Submits or has previously submitted a written request for an absent ballot that is signed by the registered voter before a notary public or other person authorized to administer an oath; or

~~[(e)]~~ ***(f)*** Requests an absent ballot in person at the office of the city clerk.

Sec. 88. NRS 293C.267 is hereby amended to read as follows:

293C.267 1. Except as otherwise provided in ~~[subsection 2 and]~~ NRS 293C.297, at all elections held pursuant to the provisions of this chapter, the polls must open at 7 a.m. and close at 7 p.m.

2. ~~[Whenever at any election all the votes of the polling place, as shown on the roster, have been cast, the election board officers shall close the polls and the counting of votes must begin and continue without unnecessary delay until the count is completed.~~

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

~~4.]~~ ***from:***

(a) Registered voters who apply to vote at the polling place; and

(b) Electors who apply to register to vote ~~[and]~~ or apply to vote at the polling place pursuant to sections 5.1 to 9.8, inclusive, of this act.

3. No person **,** other than election board officers engaged in receiving, preparing or depositing ballots ***or registering electors,*** may be permitted inside the guardrail during the time the polls are open, except by authority of the election board as necessary to keep order and carry out the provisions of this chapter.

Sec. 89. NRS 293C.270 is hereby amended to read as follows:

293C.270 1. Except as otherwise provided in NRS 293C.272 ~~[,]~~ ***and sections 5.1 to 9.8, inclusive, of this act,*** if a person's name appears in the roster, or if the person provides an affirmation pursuant to NRS 293C.525, the person is entitled to vote and must sign his or her name in the roster or on a signature card when he or she applies to vote. The signature must be compared by an election board officer with the signature or a facsimile thereof on the person's application to register to vote or one of the forms of identification listed in subsection 2.

2. The forms of identification that may be used to identify a voter at the polling place are:

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

(b) A driver's license;

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

(d) A military identification card; or

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

3. The city clerk shall prescribe a procedure, approved by the Secretary of State, to [determine] verify that the voter has not already voted in that city in the current election.

Sec. 89.5. **NRS 293C.272 is hereby amended to read as follows:**

293C.272 1. If, because of physical limitations, a registered voter is unable to sign his or her name in the roster or on a signature card as required by NRS 293C.270, the voter must be identified by:

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

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

(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the ***voter registration*** card issued to the voter . [at the time he or she registered to vote or was deemed to be registered to vote.]

2. If the identity of the voter is verified, the election board officer shall indicate in the roster "Identified" by the voter's name.

Sec. 90. NRS 293C.275 is hereby amended to read as follows:

293C.275 1. Except as otherwise provided in NRS 293C.272 [,] ***and sections 5.1 to 9.8, inclusive, of this act*** [, a] **:**

(a) A registered voter who applies to vote must state his or her name to the election board officer in charge of the roster [,] **;** and [the]

(b) The election board officer shall [immediately announce] **:**

(1) Announce the name [, instruct] ***of the registered voter;***

(2) Instruct the ***registered*** voter to sign the roster or signature card [, and verify] **;**

(3) Verify the signature of the ***registered*** voter in the manner set forth in NRS 293C.270 [.] **;** ***and [verify]***

(4) Verify that the registered voter has not already voted in that city in the current election.

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

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

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

(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the ***voter registration*** card issued to the voter . [at the time he or she registered to vote or was deemed to be registered to vote.]

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

Sec. 91. NRS 293C.282 is hereby amended to read as follows:

293C.282 1. Any registered voter who, because of a physical disability or an inability to read or write English, is unable to mark a ballot or use any

voting device without assistance is entitled to assistance from a consenting person of his or her own choice, except:

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

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

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

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

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

Sec. 91.5. **NRS 293C.292 is hereby amended to read as follows:**

293C.292 1. A person applying to vote may be challenged:

(a) Orally by any registered voter of the precinct or district upon the ground that he or she is not the person entitled to vote as claimed or has voted before at the same election; or

(b) On any ground set forth in a challenge filed with the county clerk pursuant to the provisions of NRS 293.547.

2. If a person is challenged, an election board officer shall tender the challenged person the following oath or affirmation:

(a) If the challenge is on the ground that the challenged person does not reside at the residence for which the address is listed in the roster, "I swear or affirm under penalty of perjury that I reside at the residence for which the address is listed in the roster";

(b) If the challenge is on the ground that the challenged person previously voted a ballot for the election, "I swear or affirm under penalty of perjury that I have not voted for any of the candidates or questions included on this ballot for this election"; or

(c) If the challenge is on the ground that the challenged person is not the person he or she claims to be, "I swear or affirm under penalty of perjury that I am the person whose name is in this roster."

➥ The oath or affirmation must be set forth on a form prepared by the Secretary of State and signed by the challenged person under penalty of perjury.

3. If the challenged person refuses to execute the oath or affirmation so tendered, the person must not be issued a ballot, and the election board officer shall indicate in the roster "Challenged" by the person's name.

4. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (a) of subsection 2, the election board officers shall inform the person that he or she is entitled to vote only in the manner prescribed in NRS 293C.295.

5. If the challenged person executes the oath or affirmation and the challenge is not based on the ground set forth in paragraph (c) of subsection 2, the election board officers shall issue him or her a ballot.

6. If the challenge is based on the ground set forth in paragraph (a) of subsection 2, and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot until he or she furnishes satisfactory identification that contains proof of the address at which the person actually resides. For the purposes of this subsection, a voter registration card ~~[issued pursuant to NRS 293.517]~~ does not provide proof of the address at which a person resides.

7. If the challenge is based on the ground set forth in paragraph (c) of subsection 2 and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot unless the person:

(a) Furnishes official identification which contains a photograph of the person, such as a driver's license or other official document; or

(b) Brings before the election board officers a person who is at least 18 years of age who:

(1) Furnishes official identification which contains a photograph of the person, such as a driver's license or other official document; and

(2) Executes an oath or affirmation under penalty of perjury that the challenged person is who he or she swears to be.

8. The election board officers shall:

(a) Record on the challenge list:

(1) The name of the challenged person;

(2) The name of the registered voter who initiated the challenge; and

(3) The result of the challenge; and

(b) If possible, orally notify the registered voter who initiated the challenge of the result of the challenge.

Sec. 92. NRS 293C.297 is hereby amended to read as follows:

293C.297 1. If at the hour of closing the polls there are any ~~[registered]~~ ***:***

(a) Registered voters waiting ***in line*** to ***apply to*** vote ~~[,]~~ ***at the polling place; or***

(b) Electors waiting in line to apply to register to vote ~~[and]~~ or apply to vote at the polling place pursuant to sections 5.1 to 9.8, inclusive, of this act, ➥ the doors of the polling place must be closed after all those ***registered*** voters ***and electors*** have been admitted to the polling place. ~~[Voting,]~~ ***The registration of those electors and the voting by those registered voters and electors*** must continue until ~~[those voters have voted.]~~ ***all such registration and voting has been completed.***

2. The officer appointed by the chief law enforcement officer of the city shall allow other persons to enter the polling place after the doors have been closed ~~[to observe or]~~ ***pursuant to subsection 1*** for ***the purpose of observing or*** any other ~~[lawful]~~ ***legitimate*** purpose if there is room within the polling place and ~~[their]~~ ***the*** admittance ***of those other persons*** will not interfere

unduly with the ***registration of the electors and the*** voting ~~[. or]~~ ***by the*** ~~[registration of]~~ ***registered voters*** ~~[.]~~ ***and electors.***

Sec. 93. NRS 293C.306 is hereby amended to read as follows:

293C.306 1. A person who, during the 6 months immediately preceding an election, distributes to more than a total of 500 registered voters a form to request an absent ballot for the election shall:

(a) Distribute the form prescribed by the Secretary of State, which must, in 14-point type or larger:

(1) Identify the person who is distributing the form; and

(2) Include a notice stating, "This is a request for an absent ballot.";

(b) Not later than ~~[14]~~ ***28*** days before distributing such a form, provide to the city clerk of each city to which a form will be distributed written notification of the approximate number of forms to be distributed to voters in the city and of the first date on which the forms will be distributed;

(c) Not return or offer to return to the city clerk a form that was mailed to a registered voter pursuant to this subsection; and

(d) Not mail such a form later than ~~[21]~~ ***35*** days before the election.

2. The provisions of this section do not authorize a person to vote by absent ballot if the person is not otherwise eligible to vote by absent ballot.

Sec. 94. NRS 293C.310 is hereby amended to read as follows:

293C.310 1. Except as otherwise provided in NRS 293.502 and 293C.265, a registered voter may request an absent ballot if, before 5 p.m. on the ~~[seventh]~~ ***14th*** calendar day preceding the election, the registered voter:

(a) Provides sufficient written notice to the city clerk; and

(b) Has identified himself or herself to the satisfaction of the city clerk.

2. A city clerk shall consider a request from a voter who has given sufficient written notice on a form provided by the Federal Government as:

(a) A request for the primary city election and the general city election unless otherwise specified in the request; and

(b) A request for an absent ballot for the primary and general elections immediately following the date on which the city clerk received the request.

3. It is unlawful for a person fraudulently to request an absent ballot in the name of another person or to induce or coerce another person fraudulently to request an absent ballot in the name of another person. A person who violates any provision of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 95. NRS 293C.318 is hereby amended to read as follows:

293C.318 1. A registered voter ~~[with a physical disability or]~~ who ~~[is at least 65 years of age and]~~ provides sufficient written notice to the appropriate city clerk may request that the registered voter receive an absent ballot for all elections at which the registered voter is eligible to vote.

2. Except as otherwise provided in subsection 4, upon receipt of a request submitted by a registered voter pursuant to subsection 1, the city clerk shall:

(a) Issue an absent ballot to the registered voter for each primary city election, general city election and special city election that is conducted after the date the written statement is submitted to the city clerk.

(b) Inform the county clerk of receipt of the written statement. Upon receipt of the notice from the city clerk, the county clerk shall issue an absent ballot for each primary election, general election and special election that is not a city election that is conducted after the date the county clerk receives notice from the city clerk.

3. If, at the direction of the registered voter ~~[,]~~ ***with a physical disability or who is at least 65 years of age,*** a person:

(a) Marks and signs an absent ballot issued to a registered voter pursuant to the provisions of this section on behalf of the registered voter, the person must:

(1) Indicate next to his or her signature that the ballot has been marked and signed on behalf of the registered voter; and

(2) Submit a written statement with the absent ballot that includes the name, address and signature of the person.

(b) Assists a registered voter to mark and sign an absent ballot issued to the registered voter pursuant to this section, the person or registered voter must submit a written statement with the absent ballot that includes the name, address and signature of the person.

4. A city clerk may not mail an absent ballot requested by a registered voter pursuant to subsection 1 if, after the request is submitted:

(a) The registered voter is designated inactive pursuant to NRS 293.530; ~~[or]~~

(b) The county clerk cancels the registration of the person pursuant to NRS 293.527, 293.530, 293.535 or 293.540 ~~[.]~~ ***; or***

(c) An absent ballot is returned to the county clerk as undeliverable, unless the registered voter has submitted a new request pursuant to subsection 1.

5. The procedure authorized pursuant to this section is subject to all other provisions of this chapter relating to voting by absent ballot to the extent that those provisions are not inconsistent with the provisions of this section.

Sec. 96. NRS 293C.325 is hereby amended to read as follows:

293C.325 1. Except as otherwise provided in ~~[subsection 2 and]~~ NRS 293D.200, when an absent ballot is returned by a registered voter to the city clerk through the mail, by facsimile machine or other approved electronic transmission or in person, and record thereof is made in the absent ballot record book, the city clerk shall ***check the signature in accordance with the following procedure:***

(a) The city clerk shall check the signature on the return envelope, facsimile or other approved electronic transmission against all signatures of the voter available in the records of the city clerk.

(b) If at least two employees in the office of the city clerk believe there is a reasonable question of fact as to whether the signature on the absent ballot matches the signature of the voter, the city clerk shall contact the voter and

ask the voter to confirm whether the signature on the absent ballot belongs to the voter.

2. Except as otherwise provided in subsection 3, if the city clerk determines pursuant to subsection 1 that the absent voter is entitled to cast a ballot and:

(a) No absent ballot central counting board has been appointed, the city clerk shall neatly stack, unopened, the absent ballot with any other absent ballot received that day in a container and deliver, or cause to be delivered, that container to the appropriate election board.

~~[2. Except as otherwise provided in NRS 293D.200, if an]~~

(b) An absent ballot central counting board has been appointed, ~~[when an absent ballot is returned by a registered voter to the city clerk through the mail, by facsimile machine or other approved electronic transmission or in person, the city clerk shall check the signature on the return envelope, facsimile or other approved electronic transmission against the original signature of the voter on the city clerk's register. If the city clerk determines that the absent voter is entitled to cast a ballot,]~~ the city clerk shall deposit the ballot in the proper ballot box or place the ballot, unopened, in a container that must be securely locked or under the control of the city clerk at all times. At the end of each day before election day, the city clerk may remove the ballots from each ballot box, neatly stack the ballots in a container and seal the container with a numbered seal. Not earlier than 4 working days before the election, the city clerk shall deliver the ballots to the absent ballot central counting board to be processed and prepared for counting pursuant to the procedures established by the Secretary of State to ensure the confidentiality of the prepared ballots until after the polls have closed pursuant to NRS 293C.267 or 293C.297.

3. If the city clerk determines when checking the signature of the absent voter pursuant to subsection 1 that the absent voter did not sign the return envelope as required pursuant to NRS 293.330 but is otherwise entitled to cast a ballot, the city clerk shall contact the absent voter and advise the absent voter of the procedures to provide a signature established pursuant to subsection 4. For the absent ballot to be counted, the absent voter must provide a signature within the period for the counting of absent ballots pursuant to subsection 2 of NRS 293C.332.

4. Each city clerk shall prescribe procedures for a voter who did not sign the return envelope of an absent ballot in order to:

(a) Contact the voter;

(b) Allow the voter to provide a signature; and

(c) After a signature is provided, ensure the absent ballot is delivered to the appropriate election board or the absent ballot central counting board, as applicable.

Sec. 97. NRS 293C.330 is hereby amended to read as follows:

293C.330 1. Except as otherwise provided in subsection 2 of NRS 293C.322 and chapter 293D of NRS, and any regulations adopted pursuant thereto, when an absent voter receives an absent ballot, the absent voter must

mark and fold it in accordance with the instructions, deposit it in the return envelope, seal the envelope, affix his or her signature on the back of the envelope in the space provided therefor and mail ***or deliver*** the return envelope.

2. Except as otherwise provided in subsection 3, if an absent voter who has requested a ballot by mail applies to vote the ballot in person at:

(a) The office of the city clerk, the absent voter must mark the ballot, seal it in the return envelope and affix his or her signature in the same manner as provided in subsection 1, and deliver the envelope to the city clerk.

(b) A polling place, including, without limitation, a polling place for early voting, the absent voter must surrender the absent ballot and provide satisfactory identification before being issued a ballot to vote at the polling place. A person who receives a surrendered absent ballot shall mark it "Cancelled."

3. If an absent voter who has requested a ballot by mail applies to vote in person at the office of the city clerk or a polling place, including, without limitation, a polling place for early voting, and the voter does not have the absent ballot to deliver or surrender, the voter must be issued a ballot to vote if the voter:

(a) Provides satisfactory identification;

(b) Is a registered voter who is otherwise entitled to vote; and

(c) Signs an affirmation under penalty of perjury on a form prepared by the Secretary of State declaring that the voter has not voted during the election.

4. Except as otherwise provided in NRS 293C.317 and 293C.318, it is unlawful for any person to return an absent ballot other than the voter who requested the absent ballot or, at the request of the voter, a member of the voter's family. A person who returns an absent ballot and who is a member of the family of the voter who requested the absent ballot shall, under penalty of perjury, indicate on a form prescribed by the city clerk that the person is a member of the family of the voter who requested the absent ballot and that the voter requested that the person return the absent ballot. A person who violates the provisions of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 98. NRS 293C.332 is hereby amended to read as follows:

293C.332 ***1.*** Except as otherwise provided in NRS 293D.200, on the day of an election, the election boards receiving the absent voters' ballots from the city clerk shall, in the presence of a majority of the election board officers, remove the ballots from the ballot box and the containers in which the ballots were transported pursuant to NRS 293C.325 and deposit the ballots in the regular ballot box in the following manner:

~~[1.]~~ ***(a)*** The name of the voter, as shown on the return envelope or approved electronic transmission must be called and checked as if the voter were voting in person;

~~[2.]~~ ***(b)*** The signature on the back of the return envelope or on the approved electronic transmission must be compared with that on the application to register to vote;

~~[3.]~~ ***(c)*** If the board determines that the absent voter is entitled to cast a ballot, the envelope must be opened, the numbers on the ballot and envelope or approved electronic transmission compared, the number strip or stub detached from the ballot and, if the numbers are the same, the ballot deposited in the regular ballot box; and

~~[4.]~~ ***(d)*** The election board officers shall indicate in the roster "Voted" by the name of the voter.

2. Counting of absent ballots must continue through the seventh day following the election.

Sec. 99. NRS 293C.355 is hereby amended to read as follows:

293C.355 The provisions of NRS 293C.355 to 293C.361, inclusive, ***and sections 5.1 to 9.8, inclusive, of this act relating to early voting*** apply to a city only if the governing body of the city has provided for early voting by personal appearance pursuant to paragraph (b) of subsection 2 of NRS 293C.110.

Sec. 100. (Deleted by amendment.)

Sec. 101. NRS 293C.3568 is hereby amended to read as follows:

293C.3568 1. The period for early voting by personal appearance begins the third Saturday preceding a primary city election or general city election, and extends through the Friday before election day, Sundays and federal holidays excepted.

2. The city clerk may:

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

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

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

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

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

~~(2) During]~~ ***during*** the ~~[second week]~~ ***period*** of early voting ~~[, from 8 a.m. until 6 p.m., or until 8 p.m. if,]~~ ***for at least 8 hours during such hours as*** the city clerk ~~[so requires.]~~ ***may establish.***

(b) On any Saturday that falls within the period for early voting, for at least 4 hours ~~[between 10 a.m. and 6 p.m.]~~ ***during such hours as the city clerk may establish.***

(c) If the city clerk includes a Sunday that falls within the period for early voting pursuant to subsection 2, during such hours as the city clerk may establish.

Sec. 102. NRS 293C.3576 is hereby amended to read as follows:

293C.3576 1. The city clerk shall publish during the week before the period for early voting and at least once each week during the period for early voting in a newspaper of general circulation a schedule stating:

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

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

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

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

4. No additional polling places for early voting may be established after the schedule is published pursuant to this section.

5. The hours that early voting will be conducted at each polling place for early voting may be extended at the discretion of the city clerk after the schedule is published pursuant to this section.

Sec. 103. NRS 293C.3585 is hereby amended to read as follows:

293C.3585 1. Except as otherwise provided in NRS 293C.272 ~~[,]~~ ***and sections 5.1 to 9.8, inclusive, of this act,*** upon the appearance of a person to cast a ballot for early voting, an election board officer shall:

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

(b) Instruct the voter to sign the roster for early voting or a signature card.

(c) Verify the signature of the voter in the manner set forth in NRS 293C.270.

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

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

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

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

(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the ***voter registration*** card issued to the voter **.** ~~[at the time he or she registered to vote or was deemed to be registered to vote.]~~

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

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

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

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

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

(c) The date of voting early in person.

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

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

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

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

(c) Allow the voter to cast a vote.

8. A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293C.292.

Sec. 104. NRS 293C.3604 is hereby amended to read as follows:

293C.3604 If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance ***:*** ~~[in an election other than a presidential preference primary election:]~~

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

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

(1) The title of the election;

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

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

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

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

(6) The number of signatures in the roster designated for electors who ~~***[registered]***~~ ***applied to register to vote*** ~~***[and]***~~ ***or applied to vote at the polling place pursuant to sections 5.1 to 9.8, inclusive, of this act.***

(b) Secure:

(1) The ballots pursuant to the plan for security required by NRS 293C.3594; and

(2) Each mechanical voting device in the manner prescribed by the Secretary of State pursuant to NRS 293C.3594.

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

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

(b) The voting rosters used for early voting;

(c) The signature cards used for early voting;

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

(e) Any other items as determined by the city clerk.

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

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

(b) Place the storage devices in the container provided to transport those items to the central counting place and seal the container with a number seal. The official statement of ballots must accompany the storage devices to the central counting place.

Sec. 104.5. NRS 293C.387 is hereby amended to read as follows:

293C.387 1. The election returns from a special election, primary city election or general city election must be filed with the city clerk, who shall immediately place the returns in a safe or vault designated by the city clerk. No person may handle, inspect or in any manner interfere with the returns until they are canvassed by the mayor and the governing body of the city.

2. After the governing body of a city receives the returns from all the precincts and districts in the city, it shall meet with the mayor to canvass the returns. The canvass must be completed on or before the ~~[sixth working]~~ ***10th*** day following the election.

3. In completing the canvass of the returns, the governing body of the city and the mayor shall:

(a) Note separately any clerical errors discovered; and

(b) Take account of the changes resulting from the discovery, so that the result declared represents the true vote cast.

4. After the canvass is completed, the governing body of the city and mayor shall declare the result of the canvass.

5. The city clerk shall enter upon the records of the governing body of the city an abstract of the result. The abstract must be prepared in the manner prescribed by regulations adopted by the Secretary of State and must contain the number of votes cast for each candidate.

6. After the abstract is entered, the:

(a) City clerk shall seal the election returns, maintain them in a vault for at least 22 months and give no person access to them during that period, unless access is ordered by a court of competent jurisdiction or by the governing body of the city.

(b) Governing body of the city shall, by an order made and entered in the minutes of its proceedings, cause the city clerk to:

(1) Certify the abstract;

(2) Make a copy of the certified abstract;

(3) Make a mechanized report of the abstract in compliance with regulations adopted by the Secretary of State;

(4) Transmit a copy of the certified abstract and the mechanized report of the abstract to the Secretary of State within 7 working days after the election; and

(5) Transmit on paper or by electronic means to each public library in the city, or post on a website maintained by the city or the city clerk on the Internet or its successor, if any, a copy of the certified abstract within 30 days after the election.

7. After the abstract of the results from a:

(a) Primary city election has been certified, the city clerk shall certify the name of each person nominated and the name of the office for which the person is nominated.

(b) General city election has been certified, the city clerk shall:

(1) Issue under his or her hand and official seal to each person elected a certificate of election; and

(2) Deliver the certificate to the persons elected upon their application at the office of the city clerk.

8. The officers elected to the governing body of the city qualify and enter upon the discharge of their respective duties on the first regular meeting of that body next succeeding that in which the canvass of returns was made pursuant to subsection 2.

Sec. 105. NRS 293C.527 is hereby amended to read as follows:

293C.527 1. Except as otherwise provided in NRS 293.502, 293D.230 and 293D.300 ~~[.]~~ ***and sections 5.1 to 9.8, inclusive, of this act:***

(a) For a primary city election or general city election, or a recall or special ***city*** election that is held on the same day as a primary city election or general city election, the last day to register to vote:

(1) By mail is the fourth Tuesday preceding the primary city election or general city election.

(2) By appearing in person at the office of the city clerk or, if open, a municipal facility designated pursuant to NRS 293C.520, is the ~~[third]~~ ***fourth*** Tuesday preceding the primary city election or general city election.

(3) By computer, if the county clerk of the county in which the city is located has established a system pursuant to NRS 293.506 for using a computer to register voters ~~[and:~~

~~(I) The governing body of the city has provided for early voting by personal appearance pursuant to paragraph (b) of subsection 2 of NRS 293C.110,]~~ **,** is the Thursday preceding the ~~[first day of the period for early voting.~~

~~(II) The governing body of the city has not provided for early voting by personal appearance pursuant to paragraph (b) of subsection 2 of NRS 293C.110, is the third Tuesday preceding any~~ ***the]*** primary city election or general city election ~~[.]~~ ***, unless the system is used to register voters for the election pursuant to section 8 or 9 of this act.***

(4) By computer using the system established by the Secretary of State pursuant to section 11 of this act, is the Thursday preceding the [first day of the period for early voting.] primary city election or general city election, unless the system is used to register voters for the election pursuant to section 8 or 9 of this act.

(b) If a recall or special ***city*** election is not held on the same day as a primary city election or general city election, the last day to register to vote for the recall or special ***city*** election by any ~~[means]~~ ***method of registration*** is the third Saturday preceding the recall or special ***city*** election.

2. ***Except as otherwise provided in sections 5.1 to 9.8, inclusive, of this act, after the deadline for the close of registration for a primary city election or general city election set forth in subsection 1, no person may register to vote for the election.***

~~***[3.*** For a primary city election or ***a recall or*** special city election, the office of the city clerk must be open until 7 p.m. during the last 2 days on which a person may register to vote in person. In ***pursuant to subparagraph (2) of paragraph (a) of subsection 1 or paragraph (b) of subsection 1, except that in*** a city whose population is less than 25,000, the office of the city clerk may close at 5 p.m. ***during this period*** if approved by the governing body of the city.~~

~~3. ***4.*** For a general ***city*** election:~~

~~(a) In a city whose population is less than 25,000, the office of the city clerk must be open until 7 p.m. during the last 2 days on which a person may register to vote in person. The ***pursuant to subparagraph (2) of paragraph (a) of subsection 1*** The ***except that the*** office of the city clerk may close at 5 p.m. ***during this period*** if approved by the governing body of the city.~~

~~(b) In a city whose population is 25,000 or more, the office of the city clerk must be open during the last 4 days on which a person may register to vote in person, ***pursuant to subparagraph (2) of paragraph (a) of subsection 1,*** according to the following schedule:~~

~~(1) On weekdays until 9 p.m.; and~~

~~(2) A minimum of 8 hours on Saturdays, Sundays and legal holidays.~~

~~4. ***5.]***~~

3. Except for a ***recall or*** special ***city*** election held pursuant to chapter 306 or 350 of NRS:

(a) The city clerk of each city shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the city indicating:

(1) The day and time that ***each method of*** registration ***for the election, as set forth in subsection 1,*** will be closed; and

(2) If the city clerk has designated a municipal facility pursuant to NRS 293C.520, the location of that facility.

➥ If no newspaper is of general circulation in that city, the publication may be made in a newspaper of general circulation in the nearest city in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the close of registration for any election.

~~[5. ***6.]*** ***4.*** A municipal facility designated pursuant to NRS 293C.520 may be open during the periods described in this section for such hours of operation as the city clerk may determine, as set forth in subsection 3 of NRS 293C.520.

Sec. 106. (Deleted by amendment.)

Sec. 107. NRS 293C.530 is hereby amended to read as follows:

293C.530 1. A city clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a city clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the city clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

2. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 1, the city clerk shall distribute the sample ballot to the registered voter by mail.

3. Except as otherwise provided in subsection 4, before the period for early voting for any election begins, the city clerk shall distribute to each registered voter in the city by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place ~~[.]~~ ***or places.*** If the location of the polling place ***or places*** has changed since the last election:

(a) The city clerk shall mail a notice of the change to each registered voter in the city not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE ***OR PLACES*** HAS CHANGED SINCE THE LAST ELECTION

4. If a person registers to vote less than 20 days before the date of an election, the city clerk is not required to distribute to the person the sample ballot for that election by mail or electronic means.

5. Except as otherwise provided in subsection 7, a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type;

(b) Include the description of the anticipated financial effect and explanation of each citywide measure and advisory question, including arguments for and against the measure or question, as required pursuant to NRS 295.205 or 295.217; and

(c) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN LARGE TYPE, CALL (Insert appropriate telephone number)

6. The word “Incumbent” must appear on the sample ballot next to the name of the candidate who is the incumbent, if required pursuant to NRS 293.2565.

7. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

8. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

9. If a person requests a sample ballot in large type, the city clerk shall ensure that all future sample ballots distributed to that person from the city are in large type.

10. The city clerk shall include in each sample ballot a statement indicating that the city clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place ***or places*** and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the city clerk has provided pursuant to subsection 4 of NRS 293C.281 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the city clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at the voter's regularly designated polling place ~~[.]~~ ***or places.***

11. The cost of distributing sample ballots for a city election must be borne by the city holding the election.

Sec. 108. NRS 293C.535 is hereby amended to read as follows:

293C.535 1. Except as otherwise provided ***in sections 5.1 to 9.8, inclusive, of this act or*** by special charter, registration of electors in incorporated cities must be accomplished in the manner provided in this chapter.

2. The county clerk shall use the statewide voter registration list to prepare for the city clerk of each incorporated city within the county the roster of all ~~[electors]~~ ***registered voters*** eligible to vote at a regular or special city election.

3. The ~~[rosters]~~ ***county clerk shall prepare for each polling place a roster designated for electors who apply to register to vote ~~[and]~~ or apply to vote at the polling place pursuant to sections 5.1 to 9.8, inclusive, of this act.***

4. Except at otherwise provided in section 73 of this act, the roster required pursuant to subsection 2 must be prepared, one for each ward or other voting district within each incorporated city. The entries in the roster must be arranged alphabetically with the surnames first.

~~[4.]~~ ***5.*** The county clerk shall keep duplicate originals or copies of the applications to register to vote in the county clerk's office.

Sec. 109. (Deleted by amendment.)

Sec. 110. NRS 293C.715 is hereby amended to read as follows:

293C.715 1. If a city clerk maintains a website on the Internet for information relating to elections, the website must contain public information maintained, collected or compiled by the city clerk that relates to elections, which must include, without limitation:

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

(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293C.387.

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

3. If the information required to be maintained by a city clerk pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by the Secretary of State, a county clerk or another city clerk, the city clerk may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 111. NRS 293C.720 is hereby amended to read as follows:

293C.720 Each city clerk is encouraged to:

1. Not later than the earlier date of the first notice provided pursuant to subsection ~~[4.~~ ***5.]*** ***3.*** of NRS 293.560 or NRS 293C.187, notify the public, through means designed to reach members of the public who are elderly or disabled, of the provisions of NRS 293C.281, 293C.282, 293C.310, 293C.317 and 293C.318.

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

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

(a) Related to elections; and

(b) Made available by the city clerk to the public in printed form.

Sec. 112. NRS 295.045 is hereby amended to read as follows:

295.045 1. A petition for referendum must be filed with the Secretary of State not less than 120 days before the date of the next succeeding general election.

2. The Secretary of State shall certify the questions to the county clerks**.** ~~[, and they shall publish them in accordance with the provisions of law requiring county clerks to publish statewide measures pursuant to NRS 293.253.]~~

3. The title of the statute or resolution must be set out on the ballot, and the question printed upon the ballot for the information of the voters must be as follows: "Shall the statute (setting out its title) be approved?"

4. Where a mechanical voting system is used, the title of the statute must appear on the list of offices and candidates and the statements of measures to be voted on and may be condensed to no more than 25 words.

5. The votes cast upon the question must be counted and canvassed as the votes for state officers are counted and canvassed.

Sec. 112.2. NRS 295.056 is hereby amended to read as follows:

295.056 1. Before a petition for initiative or referendum is filed with the Secretary of State, the petitioners must submit to each county clerk for verification pursuant to NRS 293.1276 to 293.1279, inclusive, the document or documents which were circulated for signature within the clerk's county. The clerks shall give the person submitting a document or documents a receipt stating the number of documents and pages and the person's statement of the number of signatures contained therein.

2. If a petition for initiative proposes a statute or an amendment to a statute, the document or documents must be submitted not later than ~~[:~~

~~(a) Except as otherwise provided in paragraph (b), the second Tuesday in November of an even-numbered year.~~

~~(b) If the second Tuesday in November of an even-numbered year is the day of the general election, the next working day after~~] ***the 15th day following*** the general election.

3. If a petition for initiative proposes an amendment to the Constitution, the document or documents must be submitted not later than the ~~[third Tuesday in June of an even-numbered year.]~~ ***15th day following the primary election.***

4. If the petition is for referendum, the document or documents must be submitted not later than the ~~[third Tuesday in June of an even-numbered year.]~~ ***15th day following the primary election.***

5. All documents which are submitted to a county clerk for verification must be submitted at the same time. If documents concerning the same petition are submitted for verification to more than one county clerk, the documents must be submitted to each county clerk on the same day. At the time that the petition is submitted to a county clerk for verification, the petitioners may designate a contact person who is authorized by the petitioners to address questions or issues relating to the petition.

Sec. 112.5. NRS 306.040 is hereby amended to read as follows:

306.040 1. Upon determining that the number of signatures on a petition to recall is sufficient pursuant to NRS 293.1276 to 293.1279, inclusive, the Secretary of State shall notify the county clerk, the officer with whom the petition is to be filed pursuant to subsection 4 of NRS 306.015 and the public officer who is the subject of the petition.

2. After the verification of signatures is complete, but not later than the date a complaint is filed pursuant to subsection 5 or the date the call for a special election is issued, whichever is earlier, a person who signs a petition to

recall may request the Secretary of State to strike the person's name from the petition. If the person demonstrates good cause therefor and the number of such requests received by the Secretary of State could affect the sufficiency of the petition, the Secretary of State shall strike the name of the person from the petition.

3. Not sooner than 10 days nor more than 20 days after the Secretary of State completes the notification required by subsection 1, if a complaint is not filed pursuant to subsection 5, the officer with whom the petition is filed shall issue a call for a special election in the jurisdiction in which the public officer who is the subject of the petition was elected to determine whether the people will recall the public officer.

4. The call for a special election pursuant to subsection 3 or 6 must include, without limitation:

(a) The last day on which a person may register to vote ***in order*** to qualify to vote in the special election ~~[,]~~ ***pursuant to NRS 293.560 or ~~[NRS]~~ 293C.527;***

(b) The last day on which a petition to nominate other candidates for the office may be filed; and

(c) Whether any person is entitled to vote in the special election ***in a mailing precinct or an absent ballot mailing precinct*** pursuant to NRS 293.343 to 293.355, inclusive ~~[.]~~ ***, or ~~[NRS]~~ 293C.345 to 293C.352, inclusive.***

5. The legal sufficiency of the petition may be challenged by filing a complaint in district court not later than 5 days, Saturdays, Sundays and holidays excluded, after the Secretary of State completes the notification required by subsection 1. All affidavits and documents in support of the challenge must be filed with the complaint. The court shall set the matter for hearing not later than 30 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.

6. Upon the conclusion of the hearing, if the court determines that the petition is sufficient, it shall order the officer with whom the petition is filed to issue a call for a special election in the jurisdiction in which the public officer who is the subject of the petition was elected to determine whether the people will recall the public officer. If the court determines that the petition is not sufficient, it shall order the officer with whom the petition is filed to cease any further proceedings regarding the petition.

Sec. 113. NRS 225.083 is hereby amended to read as follows:

225.083 1. ~~[The]~~ ***Except as otherwise provided in section 11 of this act, the*** Secretary of State shall prominently post the following notice at each office and each location on his or her Internet website at which documents are accepted for filing:

> The Secretary of State is not responsible for the content, completeness or accuracy of any document filed in this office. Customers should

periodically review the documents on file in this office to ensure that the documents pertaining to them are complete and accurate.

Pursuant to NRS 239.330, any person who knowingly offers any false or forged instrument for filing in this office is guilty of a category C felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years and may be further punished by a fine of not more than $10,000. Additionally, any person who knowingly offers any false or forged instrument for filing in this office may also be subject to civil liability.

Pursuant to NRS 205.397, any person who presents for filing in this office a lien against the real or personal property of a public officer, candidate for public office, public employee or participant in an official proceeding, or a member of the immediate family of a public officer, candidate for public office, public employee or participant, which is based on the performance of or failure to perform a duty relating to the office, employment or participation by the public officer, candidate for public office, public employee or participant if the person knows or has reason to know that the lien is forged or fraudulently altered, contains a false statement of material fact or is being filed in bad faith or for the purpose of harassing or defrauding any person is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and may be further punished by a fine of not more than $150,000. The person may also be subject to civil liability.

2. The Secretary of State may adopt regulations prescribing procedures to prevent the filing in his or her office of:

(a) False, fraudulent, fraudulently altered or forged documents.

(b) Documents that contain a false statement of material fact.

(c) Documents that are filed in bad faith or for the purpose of harassing or defrauding a person.

Sec. 114. NRS 239.330 is hereby amended to read as follows:

239.330 ~~[A]~~

1. Except as otherwise provided in subsection 2, a person who knowingly procures or offers any false or forged instrument to be filed, registered or recorded in any public office, which instrument, if genuine, might be filed, registered or recorded in a public office under any law of this State or of the United States, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. The provisions of subsection 1 do not apply to a person who is punishable pursuant to NRS 293.800.

Sec. 114.5. **NRS 281.050 is hereby amended to read as follows:**

281.050 1. The residence of a person with reference to his or her eligibility to any office is the person's actual residence within the State, county, district, ward, subdistrict or any other unit prescribed by law, as the case may be, during all the period for which residence is claimed by the person.

2. Except as otherwise provided in subsections 3 and 4, if any person absents himself or herself from the jurisdiction of that person's actual residence with the intention in good faith to return without delay and continue such actual residence, the period of absence must not be considered in determining the question of residence.

3. If a person who has filed a declaration of candidacy or acceptance of candidacy for any elective office moves the person's actual residence out of the State, county, district, ward, subdistrict or any other unit prescribed by law, as the case may be, in which the person is required actually, as opposed to constructively, to reside in order for the person to be eligible to the office, a vacancy is created thereby and the appropriate action for filling the vacancy must be taken.

4. Once a person's actual residence is fixed, the person shall be deemed to have moved the person's actual residence for the purposes of this section if:

(a) The person has acted affirmatively and has actually removed himself or herself from the place of permanent habitation where the person actually resided and was legally domiciled;

(b) The person has an intention to abandon the place of permanent habitation where the person actually resided and was legally domiciled; and

(c) The person has an intention to remain in another place of permanent habitation where the person actually resides and is legally domiciled.

5. Except as otherwise provided in this subsection and NRS 293.1265, the district court has jurisdiction to determine the question of residence in any preelection action for declaratory judgment brought against a person who has filed a declaration of candidacy or acceptance of candidacy for any elective office. If the question of residence relates to whether an incumbent meets any qualification concerning residence required for the term of office in which the incumbent is presently serving, the district court does not have jurisdiction to determine the question of residence in an action for declaratory judgment brought by a person pursuant to this section but has jurisdiction to determine the question of residence only in an action to declare the office vacant that is authorized by NRS 283.040 and brought by the Attorney General or the appropriate district attorney pursuant to that section.

6. Except as otherwise provided in NRS 293.1265, if in any preelection action for declaratory judgment, the district court finds that a person who has filed a declaration of candidacy or acceptance of candidacy for any elective office fails to meet any qualification concerning residence required for the office pursuant to the Constitution or laws of this State, the person is subject to the provisions of NRS 293.2045.

7. For the purposes of this section, in determining whether a place of permanent habitation is the place where a person actually resides and is legally domiciled:

(a) It is the public policy of this State to avoid sham residences and to ensure that the person actually, as opposed to constructively, resides in the area prescribed by law for the office so the person has an actual connection with the constituents who reside in the area and has particular knowledge of their concerns.

(b) The person may have more than one residence but only one legal domicile, and the person's legal domicile requires both the fact of actual living in the place and the intention to remain there as a permanent residence. If the person temporarily leaves the person's legal domicile, or leaves for a particular purpose, and does not take up a permanent residence in another place, then the person's legal domicile has not changed. Once the person's legal domicile is fixed, the fact of actual living in another place, the intention to remain in the other place and the intention to abandon the former legal domicile must all exist before the person's legal domicile can change.

(c) Evidence of the person's legal domicile includes, without limitation:

(1) The place where the person lives the majority of the time and the length of time the person has lived in that place.

(2) The place where the person lives with the person's spouse or domestic partner, if any.

(3) The place where the person lives with the person's children, dependents or relatives, if any.

(4) The place where the person lives with any other individual whose relationship with the person is substantially similar to a relationship with a spouse, domestic partner, child, dependent or relative.

(5) The place where the person's dogs, cats or other pets, if any, live.

(6) The place listed as the person's residential address on the voter registration card ***, as defined in section 1.5 of this act,*** issued to the person . ~~[pursuant to NRS 293.517.]~~

(7) The place listed as the person's residential address on any driver's license or identification card issued to the person by the Department of Motor Vehicles, any passport or military identification card issued to the person by the United States or any other form of identification issued to the person by a governmental agency.

(8) The place listed as the person's residential address on any registration for a motor vehicle issued to the person by the Department of Motor Vehicles or any registration for another type of vehicle or mode of transportation, including, without limitation, any aircraft, vessels or watercraft, issued to the person by a governmental agency.

(9) The place listed as the person's residential address on any applications for issuance or renewal of any license, certificate, registration, permit or similar type of authorization issued to the person by a governmental agency which has the authority to regulate an occupation or profession.

(10) The place listed as the person's residential address on any document which the person is authorized or required by law to file or record with a governmental agency, including, without limitation, any deed, declaration of homestead or other record of real or personal property, any applications for services, privileges or benefits or any tax documents, forms or returns, but excluding the person's declaration of candidacy or acceptance of candidacy.

(11) The place listed as the person's residential address on any type of check, payment, benefit or reimbursement issued to the person by a governmental agency or by any type of company that provides insurance, workers' compensation, health care or medical benefits or any self-insured employer or third-party administrator.

(12) The place listed as the person's residential address on the person's paycheck, paystub or employment records.

(13) The place listed as the person's residential address on the person's bank statements, insurance statements, mortgage statements, loan statements, financial accounts, credit card accounts, utility accounts or other billing statements or accounts.

(14) The place where the person receives mail or deliveries from the United States Postal Service or commercial carriers.

(d) The evidence listed in paragraph (c) is intended to be illustrative and is not intended to be exhaustive or exclusive. The presence or absence of any particular type of evidence listed in paragraph (c) is not, by itself, determinative of the person's legal domicile, but such a determination must be based upon all the facts and circumstances of the person's particular case.

8. As used in this section:

(a) "Actual residence" means the place of permanent habitation where a person actually resides and is legally domiciled. If the person maintains more than one place of permanent habitation, the place the person declares to be the person's principal permanent habitation when filing a declaration of candidacy or acceptance of candidacy for any elective office must be the place where the person actually resides and is legally domiciled in order for the person to be eligible to the office.

(b) "Declaration of candidacy or acceptance of candidacy" means a declaration of candidacy or acceptance of candidacy filed pursuant to chapter 293 or 293C of NRS.

Sec. 115. NRS 349.017 is hereby amended to read as follows:

349.017 1. If the bond question is submitted at a general election, no notice of registration of electors is required other than that required by the laws for a general election.

2. If the bond question is submitted at a special election, the clerk of each county shall cause to be published, at least once a week for 2 consecutive weeks by two weekly insertions a week apart, the first publication to be not more than 50 days nor less than 42 days next preceding the election, in a newspaper published within the county, if any is so published, and having a general circulation therein, a notice signed by him or her to the effect that

registration for the special election will be closed on a date and time designated therein, as provided in this section.

3. ~~[Except as otherwise provided in subsection 4, the]~~ ***The*** office of the county clerk in each county of this State must be open for such a special election, from 9 a.m. to 12 m. and 1 p.m. to 5 p.m. on Mondays through Fridays, with Saturdays, Sundays and legal holidays excepted, for the registration of any qualified elector.

4. ~~[The office of the county clerk must be open during the last days of registration as provided in subsection 2 *3* of NRS 293.560.~~

~~— 5.]~~ The office of the county clerk must be open for registration of voters for such a special election up to but excluding the 30th day next preceding that election and during regular office hours.

Sec. 116. Section 16 of the Charter of Boulder City is hereby amended to read as follows:

Section 16. Induction of Council into office; meetings of Council.

1. The City Council shall meet within ~~[ten days]~~ ***the time set forth in NRS 293C.387*** after each city primary election and each city general election specified in Article IX ~~[, to]~~ ***and*** canvass the returns and ~~[to]~~ declare the results. All newly elected or reelected Mayor or Council Members shall be inducted into office at the next regular Council meeting following certification of the applicable city general election results. Immediately following such induction, the Mayor pro tem shall be designated as provided in section 7. Thereafter, the Council shall meet regularly at such times as it shall set by resolution from time to time, but not less frequently than once each month. (Add. 13; Amd. 1; 6-2-1987; Amd. 2; 6-4-1991; Add. 17; Amd. 1; 11-5-1996; Add. 24; Amd. 1; 6-3-2003)

A. (Add. 3; Amd. 2; 5-2-1967; Repealed by Add. 15; Amd. 1; 6-4-1991)

2. It is the intent of this Charter that deliberations and actions of the Council be conducted openly. All meetings of the City Council shall be in accordance with chapter 241 of the Nevada Revised Statutes. (Add. 10; Amd. 1; 6-2-1981)

3. Any emergency meeting of the City Council, as defined by chapter 241, shall be as provided therein, and in addition:

(a) An emergency meeting may be called by the Mayor or upon written notice issued by a majority of the Council.

(b) Prior notice of such an emergency meeting shall be given to all members of the City Council. (Add. 10; Amd. 1; 6-2-1981)

Sec. 117. Section 96 of the Charter of Boulder City is hereby amended to read as follows:

Section 96. Conduct of municipal elections.

1. All municipal elections must be nonpartisan in character and must be conducted in accordance with ~~[the]~~ ***:***

(a) The provisions of ~~[NRS 293C.180,]~~ sections 5.1 to 9.8, inclusive, of this act, which supersede and preempt any conflicting provisions of this Charter;

(b) All other provisions of the general election laws of ~~[the]~~ ***this*** State ~~[of Nevada]~~ ***, so far as those laws can be made applicable and are not inconsistent with the provisions of this Charter;*** and ~~[any]~~

(c) Any ordinance regulations as adopted by the City Council which are consistent with law and this Charter. (1959 Charter)

2. All full terms of office in the City Council are 4 years, and Council Members must be elected at large without regard to precinct residency. Except as otherwise provided in subsection 8, ~~***[7,]***~~ two full-term Council Members and the Mayor are to be elected in each year immediately preceding a federal presidential election, and two full-term Council Members are to be elected in each year immediately following a federal presidential election. In each election, the candidates receiving the greatest number of votes must be declared elected to the vacant full-term positions. (Add. 17; Amd. 1; 11-5-1996)

3. In the event one or more 2-year term positions on the Council will be available at the time of a municipal election as provided in section 12, candidates must file specifically for such position(s). Candidates receiving the greatest respective number of votes must be declared elected to the respective available 2-year positions. (Add. 15; Amd. 2; 6-4-1991)

4. Except as otherwise provided in subsection 8, ~~***[7,]***~~ a primary municipal election must be held on the first Tuesday after the first Monday in April of each odd-numbered year and a general municipal election must be held on the second Tuesday after the first Monday in June of each odd-numbered year.

5. A primary municipal election must not be held if no more than double the number of Council Members to be elected file as candidates. A primary municipal election must not be held for the office of Mayor if no more than two candidates file for that position. The primary municipal election must be held for the purpose of eliminating candidates in excess of a figure double the number of Council Members to be elected. (Add. 17; Amd. 1; 11-5-1996)

6. If, in the primary municipal election, a candidate receives votes equal to a majority of voters casting ballots in that election, he or she shall be considered elected to one of the vacancies and his or her name shall not be placed on the ballot for the general municipal election. (Add. 10; Amd. 7; 6-2-1981)

7. In each primary and general municipal election, voters are entitled to cast ballots for candidates in a number equal to the number of seats to be filled in the municipal elections. (Add. 11; Amd. 5; 6-7-1983)

8. ~~***[7.]***~~ The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth

for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

9. ~~*[8.]*~~ If the City Council adopts an ordinance pursuant to subsection 8, ~~*[7,]*~~ the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165 and in NRS 293.175, 293.177, 293.345 and 293.368 apply for the purposes of conducting the primary municipal elections and general municipal elections.

10. ~~*[9]*~~ If the City Council adopts an ordinance pursuant to subsection 8, ~~*[7,]*~~ the ordinance must not affect the term of office of any elected official of the City serving in office on the effective date of the ordinance. The next succeeding term for that office may be shortened but may not be lengthened as a result of the ordinance.

11. ~~*[10.]*~~ The conduct of all municipal elections must be under the control of the City Council, which shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter. Nothing in this Charter shall be construed as to deny or abridge the power of the City Council to provide for supplemental regulations for the prevention of fraud in such elections and for the recount of ballots in cases of doubt or fraud. (Add. 24; Amd. 1; 6-3-2003)

Sec. 118. Section 5.020 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, at page 66, is hereby amended to read as follows:

Sec. 5.020 Applicability of state election laws; elections under City Council control.

1. All elections held under this Charter ~~[shall]~~ ***must*** be governed by ~~[the]~~ ***:***

(a) The provisions of ~~*[NRS 293C.180,]*~~ ***sections 5.1 to 9.8, inclusive, of this act, which supersede and preempt any conflicting provisions of this Charter; and***

(b) All other provisions of the election laws of this State, so far as ~~[such]~~ ***those*** laws can be made applicable and are not inconsistent with the provisions of this Charter.

2. The conduct of all municipal elections shall be under the control of the City Council. For the conduct of municipal elections, for the prevention of fraud in such elections, and for the recount of ballots in cases of doubt or fraud, the City Council shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter.

Sec. 119. Section 5.100 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, as amended by chapter 185, Statutes of Nevada 2007, at page 627, is hereby amended to read as follows:

Sec. 5.100 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any municipal election shall be filed with the City Clerk, who shall immediately place such returns in a safe or vault,

and no person shall be permitted to handle, inspect or in any manner interfere with such returns until canvassed by the City Council.

2. The City Council shall meet within ~~[6 working days]~~ ***the time set forth in NRS 293C.387*** after any election and canvass the returns and declare the result. The election returns shall then be sealed and kept by the City Clerk for 6 months, and no person shall have access thereto except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers so elected shall qualify and enter upon the discharge of their respective duties on the first Monday in July next following their election.

4. If any election should result in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The Clerk shall then issue to the winner a certificate of election.

Sec. 120. Section 5.020 of the Charter of the City of Carlin, being chapter 344, Statutes of Nevada 1971, at page 615, is hereby amended to read as follows:

Sec. 5.020 Applicability of state election laws; elections under Board of Council Members' control; voting precincts.

1. All elections held under this Charter ~~[shall]~~ ***must*** be governed by ~~[the]~~ ***:***

(a) The provisions of ~~[NRS 293C.180,]~~ sections 5.1 to 9.8, inclusive, of this act, which supersede and preempt any conflicting provisions of this Charter; and

(b) All other provisions of the election laws of this State, so far as ~~[such]~~ ***those*** laws can be made applicable and are not inconsistent ~~[herewith.]~~ ***with the provisions of this Charter.***

2. The conduct of all municipal elections shall be under the control of the Board of Council Members. For the conduct of municipal elections, for the prevention of fraud in such elections, and for the recount of ballots in cases of doubt or fraud, the Board of Council Members shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter.

3. There shall be but one voting precinct in the City. All elective officers shall be elected by the voters of the City at large.

Sec. 121. Section 5.090 of the Charter of the City of Carlin, being chapter 344, Statutes of Nevada 1971, as last amended by chapter 185, Statutes of Nevada 2007, at page 628, is hereby amended to read as follows:

Sec. 5.090 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any municipal election shall be filed with the City Clerk, who shall immediately place such returns in a safe or vault, and no person is permitted to handle, inspect or in any manner interfere with such returns until canvassed by the Board of Council Members.

2. The Board of Council Members shall meet ~~[on or before the sixth working day]~~ ***within the time set forth in NRS 293C.387*** after any election and canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 6 months, and no person shall have access thereto except on order of a court of competent jurisdiction or by order of the Board of Council Members.

3. The City Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers so elected shall qualify and enter upon the discharge of their respective duties on the first Monday in:

(a) July next following their election for those officers elected in June 2007.

(b) January next following their election for those officers elected in November 2008 and November of every even-numbered year thereafter.

4. If any election should result in a tie, the Board of Council Members shall summon the candidates who received the tie vote and determine the tie by lot. The Clerk shall then issue to the winner a certificate of election.

Sec. 122. ~~[Section 5.010 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, as last amended by chapter 295, Statutes of Nevada 2015, at page 1481, is hereby amended to read as follows:~~

~~"Sec. 5.010 Primary election.~~

~~1. A primary election must be held on the date fixed by the election laws of this state for *the* statewide [elections, at which time there must be nominated candidates for offices to be voted for at the next general]~~ ***primary*** ~~election.~~

~~2. A candidate for any office to be voted for at [any]~~ ***the*** ~~primary election must file a declaration of candidacy as provided by the election laws of this state.~~

~~3. All candidates for the office of Mayor and Supervisor, and candidates for the office of Municipal Judge if a third department of the Municipal Court has been established, must be voted upon by the registered voters of Carson City at large.~~

~~[4. If only two persons file for a particular office, their names must not appear on the primary ballot but their names must be placed on the ballot for the general election.~~

~~5. If in the primary election one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the candidate must be declared elected to the office and his or her name must not be placed on the ballot for the general election. If in the primary election no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest numbers of votes must be placed on the ballot for the general election.]~~ **(Deleted by amendment.)**

Sec. 123. Section 5.030 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, as amended by chapter 118, Statutes of Nevada 1985, at page 478, is hereby amended to read as follows:

Sec. 5.030 Applicability of state election laws; elections under control of Clerk; Board regulations.

1. All elections ~~[which are]~~ held under this Charter ~~[are]~~ ***must be*** governed by ~~[the]~~ ***:***

(a) The provisions of ~~[NRS 293C.180,]~~ sections 5.1 to 9.8, inclusive, of this act, which supersede and preempt any conflicting provisions of this Charter; and

(b) All other provisions of the election laws of this State, ~~[as]~~ ***so*** far as those laws can be made applicable and are not inconsistent with ***the provisions of*** this Charter.

2. The conduct of all municipal elections is under the control of the Clerk. For the conduct of municipal elections, for the prevention of fraud in those elections and for the recount of ballots in cases of doubt or fraud, the Board shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter.

Sec. 124. Section 5.100 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, as amended by chapter 189, Statutes of Nevada 1977, at page 354, is hereby amended to read as follows:

Sec. 5.100 Election returns; canvass; certificates of election; entry of officers upon duties.

1. The election returns from any special, primary or general municipal election shall be filed with the Clerk, who shall immediately place such returns in a safe or vault, and no person shall be permitted to handle, inspect or in any manner interfere with such returns until canvassed by the Board.

2. The Board shall meet within ~~[10 days]~~ ***the time set forth in NRS 293C.387*** after any election and canvass the returns and declare the result. The election returns shall then be sealed and kept by the Clerk for 6 months and no person shall have access thereto except on order of a court of competent jurisdiction or by order of the Board.

3. The Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers so elected shall qualify and enter upon the discharge of their respective duties on the 1st Monday in January next following their election.

Sec. 125. Section 5.020 of the Charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as amended by chapter 51, Statutes of Nevada 2001, at page 463, is hereby amended to read as follows:

Sec. 5.020 Applicability of state election laws; elections under control of City Council.

1. All elections held under this Charter ~~[are]~~ ***must be*** governed by ~~[the]~~ ***:***

(a) The provisions of ~~[NRS 293C.180,]~~ sections 5.1 to 9.8, inclusive, of this act, which supersede and preempt any conflicting provisions of this Charter; and

(b) All other provisions of the election laws of this State, so far as ~~[such]~~ ***those*** laws can be made applicable and are not inconsistent ~~[herewith.]~~ ***with the provisions of this Charter.***

2. The conduct of all municipal elections is under the control of the City Council. For the conduct of municipal elections, for the prevention of fraud in such elections, and for the recount of ballots in cases of doubt or fraud, the City Council shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter.

Sec. 126. Section 5.090 of the Charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as last amended by chapter 231, Statutes of Nevada 2011, at page 1003, is hereby amended to read as follows:

Sec. 5.090 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from a municipal election must be filed with the City Clerk, who shall immediately place the returns in a safe or vault. No person may handle, inspect or in any manner interfere with the returns until the returns are canvassed by the City Council.

2. The City Council shall meet within ~~[6 working days]~~ ***the time set forth in NRS 293C.387*** after an election and canvass the returns and declare the result. The election returns must be sealed and kept by the City Clerk for 2 years, and no person may have access thereto except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers so elected shall qualify and enter upon the discharge of their respective duties on the first Monday in:

(a) If the officer is elected pursuant to subsection 1 or 2 of section 5.010, July next following his or her election.

(b) If the officer is elected pursuant to subsection 3 or 4 of section 5.010, January next following his or her election.

4. If any election should result in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The Clerk shall then issue to the winner a certificate of election.

Sec. 127. ~~[Section 5.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 266, Statutes of Nevada 2013, at page 1214, is hereby amended to read as follows:~~

~~Sec. 5.010 Primary municipal election.~~

~~1. Except as otherwise provided in section 5.020, a primary municipal election must be held on the Tuesday after the first Monday in April of each odd-numbered year, at which time there must be nominated candidates for offices to be voted for at the next general municipal election.~~

~~2. A candidate for any office to be voted for at any primary municipal election must file a declaration of candidacy as provided by the election laws of this State.~~

~~3. All candidates for elective office must be voted upon by the registered voters of the City at large.~~

~~[4. If in the primary municipal election no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general municipal election. If in the primary municipal election, regardless of the number of candidates for an office, one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, he or she must be declared elected and no general municipal election need be held for that office. Such candidate shall enter upon his or her respective duties at the second regular meeting of the City Council held in June of the year of the general municipal election.]~~ **(Deleted by amendment.)**

Sec. 128. Section 5.030 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as amended by chapter 596, Statutes of Nevada 1995, at page 2215, is hereby amended to read as follows:

Sec. 5.030 Applicability of state election laws; elections under City Council control.

1. All elections held under this Charter ~~[are]~~ ***must be*** governed by ~~[the]~~ ***:***

(a) The provisions of ~~[NRS 293C.180,]~~ sections 5.1 to 9.8, inclusive, of this act, which supersede and preempt any conflicting provisions of this Charter; and

(b) All other provisions of the election laws of this State, so far as those laws can be made applicable and are not inconsistent ~~[herewith.]~~ ***with the provisions of this Charter.***

2. The conduct of all municipal elections is under the control of the City Council. The City Council shall by ordinance provide for the holding of the election, appoint the necessary officers thereof and do all the things required to carry the election into effect as it considers desirable and consistent with law and this Charter.

Sec. 129. Section 5.100 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 266, Statutes of Nevada 2013, at page 1216, is hereby amended to read as follows:

Sec. 5.100 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any special, primary or general municipal election must be filed with the City Clerk, who shall immediately place the returns in a safe or vault, and no person may handle, inspect or in any manner interfere with the returns until canvassed by the City Council.

2. The City Council shall meet ~~[at any time]~~ within ~~[10 days]~~ ***the time set forth in NRS 293C.387*** after any election and canvass the returns and

declare the result. The election returns must then be sealed and kept by the City Clerk for 6 months. No person may have access to the returns except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue to each person elected a certificate of election. Except as otherwise provided in section 1.070, the officers so elected shall qualify and enter upon the discharge of their respective duties at the second regular meeting of the City Council held in June of the year of the general municipal election.

4. If any election results in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The City Clerk shall then issue to the winner a certificate of election.

Sec. 130. ~~[Section 5.010 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 218, Statutes of Nevada 2011, at page 959, is hereby amended to read as follows:~~

~~"Sec. 5.010 Primary municipal elections. Except as otherwise provided in section 5.020:~~

~~1. On the Tuesday after the first Monday in April 2001, and at each successive interval of 4 years, a primary municipal election must be held in the City at which time candidates for half of the offices of Council Member and for Municipal Judge, Department 2, must be nominated.~~

~~2. On the Tuesday after the first Monday in April 2003, and at each successive interval of 4 years, a primary municipal election must be held in the City at which time candidates for Mayor, for the other half of the offices of Council Member and for Municipal Judge, Department 1, must be nominated.~~

~~3. The candidates for Council Member who are to be nominated as provided in subsections 1 and 2 must be nominated and voted for separately according to the respective wards. The candidates from each even-numbered ward must be nominated as provided in subsection 1, and the candidates from each odd-numbered ward must be nominated as provided in subsection 2.~~

~~4. If the City Council has established an additional department or departments of the Municipal Court pursuant to section 4.010 and, as a result, more than one office of Municipal Judge is to be filled at any election, the candidates for those offices must be nominated and voted upon separately according to the respective departments.~~

~~5. Each candidate for the municipal offices which are provided for in subsections 1, 2 and 4 must file a declaration of candidacy with the City Clerk. All filing fees collected by the City Clerk must be paid into the City Treasury.~~

~~[6. If, in the primary municipal election, regardless of the number of candidates for an office, one candidate receives a majority of votes which are cast in that election for the office for which he or she is a candidate,~~

~~he or she must be declared elected for the term which commences on the day of the first regular meeting of the City Council next succeeding the meeting at which the canvass of the returns is made, and no general municipal election need be held for that office. If, in the primary municipal election, no candidate receives a majority of votes which are cast in that election for the office for which he or she is a candidate, the names of the two candidates who receive the highest number of votes must be placed on the ballot for the general municipal election.~~] **(Deleted by amendment.)**

Sec. 131. Section 5.030 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1415, is hereby amended to read as follows:

Sec. 5.030 Applicability of state election laws; elections under City Council's control.

1. All elections [~~which are~~] held under this Charter [~~are~~] ***must be*** governed by [~~the~~] ***:***

(a) The provisions of [~~NRS 293C.180,~~] sections 5.1 to 9.8, inclusive, of this act, which supersede and preempt any conflicting provisions of this Charter; and

(b) All other provisions of the election laws of [~~the~~] ***this*** State, [~~as~~] ***so*** far as those laws can be made applicable and are not inconsistent with ***the provisions of*** this Charter.

2. The conduct of all municipal elections is under the control of the City Council. The City Council shall prescribe by ordinance all of the regulations which it considers are desirable and consistent with law and this Charter for the conduct of municipal elections, for the prevention of fraud in those elections and for the recount of ballots in cases of doubt or fraud.

Sec. 132. Section 5.100 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as amended by chapter 193, Statutes of Nevada 1991, at page 364, is hereby amended to read as follows:

Sec. 5.100 Election returns; canvass; declaration of results; certificates of election; entry of officers upon duties; procedure for tied vote.

1. The returns of any special, primary or general municipal election must be filed with the City Clerk, who shall immediately place those returns in a safe or vault, and no person may be permitted to handle, inspect or in any manner interfere with those returns until they have been canvassed by the City Council.

2. The City Council shall meet within [~~10 days~~] ***the time set forth in NRS 293C.387*** after any election [~~.~~] ***and*** canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 6 months, and no person may have access to the returns except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue to each person who is declared to be elected a certificate of election. The officers who have been elected shall qualify and enter upon the discharge of their respective duties on the day of the first regular meeting of the City Council next succeeding the meeting at which the canvass of the returns is made.

4. If the election for any office results in a tie, the City Council shall summon the candidates who received the equal number of votes and determine the tie by lot. The Clerk shall then issue to the winner a certificate of election.

Sec. 133. ~~[Section 5.020 of the Charter of the City of Mesquite, being chapter 325, Statutes of Nevada 2017, at page 1885, is hereby amended to read as follows:~~

~~Sec. 5.020 Primary municipal election.~~

~~[1.] A primary municipal election must be held on the second Tuesday in June in each even-numbered year pursuant to NRS 293.175, as amended from time to time.~~

~~[2. In a primary municipal election, if the number of votes a candidate receives is:~~

~~(a) Equal to or greater than a majority of the number of voters participating in the primary election for that seat, that candidate must be declared elected and the name of the candidate must not be placed on the ballot for the general municipal election.~~

~~(b) Less than a majority of the number of voters participating in the primary election for that seat, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general municipal election.~~

~~3. For the purposes of this section, a majority of the number of voters participating in a primary municipal election for a seat is determined as follows:~~

~~(a) If there is an even number of voters participating in the primary election for a seat, a majority of those voters is determined by dividing the number of voters in half and adding one.~~

~~(b) If there is an odd number of voters participating in the primary election for a seat, a majority of those voters is determined by dividing the number of voters in half and rounding up to the nearest whole number.]~~ **(Deleted by amendment.)**

Sec. 134. Section 5.040 of the Charter of the City of Mesquite, being chapter 325, Statutes of Nevada 2017, at page 1886, is hereby amended to read as follows:

Sec. 5.040 Applicability of state election laws; elections under City Council control.

1. All elections held under this Charter ~~[are]~~ ***must be*** governed by ~~[the]~~ ***:***

(a) The provisions of ~~[NRS 293C.180,]~~ sections 5.1 to 9.8, inclusive, of this act, which supersede and preempt any conflicting provisions of this Charter; and

(b) All other provisions of the election laws of this State, so far as those laws can be made applicable and are not inconsistent ~~[herewith.]~~ ***with the provisions of this Charter.***

2. The conduct of all municipal elections is under the control of the City Council.

3. The City Council shall by ordinance provide for the holding of a municipal election, appoint the necessary officers thereof and do all the things required to carry the election into effect as it considers desirable and consistent with law and this Charter.

4. Notwithstanding any other provision of this Charter, the City Council may enter into an interlocal agreement with another public entity to conduct municipal elections or any portion thereof.

Sec. 135. Section 5.100 of the Charter of the City of Mesquite, being chapter 325, Statutes of Nevada 2017, at page 1887, is hereby amended to read as follows:

Sec. 5.100 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any special, primary or general municipal election must be filed with the City Clerk, who shall immediately place the returns in a safe or vault, and no person may handle, inspect or in any manner interfere with the returns until canvassed by the City Council.

2. The City Council shall meet ~~[at any time]~~ within ~~[10 days]~~ ***the time set forth in NRS 293C.387*** after any election and canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 6 months. No person may have access to the returns except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue to each person elected a certificate of election. Except as otherwise provided in section 1.060, the officers so elected shall qualify and enter upon the discharge of their respective duties at the first meeting of the City Council held in December of the year of the general municipal election.

4. If any election results in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The City Clerk shall then issue to the winner a certificate of election.

Sec. 136. ~~[Section 5.020 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 218, Statutes of Nevada 2011, at page 963, is hereby amended to read as follows:~~

~~Sec. 5.020 Primary municipal elections; declaration of candidacy.~~

~~1. The City Council shall provide by ordinance for candidates for elective office to declare their candidacy and file the necessary~~

~~documents. The seats for City Council Members must be designated by the numbers one through four, which numbers must correspond with the wards the candidates for City Council Members will seek to represent. A candidate for the office of City Council Member shall include in his or her declaration of candidacy the number of the ward which he or she seeks to represent. Each candidate for City Council must be designated as a candidate for the City Council seat that corresponds with the ward that he or she seeks to represent.~~

~~2. Except as otherwise provided in section 5.025, a primary municipal election must be held on the Tuesday following the first Monday in April preceding the general municipal election, at which time there must be nominated candidates for offices to be voted for at the next general municipal election. In the primary municipal election:~~

~~(a) A candidate for the office of City Council Member must be voted upon only by the registered voters of the ward that he or she seeks to represent.~~

~~(b) Candidates for all other elective offices must be voted upon by the registered voters of the City at large.~~

~~[3. Except as otherwise provided in subsection 4, after the primary municipal election, the names of the two candidates who receive the highest number of votes must be placed on the ballot for the general municipal election.~~

~~4. If, regardless of the number of candidates for an office, one candidate receives a majority of the total votes cast for that office in the primary municipal election, he or she must be declared elected to that office and no general municipal election need be held for that office.]~~ **(Deleted by amendment.)**

Sec. 137. Section 5.030 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, at page 1224, is hereby amended to read as follows:

Sec. 5.030 Applicability of state election laws; elections under City Council control.

1. All elections held under this Charter ~~[shall]~~ ***must*** be governed by ~~[the]~~ ***:***

(a) The provisions of ~~[NRS 293C.180,]~~ sections 5.1 to 9.8, inclusive, of this act, which supersede and preempt any conflicting provisions of this Charter; and

(b) All other provisions of the election laws of this State, so far as ~~[such]~~ ***those*** laws can be made applicable and are not inconsistent ~~[herewith.]~~ ***with the provisions of this Charter.***

2. The conduct of all municipal elections shall be prescribed by ordinance. For the conduct of municipal elections, for the prevention of fraud in such elections, and for the recount of ballots in cases of doubt or fraud, the City Council shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter.

Sec. 138. Section 5.080 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 465, Statutes of Nevada 1985, at page 1440, is hereby amended to read as follows:

Sec. 5.080 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any special, primary or general municipal election shall be filed with the City Clerk, who shall immediately place the returns in a safe or vault, and no person may be permitted to handle, inspect or in any manner interfere with the returns until canvassed by the City Council.

2. The City Council shall meet ~~[at any time]~~ within ~~[16 days]~~ ***the time set forth in NRS 293C.387*** after any election and ~~[shall]~~ canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 6 months, and no person may have access thereto except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers so elected shall qualify and enter upon the discharge of their respective duties on the 1st day of July next following their election.

4. If any election should result in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The Clerk shall then issue to the winner a certificate of election.

Sec. 139. ~~[Section 5.020 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 584, Statutes of Nevada 2017, at page 4202, is hereby amended to read as follows:~~

~~Sec. 5.020 Primary elections; declaration of candidacy.~~

~~1. A candidate for any office to be voted for at an election must file a declaration of candidacy with the City Clerk. All filing fees collected by the City Clerk must be deposited to the credit of the General Fund of the City.~~

~~2. [If for any general election, there are three or more candidates for any office to be filled at that election,] *When required by the provisions of NRS 293C.180,* a primary election for any [such] office must be held on the date fixed by the election laws of the State for *the* statewide [elections, at which time there must be nominated candidates for the office to be voted for at the next general election. If for any general election there are two or fewer candidates for any office to be filled at that election, their names must not be placed on the ballot for the primary election but must be placed on the ballot for the general] *primary* election. The general election must be held on the date fixed by the election laws of the State for the statewide general election.~~

~~3. In the primary election:~~

~~(a) [The names of the two candidates for Municipal Judge, City Attorney or a particular City Council seat, as the case may be, who receive~~

~~the highest number of votes must be placed on the ballot for the general election.~~

~~— (b)] Candidates for Council Member who represent a specific ward must be voted upon only by the registered voters of that ward.~~

~~— [(c)] *(b)* Candidates for Mayor, Municipal Judge, City Attorney and Council Member at large must be voted upon by all registered voters of the City.]~~ **(Deleted by amendment.)**

Sec. 140. Section 5.030 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 9, Statutes of Nevada 1993, at page 23, is hereby amended to read as follows:

Sec. 5.030 Applicability of state election laws; elections under City Council control.

1. All elections held ~~[pursuant to]~~ ***under*** this Charter must be governed by ~~[the]~~ ***:***

(a) The provisions of ~~[NRS 293C.180,]~~ sections 5.1 to 9.8, inclusive, of this act, which supersede and preempt any conflicting provisions of this Charter; and

(b) All other provisions of the election laws of this State, so far as those laws can be made applicable and are not inconsistent ~~[herewith.]~~ ***with the provisions of this Charter.***

2. The conduct of all elections must be under the control of the City Council. For the conduct of elections, for the prevention of fraud in those elections, and for the recount of ballots in cases of doubt or fraud, the City Council shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter.

Sec. 141. Section 5.100 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 349, Statutes of Nevada 2013, at page 1830, is hereby amended to read as follows:

Sec. 5.100 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any special, primary or general election must be filed with the City Clerk, who shall immediately place those returns in a safe or vault, and no person may handle, inspect or in any manner interfere with those returns until canvassed by the City Council.

2. The City Council and City Manager shall meet within ~~[10 days]~~ ***the time set forth in NRS 293C.387*** after any election and canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 6 months, and no person may have access thereto except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers elected shall qualify and enter upon the discharge of their respective duties at the first regular City Council meeting following their election.

4. If any election results in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie as provided in this subsection. The City Clerk shall provide and open in the presence of the candidates who received the tie vote an unused 52-card deck of playing cards, removing any jokers and blank cards. The City Clerk shall shuffle the cards thoroughly and present the shuffled deck to the City Manager, or to the person designated by the City Manager for this purpose. One of the candidates who received the tie vote shall then draw one card from the deck, and the City Clerk shall record the suit and number of the card. The card then must be returned to the deck, and the City Clerk shall shuffle the cards thoroughly and present the shuffled deck to the City Manager, or to the person designated by the City Manager for this purpose, and another of the candidates who received the tie vote shall draw one card from the deck. This process must be repeated until each of the candidates who received the tie vote has drawn one card from the deck and the result of each draw has been recorded. The candidate who draws the high card shall be deemed the winner of the election. For the purposes of this subsection, aces are high and twos are low. If the candidates draw cards of otherwise equal value, the card of the higher suit is the high card. Spades are highest, followed in descending order by hearts, clubs and diamonds. The City Clerk shall issue to the winner a certificate of election.

Sec. 142. ~~[Section 5.020 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 113, Statutes of Nevada 2017, at page 488, is hereby amended to read as follows:~~

~~Sec. 5.020 Primary elections.~~

~~[1.] At the primary election:~~

~~[(a)]~~ ***1.*** ~~Candidates for the offices of Mayor, City Attorney and Municipal Judge must be voted upon by the registered voters of the City at large.~~

~~[(b)]~~ ***2.*** ~~Candidates to represent a ward as a member of the City Council must be voted upon by the registered voters of the ward to be represented by them.~~

~~[2. Except as otherwise provided in subsection 3, the names of the two candidates for Mayor, City Attorney and Municipal Judge and the names of the two candidates to represent the ward as a member of the City Council from each ward who receive the highest number of votes at the primary election must be placed on the ballot for the general election.~~

~~3. If at the primary election, regardless of the number of candidates for an office, one candidate receives the majority of votes cast in that election for the office for which he or she is a candidate, he or she must be declared elected to the office and no general election need be held for that office. Such candidate shall enter upon his or her respective duties at the first regular City Council meeting next succeeding the meeting at~~

~~which the canvass of the returns of the general election is made.]~~ **(Deleted by amendment.)**

Sec. 143. Section 5.030 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as amended by chapter 41, Statutes of Nevada 2001, at page 398, is hereby amended to read as follows:

Sec. 5.030 Applicability of state election laws: Elections under City Council control.

1. All elections held ~~[pursuant to]~~ ***under*** this Charter must be governed by ~~[the]~~ ***:***

(a) The provisions of ~~[NRS 293C.180,]~~ sections 5.1 to 9.8, inclusive, of this act, which supersede and preempt any conflicting provisions of this Charter; and

(b) All other provisions of the election laws of this State **,** so far as ~~[such]~~ ***those*** laws can be made applicable and are not inconsistent ~~[herewith.]~~ ***with the provisions of this Charter.***

2. The conduct of all elections must be under the control of the City Council. For the conduct of elections, for the prevention of fraud in elections, and for the recount of ballots in cases of doubt or fraud, the City Council shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter.

Sec. 144. Section 5.100 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 113, Statutes of Nevada 2017, at page 488, is hereby amended to read as follows:

Sec. 5.100 Election returns: Canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any election must be filed with the City Clerk, who shall immediately place the returns in a safe or vault. No person may handle, inspect or in any manner interfere with the returns until canvassed by the City Council.

2. The City Council shall meet within ~~[10 days]~~ ***the time set forth in NRS 293C.387*** after any election and canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 22 months, and no person may have access to them except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue a certificate of election to each person elected. Except as otherwise provided in subsection 3 of section 5.020, the ***~~[The]~~*** officers elected shall qualify and enter upon the discharge of their respective duties at the first regular City Council meeting following their election.

4. If any election results in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The City Clerk shall then issue to the winner a certificate of election.

Sec. 145. Section 5.020 of the Charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, at page 469, is hereby amended to read as follows:

Sec. 5.020 Applicability of state election laws; elections under Board of Council Members' control; voting precincts.

1. All elections held under this Charter ~~[shall]~~ ***must*** be governed by ~~[the]~~ ***:***

(a) The provisions of ~~[NRS 293C.180,]~~ sections 5.1 to 9.8, inclusive, of this act, which supersede and preempt any conflicting provisions of this Charter; and

(b) All other provisions of the election laws of this State, so far as ~~[such]~~ ***those*** laws can be made applicable and are not inconsistent ~~[herewith.]~~ ***with the provisions of this Charter.***

2. The conduct of all municipal elections shall be under the control of the Board of Council Members. For the conduct of municipal elections, for the prevention of fraud in such elections, and for the recount of ballots in cases of doubt or fraud, the Board of Council Members shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter.

3. There shall be but one voting precinct in the City. All elective officers shall be elected by the voters of the City at large.

Sec. 146. Section 5.090 of the Charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, as last amended by chapter 185, Statutes of Nevada 2007, at page 629, is hereby amended to read as follows:

Sec. 5.090 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any municipal election must be filed with the City Clerk, who shall immediately place such returns in a safe or vault, and no person is permitted to handle, inspect or in any manner interfere with such returns until canvassed by the Board of Council Members.

2. The Board of Council Members shall meet ~~[on or before the sixth working day]~~ ***within the time set forth in NRS 293C.387*** after any election and canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 6 months, and no person shall have access thereto except on order of a court of competent jurisdiction or by order of the Board of Council Members.

3. The City Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers so elected shall qualify and enter upon the discharge of their respective duties on the first Monday in:

(a) July next following their election for those officers elected in June 2007 or 2009.

(b) January next following their election for those officers elected in November 2010 and every even-numbered year thereafter.

4. If any election should result in a tie, the Board of Council Members shall summon the candidates who received the tie vote and determine the tie by lot. The Clerk shall then issue to the winner a certificate of election.

Sec. 147. Section 5.020 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, at page 912, is hereby amended to read as follows:

Sec. 5.020 Applicability of state election laws, elections under City Council control.

1. All elections held under this Charter ~~[shall]~~ ***must*** be governed by ~~[the]~~ ***:***

(a) The provisions of ~~[NRS 293C.180,]~~ sections 5.1 to 9.8, inclusive, of this act, which supersede and preempt any conflicting provisions of this Charter; and

(b) All other provisions of the election laws of this State, so far as ~~[such]~~ ***those*** laws can be made applicable and are not inconsistent ~~[herewith.]~~ ***with the provisions of this Charter.***

2. The conduct of all municipal elections shall be under the control of the City Council. For the conduct of municipal elections, for the prevention of fraud in such elections, and for the recount of ballots in cases of doubt or fraud, the City Council shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter.

Sec. 148. Section 5.090 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, at page 913, is hereby amended to read as follows:

Sec. 5.090 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any municipal election shall be filed with the City Clerk, who shall immediately place such returns in a safe or vault, and no person shall be permitted to handle, inspect or in any manner interfere with such returns until canvassed by the City Council.

2. The City Council shall meet within ~~[10 days]~~ ***the time set forth in NRS 293C.387*** after any election and canvass the returns and declare the results. The election returns shall then be sealed and kept by the City Clerk for 6 months, and no person shall have access thereto except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers so elected shall qualify and enter upon the discharge of their respective duties on the 1st Monday in July next following their election.

4. If any election should result in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The Clerk shall then issue to the winner a certificate of election.

Sec. 148.4. **1. There is hereby appropriated from the State General Fund to the Department of Motor Vehicles the sum of $125,700 for computer programming for the online voter registration system.**

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. 148.5. **1. There is hereby appropriated from the State General Fund to the Department of Motor Vehicles the sum of $11,300 for secured containers to store voter registration forms.**

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. 148.6. **1. There is hereby appropriated from the State General Fund to the Secretary of State for programming, development and maintenance of the online voter registration system and for developing a technical solution for same-day voter registration verification the following sums:**

For the Fiscal Year 2019-2020..... $275,000

For the Fiscal Year 2020-2021..... $275,000

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

Sec. 149. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 150. The amendatory provisions of this act do not apply to or abrogate, alter or affect the results of any election conducted before January 1, 2020.

Sec. 151. NRS 293.082 is hereby repealed.

Sec. 152. **1.** This ~~[act]~~ **section** becomes **effective upon passage and approval.**

2. Sections 1 to 148, inclusive, 149, 150 and 151 of this act become effective:

~~[1.]~~ **(a)** Upon passage and approval for the purpose of adopting any regulations, passing any ordinances and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

~~[2.]~~ **(b)** On January 1, 2020, for all other purposes.

3. Sections 148.4, 148.5 and 148.6 of this act become effective on July 1, 2019.

TEXT OF REPEALED SECTION

293.082 "Provisional ballot" defined. "Provisional ballot" means a ballot voted by a person pursuant to NRS 293.3081 to 293.3086, inclusive.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 506.

Bill read third time.

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

Amendment No. 1001.

AN ACT making appropriations to the Department of Corrections for the Nevada Offender Tracking Information System, a key control system, replacement of power supply equipment, data racks, radios, scanners**, computers** and repeater upgrades; 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 Department of Corrections the sum of ~~[$1,812,000]~~ **$420,000** for the Nevada Offender Tracking Information System.

2. There is hereby appropriated from the State General Fund to the Department of Corrections the sum of $623,060 for the installation of a key control system for facilities.

3. ~~[There is hereby appropriated from the State General Fund to the Department of Corrections the sum of $1,465,235 for the purchase of wireless networking capabilities for facilities.~~

~~4.]~~ There is hereby appropriated from the State General Fund to the Department of Corrections the sum of $96,100 for the replacement of uninterruptible power supply equipment.

~~[5.]~~ **4.** There is hereby appropriated from the State General Fund to the Department of Corrections the sum of $3,390 for the purchase of data racks for the main data centers.

~~[6.]~~ **5.** There is hereby appropriated from the State General Fund to the Department of Corrections the sum of $152,371 for the replacement of handheld and vehicle radios and repeater upgrades.

~~[7.]~~ **6.** There is hereby appropriated from the State General Fund to the Department of Corrections the sum of $4,380 for the replacement of scanners.

7. There is hereby appropriated from the State General Fund to the Department of Corrections the sum of $1,030,349 for the purchase of desktop and laptop computers.

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.

Senate Bill No. 502.

Bill read third time.

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

Amendment No. 996.

AN ACT relating to social workers; revising certain licensing fees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the maximum application and licensing fees the Board of Examiners for Social Workers may charge. (NRS 641B.300) This bill increases the maximum amounts that can be charged by the Board.

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

Section 1. NRS 641B.300 is hereby amended to read as follows:

641B.300 1. The Board shall charge and collect fees not to exceed the following amounts for:

Initial application..... ~~[~~$40~~]~~ ***$200***
Provisional license..... ~~[~~75~~]~~ ***150***
Initial issuance of a license ~~[, including a license by endorsement]~~ ***as a social worker*** ..... ~~[~~100~~]~~ ***250***
Initial issuance of a license as a clinical social worker or an independent social worker..... 350
Initial issuance of a license by endorsement..... 200
Annual renewal of a license as a social worker or an associate in social work..... ~~[250]~~ 175
Annual renewal of a license ***as a clinical social worker or an independent social worker***..... ~~[~~$150 ***$350]*** ***225***
Restoration of a suspended license or reinstatement of a revoked license..... 150
Restoration of an expired license 200
Renewal of a delinquent license 100
~~[Reciprocal license without examination ..... 100]~~

2. ~~[If an applicant submits an application for a license by endorsement pursuant to NRS 641B.271, the Board shall charge and collect not more than the fees specified in subsection 1 for the initial application for and initial issuance of a license.~~

~~3.]~~ If an applicant submits an application for a license by endorsement pursuant to NRS 641B.272, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license.

Sec. 2. 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.

Assembly Bill No. 77.
Bill read third time.
Roll call on Assembly Bill No. 77:
YEAS—40.
NAYS—None.
EXCUSED—Hambrick.
VACANT—1.

Assembly Bill No. 77 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 84.

Bill read third time.

Roll call on Assembly Bill No. 84:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Swank—2.

VACANT—1.

Assembly Bill No. 84 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 92.

Bill read third time.

Roll call on Assembly Bill No. 92:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Swank—2.

VACANT—1.

Assembly Bill No. 92 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 104.

Bill read third time.

Roll call on Assembly Bill No. 104:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Assembly Bill No. 104 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 150.

Bill read third time.

Roll call on Assembly Bill No. 150:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Assembly Bill No. 150 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 168.

Bill read third time.

Roll call on Assembly Bill No. 168:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Assembly Bill No. 168 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 176.

Bill read third time.

Roll call on Assembly Bill No. 176:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Assembly Bill No. 176 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 229.

Bill read third time.

Roll call on Assembly Bill No. 229:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Assembly Bill No. 229 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 236.

Bill read third time.

Remarks by Assemblywoman Krasner.

ASSEMBLYWOMAN KRASNER:

I served in the interim on the Advisory Commission on the Administration of Justice with the Assemblyman from District 9. I want to say how much I appreciate all the hard work that went into the original bill and the amendments on the bill and all the people who worked together in the Woodshed meetings to try to make this the best bill possible. Unfortunately, at this time I feel like there is still just a little work that needs to be done on it. I am committed to continuing to work together with everybody as the bill moves over to the Senate.

Roll call on Assembly Bill No. 236:

YEAS—28.

NAYS—Edwards, Ellison, Hafen, Hansen, Hardy, Kramer, Krasner, Leavitt, Roberts, Titus, Tolles, Wheeler—12.

EXCUSED—Hambrick.

VACANT—1.

Assembly Bill No. 236 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 264.

Bill read third time.

Roll call on Assembly Bill No. 264:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Assembly Bill No. 264 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 271.

Bill read third time.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

I rise in opposition to Assembly Bill 271. Although I agree that companies should return economic incentives when they have received them from the state if displacing employees, A.B. 271 does far more harm than good. Federal law already requires employers that have call centers and other companies to adhere to specific requirements when displacing large numbers of employees. It is known as the Worker Adjustment and Retraining Notification Act, or WARN. It was enacted in 1988 and became effective February 4, 1989. WARN offers protection to workers, their families, and communities by requiring employers to provide notice 60 days in advance of covered plants closing and covered mass layoffs. Employees entitled to notice under WARN include hourly and salaried workers as well as managerial and supervisory employees. Business partners are not entitled to notice.

Negotiated employment contracts also typically provide for guaranteed job placement in the event of job elimination. This bill adds additional and excessive fees. It should be noted that 30 percent of call lines could be displaced for many, many reasons like changing technology or customers choosing to interact via the Internet. A.B. 271 is truly a disincentive for any company to add to their call center workforce in Nevada. I urge you to vote no on this bill.

Roll call on Assembly Bill No. 271:

YEAS—28.

NAYS—Edwards, Ellison, Hafen, Hansen, Hardy, Kramer, Krasner, Leavitt, Roberts, Titus, Tolles, Wheeler—12.

EXCUSED—Hambrick.

VACANT—1.

Assembly Bill No. 271 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 276.

Bill read third time.

Roll call on Assembly Bill No. 276:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Assembly Bill No. 276 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 309.

Bill read third time.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

I rise in opposition to Assembly Bill 309. I believe there is a lot of good things in this bill—as a matter of fact, probably more good things than bad—but I cannot and will not vote for a bill that allows a tax to be levied by a county commission without a vote of the people and then not be specific about where that money goes. I hope you will join me.

Roll call on Assembly Bill No. 309:

YEAS—28.

NAYS—Edwards, Ellison, Hafen, Hansen, Hardy, Kramer, Krasner, Leavitt, Roberts, Titus, Tolles, Wheeler—12.

EXCUSED—Hambrick.

VACANT—1.

Assembly Bill No. 309 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 322.

Bill read third time.

Roll call on Assembly Bill No. 322:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Assembly Bill No. 322 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 331.

Bill read third time.

Roll call on Assembly Bill No. 331:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Assembly Bill No. 331 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 338.

Bill read third time.

Roll call on Assembly Bill No. 338:

YEAS—39.

NAYS—Miller.

EXCUSED—Hambrick.

VACANT—1.

Assembly Bill No. 338 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 356.

Bill read third time.

Roll call on Assembly Bill No. 356:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Assembly Bill No. 356 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 383.

Bill read third time.

Roll call on Assembly Bill No. 383:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Assembly Bill No. 383 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 420.

Bill read third time.

Roll call on Assembly Bill No. 420:

YEAS—34.

NAYS—Edwards, Hardy, Krasner, Leavitt, Roberts, Tolles—6.

EXCUSED—Hambrick.

VACANT—1.

Assembly Bill No. 420 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 425.

Bill read third time.

Roll call on Assembly Bill No. 425:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Assembly Bill No. 425 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 446.

Bill read third time.

Roll call on Assembly Bill No. 446:

YEAS—35.

NAYS—Ellison, Hafen, Hansen, Titus, Wheeler—5.

EXCUSED—Hambrick.

VACANT—1.

Assembly Bill No. 446 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 456.

Bill read third time.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

I rise in opposition to Assembly Bill 456. We believe it is directly aimed at slowing Nevada's continued economic growth. This bill will not help Nevadans at any level and will cause employers to make labor-saving investments resulting in higher pricing. Most importantly, this bill will have a negative effect on our workforce, particularly those who have less education and less experience and who need the jobs the most. Specifically, a minimum wage increase leads to a wage compression which occurs when a more skilled employee is making the same as a less skilled employee. Instead of passing this legislation, we need to continue to foster a business friendly environment that creates high quality and high paying jobs.

Roll call on Assembly Bill No. 456:

YEAS—28.

NAYS—Edwards, Ellison, Hafen, Hansen, Hardy, Kramer, Krasner, Leavitt, Roberts, Titus, Tolles, Wheeler—12.

EXCUSED—Hambrick.

VACANT—1.

Assembly Bill No. 456 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 466.

Bill read third time.

Roll call on Assembly Bill No. 466:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Assembly Bill No. 466 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 476.

Bill read third time.

Roll call on Assembly Bill No. 476:

YEAS—38.

NAYS—Ellison, Titus—2.

EXCUSED—Hambrick.

VACANT—1.

Assembly Bill No. 476 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 487.

Bill read third time.

Roll call on Assembly Bill No. 487:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Assembly Bill No. 487 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 501.

Bill read third time.

Roll call on Assembly Bill No. 501:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Assembly Bill No. 501 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 526.

Bill read third time.

Roll call on Assembly Bill No. 526:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Assembly Bill No. 526 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 535.

Bill read third time.

Roll call on Assembly Bill No. 535:

YEAS—28.

NAYS—Edwards, Ellison, Hafen, Hansen, Hardy, Kramer, Krasner, Leavitt, Roberts, Titus, Tolles, Wheeler—12.

EXCUSED—Hambrick.

VACANT—1.

Assembly Bill No. 535 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 10.

Resolution read third time.

Remarks by Assemblymen Edwards and Carlton.

ASSEMBLYMAN EDWARDS:

I rise in opposition to Assembly Joint Resolution 10. I just feel that references to the minimum wage do not belong in our *Nevada Constitution*. It should simply be handled legislatively, if at all. I do not believe that what we are looking at with the minimum wage is currently based on real world economics and I think it will do harm to businesses. I also think that we continuously confuse the issue of minimum wage versus living wage, which really just results in a lot of businesses having additional costs that they really should not. Finally, I believe that this bill will hurt the limited opportunities for the people in my district, especially in the rural parts, who are simply trying to get into the job market. I urge you all to vote no.

ASSEMBLYWOMAN CARLTON:

I rise in support of Assembly Joint Resolution 10. Just previously, a few votes ago, we heard there was opposition because it did not go to a vote of the people. This bill takes it to a vote of the people. Why would we not want to ask folks what they want?

The previous speaker mentioned something about a living wage. I would have been more than happy to amend living wage into this A.J.R., but I know how folks feel about it so I took a step back. But that is truly what we should be addressing is a living wage. In the absence of that, we will go to a vote of the people and have them say what they feel minimum wage should actually be. There is a constant conversation in this building about minimum wage, as if it is a business killer. I have stated many times what the employees make that work with me as a team in my other day job. We are a nonprofit so we live off of grants and fundraising and we can afford to pay a living wage, benefits, and retirement. If you value your employees, you are going to put your money where your mouth is.

Roll call on Assembly Joint Resolution No. 10:

YEAS—28.

NAYS—Edwards, Ellison, Hafen, Hansen, Hardy, Kramer, Krasner, Leavitt, Roberts, Titus, Tolles, Wheeler—12.

EXCUSED—Hambrick.

VACANT—1.

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

Resolution ordered transmitted to the Senate.

Senate Bill No. 312.

Bill read third time.

Roll call on Senate Bill No. 312:

YEAS—31.

NAYS—Edwards, Ellison, Hafen, Hansen, Kramer, Krasner, Leavitt, Titus, Wheeler—9.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 312 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 44.

Bill read third time.

Roll call on Assembly Bill No. 44:
YEAS—40.
NAYS—None.
EXCUSED—Hambrick.
VACANT—1.
Assembly Bill No. 44 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 536.
Bill read third time.
Roll call on Assembly Bill No. 536:
YEAS—40.
NAYS—None.
EXCUSED—Hambrick.
VACANT—1.
Assembly Bill No. 536 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 521.
Bill read third time.
Roll call on Senate Bill No. 521:
YEAS—40.
NAYS—None.
EXCUSED—Hambrick.
VACANT—1.
Senate Bill No. 521 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 522.
Bill read third time.
Roll call on Senate Bill No. 522:
YEAS—40.
NAYS—None.
EXCUSED—Hambrick.
VACANT—1.
Senate Bill No. 522 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bills Nos. 20, 29, 48, 73, 94, 113, 150, 172, 219, 233, 239, 253, 296, 341, 356, 364, 382, 400, 414, 428, 429, 436, 442, 447, 451, 456, 460, 462, 465, 473, 479, 481, 482, 486, 491, 496, 520; Senate Joint Resolutions Nos. 4 and 7; Senate Joint

Resolutions of the 79th Session Nos. 1 and 3; Senate Concurrent Resolution No. 9.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that the Assembly dispense with the reprinting of Assembly Bill No. 345.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 345 be placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 345.

Bill read third time.

Remarks by Assemblymen Jauregui and Wheeler.

ASSEMBLYWOMAN JAUREGUI:

Assembly Bill 345, as amended, authorizes establishment of polling places in a county where any person entitled to vote by personal appearance may do so on election days. It also extends voter registration deadlines beginning with registration during early voting, transitioning to same day voter registration. It revises the contents of provisional ballots to include all offices and measures and enacts the process to implement online voter registration through the Department of Motor Vehicles [DMV]. It entitles those waiting in line when polls are scheduled to close to be allowed to vote. It grants the clerk the discretion to extend hours for early voting. It requires both the Secretary of State and DMV to ensure technology is used to implement systems required.

We are the party of enfranchisement, and I am so proud to be here to vote on this bill today to give more access to voting, which is our fundamental right. I am so happy to be here to vote yes on this bill.

ASSEMBLYMAN WHEELER:

I rise in opposition to Assembly Bill 345. As we saw in the committees, A.B. 345 will open us up to what may be voter fraud. It will take the provisional ballots weeks to be counted and will cost our counties quite a bit of money to have this done. While voting may be a right, it is also a privilege and to have that privilege, you need to be engaged in it, and to be engaged in it you need to register.

Roll call on Assembly Bill No. 345:

YEAS—28.

NAYS—Edwards, Ellison, Hafen, Hansen, Hardy, Kramer, Krasner, Leavitt, Roberts, Titus, Tolles, Wheeler—12.

EXCUSED—Hambrick.

VACANT—1.

Assembly Bill No. 345 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 2:17 p.m.

ASSEMBLY IN SESSION

At 9:27 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 204, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

EDGAR FLORES, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 533, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

STEVE YEAGER, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 414, 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 was rereferred Assembly Bill No. 235, 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. 262, 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. 289, 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. 524, 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 Senate Bills Nos. 523, 524, 541, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MAGGIE CARLTON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 28, 2019

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 549, 550.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 500, 510, 512, 514, 516, 517, 519, 525, 526, 532, 533, 534, 535.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 940 to Senate Bill No. 10; Assembly Amendment No. 953 to Senate Bill No. 12; Assembly Amendment No. 830 to Senate Bill No. 14; Assembly Amendment No. 846 to Senate Bill No. 37; Assembly Amendment No. 776 to Senate Bill No. 71; Assembly Amendment No. 923 to Senate Bill No. 125; Assembly Amendments Nos. 761, 895 to Senate Bill No. 175; Assembly Amendment No. 952 to Senate Bill No. 181; Assembly Amendments Nos. 864, 968 to Senate Bill No. 186; Assembly Amendments Nos. 843, 967 to Senate Bill No. 197; Assembly Amendment No. 828 to Senate Bill No. 207; Assembly Amendment No. 898 to Senate Bill No. 230; Assembly Amendment No. 847 to Senate Bill No. 242; Assembly

Amendment No. 762 to Senate Bill No. 243; Assembly Amendment No. 763 to Senate Bill No. 279; Assembly Amendments Nos. 764, 922 to Senate Bill No. 302; Assembly Amendment No. 916 to Senate Bill No. 311; Assembly Amendment No. 782 to Senate Bill No. 316; Assembly Amendment No. 758 to Senate Bill No. 345; Assembly Amendment No. 759 to Senate Bill No. 355; Assembly Amendment No. 768 to Senate Bill No. 365; Assembly Amendment No. 842 to Senate Bill No. 371; Assembly Amendment No. 872 to Senate Bill No. 397; Assembly Amendment No. 787 to Senate Bill No. 441; Assembly Amendment No. 788 to Senate Bill No. 453; Assembly Amendment No. 859 to Senate Bill No. 469; Assembly Amendment No. 732 to Senate Bill No. 470; Assembly Amendment No. 874 to Senate Bill No. 475; Assembly Amendment No. 918 to Senate Bill No. 538.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 748 to Senate Bill No. 53; Assembly Amendments Nos. 752, 959 to Senate Bill No. 250; Assembly Amendment No. 734 to Senate Bill No. 258; Assembly Amendment No. 751 to Senate Bill No. 347; Assembly Amendment No. 700 to Senate Bill No. 387; Assembly Amendment No. 815 to Senate Bill No. 390.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 949 to Senate Bill No. 77; Assembly Amendment No. 753 to Senate Bill No. 140; Assembly Amendment No. 810 to Senate Bill No. 236; Assembly Amendment No. 733 to Senate Bill No. 362; Assembly Amendment No. 790 to Senate Bill No. 410; Assembly Amendment No. 750 to Senate Bill No. 417; Assembly Amendment No. 813 to Senate Bill No. 430; Assembly Amendment No. 840 to Senate Bill No. 450; Assembly Amendment No. 838 to Senate Bill No. 452; Assembly Amendment No. 702 to Senate Bill No. 457; Assembly Amendment No. 814 to Senate Bill No. 477.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 811 to Senate Bill No. 203.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Joint Resolution No. 2.

The following Senate amendment was read:

Amendment No. 798.

ASSEMBLY JOINT RESOLUTION—Urging Congress to oppose the expansion of the United States Air Force into the Desert National Wildlife Refuge in Nevada.

WHEREAS, The Desert National Wildlife Refuge was established in 1936 primarily to preserve the habitat necessary to protect the desert bighorn sheep; and

WHEREAS, At roughly 1.5 million acres in size, the Desert National Wildlife Refuge is the largest wildlife refuge in the lower 48 states and is home to over 320 species of birds, 52 species of mammals, nearly 40 species of amphibians and reptiles, including the federally protected desert tortoise, and over 500 species of plants; and

WHEREAS, Roughly 1.2 million acres of the Desert National Wildlife Refuge are currently proposed for designation as wilderness and have been managed by the United States Fish and Wildlife Service of the Department of the Interior as de facto wilderness since 1974; and

WHEREAS, The Nevada Test and Training Range was established in 1940 as an aerial gunnery and bombing range; and

WHEREAS, At approximately 2.9 million acres of land and nearly 16,000 square miles of airspace, the Nevada Test and Training Range is the largest contiguous air and ground space available for peacetime military operations in the free world and is used by the United States Air Force for testing and evaluation of weapons systems, tactics development and advanced combat training; and

WHEREAS, The boundaries of the Desert National Wildlife Refuge and the Nevada Test and Training Range overlap to the extent that 55 percent of the total area of the Refuge – 826,000 acres – lies within the Range and is used for military purposes as well as for purposes of wildlife conservation; and

WHEREAS, With the exception of 112,000 acres located in the heart of the Desert National Wildlife Refuge over which the Air Force exercises primary jurisdiction, and which it uses as target impact areas for both live and inert ordinance, the United States Fish and Wildlife Service exercises primary jurisdiction over the shared lands, with the Air Force exercising only secondary jurisdiction; and

WHEREAS, Under the terms of the Military Lands Withdrawal Act of 1999, Public Law 106-65, the Air Force's authority over all 2.9 million acres of the Nevada Test and Training Range is limited to 20 years in duration, expires on November 6, 2021, and can only be extended by an act of Congress; and

WHEREAS, The Department of the Air Force has notified Congress that there is a continuing military need for the land and that the Air Force is preparing a proposal for submission to Congress that not only extends its existing use of the land, but seeks to expand that use in significant ways; and

WHEREAS, Although the Air Force has identified several alternatives for its future use of the Nevada Test and Training Range, its preferred alternative includes: (1) increasing the total size of the Range by over 300,000 additional acres, almost all of which are within the Desert National Wildlife Refuge; (2) giving the Air Force primary jurisdiction over all the jointly administered land within the Refuge or making other legislative changes to ensure that the Air Force has the same kind of "ready access" necessary to engage in testing and training for major combat operations to all such land within the Refuge that it currently has throughout the rest of the Range; and (3) in effect, rendering these new arrangements permanent by eliminating the usual 20-year time limit on Congressional grants of land for military purposes; and

WHEREAS, The Air Force's preferred alternative for the Nevada Test and Training Range, if approved by Congress, would eliminate wilderness protections from nearly 1 million acres of land within the Desert National Wildlife Refuge, increase the threats to the survival of the Desert Bighorn Sheep, desert tortoise and other imperiled wildlife, further restrict access to areas of historical, cultural, spiritual and recreational significance to Native and other Americans, and degrade the ability of future Congresses to exercise meaningful oversight of the Air Force's discharge of its environmental responsibilities within the Refuge; and

WHEREAS, The final legislative environmental impact statement also includes proposals that the United States Air Force designates as "Alternative 3A" and "Alternative 3A-1" to withdraw either 18,000 or 15,000 acres of land outside the Desert National Wildlife Refuge, but near the town of Beatty, for incorporation into the Nevada Test and Training Range, which would result in substantial encroachment on the town of Beatty and result in significant negative impacts to the local economy, including losses of revenue from existing and planned trails, ecotourism activities and mining; and

WHEREAS, The Moapa Band of Paiutes have asserted in Tribal Resolution M-18-03-07 their opposition to an increase of the use and size of the Nevada Test and Training Range given that the Desert National Wildlife Refuge includes abundant ecological and cultural resources where the Southern Paiute people carved petroglyphs into rocks and left artifacts that help show how they thrived in the beautiful desert and mountain environment; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the members of the 80th Session of the Nevada Legislature hereby urge Congress to reject any proposal by the United States Air Force to expand its use of land or exercise of jurisdiction within the Desert National Wildlife Refuge beyond that which it currently possesses and to limit any proposal to extend the Air Force's authority over the Nevada Test and Training Range to not more than 20 years; and be it further

RESOLVED, That the members of the 80th Session of the Nevada Legislature urge Congress to work collaboratively with all interested parties to develop a compromise alternative that would both enhance training opportunities for the United States Air Force and continue to provide essential protections for Nevada's wildlife and outdoor recreational experiences for Nevadans and visitors; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblywoman Swank moved that the Assembly concur in the Senate Amendment No. 798 to Assembly Joint Resolution No. 2.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 884.

ASSEMBLYMEN COHEN, PETERS AND WATTS

JOINT SPONSORS: SENATORS SCHEIBLE, RATTI, BROOKS, OHRENSCHALL AND PARKS

ASSEMBLY JOINT RESOLUTION—Urging Congress to oppose the expansion of the United States Air Force into the Desert National Wildlife Refuge in Nevada.

WHEREAS, The Desert National Wildlife Refuge was established in 1936 primarily to preserve the habitat necessary to protect the desert bighorn sheep; and

WHEREAS, At roughly 1.5 million acres in size, the Desert National Wildlife Refuge is the largest wildlife refuge in the lower 48 states and is home to over 320 species of birds, 52 species of mammals, nearly 40 species of amphibians and reptiles, including the federally protected desert tortoise, and over 500 species of plants; and

WHEREAS, Roughly 1.2 million acres of the Desert National Wildlife Refuge are currently proposed for designation as wilderness and have been managed by the United States Fish and Wildlife Service of the Department of the Interior as de facto wilderness since 1974; and

WHEREAS, The Nevada Test and Training Range was established in 1940 as an aerial gunnery and bombing range; and

WHEREAS, At approximately 2.9 million acres of land and nearly 16,000 square miles of airspace, the Nevada Test and Training Range is the largest contiguous air and ground space available for peacetime military operations in the free world and is used by the United States Air Force for testing and evaluation of weapons systems, tactics development and advanced combat training; and

WHEREAS, The boundaries of the Desert National Wildlife Refuge and the Nevada Test and Training Range overlap to the extent that 55 percent of the total area of the Refuge – 826,000 acres – lies within the Range and is used for military purposes as well as for purposes of wildlife conservation; and

WHEREAS, With the exception of 112,000 acres located in the heart of the Desert National Wildlife Refuge over which the Air Force exercises primary jurisdiction, and which it uses as target impact areas for both live and inert ordinance, the United States Fish and Wildlife Service exercises primary jurisdiction over the shared lands, with the Air Force exercising only secondary jurisdiction; and

WHEREAS, Under the terms of the Military Lands Withdrawal Act of 1999, Public Law 106-65, the Air Force's authority over all 2.9 million acres of the Nevada Test and Training Range is limited to 20 years in duration, expires on November 6, 2021, and can only be extended by an act of Congress; and

WHEREAS, The Department of the Air Force has notified Congress that there is a continuing military need for the land and that the Air Force is preparing a proposal for submission to Congress that not only extends its existing use of the land, but seeks to expand that use in significant ways; and

WHEREAS, Although the Air Force has identified several alternatives for its future use of the Nevada Test and Training Range, its preferred alternative includes: (1) increasing the total size of the Range by over 300,000 additional acres, almost all of which are within the Desert National Wildlife Refuge; (2) giving the Air Force primary jurisdiction over all the jointly administered land within the Refuge or making other legislative changes to ensure that the Air Force has the same kind of "ready access" necessary to engage in testing and

training for major combat operations to all such land within the Refuge that it currently has throughout the rest of the Range; and (3) in effect, rendering these new arrangements permanent by eliminating the usual 20-year time limit on Congressional grants of land for military purposes; and

WHEREAS, The Air Force's preferred alternative for the Nevada Test and Training Range, if approved by Congress, would eliminate wilderness protections from nearly 1 million acres of land within the Desert National Wildlife Refuge, increase the threats to the survival of the Desert Bighorn Sheep, desert tortoise and other imperiled wildlife, further restrict access to areas of historical, cultural, spiritual and recreational significance to Native and other Americans, and degrade the ability of future Congresses to exercise meaningful oversight of the Air Force's discharge of its environmental responsibilities within the Refuge; and

WHEREAS, The final legislative environmental impact statement also includes proposals that the United States Air Force designates as "Alternative 3A" and "Alternative 3A-1" to withdraw either 18,000 or 15,000 acres of land outside the Desert National Wildlife Refuge, but near the town of Beatty, for incorporation into the Nevada Test and Training Range, which would result in substantial encroachment on the town of Beatty and result in significant negative impacts to the local economy, including losses of revenue from existing and planned trails, ecotourism activities and mining; and

WHEREAS, The Moapa Band of Paiutes have asserted in Tribal Resolution M-18-03-07 their opposition to an increase of the use and size of the Nevada Test and Training Range given that the Desert National Wildlife Refuge includes abundant ecological and cultural resources where the Southern Paiute people carved petroglyphs into rocks and left artifacts that help show how they thrived in the beautiful desert and mountain environment; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the members of the 80th Session of the Nevada Legislature hereby urge Congress to reject any proposal by the United States Air Force to expand its use of land or exercise of jurisdiction within the Desert National Wildlife Refuge beyond that which it currently possesses and to limit any proposal to extend the Air Force's authority over the Nevada Test and Training Range to not more than 20 years; and be it further

RESOLVED, That the members of the 80th Session of the Nevada Legislature urge Congress to work collaboratively with all interested parties to develop a compromise alternative that would both enhance training opportunities for the United States Air Force and continue to provide essential protections for Nevada's wildlife and outdoor recreational experiences for Nevadans and visitors; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblywoman Swank moved that the Assembly concur in the Senate Amendment No. 884 to Assembly Joint Resolution No. 2.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Amendment 798 adds a clause to the resolution providing that the final legislative environmental impact statement on the proposed expansion by the U.S. Air Force includes certain alternatives to withdraw up to 18,000 acres of land near the town of Beatty. Amendment 884 adds additional sponsors.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 353.

The following Senate amendment was read:

Amendment No. 674.

AN ACT relating to recycling; revising certain provisions governing ~~[regulation of solid waste;]~~ **recyclable material;** requiring certain governmental entities to recycle certain additional products and waste; providing certain exemptions from such a requirement; revising the required contents of a report made to the Legislature on the status of recycling programs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Environmental Commission to adopt regulations establishing minimum standards for: (1) separating at the source recyclable material from other solid waste originating from residential premises and public buildings where services for the collection of solid waste are provided, including the placement of recycling containers where those services are provided. (NRS 444A.020) ~~[Section 1 of this bill excludes construction waste and demolition waste from the definition of "solid waste" for purposes of this requirement.]~~ **Section 1.8** of this bill clarifies that the term "recyclable material" in this requirement includes electronic waste, paper and paper products.

Existing law requires courts, the Legislative Counsel Bureau, state agencies, school districts and the Nevada System of Higher Education to recycle paper and paper products unless the cost of recycling is unreasonable and would place an undue burden on the entity. (NRS 1.115, 218F.310, 232.007, 386.4159, 396.437) **Sections 2-6** of this bill require these entities to also recycle electronic waste and other recyclable materials ~~[.]~~ **, except for construction and demolition waste. Sections 2-6** also use standardized definitions of electronic waste, paper, paper products and recyclable material that conform to the definitions in the regulations relating to recycling adopted by the State Environmental Commission.

Existing law also authorizes the Legislative Counsel Bureau and state agencies to apply for a waiver from compliance with the requirements for recycling. (NRS 218F.310, 232.007) **Sections 3 and 4** of this bill eliminate the waiver process and exempt these entities from complying with the

requirements relating to recycling if these entities determine that the cost of compliance is unreasonable and would place an undue burden on the entity.

Additionally, existing law requires the Legislative Commission, state agencies, school districts and the Nevada System of Higher Education to prescribe procedures for the recycling of certain waste. (NRS 218F.310, 232.007, 386.4159, 396.437) **Sections 3-6** remove the requirement for these entities to prescribe such procedures and instead, require these entities to consult with the State Department of Conservation and Natural Resources for the disposition of such waste.

Existing law also requires any money received by the Legislative Counsel Bureau for recycling or causing to be recycled certain paper products and waste to be paid by the Director to the State Treasurer for credit to the State General Fund. (NRS 218F.310) **Section 3** requires money received by the Legislative Counsel Bureau for recycling or causing to be recycled certain paper products, electronic waste and other recyclable materials to be: (1) accounted for separately; and (2) used to carry out the provisions of **section 3**.

Existing law requires the Director of the State Department of Conservation and Natural Resources to deliver a biennial report to the Director of the Legislative Counsel Bureau on the status of current and proposed programs for recycling and reuse of materials. (NRS 444A.070) **Section 1.9** of this bill requires such a report to include the amount of recycled material reported by state agencies.

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

Section 1. ~~[NRS 444.490 is hereby amended to read as follows:~~

~~444.490 1. "Solid waste" means all putrescible and nonputrescible refuse in solid or semisolid form, including, but not limited to, garbage, rubbish, junk vehicles, ashes or incinerator residue, street refuse, dead animals~~ ***[,*** ~~demolition waste, construction waste,~~ ***] and*** ~~solid or semisolid commercial and industrial waste.~~

~~2. The term does not include:~~

~~(a) Hazardous waste managed pursuant to NRS 459.400 to 459.600, inclusive : [.]~~

~~(b) A vehicle described in subparagraph (2) of paragraph (b) of subsection 1 of NRS 444.620~~ ***[.] ;***

~~*(c) Construction waste; and*~~

~~*(d) Demolition waste.]*~~ **(Deleted by amendment.)**

Sec. 1.1. Chapter 444A of NRS is hereby amended by adding thereto the provisions set forth as sections 1.2, 1.3 and 1.4 of this act.

Sec. 1.2. ***"Electronic waste" means electronic equipment that has been discarded, is no longer wanted by the owner or for any other reason enters the waste collection, recovery, treatment, processing or recycling system.***

Sec. 1.3. ***"Paper" includes newspaper, high-grade office paper, fine paper, bond paper, offset paper, xerographic paper, mimeo paper, duplicator***

paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, without limitation, a laminate, binder, coating and saturant.

Sec. 1.4. ***"Paper product" means any paper article or commodity, including, without limitation, paper napkins, towels, cardboard, construction material, paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, without limitation, a laminate, binder, coating and saturant.***

Sec. 1.5. NRS 444A.010 is hereby amended to read as follows:

444A.010 As used in NRS 444A.010 to 444A.080, inclusive, ***and sections 1.2, 1.3 and 1.4 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 444A.0103 to 444A.017, inclusive, ***and sections 1.2, 1.3 and 1.4 of this act*** have the meanings ascribed to them in those sections.

Sec. 1.8. NRS 444A.013 is hereby amended to read as follows:

444A.013 "Recyclable material" means solid waste that can be processed and returned to the economic mainstream in the form of raw materials or products, as determined by the State Environmental Commission. ***The term includes, without limitation:***

1. Electronic waste;

2. Paper; and

3. Paper products.

Sec. 1.9. NRS 444A.070 is hereby amended to read as follows:

444A.070 The Director of the Department shall deliver to the Director of the Legislative Counsel Bureau a biennial report on or before January 31 of each odd-numbered year for submission to the Legislature on the status of current and proposed programs for recycling and reuse of materials ***, the amount of recycled material that is reported by state agencies pursuant to subsection 5 of NRS 232.007*** and on any other matter relating to recycling and reuse which he or she deems appropriate.

Sec. 2. NRS 1.115 is hereby amended to read as follows:

1.115 1. Except as otherwise provided in this section, each court of justice for this State shall recycle or cause to be recycled, to the extent reasonably possible, the paper and paper products ***, electronic waste and other recyclable materials*** it ~~[uses.]~~ ***produces.*** This subsection does not apply to ~~[confidential]~~ ***:***

(a) Construction and demolition waste; or

(b) Confidential documents if there is an additional cost for recycling those documents.

2. As used in this section:

(a) ***"Electronic waste" has the meaning ascribed to it in section 1.2 of this act.***

(b) "Paper" ~~[includes newspaper, high-grade office paper, fine paper, bond paper, offset paper, xerographic paper, mimeo paper, duplicator paper and any~~

~~other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.~~

~~— (b)~~ ***has the meaning ascribed to it in section 1.3 of this act.***

(c) "Paper product" ~~means any paper article or commodity, including, but not limited to, paper napkins, towels, cardboard, construction material, paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.~~ ***has the meaning ascribed to it in section 1.4 of this act.***

(d) "Recyclable material" has the meaning ascribed to it in NRS 444A.013.

Sec. 3. NRS 218F.310 is hereby amended to read as follows:

218F.310 1. Except as otherwise provided in this section, the Legislative Counsel Bureau shall recycle or cause to be recycled the paper and paper products ***, electronic waste and other recyclable materials*** it ~~uses.~~ ***produces.*** This subsection does not apply to ~~confidential~~ ***:***

(a) Construction and demolition waste; or

(b) Confidential documents if there is an additional cost for recycling those documents.

2. ~~The Director may apply to the Legislative Commission for a waiver from the requirements of subsection 1.~~ The Legislative ~~Commission shall grant a waiver if it~~ ***Counsel Bureau is not required to comply with the requirements of subsection 1 if the Director*** determines that the cost to recycle or cause to be recycled the paper and paper products ~~used~~ ***, electronic waste and other recyclable materials produced*** by the Legislative Counsel Bureau is unreasonable and would place an undue burden on the operations of the Legislative Counsel Bureau.

3. ~~The~~ ***Except as otherwise provided in this subsection, the*** Legislative Commission shall ~~, after consulting~~ ***consult*** with the State Department of Conservation and Natural Resources ~~, adopt regulations which prescribe the procedure~~ for the disposition of the paper and paper products ***, electronic waste and other recyclable materials*** to be recycled ~~. The Legislative Commission may prescribe a procedure for the recycling of other waste materials produced~~ ***, including, without limitation, the placement of recycling containers*** on the premises of the Legislative Building . ~~*where services for the collection of solid waste are provided.*~~ ***This subsection does not apply to construction and demolition waste.***

4. Any money received by the Legislative Counsel Bureau for recycling or causing to be recycled the paper and paper products ***, electronic waste and other recyclable materials*** it ~~uses~~ ***produces*** must be ~~paid by the Director to the State Treasurer for credit to the State General Fund.~~ ***:***

(a) Accounted for separately; and

(b) Used to carry out the provisions of this section.

5. As used in this section:

(a) ***"Electronic waste" has the meaning ascribed to it in section 1.2 of this act.***

(b) "Paper" ~~[includes newspaper, high-grade office paper, fine paper, bond paper, offset paper, xerographic paper, mimeo paper, duplicator paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.~~

~~(b)~~] ***has the meaning ascribed to it in section 1.3 of this act.***

(c) "Paper product" ~~[means any paper article or commodity, including, but not limited to, paper napkins, towels, cardboard, construction material, paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.~~] ***has the meaning ascribed to it in section 1.4 of this act.***

(d) "Recyclable material" has the meaning ascribed to it in NRS 444A.013.

~~***[(e) "Solid waste" has the meaning ascribed to it in NRS 444.490.]***~~

Sec. 4. NRS 232.007 is hereby amended to read as follows:

232.007 1. Except as otherwise provided in this section, each state agency shall recycle or cause to be recycled the paper and paper products ***, electronic waste and other recyclable materials*** it ~~[uses.~~] ***produces.*** This subsection does not apply to ~~[confidential]~~ ***:***

(a) Construction and demolition waste; or

(b) Confidential documents if there is an additional cost for recycling those documents.

2. A state agency ~~[may apply to the Chief of the Budget Division of the Office of Finance for a waiver from the requirements of subsection 1. The Chief shall grant a waiver to the state agency if the Chief]~~ ***is not required to comply with the requirements of subsection 1 if the administrator of the agency*** determines that the cost to recycle or cause to be recycled the paper and paper products ~~[used]~~ ***, electronic waste and other recyclable materials produced*** by the agency is unreasonable and would place an undue burden on the operations of the agency.

3. ~~[The State Environmental Commission shall, through the State Department of Conservation and Natural Resources, adopt regulations which prescribe the procedure for the disposition of the paper and paper products to be recycled. In adopting such regulations, the Commission:~~

~~(a) Shall consult with any other state agencies which are coordinating or have coordinated programs for recycling paper and paper products.~~

~~(b) May prescribe a procedure for the recycling of other waste materials produced by state agencies.~~ ~~***A***~~] ***Except as otherwise provided in this subsection, a state agency shall consult with the State Department of Conservation and Natural Resources for the disposition of the paper and paper products, electronic waste and other recyclable materials to be recycled, including, without limitation, the placement of recycling***

containers on the premises of the state agency . ~~***[where services for the collection of solid waste are provided.]***~~ ***This subsection does not apply to construction and demolition waste.***

4. Any money received by a state agency for recycling or causing to be recycled the paper and paper products ***, electronic waste and other recyclable materials*** it ~~[uses]~~ ***produces*** must be ~~[paid by the chief administrative officer of that agency to the State Treasurer for credit to the State General Fund.]~~ ***:***

(a) Accounted for separately; and

(b) Used to carry out the provisions of this section.

5. ***On or before July 1 of each year, each state agency shall submit to the Director a report on the amount of material recycled by the state agency pursuant to this section.***

6. As used in this section:

(a) ***"Electronic waste" has the meaning ascribed to it in section 1.2 of this act.***

(b) "Paper" ~~[includes newspaper, high grade office paper, fine paper, bond paper, offset paper, xerographic paper, mimeo paper, duplicator paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.]~~ ***has the meaning ascribed to it in section 1.3 of this act.***

~~[(b)]~~ ***(c)*** "Paper product" ~~[means any paper article or commodity, including, but not limited to, paper napkins, towels, cardboard, construction material, paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.]~~ ***has the meaning ascribed to it in section 1.4 of this act.***

(d) "Recyclable material" has the meaning ascribed to it in NRS 444A.013.

(e) ~~***[***~~***"Solid waste" has the meaning ascribed to in NRS 444.490.***

~~(c)~~ ***(f)*** "State agency" means every public agency, bureau, board, commission, department, division, officer or employee of the Executive Department of State Government.

Sec. 5. NRS 386.4159 is hereby amended to read as follows:

386.4159 1. Except as otherwise provided in this section, each school district shall recycle or cause to be recycled the paper and paper products ***, electronic waste and other recyclable materials that*** it ~~[uses.]~~ ***produces.*** This subsection does not apply to ~~[confidential]~~ ***:***

(a) Construction and demolition waste; or

(b) Confidential documents if there is an additional cost for recycling those documents.

2. A school district is not required to comply with the requirements of subsection 1 if the board of trustees of the school district determines that the cost to recycle or cause to be recycled the paper and paper products ~~[used]~~ ***, electronic waste and other recyclable materials produced*** by the schools in

the district is unreasonable and would place an undue burden on the operations of the district or a particular school.

3. ~~[The]~~ ***Except as otherwise provided in this subsection, the*** board of trustees shall ~~[adopt rules which prescribe]~~ ***consult with the State Department of Conservation and Natural Resources*** ~~[the procedure]~~ for the disposition of the paper and paper products ***, electronic waste and other recyclable materials*** to be recycled ~~[. The board of trustees may prescribe a procedure for the recycling of other waste material produced]~~ ***, including, without limitation, the placement of recycling containers*** on the premises of the schools in the school district and the administrative offices of the school district . ~~***[where services for the collection of solid waste are provided.]***~~ ***This subsection does not apply to construction and demolition waste.***

4. Any money received by the school district for recycling or causing to be recycled the paper and paper products ***, electronic waste and other recyclable materials*** it ~~[uses]~~ ***produces*** must be paid by the board of trustees for credit to the general fund of the school district.

5. As used in this section:

(a) ***"Electronic waste" has the meaning ascribed to it in section 1.2 of this act.***

(b) "Paper" ~~[includes newspaper, high-grade office paper, fine paper, bond paper, offset paper, xerographic paper, mimeo paper, duplicator paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.~~

~~(b)]~~ ***has the meaning ascribed to it in section 1.3 of this act.***

(c) "Paper product" ~~[means any paper article or commodity, including, but not limited to, paper napkins, towels, cardboard, construction material, paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.]~~ ***has the meaning ascribed to it in section 1.4 of this act.***

(d) "Recyclable material" has the meaning ascribed to it in NRS 444A.013.

~~***[(e) "Solid waste" has the meaning ascribed to it in NRS 444.490.]***~~

Sec. 6. NRS 396.437 is hereby amended to read as follows:

396.437 1. Except as otherwise provided in this section, the System shall recycle or cause to be recycled the paper ***,*** ~~[and]~~ paper products ***, electronic waste and other recyclable materials*** it ~~[uses.]~~ ***produces.*** This subsection does not apply to ~~[confidential]~~ **:**

(a) Construction and demolition waste; or

(b) Confidential documents if there is an additional cost for recycling those documents.

2. The System is not required to comply with the requirements of subsection 1 if the Board of Regents determines that the cost to recycle or cause to be recycled the paper ***,*** ~~[and]~~ paper products ~~[used]~~ ***, electronic waste***

and other recyclable materials produced by the System or one of its branches or facilities is unreasonable and would place an undue burden on the operations of the System, branch or facility.

3. ~~[The]~~ ***Except as otherwise provided in this subsection, the*** Board of Regents shall ~~[adopt regulations which prescribe the procedure]~~ ***consult with the State Department of Conservation and Natural Resources*** for the disposition of the paper and paper products ***, electronic waste and other recyclable materials*** to be recycled ***,*** ~~[. The Board of Regents shall prescribe procedures for the recycling of other waste material produced on the premises of the System, a branch or a facility,]~~ including, without limitation, the placement of recycling containers on the premises of the System ***.*** ~~[, a branch or a facility where services for the collection of solid waste are provided.]~~ ***This subsection does not apply to construction and demolition waste.***

4. Any money received by the System for recycling or causing to be recycled the paper and paper products ***, electronic waste and other recyclable materials*** it ~~[uses]~~ ***produces*** ~~[and other waste material it produces]~~ must be ~~[accounted]~~ ***:***

(a) Accounted for separately ***;*** and ~~[used]~~

(b) Used to carry out the provisions of this section.

5. As used in this section:

(a) ***"Electronic waste" has the meaning ascribed to it in section 1.2 of this act.***

(b) "Paper" ~~[includes newspaper, high-grade office paper, fine paper, bond paper, offset paper, xerographic paper, mimeo paper, duplicator paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.~~

~~(b)]~~ ***has the meaning ascribed to it in section 1.3 of this act.***

(c) "Paper product" ~~[means any paper article or commodity, including, but not limited to, paper napkins, towels, cardboard, construction material, paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.]~~ ***has the meaning ascribed to it in section 1.4 of this act.***

(d) "Recyclable material" has the meaning ascribed to it in NRS 444A.013.

~~[(c) *(e)* "Solid waste" has the meaning ascribed to it in NRS 444.490.]~~

Sec. 7. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 8. This act becomes effective on July 1, 2019.

Assemblyman Flores moved that the Assembly concur in the Senate Amendment No. 674 to Assembly Bill No. 353.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 861.

AN ACT relating to recycling; revising certain provisions governing recyclable material; requiring certain governmental entities to recycle certain additional products and waste; providing certain exemptions from such a requirement; revising the required contents of a report made to the Legislature on the status of recycling programs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Environmental Commission to adopt regulations establishing minimum standards for: (1) separating at the source recyclable material from other solid waste originating from residential premises and public buildings where services for the collection of solid waste are provided, including the placement of recycling containers where those services are provided. (NRS 444A.020) **Section 1.8** of this bill clarifies that the term "recyclable material" in this requirement includes electronic waste, paper and paper products.

Existing law requires courts, the Legislative Counsel Bureau, state agencies, school districts and the Nevada System of Higher Education to recycle paper and paper products unless the cost of recycling is unreasonable and would place an undue burden on the entity. (NRS 1.115, 218F.310, 232.007, 386.4159, 396.437) **Sections 2-6** of this bill require these entities to also recycle electronic waste and other recyclable materials, except for construction and demolition waste. **Sections 2-6 further require these entities to permanently remove any data from electronic waste before recycling the electronic waste. Sections 2-6** also use standardized definitions of electronic waste, paper, paper products and recyclable material that conform to the definitions in the regulations relating to recycling adopted by the State Environmental Commission.

Existing law also authorizes the Legislative Counsel Bureau and state agencies to apply for a waiver from compliance with the requirements for recycling. (NRS 218F.310, 232.007) **Sections 3 and 4** of this bill eliminate the waiver process and exempt these entities from complying with the requirements relating to recycling if these entities determine that the cost of compliance is unreasonable and would place an undue burden on the entity.

Additionally, existing law requires the Legislative Commission, state agencies, school districts and the Nevada System of Higher Education to prescribe procedures for the recycling of certain waste. (NRS 218F.310, 232.007, 386.4159, 396.437) **Sections 3-6** remove the requirement for these entities to prescribe such procedures and instead, require these entities to consult with the State Department of Conservation and Natural Resources for the disposition of such waste.

Existing law also requires any money received by the Legislative Counsel Bureau for recycling or causing to be recycled certain paper products and waste to be paid by the Director to the State Treasurer for credit to the State

General Fund. (NRS 218F.310) **Section 3** requires money received by the Legislative Counsel Bureau for recycling or causing to be recycled certain paper products, electronic waste and other recyclable materials to be: (1) accounted for separately; and (2) used to carry out the provisions of **section 3**.

Existing law requires the Director of the State Department of Conservation and Natural Resources to deliver a biennial report to the Director of the Legislative Counsel Bureau on the status of current and proposed programs for recycling and reuse of materials. (NRS 444A.070) **Section 1.9** of this bill requires such a report to include the amount of recycled material reported by state agencies.

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

Section 1. (Deleted by amendment.)

Sec. 1.1. Chapter 444A of NRS is hereby amended by adding thereto the provisions set forth as sections 1.2, 1.3 and 1.4 of this act.

Sec. 1.2. ***"Electronic waste" means electronic equipment that has been discarded, is no longer wanted by the owner or for any other reason enters the waste collection, recovery, treatment, processing or recycling system.***

Sec. 1.3. ***"Paper" includes newspaper, high-grade office paper, fine paper, bond paper, offset paper, xerographic paper, mimeo paper, duplicator paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, without limitation, a laminate, binder, coating and saturant.***

Sec. 1.4. ***"Paper product" means any paper article or commodity, including, without limitation, paper napkins, towels, cardboard, construction material, paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, without limitation, a laminate, binder, coating and saturant.***

Sec. 1.5. NRS 444A.010 is hereby amended to read as follows:

444A.010 As used in NRS 444A.010 to 444A.080, inclusive, ***and sections 1.2, 1.3 and 1.4 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 444A.0103 to 444A.017, inclusive, ***and sections 1.2, 1.3 and 1.4 of this act*** have the meanings ascribed to them in those sections.

Sec. 1.8. NRS 444A.013 is hereby amended to read as follows:

444A.013 "Recyclable material" means solid waste that can be processed and returned to the economic mainstream in the form of raw materials or products, as determined by the State Environmental Commission. ***The term includes, without limitation:***

1. Electronic waste;

2. Paper; and

3. Paper products.

Sec. 1.9. NRS 444A.070 is hereby amended to read as follows:

444A.070 The Director of the Department shall deliver to the Director of the Legislative Counsel Bureau a biennial report on or before January 31 of each odd-numbered year for submission to the Legislature on the status of current and proposed programs for recycling and reuse of materials ***, the amount of recycled material that is reported by state agencies pursuant to subsection 5 of NRS 232.007*** and on any other matter relating to recycling and reuse which he or she deems appropriate.

Sec. 2. NRS 1.115 is hereby amended to read as follows:

1.115 1. Except as otherwise provided in this section, each court of justice for this State shall recycle or cause to be recycled, to the extent reasonably possible, the paper and paper products ***, electronic waste and other recyclable materials*** it ~~[uses.]~~ ***produces.*** This subsection does not apply to ~~[confidential]~~ ***:***

(a) Construction and demolition waste; or

(b) Confidential documents if there is an additional cost for recycling those documents.

2. ***Before recycling electronic waste, each court of justice shall permanently remove any data stored on the electronic waste.***

3. As used in this section:

(a) ***"Electronic waste" has the meaning ascribed to it in section 1.2 of this act.***

(b) "Paper" ~~[includes newspaper, high-grade office paper, fine paper, bond paper, offset paper, xerographic paper, mimeo paper, duplicator paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.~~

~~(b)]~~ ***has the meaning ascribed to it in section 1.3 of this act.***

(c) "Paper product" ~~[means any paper article or commodity, including, but not limited to, paper napkins, towels, cardboard, construction material, paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.]~~ ***has the meaning ascribed to it in section 1.4 of this act.***

(d) "Recyclable material" has the meaning ascribed to it in NRS 444A.013.

Sec. 3. NRS 218F.310 is hereby amended to read as follows:

218F.310 1. Except as otherwise provided in this section, the Legislative Counsel Bureau shall recycle or cause to be recycled the paper and paper products ***, electronic waste and other recyclable materials*** it ~~[uses.]~~ ***produces.*** This subsection does not apply to ~~[confidential]~~ ***:***

(a) Construction and demolition waste; or

(b) Confidential documents if there is an additional cost for recycling those documents.

2. ~~[The Director may apply to the Legislative Commission for a waiver from the requirements of subsection 1.]~~ ***Before recycling electronic waste, the Legislative Counsel Bureau shall permanently remove any data stored on the electronic waste.***

3. The Legislative ~~[Commission shall grant a waiver if it]~~ ***Counsel Bureau is not required to comply with the requirements of subsection 1 if the Director*** determines that the cost to recycle or cause to be recycled the paper and paper products ~~[used]~~ ***, electronic waste and other recyclable materials produced*** by the Legislative Counsel Bureau is unreasonable and would place an undue burden on the operations of the Legislative Counsel Bureau.

~~[3. The]~~

4. Except as otherwise provided in this subsection, the Legislative Commission shall ~~[, after consulting]~~ ***consult*** with the State Department of Conservation and Natural Resources ~~[, adopt regulations which prescribe the procedure]~~ for the disposition of the paper and paper products ***, electronic waste and other recyclable materials*** to be recycled ~~[. The Legislative Commission may prescribe a procedure for the recycling of other waste materials produced]~~ ***, including, without limitation, the placement of recycling containers*** on the premises of the Legislative Building. ***This subsection does not apply to construction and demolition waste.***

~~[4.]~~ ***5.*** Any money received by the Legislative Counsel Bureau for recycling or causing to be recycled the paper and paper products ***, electronic waste and other recyclable materials*** it ~~[uses]~~ ***produces*** must be ~~[paid by the Director to the State Treasurer for credit to the State General Fund.]~~ ***:***

(a) Accounted for separately; and

(b) Used to carry out the provisions of this section.

~~[5.]~~ ***6.*** As used in this section:

(a) ***"Electronic waste" has the meaning ascribed to it in section 1.2 of this act.***

(b) "Paper" ~~[includes newspaper, high-grade office paper, fine paper, bond paper, offset paper, xerographic paper, mimeo paper, duplicator paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.~~

~~(b)]~~ ***has the meaning ascribed to it in section 1.3 of this act.***

(c) "Paper product" ~~[means any paper article or commodity, including, but not limited to, paper napkins, towels, cardboard, construction material, paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.]~~ ***has the meaning ascribed to it in section 1.4 of this act.***

(d) "Recyclable material" has the meaning ascribed to it in NRS 444A.013.

Sec. 4. NRS 232.007 is hereby amended to read as follows:

232.007 1. Except as otherwise provided in this section, each state agency shall recycle or cause to be recycled the paper and paper products ***, electronic waste and other recyclable materials*** it ~~[uses.]~~ ***produces.*** This subsection does not apply to ~~[confidential]~~ ***:***

(a) Construction and demolition waste; or

(b) Confidential documents if there is an additional cost for recycling those documents.

2. ***Before recycling electronic waste, each state agency shall permanently remove any data stored on the electronic waste.***

3. A state agency ~~[may apply to the Chief of the Budget Division of the Office of Finance for a waiver from the requirements of subsection 1. The Chief shall grant a waiver to the state agency if the Chief]~~ ***is not required to comply with the requirements of subsection 1 if the administrator of the agency*** determines that the cost to recycle or cause to be recycled the paper and paper products ~~[used]~~ ***, electronic waste and other recyclable materials produced*** by the agency is unreasonable and would place an undue burden on the operations of the agency.

~~[3. The State Environmental Commission shall, through the State Department of Conservation and Natural Resources, adopt regulations which prescribe the procedure for the disposition of the paper and paper products to be recycled. In adopting such regulations, the Commission:~~

~~(a) Shall consult with any other state agencies which are coordinating or have coordinated programs for recycling paper and paper products.~~

~~(b) May prescribe a procedure for the recycling of other waste materials produced by state agencies.]~~

4. Except as otherwise provided in this subsection, a state agency shall consult with the State Department of Conservation and Natural Resources for the disposition of the paper and paper products, electronic waste and other recyclable materials to be recycled, including, without limitation, the placement of recycling containers on the premises of the state agency. This subsection does not apply to construction and demolition waste.

~~[4.]~~ ***5.*** Any money received by a state agency for recycling or causing to be recycled the paper and paper products ***, electronic waste and other recyclable materials*** it ~~[uses]~~ ***produces*** must be ~~[paid by the chief administrative officer of that agency to the State Treasurer for credit to the State General Fund.]~~ ***:***

(a) Accounted for separately; and

(b) Used to carry out the provisions of this section.

~~[5.]~~ ***6. On or before July 1 of each year, each state agency shall submit to the Director a report on the amount of material recycled by the state agency pursuant to this section.***

~~[6.]~~ ***7.*** As used in this section:

(a) ***"Electronic waste" has the meaning ascribed to it in section 1.2 of this act.***

(b) "Paper" ~~[includes newspaper, high-grade office paper, fine paper, bond paper, offset paper, xerographic paper, mimeo paper, duplicator paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.]~~ ***has the meaning ascribed to it in section 1.3 of this act.***

~~[(b)]~~ ***(c)*** "Paper product" ~~[means any paper article or commodity, including, but not limited to, paper napkins, towels, cardboard, construction material, paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.~~

~~(c)]~~ ***has the meaning ascribed to it in section 1.4 of this act.***

(d) "Recyclable material" has the meaning ascribed to it in NRS 444A.013.

(e) "State agency" means every public agency, bureau, board, commission, department, division, officer or employee of the Executive Department of State Government.

Sec. 5. NRS 386.4159 is hereby amended to read as follows:

386.4159 1. Except as otherwise provided in this section, each school district shall recycle or cause to be recycled the paper and paper products ***, electronic waste and other recyclable materials that*** it ~~[uses.]~~ ***produces.*** This subsection does not apply to ~~[confidential]~~ ***:***

(a) Construction and demolition waste; or

(b) Confidential documents if there is an additional cost for recycling those documents.

2. ***Before recycling electronic waste, a school district shall permanently remove any data stored on the electronic waste.***

3. A school district is not required to comply with the requirements of subsection 1 if the board of trustees of the school district determines that the cost to recycle or cause to be recycled the paper and paper products ~~[used]~~ ***, electronic waste and other recyclable materials produced*** by the schools in the district is unreasonable and would place an undue burden on the operations of the district or a particular school.

~~[3. The]~~

4. Except as otherwise provided in this subsection, the board of trustees shall ~~[adopt rules which prescribe the procedure]~~ ***consult with the State Department of Conservation and Natural Resources*** for the disposition of the paper and paper products ***, electronic waste and other recyclable materials*** to be recycled ~~[. The board of trustees may prescribe a procedure for the recycling of other waste material produced]~~ ***, including, without limitation, the placement of recycling containers*** on the premises of the schools in the school district and the administrative offices of the school district. ***This subsection does not apply to construction and demolition waste.***

~~[4.]~~ ***5.*** Any money received by the school district for recycling or causing to be recycled the paper and paper products ***, electronic waste and other***

recyclable materials it ~~[uses]~~ ***produces*** must be paid by the board of trustees for credit to the general fund of the school district.

~~[5.]~~ ***6.*** As used in this section:

(a) ***"Electronic waste" has the meaning ascribed to it in section 1.2 of this act.***

(b) "Paper" ~~[includes newspaper, high-grade office paper, fine paper, bond paper, offset paper, xerographic paper, mimeo paper, duplicator paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.~~

~~(b)]~~ ***has the meaning ascribed to it in section 1.3 of this act.***

(c) "Paper product" ~~[means any paper article or commodity, including, but not limited to, paper napkins, towels, cardboard, construction material, paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.]~~ ***has the meaning ascribed to it in section 1.4 of this act.***

(d) "Recyclable material" has the meaning ascribed to it in NRS 444A.013.

Sec. 6. NRS 396.437 is hereby amended to read as follows:

396.437 1. Except as otherwise provided in this section, the System shall recycle or cause to be recycled the paper ***,*** ~~[and]~~ paper products ***, electronic waste and other recyclable materials*** it ~~[uses.]~~ ***produces.*** This subsection does not apply to ~~[confidential]~~ ***:***

(a) Construction and demolition waste; or

(b) Confidential documents if there is an additional cost for recycling those documents.

2. ***Before recycling electronic waste, the System shall permanently remove any data stored on the electronic waste.***

3. The System is not required to comply with the requirements of subsection 1 if the Board of Regents determines that the cost to recycle or cause to be recycled the paper ***,*** ~~[and]~~ paper products ~~[used]~~ ***, electronic waste and other recyclable materials produced*** by the System or one of its branches or facilities is unreasonable and would place an undue burden on the operations of the System, branch or facility.

~~[3. The]~~

4. Except as otherwise provided in this subsection, the Board of Regents shall ~~[adopt regulations which prescribe the procedure]~~ ***consult with the State Department of Conservation and Natural Resources*** for the disposition of the paper and paper products ***, electronic waste and other recyclable materials*** to be recycled ***,*** ~~[. The Board of Regents shall prescribe procedures for the recycling of other waste material produced on the premises of the System, a branch or a facility,]~~ including, without limitation, the placement of recycling containers on the premises of the System ***.*** ~~[, a branch or a facility where~~

~~services for the collection of solid waste are provided.]~~ ***This subsection does not apply to construction and demolition waste.***

~~[4.]~~ ***5.*** Any money received by the System for recycling or causing to be recycled the paper and paper products ***, electronic waste and other recyclable materials*** it ~~[uses and other waste material it]~~ produces must be ~~[accounted]~~ ***:***

(a) Accounted for separately ***;*** and ~~[used]~~

(b) Used to carry out the provisions of this section.

~~[5.]~~ ***6.*** As used in this section:

(a) ***"Electronic waste" has the meaning ascribed to it in section 1.2 of this act.***

(b) "Paper" ~~[includes newspaper, high-grade office paper, fine paper, bond paper, offset paper, xerographic paper, mimeo paper, duplicator paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.~~

~~(b)]~~ ***has the meaning ascribed to it in section 1.3 of this act.***

(c) "Paper product" ~~[means any paper article or commodity, including, but not limited to, paper napkins, towels, cardboard, construction material, paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.~~

~~(c) "Solid waste" has the meaning ascribed to it in NRS 444.490.]~~ ***has the meaning ascribed to it in section 1.4 of this act.***

(d) "Recyclable material" has the meaning ascribed to it in NRS 444A.013.

Sec. 7. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 8. This act becomes effective on July 1, 2019.

Assemblyman Flores moved that the Assembly concur in the Senate Amendment No. 861 to Assembly Bill No. 353.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

Amendment 674 retains construction and demolition waste in the definition of "solid waste" and revises sections 2 through 6. Amendment 861 requires these agencies to permanently remove any data from electronic waste before recycling such waste.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 378.

The following Senate amendment was read:

Amendment No. 852.

ASSEMBLYWOMAN HANSEN

JOINT SPONSORS: SENATORS HAMMOND AND PICKARD

AN ACT relating to mental health; requiring the model plan for the management of a crisis, emergency or suicide involving a school to include a plan for responding to a pupil with a mental illness; clarifying that consent from any parent or legal guardian of a person is not necessary for the emergency admission of that person; requiring a person who applies for the emergency admission of a child to attempt to obtain the consent of a parent or guardian of the child ~~[,]~~ **and maintain documentation of such an attempt;** requiring the notification of a parent or guardian of a child of the emergency admission of the child; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Education to develop a model plan for the management of a suicide or a crisis or emergency that involves a public or private school and requires immediate action. (NRS 388.253) Existing law requires the development of a plan to be used by all public schools in a school district or a charter school in responding to a crisis or emergency, which must include the plans, procedures and information included in the model plan developed by the Department. (NRS 388.243) Existing law authorizes the emergency admission of a person who is determined to present a clear and present danger of harm to himself, herself or others as a result of mental illness to a public or private mental health facility or hospital for evaluation, observation and treatment. (NRS 433A.150) Existing law authorizes certain persons to make an application for such an emergency admission, including an officer authorized to make arrests in this State. (NRS 433A.160) **Section 1** of this bill requires the model plan to include a plan for responding to a pupil who is determined to present a clear and present danger of harm to himself or herself or others as a result of mental illness, including: (1) utilizing mobile mental health crisis response units, where available; and (2) transporting the pupil to a mental health facility or hospital for admission. **Section 2** of this bill clarifies that such a facility or hospital may accept for emergency admission any person for whom a proper application for emergency admission has been made, regardless of whether any parent or legal guardian of the person has consented to such admission. **Section 2.2** of this bill requires a person, other than a parent or guardian, who applies for the emergency admission of a person who is less than 18 years of age to attempt to obtain the consent of a parent or guardian to make the application when practicable. **Section 2.2 requires the person who makes the application or his or her employer, if applicable, to maintain documentation of each such attempt.**

Existing law requires the administrative officer of a mental health facility to ask a person who is admitted to the facility on an emergency basis for permission to notify a family member, friend or other person. If the person provides such permission, the administrator is required to notify the family member, friend or other person. If permission is not given, the administrator is prohibited from notifying another person of the emergency admission in most circumstances. (NRS 433A.190, as amended by section 14 of Assembly Bill No. 85 of the 2019 Legislative

Session) Section 4 of this bill limits the application of these provisions to the emergency admission of a person who is at least 18 years of age. **Section** ~~[2.5]~~ **1.3** of this bill requires a mental health facility or hospital to notify a parent or guardian within 24 hours of the emergency admission of a person who is less than 18 years of age. **Section 1.6 of this bill makes conforming changes.**

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

Section 1. NRS 388.253 is hereby amended to read as follows:

388.253 1. The Department shall, with assistance from other state agencies, including, without limitation, the Division of Emergency Management, the Investigation Division, and the Nevada Highway Patrol Division of the Department of Public Safety, develop a model plan for the management of:

(a) A suicide; or

(b) A crisis or emergency that involves a public school or a private school and that requires immediate action.

2. The model plan must include, without limitation, a procedure for:

(a) In response to a crisis or emergency:

(1) Coordinating the resources of local, state and federal agencies, officers and employees, as appropriate;

(2) Accounting for all persons within a school;

(3) Assisting persons within a school in a school district, a charter school or a private school to communicate with each other;

(4) Assisting persons within a school in a school district, a charter school or a private school to communicate with persons located outside the school, including, without limitation, relatives of pupils and relatives of employees of such a school, the news media and persons from local, state or federal agencies that are responding to a crisis or an emergency;

(5) Assisting pupils of a school in the school district, a charter school or a private school, employees of such a school and relatives of such pupils and employees to move safely within and away from the school, including, without limitation, a procedure for evacuating the school and a procedure for securing the school;

(6) Reunifying a pupil with his or her parent or legal guardian;

(7) Providing any necessary medical assistance;

(8) Recovering from a crisis or emergency;

(9) Carrying out a lockdown at a school; and

(10) Providing shelter in specific areas of a school;

(b) Providing specific information relating to managing a crisis or emergency that is a result of:

(1) An incident involving hazardous materials;

(2) An incident involving mass casualties;

(3) An incident involving an active shooter;

(4) An outbreak of disease;

(5) Any threat or hazard identified in the hazard mitigation plan of the county in which the school district is located, if such a plan exists; or

(6) Any other situation, threat or hazard deemed appropriate;

(c) Providing pupils and staff at a school that has experienced a crisis, emergency or suicide with access to counseling and other resources to assist in recovering from the crisis, emergency or suicide; ~~[and]~~

(d) Evacuating pupils and employees of a charter school to a designated space within an identified public middle school, junior high school or high school in a school district that is separate from the general population of the school and large enough to accommodate the charter school, and such a space may include, without limitation, a gymnasium or multipurpose room of the public school ~~[.]~~ ***; and***

(e) Responding to a pupil who is determined to be a person with mental illness, as defined in NRS 433A.115, including, without limitation:

(1) Utilizing mobile mental health crisis response units, where available, before transporting the pupil to a public or private mental health facility pursuant to subparagraph (2); and

(2) Transporting the pupil to a public or private mental health facility or hospital for admission pursuant to NRS 433A.150.

3. In developing the model plan, the Department shall consider the plans developed pursuant to NRS 388.243 and 394.1687 and updated pursuant to NRS 388.245 and 394.1688.

4. The Department shall require a school district to ensure that each public school in the school district identified pursuant to paragraph (d) of subsection 2 is prepared to allow a charter school to evacuate to the school when necessary in accordance with the procedure included in the model plan developed pursuant to subsection 1. A charter school shall hold harmless, indemnify and defend the school district to which it evacuates during a crisis or an emergency against any claim or liability arising from an act or omission by the school district or an employee or officer of the school district.

5. The Department may disseminate to any appropriate local, state or federal agency, officer or employee, as the Department determines is necessary:

(a) The model plan developed by the Department pursuant to subsection 1;

(b) A plan developed pursuant to NRS 388.243 or updated pursuant to NRS 388.245;

(c) A plan developed pursuant to NRS 394.1687 or updated pursuant to NRS 394.1688; and

(d) A deviation approved pursuant to NRS 388.251 or 394.1692.

6. The Department shall, at least once each year, review and update as appropriate the model plan developed pursuant to subsection 1.

Sec. 1.3. **Chapter 433A of NRS is hereby amended by adding thereto a new section to read as follows:**

As soon as practicable but not more than 24 hours after the emergency admission of a person alleged to be a person with mental illness who is under 18 years of age, the administrative officer of the public or private mental health facility shall give notice of such admission in person, by telephone or facsimile and by certified mail to the parent or legal guardian of that person.

Sec. 1.6. **NRS 433A.115 is hereby amended to read as follows:**

433A.115 1. As used in NRS 433A.115 to 433A.330, inclusive, ***and section 1.3 of this act,*** unless the context otherwise requires, "person with mental illness" means any person whose capacity to exercise self-control, judgment and discretion in the conduct of the person's affairs and social relations or to care for his or her personal needs is diminished, as a result of a mental illness, to the extent that the person presents a clear and present danger of harm to himself or herself or others, but does not include any person in whom that capacity is diminished by epilepsy, intellectual disability, dementia, delirium, brief periods of intoxication caused by alcohol or drugs, or dependence upon or addiction to alcohol or drugs, unless a mental illness that can be diagnosed is also present which contributes to the diminished capacity of the person.

2. A person presents a clear and present danger of harm to himself or herself if, within the immediately preceding 30 days, the person has, as a result of a mental illness:

(a) Acted in a manner from which it may reasonably be inferred that, without the care, supervision or continued assistance of others, the person will be unable to satisfy his or her need for nourishment, personal or medical care, shelter, self-protection or safety, and if there exists a reasonable probability that the person's death, serious bodily injury or physical debilitation will occur within the next following 30 days unless he or she is admitted to a mental health facility or required to participate in a program of community-based or outpatient services pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, ***and section 1.3 of this act*** and adequate treatment is provided to the person;

(b) Attempted or threatened to commit suicide or committed acts in furtherance of a threat to commit suicide, and if there exists a reasonable probability that the person will commit suicide unless he or she is admitted to a mental health facility or required to participate in a program of community-based or outpatient services pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, ***and section 1.3 of this act*** and adequate treatment is provided to the person; or

(c) Mutilated himself or herself, attempted or threatened to mutilate himself or herself or committed acts in furtherance of a threat to mutilate himself or herself, and if there exists a reasonable probability that he or she will mutilate himself or herself unless the person is admitted to a mental health facility or required to participate in a program of community-based or outpatient services pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, ***and section 1.3 of this act*** and adequate treatment is provided to the person.

3. A person presents a clear and present danger of harm to others if, within the immediately preceding 30 days, the person has, as a result of a mental illness, inflicted or attempted to inflict serious bodily harm on any other person, or made threats to inflict harm and committed acts in furtherance of those threats, and if there exists a reasonable probability that he or she will do so again unless the person is admitted to a mental health facility or required to participate in a program of community-based or outpatient services pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, ***and section 1.3 of this act*** and adequate treatment is provided to him or her.

Sec. 2. NRS 433A.150 is hereby amended to read as follows:

433A.150 1. ~~[Any]~~ ***Except as otherwise provided in this subsection, a*** person alleged to be a person with mental illness may, upon application pursuant to NRS 433A.160 and subject to the provisions of subsection 2, be detained in a public or private mental health facility or hospital under an emergency admission for evaluation, observation and treatment ~~[.]~~ ***, regardless of whether any parent or legal guardian of the person has consented to the admission.***

2. Except as otherwise provided in subsection 3, a person detained pursuant to subsection 1 must be released within 72 hours, including weekends and holidays, after the certificate required pursuant to NRS 433A.170 and the examination required by paragraph (a) of subsection 1 of NRS 433A.165 have been completed, if such an examination is required, or within 72 hours, including weekends and holidays, after the person arrives at the mental health facility or hospital, if an examination is not required by paragraph (a) of subsection 1 of NRS 433A.165, unless, before the close of the business day on which the 72 hours expires, a written petition for an involuntary court-ordered admission to a mental health facility is filed with the clerk of the district court pursuant to NRS 433A.200, including, without limitation, the documents required pursuant to NRS 433A.210, or the status of the person is changed to a voluntary admission.

3. If the period specified in subsection 2 expires on a day on which the office of the clerk of the district court is not open, the written petition must be filed on or before the close of the business day next following the expiration of that period.

Sec. 2.2. NRS 433A.160 is hereby amended to read as follows:

433A.160 1. Except as otherwise provided in subsection 2, an application for the emergency admission of a person alleged to be a person with mental illness for evaluation, observation and treatment may only be made by an accredited agent of the Department, an officer authorized to make arrests in the State of Nevada or a physician, physician assistant, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse. The agent, officer, physician, physician assistant, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse may:

(a) Without a warrant:

(1) Take a person alleged to be a person with mental illness into custody to apply for the emergency admission of the person for evaluation, observation and treatment; and

(2) Transport the person alleged to be a person with mental illness to a public or private mental health facility or hospital for that purpose, or arrange for the person to be transported by:

(I) A local law enforcement agency;

(II) A system for the nonemergency medical transportation of persons whose operation is authorized by the Nevada Transportation Authority;

(III) An entity that is exempt pursuant to NRS 706.745 from the provisions of NRS 706.386 or 706.421; or

(IV) If medically necessary, an ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS,

➥ only if the agent, officer, physician, physician assistant, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse has, based upon his or her personal observation of the person alleged to be a person with mental illness, probable cause to believe that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty.

(b) Apply to a district court for an order requiring:

(1) Any peace officer to take a person alleged to be a person with mental illness into custody to allow the applicant for the order to apply for the emergency admission of the person for evaluation, observation and treatment; and

(2) Any agency, system or service described in subparagraph (2) of paragraph (a) to transport the person alleged to be a person with mental illness to a public or private mental health facility or hospital for that purpose.

➥ The district court may issue such an order only if it is satisfied that there is probable cause to believe that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty.

2. An application for the emergency admission of a person alleged to be a person with mental illness for evaluation, observation and treatment may be made by a spouse, parent, adult child or legal guardian of the person. The spouse, parent, adult child or legal guardian and any other person who has a legitimate interest in the person alleged to be a person with mental illness may apply to a district court for an order described in paragraph (b) of subsection 1.

3. The application for the emergency admission of a person alleged to be a person with mental illness for evaluation, observation and treatment must reveal the circumstances under which the person was taken into custody and the reasons therefor.

4. ***To the extent practicable, a person who applies for the emergency admission of a person who is less than 18 years of age to a public or private mental health facility or hospital, other than a parent or guardian, shall***

attempt to obtain the consent of the parent or guardian before making the application. The person who applies for the emergency admission or, if the person makes the application within the scope of his or her employment, the employer of the person, shall maintain documentation of each such attempt until the person who is the subject of the application reaches at least 23 years of age.

5. Except as otherwise provided in this subsection, each person admitted to a public or private mental health facility or hospital under an emergency admission must be evaluated at the time of admission by a psychiatrist or a psychologist. If a psychiatrist or a psychologist is not available to conduct an evaluation at the time of admission, a physician or an advanced practice registered nurse who has the training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 may conduct the evaluation. Each such emergency admission must be approved by a psychiatrist.

~~[5.]~~ ***6.*** As used in this section, "an accredited agent of the Department" means any person appointed or designated by the Director of the Department to take into custody and transport to a mental health facility pursuant to subsections 1 and 2 those persons in need of emergency admission.

Sec. 2.5. ~~[NRS 433A.190 is hereby amended to read as follows:~~

~~433A.190 Within 24 hours of a person's admission under emergency admission, the administrative officer of a public or private mental health facility shall give notice of such admission in person, by telephone or facsimile and by certified mail to the spouse or legal guardian ***of that person or, if the person is less than 18 years of age, the parent or legal guardian*** of that person.]~~ **(Deleted by amendment.)**

Sec. 3. (Deleted by amendment.)

Sec. 4. **Section 14 of Assembly Bill No. 85 of this session is hereby amended to read as follows:**

Sec. 14. NRS 433A.190 is hereby amended to read as follows:

433A.190 1. The administrative officer of a public or private mental health facility shall ensure that, within 24 hours of the emergency admission of a person alleged to be a person in a mental health crisis pursuant to NRS 433A.150 ~~[,]~~ ***who is at least 18 years of age,*** the person is asked to give permission to provide notice of the emergency admission to a family member, friend or other person identified by the person.

2. If a person alleged to be a person in a mental health crisis ***who is at least 18 years of age*** gives permission to notify a family member, friend or other person of the emergency admission, the administrative officer shall ensure that:

(a) The permission is recorded in the medical record of the person; and

(b) Notice of the admission is promptly provided to the family member, friend or other person in person or by telephone, facsimile, other electronic communication or certified mail.

3. Except as otherwise provided in subsections 4 and 5, if a person alleged to be a person in a mental health crisis ***who is at least 18 years of***

age does not give permission to notify a family member, friend or other person of the emergency admission of the person, notice of the emergency admission must not be provided until permission is obtained.

4. If a person alleged to be a person in a mental health crisis ***who is at least 18 years of age*** is not able to give or refuse permission to notify a family member, friend or other person of the emergency admission, the administrative officer of the mental health facility may cause notice as described in paragraph (b) of subsection 2 to be provided if the administrative officer determines that it is in the best interest of the person in a mental health crisis.

5. If a guardian has been appointed for a person alleged to be a person in a mental health crisis ***who is at least 18 years of age*** or the person has executed a durable power of attorney for health care pursuant to NRS 162A.700 to 162A.865, inclusive, or appointed an attorney-in-fact using an advance directive for psychiatric care pursuant to NRS 449A.600 to 449A.645, inclusive, the administrative officer of the mental health facility must ensure that the guardian, agent designated by the durable power of attorney or the attorney-in-fact, as applicable, is promptly notified of the admission as described in paragraph (b) of subsection 2, regardless of whether the person alleged to be a person in a mental health crisis has given permission to the notification.

~~[Sec. 4.]~~ ***Sec. 5.*** This act becomes effective upon passage and approval.

Assemblyman Flores moved that the Assembly concur in the Senate Amendment No. 852 to Assembly Bill No. 378.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 889.

AN ACT relating to mental health; requiring the model plan for the management of a crisis, emergency or suicide involving a school to include a plan for responding to a pupil with a mental illness; clarifying that consent from any parent or legal guardian of a person is not necessary for the emergency admission of that person; requiring a person who applies for the emergency admission of a child to attempt to obtain the consent of a parent or guardian of the child and maintain documentation of such an attempt; requiring the notification of a parent or guardian of a child of the emergency admission of the child; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Education to develop a model plan for the management of a suicide or a crisis or emergency that involves a public or private school and requires immediate action. (NRS 388.253) Existing law requires the development of a plan to be used by all public schools in a school district or a charter school in responding to a crisis or emergency, which must include the plans, procedures and information included in the model plan developed by the Department. (NRS 388.243) Existing law authorizes the

emergency admission of a person who is determined to present a clear and present danger of harm to himself, herself or others as a result of mental illness to a public or private mental health facility or hospital for evaluation, observation and treatment. (NRS 433A.150) Existing law authorizes certain persons to make an application for such an emergency admission, including an officer authorized to make arrests in this State. (NRS 433A.160) **Section 1** of this bill requires the model plan to include a ~~[plan]~~ **procedure** for responding to a pupil who is determined to present a clear and present danger of harm to himself or herself or others as a result of mental illness, including: (1) utilizing mobile mental health crisis response units, where available; and (2) transporting the pupil to a mental health facility or hospital for admission. **Section 5 of this bill requires the Department of Education to: (1) collaborate with the Department of Health and Human Services, consult with interested persons and consider the due process rights of pupils and parents when developing such procedures. The Department of Education is also required to provide periodic reports to and receive input from the Legislative Committee on Health Care concerning the development of the procedures and to collect data about the utilization of the procedures once developed.**

Section 2 of this bill clarifies that such a facility or hospital may accept for emergency admission any person for whom a proper application for emergency admission has been made, regardless of whether any parent or legal guardian of the person has consented to such admission. **Section 2.2** of this bill requires a person, other than a parent or guardian, who applies for the emergency admission of a person who is less than 18 years of age to attempt to obtain the consent of a parent or guardian to make the application when practicable. **Section 2.2** requires the person who makes the application or his or her employer, if applicable, to maintain documentation of each such attempt.

Existing law requires the administrative officer of a mental health facility to ask a person who is admitted to the facility on an emergency basis for permission to notify a family member, friend or other person. If the person provides such permission, the administrator is required to notify the family member, friend or other person. If permission is not given, the administrator is prohibited from notifying another person of the emergency admission in most circumstances. (NRS 433A.190, as amended by section 14 of Assembly Bill No. 85 of the 2019 Legislative Session) **Section 4** of this bill limits the application of these provisions to the emergency admission of a person who is at least 18 years of age. **Section 1.3** of this bill requires a mental health facility or hospital to notify a parent or guardian within 24 hours of the emergency admission of a person who is less than 18 years of age. **Section 1.6** of this bill makes conforming changes.

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

Section 1. NRS 388.253 is hereby amended to read as follows:

388.253 1. The Department shall, with assistance from other state agencies, including, without limitation, the Division of Emergency Management, the Investigation Division, and the Nevada Highway Patrol Division of the Department of Public Safety, develop a model plan for the management of:

(a) A suicide; or

(b) A crisis or emergency that involves a public school or a private school and that requires immediate action.

2. The model plan must include, without limitation, a procedure for:

(a) In response to a crisis or emergency:

(1) Coordinating the resources of local, state and federal agencies, officers and employees, as appropriate;

(2) Accounting for all persons within a school;

(3) Assisting persons within a school in a school district, a charter school or a private school to communicate with each other;

(4) Assisting persons within a school in a school district, a charter school or a private school to communicate with persons located outside the school, including, without limitation, relatives of pupils and relatives of employees of such a school, the news media and persons from local, state or federal agencies that are responding to a crisis or an emergency;

(5) Assisting pupils of a school in the school district, a charter school or a private school, employees of such a school and relatives of such pupils and employees to move safely within and away from the school, including, without limitation, a procedure for evacuating the school and a procedure for securing the school;

(6) Reunifying a pupil with his or her parent or legal guardian;

(7) Providing any necessary medical assistance;

(8) Recovering from a crisis or emergency;

(9) Carrying out a lockdown at a school; and

(10) Providing shelter in specific areas of a school;

(b) Providing specific information relating to managing a crisis or emergency that is a result of:

(1) An incident involving hazardous materials;

(2) An incident involving mass casualties;

(3) An incident involving an active shooter;

(4) An outbreak of disease;

(5) Any threat or hazard identified in the hazard mitigation plan of the county in which the school district is located, if such a plan exists; or

(6) Any other situation, threat or hazard deemed appropriate;

(c) Providing pupils and staff at a school that has experienced a crisis, emergency or suicide with access to counseling and other resources to assist in recovering from the crisis, emergency or suicide; ~~[and]~~

(d) Evacuating pupils and employees of a charter school to a designated space within an identified public middle school, junior high school or high

school in a school district that is separate from the general population of the school and large enough to accommodate the charter school, and such a space may include, without limitation, a gymnasium or multipurpose room of the public school ~~.~~ ***; and***

(e) Responding to a pupil who is determined to be a person with mental illness, as defined in NRS 433A.115, including, without limitation:

(1) Utilizing mobile mental health crisis response units, where available, before transporting the pupil to a public or private mental health facility pursuant to subparagraph (2); and

(2) Transporting the pupil to a public or private mental health facility or hospital for admission pursuant to NRS 433A.150.

3. In developing the model plan, the Department shall consider the plans developed pursuant to NRS 388.243 and 394.1687 and updated pursuant to NRS 388.245 and 394.1688.

4. The Department shall require a school district to ensure that each public school in the school district identified pursuant to paragraph (d) of subsection 2 is prepared to allow a charter school to evacuate to the school when necessary in accordance with the procedure included in the model plan developed pursuant to subsection 1. A charter school shall hold harmless, indemnify and defend the school district to which it evacuates during a crisis or an emergency against any claim or liability arising from an act or omission by the school district or an employee or officer of the school district.

5. The Department may disseminate to any appropriate local, state or federal agency, officer or employee, as the Department determines is necessary:

(a) The model plan developed by the Department pursuant to subsection 1;

(b) A plan developed pursuant to NRS 388.243 or updated pursuant to NRS 388.245;

(c) A plan developed pursuant to NRS 394.1687 or updated pursuant to NRS 394.1688; and

(d) A deviation approved pursuant to NRS 388.251 or 394.1692.

6. The Department shall, at least once each year, review and update as appropriate the model plan developed pursuant to subsection 1.

Sec. 1.3. Chapter 433A of NRS is hereby amended by adding thereto a new section to read as follows:

As soon as practicable but not more than 24 hours after the emergency admission of a person alleged to be a person with mental illness who is under 18 years of age, the administrative officer of the public or private mental health facility shall give notice of such admission in person, by telephone or facsimile and by certified mail to the parent or legal guardian of that person.

Sec. 1.6. NRS 433A.115 is hereby amended to read as follows:

433A.115 1. As used in NRS 433A.115 to 433A.330, inclusive, ***and section 1.3 of this act,*** unless the context otherwise requires, "person with mental illness" means any person whose capacity to exercise self-control, judgment and discretion in the conduct of the person's affairs and social

relations or to care for his or her personal needs is diminished, as a result of a mental illness, to the extent that the person presents a clear and present danger of harm to himself or herself or others, but does not include any person in whom that capacity is diminished by epilepsy, intellectual disability, dementia, delirium, brief periods of intoxication caused by alcohol or drugs, or dependence upon or addiction to alcohol or drugs, unless a mental illness that can be diagnosed is also present which contributes to the diminished capacity of the person.

2. A person presents a clear and present danger of harm to himself or herself if, within the immediately preceding 30 days, the person has, as a result of a mental illness:

(a) Acted in a manner from which it may reasonably be inferred that, without the care, supervision or continued assistance of others, the person will be unable to satisfy his or her need for nourishment, personal or medical care, shelter, self-protection or safety, and if there exists a reasonable probability that the person's death, serious bodily injury or physical debilitation will occur within the next following 30 days unless he or she is admitted to a mental health facility or required to participate in a program of community-based or outpatient services pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, ***and section 1.3 of this act*** and adequate treatment is provided to the person;

(b) Attempted or threatened to commit suicide or committed acts in furtherance of a threat to commit suicide, and if there exists a reasonable probability that the person will commit suicide unless he or she is admitted to a mental health facility or required to participate in a program of community-based or outpatient services pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, ***and section 1.3 of this act*** and adequate treatment is provided to the person; or

(c) Mutilated himself or herself, attempted or threatened to mutilate himself or herself or committed acts in furtherance of a threat to mutilate himself or herself, and if there exists a reasonable probability that he or she will mutilate himself or herself unless the person is admitted to a mental health facility or required to participate in a program of community-based or outpatient services pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, ***and section 1.3 of this act*** and adequate treatment is provided to the person.

3. A person presents a clear and present danger of harm to others if, within the immediately preceding 30 days, the person has, as a result of a mental illness, inflicted or attempted to inflict serious bodily harm on any other person, or made threats to inflict harm and committed acts in furtherance of those threats, and if there exists a reasonable probability that he or she will do so again unless the person is admitted to a mental health facility or required to participate in a program of community-based or outpatient services pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, ***and section 1.3 of this act*** and adequate treatment is provided to him or her.

Sec. 2. NRS 433A.150 is hereby amended to read as follows:

433A.150 1. ~~[Any]~~ ***Except as otherwise provided in this subsection, a*** person alleged to be a person with mental illness may, upon application pursuant to NRS 433A.160 and subject to the provisions of subsection 2, be detained in a public or private mental health facility or hospital under an emergency admission for evaluation, observation and treatment ~~[.]~~ ***, regardless of whether any parent or legal guardian of the person has consented to the admission.***

2. Except as otherwise provided in subsection 3, a person detained pursuant to subsection 1 must be released within 72 hours, including weekends and holidays, after the certificate required pursuant to NRS 433A.170 and the examination required by paragraph (a) of subsection 1 of NRS 433A.165 have been completed, if such an examination is required, or within 72 hours, including weekends and holidays, after the person arrives at the mental health facility or hospital, if an examination is not required by paragraph (a) of subsection 1 of NRS 433A.165, unless, before the close of the business day on which the 72 hours expires, a written petition for an involuntary court-ordered admission to a mental health facility is filed with the clerk of the district court pursuant to NRS 433A.200, including, without limitation, the documents required pursuant to NRS 433A.210, or the status of the person is changed to a voluntary admission.

3. If the period specified in subsection 2 expires on a day on which the office of the clerk of the district court is not open, the written petition must be filed on or before the close of the business day next following the expiration of that period.

Sec. 2.2. NRS 433A.160 is hereby amended to read as follows:

433A.160 1. Except as otherwise provided in subsection 2, an application for the emergency admission of a person alleged to be a person with mental illness for evaluation, observation and treatment may only be made by an accredited agent of the Department, an officer authorized to make arrests in the State of Nevada or a physician, physician assistant, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse. The agent, officer, physician, physician assistant, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse may:

(a) Without a warrant:

(1) Take a person alleged to be a person with mental illness into custody to apply for the emergency admission of the person for evaluation, observation and treatment; and

(2) Transport the person alleged to be a person with mental illness to a public or private mental health facility or hospital for that purpose, or arrange for the person to be transported by:

(I) A local law enforcement agency;

(II) A system for the nonemergency medical transportation of persons whose operation is authorized by the Nevada Transportation Authority;

(III) An entity that is exempt pursuant to NRS 706.745 from the provisions of NRS 706.386 or 706.421; or

(IV) If medically necessary, an ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS,

➥ only if the agent, officer, physician, physician assistant, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse has, based upon his or her personal observation of the person alleged to be a person with mental illness, probable cause to believe that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty.

(b) Apply to a district court for an order requiring:

(1) Any peace officer to take a person alleged to be a person with mental illness into custody to allow the applicant for the order to apply for the emergency admission of the person for evaluation, observation and treatment; and

(2) Any agency, system or service described in subparagraph (2) of paragraph (a) to transport the person alleged to be a person with mental illness to a public or private mental health facility or hospital for that purpose.

➥ The district court may issue such an order only if it is satisfied that there is probable cause to believe that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty.

2. An application for the emergency admission of a person alleged to be a person with mental illness for evaluation, observation and treatment may be made by a spouse, parent, adult child or legal guardian of the person. The spouse, parent, adult child or legal guardian and any other person who has a legitimate interest in the person alleged to be a person with mental illness may apply to a district court for an order described in paragraph (b) of subsection 1.

3. The application for the emergency admission of a person alleged to be a person with mental illness for evaluation, observation and treatment must reveal the circumstances under which the person was taken into custody and the reasons therefor.

4. ***To the extent practicable, a person who applies for the emergency admission of a person who is less than 18 years of age to a public or private mental health facility or hospital, other than a parent or guardian, shall attempt to obtain the consent of the parent or guardian before making the application. The person who applies for the emergency admission or, if the person makes the application within the scope of his or her employment, the employer of the person, shall maintain documentation of each such attempt until the person who is the subject of the application reaches at least 23 years of age.***

5. Except as otherwise provided in this subsection, each person admitted to a public or private mental health facility or hospital under an emergency admission must be evaluated at the time of admission by a psychiatrist or a psychologist. If a psychiatrist or a psychologist is not available to conduct an

evaluation at the time of admission, a physician or an advanced practice registered nurse who has the training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 may conduct the evaluation. Each such emergency admission must be approved by a psychiatrist.

~~[5.]~~ ***6.*** As used in this section, "an accredited agent of the Department" means any person appointed or designated by the Director of the Department to take into custody and transport to a mental health facility pursuant to subsections 1 and 2 those persons in need of emergency admission.

Sec. 2.5. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. Section 14 of Assembly Bill No. 85 of this session is hereby amended to read as follows:

Sec. 14. NRS 433A.190 is hereby amended to read as follows:

433A.190 1. The administrative officer of a public or private mental health facility shall ensure that, within 24 hours of the emergency admission of a person alleged to be a person in a mental health crisis pursuant to NRS 433A.150 ~~[,]~~ ***who is at least 18 years of age,*** the person is asked to give permission to provide notice of the emergency admission to a family member, friend or other person identified by the person.

2. If a person alleged to be a person in a mental health crisis ***who is at least 18 years of age*** gives permission to notify a family member, friend or other person of the emergency admission, the administrative officer shall ensure that:

(a) The permission is recorded in the medical record of the person; and

(b) Notice of the admission is promptly provided to the family member, friend or other person in person or by telephone, facsimile, other electronic communication or certified mail.

3. Except as otherwise provided in subsections 4 and 5, if a person alleged to be a person in a mental health crisis ***who is at least 18 years of age*** does not give permission to notify a family member, friend or other person of the emergency admission of the person, notice of the emergency admission must not be provided until permission is obtained.

4. If a person alleged to be a person in a mental health crisis ***who is at least 18 years of age*** is not able to give or refuse permission to notify a family member, friend or other person of the emergency admission, the administrative officer of the mental health facility may cause notice as described in paragraph (b) of subsection 2 to be provided if the administrative officer determines that it is in the best interest of the person in a mental health crisis.

5. If a guardian has been appointed for a person alleged to be a person in a mental health crisis ***who is at least 18 years of age*** or the person has executed a durable power of attorney for health care pursuant to NRS 162A.700 to 162A.865, inclusive, or appointed an attorney-in-fact using an advance directive for psychiatric care pursuant to NRS 449A.600 to 449A.645, inclusive, the administrative officer of the mental health

facility must ensure that the guardian, agent designated by the durable power of attorney or the attorney-in-fact, as applicable, is promptly notified of the admission as described in paragraph (b) of subsection 2, regardless of whether the person alleged to be a person in a mental health crisis has given permission to the notification.

Sec. 5. **1. When developing procedures for the model plan relating to paragraph (e) of subsection 2 of NRS 388.253, as amended by section 1 of this act, the Department of Education shall:**

(a) Collaborate with the Department of Health and Human Services;

(b) Engage stakeholders, including, without limitation, parents and guardians of pupils and child advocates to obtain meaningful, open and transparent input concerning the procedures;

(c) Consider the due process rights of pupils and parents and guardians of pupils; and

(d) Provide periodic reports to and receive input from the Legislative Committee on Health Care.

2. The Department of Education shall collect relevant data concerning the utilization of the procedures described in subsection 1 when developed.

~~[Sec. 5.]~~ ***Sec. 6.*** This act becomes effective upon passage and approval.

Assemblyman Flores moved that the Assembly concur in the Senate Amendment No. 889 to Assembly Bill No. 378.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

Amendment 852 specifies a time frame and the manner in which family members and others are notified upon emergency admission of a minor, specifies requirements related to the maintenance of documentation of emergency admission applications, and resolves conflicts between this bill and A.B. 85, which has already been signed by the Governor.

Amendment 889 adds a new section which provides for additional requirements of the Nevada Department of Education when developing procedures for responding to a pupil who is a clear and present danger to himself, herself, or others.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 416.

The following Senate amendment was read:

Amendment No. 906.

SUMMARY—Revises provisions relating to the **imposition and** collection of ~~[delinquent]~~ fines, administrative assessments, fees or restitution. (BDR 14-429)

AN ACT relating to criminal procedure; revising provisions relating to the collection of delinquent fines, administrative assessments, fees or restitution; **authorizing a court to order the performance of community service in lieu of all or a part of any administrative assessment or fee in certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a court to impose a collection fee against a defendant for any delinquent fine, administrative assessment, fee or restitution. Existing law authorizes a state or local entity responsible for collecting such a delinquent fine, administrative assessment, fee or restitution to take certain actions, including reporting the delinquency to credit reporting agencies. Existing law also authorizes the court to take certain actions, including: (1) entering a civil judgment for the amount due in favor of the state or local entity responsible for collecting the delinquent amount; (2) requesting that a prosecuting attorney undertake collection of the delinquency by attachment or garnishment of the property of the defendant, wages or other money receivable; (3) ordering the suspension of the driver's license of the defendant or prohibiting the defendant from applying for a driver's license for a specified period; and (4) for a delinquent fine or administrative assessment, ordering the confinement of the person in the appropriate prison, jail or detention facility. (NRS 176.064)

Section 2 of this bill revises provisions relating to the procedure for collecting such delinquent fines, administrative assessments, fees or restitution. **Section 2** removes the ability of a state or local entity responsible for collecting a delinquent amount to report the delinquency to credit reporting agencies and removes the ability of the court to request that a prosecuting attorney undertake collection of the delinquency. **Section 2** also specifies that a court may only order the suspension of the driver's license of a defendant or prohibit a defendant from applying for a driver's license for a specified period if the court determines that the defendant: (1) has the ability to pay the amount due and is willfully avoiding payment; or (2) was given the opportunity to perform community service to satisfy the amount due because the defendant is indigent and the defendant has failed to perform such community service. **Section 2** thereby authorizes a state or local entity responsible for collecting a delinquent amount to: (1) request that the court enter a civil judgment for the amount due in favor of the state or local entity, suspend the driver's license of the defendant or prohibit the defendant from applying for a driver's license in such specified circumstances and, if the court determines that the defendant has the ability to pay the amount due and is willfully avoiding payment, order the confinement of the defendant in the appropriate prison, jail or detention facility; and (2) contract with a licensed collection agency to collect the delinquent amount and the collection fee.

Section 1.7 of this bill provides that any delinquent fine, administrative assessment or fee owed by a defendant is deemed to be uncollectible if after 8 years it remains impossible or impracticable to collect the delinquent amount.

Section 1.3 of this bill establishes the circumstances in which a person is presumed to be indigent and not to have the ability to pay a fine, administrative assessment or fee.

Section 2.5 of this bill additionally authorizes a court, under certain circumstances, to order a convicted person to perform community service

in lieu of all or part of any administrative assessment or fee that may be imposed for the commission of a misdemeanor.

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 1.3 and 1.7 of this act.

Sec. 1.3. ***For the purposes of this chapter, a person is presumed to be indigent and not to have the ability to pay a fine, administrative assessment or fee imposed pursuant to this chapter if the person:***

1. Receives public assistance, as that term is defined in NRS 422A.065;

2. Resides in public housing, as that term is defined in NRS 315.021; or

3. Has a household income that is less than 200 percent of the federally designated level signifying poverty.

Sec. 1.7. ***Any delinquent fine, administrative assessment or fee owed by a defendant pursuant to NRS 176.064 is deemed to be uncollectible if after 8 years it remains impossible or impracticable to collect the delinquent amount.***

Sec. 2. NRS 176.064 is hereby amended to read as follows:

176.064 1. If a fine, administrative assessment, fee or restitution is imposed upon a defendant pursuant to this chapter, whether or not the fine, administrative assessment, fee or restitution is in addition to any other punishment, and the fine, administrative assessment, fee or restitution or any part of it remains unpaid after the time established by the court for its payment, the defendant is liable for a collection fee, to be imposed by the court at the time it finds that the fine, administrative assessment, fee or restitution is delinquent, of:

(a) Not more than $100, if the amount of the delinquency is less than $2,000.

(b) Not more than $500, if the amount of the delinquency is $2,000 or greater, but is less than $5,000.

(c) Ten percent of the amount of the delinquency, if the amount of the delinquency is $5,000 or greater.

2. A state or local entity that is responsible for collecting a delinquent fine, administrative assessment, fee or restitution may, in addition to attempting to collect the fine, administrative assessment, fee or restitution through any other lawful means, take ~~[any or all of]~~ the following actions:

(a) ~~[Report the delinquency to reporting agencies that assemble or evaluate information concerning credit.~~

~~(b)]~~ Request that the court take appropriate action pursuant to subsection 3.

~~[(c)]~~ ***(b)*** Contract with a collection agency licensed pursuant to NRS 649.075 to collect the delinquent amount and the collection fee. The collection agency must be paid as compensation for its services an amount not greater than the amount of the collection fee imposed pursuant to subsection 1, in accordance with the provisions of the contract.

3. The court may, on its own motion or at the request of a state or local entity that is responsible for collecting the delinquent fine, administrative assessment, fee or restitution, take ~~[any or all of]~~ the following actions ***:*** ~~[, in the following order of priority if practicable:]~~

(a) Enter a civil judgment for the amount due in favor of the state or local entity that is responsible for collecting the delinquent fine, administrative assessment, fee or restitution. A civil judgment entered pursuant to this paragraph may be enforced and renewed in the manner provided by law for the enforcement and renewal of a judgment for money rendered in a civil action. If the court has entered a civil judgment pursuant to this paragraph and the person against whom the judgment is entered is not indigent and has not satisfied the judgment within the time established by the court, the person may be dealt with as for contempt of court.

(b) ~~[Request that a prosecuting attorney undertake collection of the delinquency, including, without limitation, the original amount of the civil judgment entered pursuant to paragraph (a) and the collection fee, by attachment or garnishment of the defendant's property, wages or other money receivable.~~

~~(c) Order]~~ ***If the court determines that the defendant has the ability to pay the amount due and is willfully avoiding payment, or if the defendant was given the opportunity to perform community service to satisfy the amount due because the defendant is indigent and the defendant has failed to perform such community service, order*** the suspension of the driver's license of the defendant. If the defendant does not possess a driver's license, the court may prohibit the defendant from applying for a driver's license for a specified period. If the defendant is already the subject of a court order suspending or delaying the issuance of the defendant's driver's license, the court may order the additional suspension or delay, as appropriate, to apply consecutively with the previous order. At the time the court issues an order suspending the driver's license of a defendant pursuant to this paragraph, the court shall require the defendant to surrender to the court all driver's licenses then held by the defendant. The court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles the licenses, together with a copy of the order. At the time the court issues an order pursuant to this paragraph delaying the ability of a defendant to apply for a driver's license, the court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles a copy of the order. The Department of Motor Vehicles shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the defendant's driving record, but such a suspension must not be considered for the purpose of rating or underwriting.

~~[(d) For a delinquent fine or administrative assessment,]~~

(c) If the court determines that the defendant has the ability to pay the amount due and is willfully avoiding payment, order the confinement of the ~~[person]~~ ***defendant*** in the appropriate prison, jail or detention facility, as provided in NRS 176.065 and 176.075.

4. Money collected from a collection fee imposed pursuant to subsection 1 must be distributed in the following manner:

(a) Except as otherwise provided in paragraph (d), if the money is collected by or on behalf of a municipal court, the money must be deposited in a special fund in the appropriate city treasury. The city may use the money in the fund only to develop and implement a program for the collection of fines, administrative assessments, fees and restitution and to hire additional personnel necessary for the success of such a program.

(b) Except as otherwise provided in paragraph (d), if the money is collected by or on behalf of a justice court or district court, the money must be deposited in a special fund in the appropriate county treasury. The county may use the money in the special fund only to:

(1) Develop and implement a program for the collection of fines, administrative assessments, fees and restitution and to hire additional personnel necessary for the success of such a program; or

(2) Improve the operations of a court by providing funding for:

(I) A civil law self-help center; or

(II) Court security personnel and equipment for a regional justice center that includes the justice courts of that county.

(c) Except as otherwise provided in paragraph (d), if the money is collected by a state entity, the money must be deposited in an account, which is hereby created in the State Treasury. The Court Administrator may use the money in the account only to develop and implement a program for the collection of fines, administrative assessments, fees and restitution in this State and to hire additional personnel necessary for the success of such a program.

(d) If the money is collected by a collection agency, after the collection agency has been paid its fee pursuant to the terms of the contract, any remaining money must be deposited in the state, city or county treasury, whichever is appropriate, to be used only for the purposes set forth in paragraph (a), (b) or (c) of this subsection.

Sec. 2.5. **NRS 176.087 is hereby amended to read as follows:**

176.087 1. Except where the imposition of a specific criminal penalty is mandatory, a court may order a convicted person to perform supervised community service:

(a) In lieu of all or a part of any fine **, *administrative assessment, fee*** or imprisonment that may be imposed for the commission of a misdemeanor; or

(b) As a condition of probation granted for another offense.

2. The community service must be performed for and under the supervising authority of a county, city, town or other political subdivision or agency of the State of Nevada or a charitable organization that renders service to the community or its residents.

3. The court may require the convicted person to deposit with the court a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property or for industrial insurance, or both, during those periods in which the person performs the community

service, unless, in the case of industrial insurance, it is provided by the authority for which the person performs the community service.

4. The following conditions apply to any such community service imposed by the court:

(a) The court must fix the period of community service that is imposed as punishment or a condition of probation and distribute the period over weekends or over other appropriate times that will allow the convicted person to continue employment and to care for the person's family. The period of community service fixed by the court must not exceed, for a:

(1) Misdemeanor, 200 hours;

(2) Gross misdemeanor, 600 hours; or

(3) Felony, 1,000 hours.

(b) A supervising authority listed in subsection 2 must agree to accept the convicted person for community service before the court may require the convicted person to perform community service for that supervising authority. The supervising authority must be located in or be the town or city of the convicted person's residence or, if that placement is not possible, one located within the jurisdiction of the court or, if that placement is not possible, the authority may be located outside the jurisdiction of the court.

(c) Community service that a court requires pursuant to this section must be supervised by an official of the supervising authority or by a person designated by the authority.

(d) The court may require the supervising authority to report periodically to the court or to a probation officer the convicted person's performance in carrying out the punishment or condition of probation.

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Assemblyman Flores moved that the Assembly concur in the Senate Amendment No. 906 to Assembly Bill No. 416.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 907.

AN ACT relating to criminal procedure; revising provisions relating to the collection of delinquent fines, administrative assessments, fees or restitution; authorizing a court to order the performance of community service in lieu of all or a part of any administrative assessment or fee in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a court to impose a collection fee against a defendant for any delinquent fine, administrative assessment, fee or restitution. Existing law authorizes a state or local entity responsible for collecting such a delinquent fine, administrative assessment, fee or restitution to take certain actions, including reporting the delinquency to credit reporting agencies. Existing law also authorizes the court to take certain actions, including: (1)

entering a civil judgment for the amount due in favor of the state or local entity responsible for collecting the delinquent amount; (2) requesting that a prosecuting attorney undertake collection of the delinquency by attachment or garnishment of the property of the defendant, wages or other money receivable; (3) ordering the suspension of the driver's license of the defendant or prohibiting the defendant from applying for a driver's license for a specified period; and (4) for a delinquent fine or administrative assessment, ordering the confinement of the person in the appropriate prison, jail or detention facility. (NRS 176.064)

Section 2 of this bill revises provisions relating to the procedure for collecting such delinquent fines, administrative assessments, fees or restitution. **Section 2** removes the ability of a state or local entity responsible for collecting a delinquent amount to report the delinquency to credit reporting agencies and removes the ability of the court to request that a prosecuting attorney undertake collection of the delinquency. **Section 2** also specifies that a court may only order the suspension of the driver's license of a defendant or prohibit a defendant from applying for a driver's license for a specified period if the court determines that the defendant: (1) has the ability to pay the amount due and is willfully avoiding payment; or (2) was given the opportunity to perform community service to satisfy the amount due because the defendant is indigent and the defendant has failed to perform such community service. **Section 2** thereby authorizes a state or local entity responsible for collecting a delinquent amount to: (1) request that the court enter a civil judgment for the amount due in favor of the state or local entity, suspend the driver's license of the defendant or prohibit the defendant from applying for a driver's license in such specified circumstances and, if the court determines that the defendant has the ability to pay the amount due and is willfully avoiding payment, order the confinement of the defendant in the appropriate prison, jail or detention facility; and (2) contract with a licensed collection agency to collect the delinquent amount and the collection fee.

Section 1.7 of this bill provides that any delinquent fine, administrative assessment or fee owed by a defendant **for the commission of a minor traffic offense** is deemed to be uncollectible if after 8 years it remains impossible or impracticable to collect the delinquent amount.

Section 1.3 of this bill establishes the circumstances in which a person **who commits a minor traffic offense, as defined by the section,** is presumed to be indigent and not to have the ability to pay a fine, administrative assessment or fee.

Section 2.5 of this bill additionally authorizes a court, under certain circumstances, to order a convicted person to perform community service in lieu of all or part of any administrative assessment or fee that may be imposed for the commission of a misdemeanor.

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 1.3 and 1.7 of this act.

Sec. 1.3. ***1. For the purposes of this chapter, a person who commits a minor traffic offense is presumed to be indigent and not to have the ability to pay a fine, administrative assessment or fee imposed pursuant to this chapter if the person:***

[1.] (a) Receives public assistance, as that term is defined in NRS 422A.065;

[2.] (b) Resides in public housing, as that term is defined in NRS 315.021; or

[3.] (c) Has a household income that is less than 200 percent of the federally designated level signifying poverty.

2. As used in this section, "minor traffic offense" means a violation of any state or local law or ordinance governing the operation of a motor vehicle upon any highway within this State other than:

(a) A violation of chapters 484A to 484E, inclusive, or 706 of NRS that causes the death of a person;

(b) A violation of NRS 484C.110 or 484C.120; or

(c) A violation declared to be a felony.

Sec. 1.7. ***Any delinquent fine, administrative assessment or fee owed by a defendant pursuant to NRS 176.064 who commits a minor traffic offense as defined in section 1.3 of this act is deemed to be uncollectible if after 8 years it remains impossible or impracticable to collect the delinquent amount.***

Sec. 2. NRS 176.064 is hereby amended to read as follows:

176.064 1. If a fine, administrative assessment, fee or restitution is imposed upon a defendant pursuant to this chapter, whether or not the fine, administrative assessment, fee or restitution is in addition to any other punishment, and the fine, administrative assessment, fee or restitution or any part of it remains unpaid after the time established by the court for its payment, the defendant is liable for a collection fee, to be imposed by the court at the time it finds that the fine, administrative assessment, fee or restitution is delinquent, of:

(a) Not more than $100, if the amount of the delinquency is less than $2,000.

(b) Not more than $500, if the amount of the delinquency is $2,000 or greater, but is less than $5,000.

(c) Ten percent of the amount of the delinquency, if the amount of the delinquency is $5,000 or greater.

2. A state or local entity that is responsible for collecting a delinquent fine, administrative assessment, fee or restitution may, in addition to attempting to collect the fine, administrative assessment, fee or restitution through any other lawful means, take ~~[any or all of]~~ the following actions:

(a) ~~[Report the delinquency to reporting agencies that assemble or evaluate information concerning credit.~~

~~— (b)]~~ Request that the court take appropriate action pursuant to subsection 3.

~~[(c)]~~ ***(b)*** Contract with a collection agency licensed pursuant to NRS 649.075 to collect the delinquent amount and the collection fee. The collection agency must be paid as compensation for its services an amount not greater than the amount of the collection fee imposed pursuant to subsection 1, in accordance with the provisions of the contract.

3. The court may, on its own motion or at the request of a state or local entity that is responsible for collecting the delinquent fine, administrative assessment, fee or restitution, take ~~[any or all of]~~ the following actions ***:*** ~~[, in the following order of priority if practicable:]~~

(a) Enter a civil judgment for the amount due in favor of the state or local entity that is responsible for collecting the delinquent fine, administrative assessment, fee or restitution. A civil judgment entered pursuant to this paragraph may be enforced and renewed in the manner provided by law for the enforcement and renewal of a judgment for money rendered in a civil action. If the court has entered a civil judgment pursuant to this paragraph and the person against whom the judgment is entered is not indigent and has not satisfied the judgment within the time established by the court, the person may be dealt with as for contempt of court.

(b) ~~[Request that a prosecuting attorney undertake collection of the delinquency, including, without limitation, the original amount of the civil judgment entered pursuant to paragraph (a) and the collection fee, by attachment or garnishment of the defendant's property, wages or other money receivable.~~

~~— (c) Order]~~ ***If the court determines that the defendant has the ability to pay the amount due and is willfully avoiding payment, or if the defendant was given the opportunity to perform community service to satisfy the amount due because the defendant is indigent and the defendant has failed to perform such community service, order*** the suspension of the driver's license of the defendant. If the defendant does not possess a driver's license, the court may prohibit the defendant from applying for a driver's license for a specified period. If the defendant is already the subject of a court order suspending or delaying the issuance of the defendant's driver's license, the court may order the additional suspension or delay, as appropriate, to apply consecutively with the previous order. At the time the court issues an order suspending the driver's license of a defendant pursuant to this paragraph, the court shall require the defendant to surrender to the court all driver's licenses then held by the defendant. The court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles the licenses, together with a copy of the order. At the time the court issues an order pursuant to this paragraph delaying the ability of a defendant to apply for a driver's license, the court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles a copy of the order. The Department of Motor Vehicles shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about

the defendant's driving record, but such a suspension must not be considered for the purpose of rating or underwriting.

~~[(d) For a delinquent fine or administrative assessment,]~~

(c) If the court determines that the defendant has the ability to pay the amount due and is willfully avoiding payment, order the confinement of the ~~[person]~~ ***defendant*** in the appropriate prison, jail or detention facility, as provided in NRS 176.065 and 176.075.

4. Money collected from a collection fee imposed pursuant to subsection 1 must be distributed in the following manner:

(a) Except as otherwise provided in paragraph (d), if the money is collected by or on behalf of a municipal court, the money must be deposited in a special fund in the appropriate city treasury. The city may use the money in the fund only to develop and implement a program for the collection of fines, administrative assessments, fees and restitution and to hire additional personnel necessary for the success of such a program.

(b) Except as otherwise provided in paragraph (d), if the money is collected by or on behalf of a justice court or district court, the money must be deposited in a special fund in the appropriate county treasury. The county may use the money in the special fund only to:

(1) Develop and implement a program for the collection of fines, administrative assessments, fees and restitution and to hire additional personnel necessary for the success of such a program; or

(2) Improve the operations of a court by providing funding for:

(I) A civil law self-help center; or

(II) Court security personnel and equipment for a regional justice center that includes the justice courts of that county.

(c) Except as otherwise provided in paragraph (d), if the money is collected by a state entity, the money must be deposited in an account, which is hereby created in the State Treasury. The Court Administrator may use the money in the account only to develop and implement a program for the collection of fines, administrative assessments, fees and restitution in this State and to hire additional personnel necessary for the success of such a program.

(d) If the money is collected by a collection agency, after the collection agency has been paid its fee pursuant to the terms of the contract, any remaining money must be deposited in the state, city or county treasury, whichever is appropriate, to be used only for the purposes set forth in paragraph (a), (b) or (c) of this subsection.

Sec. 2.5. NRS 176.087 is hereby amended to read as follows:

176.087 1. Except where the imposition of a specific criminal penalty is mandatory, a court may order a convicted person to perform supervised community service:

(a) In lieu of all or a part of any fine ***, administrative assessment, fee*** or imprisonment that may be imposed for the commission of a misdemeanor; or

(b) As a condition of probation granted for another offense.

2. The community service must be performed for and under the supervising authority of a county, city, town or other political subdivision or agency of the State of Nevada or a charitable organization that renders service to the community or its residents.

3. The court may require the convicted person to deposit with the court a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property or for industrial insurance, or both, during those periods in which the person performs the community service, unless, in the case of industrial insurance, it is provided by the authority for which the person performs the community service.

4. The following conditions apply to any such community service imposed by the court:

(a) The court must fix the period of community service that is imposed as punishment or a condition of probation and distribute the period over weekends or over other appropriate times that will allow the convicted person to continue employment and to care for the person's family. The period of community service fixed by the court must not exceed, for a:

(1) Misdemeanor, 200 hours;

(2) Gross misdemeanor, 600 hours; or

(3) Felony, 1,000 hours.

(b) A supervising authority listed in subsection 2 must agree to accept the convicted person for community service before the court may require the convicted person to perform community service for that supervising authority. The supervising authority must be located in or be the town or city of the convicted person's residence or, if that placement is not possible, one located within the jurisdiction of the court or, if that placement is not possible, the authority may be located outside the jurisdiction of the court.

(c) Community service that a court requires pursuant to this section must be supervised by an official of the supervising authority or by a person designated by the authority.

(d) The court may require the supervising authority to report periodically to the court or to a probation officer the convicted person's performance in carrying out the punishment or condition of probation.

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Assemblyman Flores moved that the Assembly concur in the Senate Amendment No. 907 to Assembly Bill No. 416.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

Amendment 906 authorizes a court to order a convicted person to perform community service in lieu of all or part of any administrative assessment, fee, or fine that may be imposed for the commission of misdemeanor unless a specific criminal penalty is mandatory.

Amendment 907 provides that any delinquent fine, administrative assessment, or fee owed by a defendant for a minor traffic offense is deemed uncollectible after eight years under certain circumstances.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 429.

The following Senate amendment was read:

Amendment No. 730.

AN ACT relating to veterans; requiring the Department of Employment, Training and Rehabilitation to designate certain critical need occupations; authorizing the Board of Regents of the University of Nevada to grant a waiver of certain fees to veterans who enroll in certain graduate degree programs; authorizing the Board of Regents of the University of Nevada to determine whether certain grants are available and apply for such grants; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Department of Employment, Training and Rehabilitation. (NRS 232.900-232.960) The Department works to support employment and economic independence for disadvantaged, displaced or disabled residents of this State. (NRS 232.910) **Section 1** of this bill requires the Department to designate occupations as critical need occupations within the fields of science, technology, engineering, arts, mathematics or health science for the purposes of waiving fees pursuant to **section 4** of this bill. **Section 2** of this bill makes a conforming change.

Existing law authorizes the Board of Regents of the University of Nevada to grant a waiver of certain fees for certain persons with a connection to the Armed Forces. (NRS 396.544, 396.5442, 396.5445) **Section 4** authorizes the Board of Regents to grant a partial waiver of registration fees and other fees to a veteran in certain circumstances. **Section 4** requires that a veteran may receive such a grant only if: (1) the veteran has completed a bachelor's degree and is enrolled in or plans to enroll in a graduate degree program related to certain occupations in science, technology, engineering, arts, mathematics and health science; and (2) the veteran or a third party will cover the remainder of the cost of the graduate degree program. **Section 4** also requires the veteran to maintain a ~~[2.0]~~ **2.75** grade point average. **Section 5** of this bill authorizes the Board of Regents to apply for grants to assist the Nevada System of Higher Education in funding the costs of the waiver of fees granted to a veteran pursuant to **section 4**. **Section 5** also authorizes the Board of Regents to accept gifts, grants, bequests and donations of money to fund the cost of providing the waiver of fees to a veteran.

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

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

The Department shall designate which occupations are critical need occupations within science, technology, engineering, arts, mathematics or

health science fields for the purpose of a waiver of registration fees and other fees granted to a veteran pursuant to section 4 of this act.

Sec. 2. NRS 232.900 is hereby amended to read as follows:

232.900 As used in NRS 232.900 to 232.960, inclusive, ***and section 1 of this act,*** unless the context otherwise requires:

1. "Department" means the Department of Employment, Training and Rehabilitation.

2. "Director" means the Director of the Department.

Sec. 3. Chapter 396 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 and 5 of this act.

Sec. 4. ***1. The Board of Regents may grant a waiver of not less than half of the total registration fees and other fees for a veteran who is a bona fide resident of this State if:***

(a) The veteran has completed a bachelor's degree and is enrolled in or plans to enroll in a graduate degree program within the fields of science, technology, engineering, arts, mathematics or health science designated as a critical need occupation by the Department of Employment, Training and Rehabilitation pursuant to section 1 of this act; and

(b) The veteran or a third party will pay the remainder of the registration fees and other fees of the graduate degree program.

➥ For the purpose of this subsection, a scholarship or a waiver of registration fees or other fees received by the veteran for any reason other than this subsection is deemed to be a payment by a third party.

2. A veteran is eligible for a waiver pursuant to subsection 1 if the veteran maintains at least a ~~[2.0]~~ 2.75 grade point average, on a 4.0 grading scale, each semester or the equivalent of a ~~[2.0]~~ 2.75 grade point average if a different scale is used.

3. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 5. ***1. The Board of Regents may determine whether grants are available to assist the Nevada System of Higher Education in defraying the costs of granting the waiver of registration fees and other fees to a veteran pursuant to section 4 of this act and apply for and accept any such grant.***

2. The Board of Regents may accept gifts, grants, bequests and donations to fund waivers of registration fees and other fees granted to veterans pursuant to section 4 of this act.

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

Assemblyman Flores moved that the Assembly concur in the Senate Amendment No. 730 to Assembly Bill No. 429.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

The amendment increases the minimum grade point average that a veteran must maintain from 2.0 to 2.75 on a 4.0 grading scale to be eligible for such a waiver of college fees.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 66.

The following Senate amendment was read:

Amendment No. 909.

SUMMARY— ~~[Provides for the establishment of psychiatric hospitals to provide crisis stabilization services.]~~ **Revises provisions relating to mental health.** (BDR ~~[39-486)]~~ **40-486)**

AN ACT relating to mental health; ~~[providing for the establishment]~~ **authorizing the holder** of **a license to operate a** psychiatric ~~[hospitals to provide crisis stabilization services in certain highly populated counties;]~~ **hospital that meets certain requirements to obtain an endorsement as a crisis stabilization center; providing for the licensure and regulation of providers of nonemergency secure behavioral health transport services; authorizing a licensed provider of such services to transport persons with mental illness under certain conditions;** requiring certain health maintenance organizations and managed care organizations to negotiate with such hospitals to become in network providers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires **the operator of a psychiatric hospital to obtain a license from** the Division of Public and Behavioral Health of the Department of Health and Human Services**.** ~~[to operate certain facilities to provide mental health services. (NRS 433.233) Existing law also authorizes the Division to contract with certain persons and entities for the provision of mental health services and related services. (NRS 433.334-433.354)]~~ **(NRS 449.030) Section 1** of this bill authorizes the Division to ~~[establish psychiatric hospitals to provide]~~ **issue to the holder of such a license an endorsement as a** crisis stabilization ~~[services. Section 1 also authorizes the Division to enter into a contract with a provider of behavioral health services to provide crisis stabilization services at the psychiatric hospital.]~~ **center. Section 1 requires a crisis stabilization center to meet certain requirements, including providing crisis stabilization services.** **Section 1** defines "crisis stabilization services" to mean behavioral health services designed to: (1) de-escalate or stabilize a behavioral crisis; and (2) avoid admission of a patient to another inpatient mental health facility or hospital when appropriate. **Section** ~~[1.4]~~ **9** of this bill requires services provided at a ~~[psychiatric hospital established by the Division to provide]~~ crisis stabilization ~~[services]~~ **center** to be reimbursable under Medicaid.

Existing law authorizes certain entities to transport a person who is the subject of an application for emergency admission to a hospital or mental health facility or an involuntary court-ordered admission to a mental health facility. (NRS 433A.160, 433A.330) Section 10 of this bill requires the State Board of Health to adopt regulations providing for the licensure

and regulation of providers of nonemergency secure behavioral health transport services. Section 10 defines the term "nonemergency secure behavioral health transport services" to mean the use of a motor vehicle, other than an ambulance or emergency response vehicle, that is specifically designed, equipped and staffed to transport persons with a mental illness or other behavioral health condition. Sections 11 and 12 of this bill authorize the use of such services to transport a person who is the subject of an application for emergency admission to a hospital or mental health facility or an involuntary court-ordered admission to a mental health facility.

Sections ~~[1.5]~~ 13 and ~~[1.7]~~ 15 of this bill require a health maintenance organization and managed care organization that provide health care services to recipients of Medicaid or enrollees in the Children's Health Insurance Program to negotiate in good faith to include such a psychiatric hospital in the network of providers under contract to provide services to such persons. **Sections 2-9 and 14 of this bill make conforming changes. Existing law authorizes the State Board of Health to impose fees for licensing by the Division. (NRS 439.150) Therefore, the State Board will be authorized to impose a fee for the issuance or renewal of a license or endorsement issued pursuant to the provisions of this bill. (NRS 439.150)**

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

Section 1. Chapter ~~[433]~~ **449** of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division may ~~[establish psychiatric hospitals that meet the requirements of this section to provide]~~ issue an endorsement as a crisis stabilization ~~[services. Such]~~ center to the holder of a license to operate a psychiatric hospital that meets the requirements of this section.

2. A psychiatric hospital that wishes to obtain an endorsement as a crisis stabilization center must ~~[,]~~ submit an application in the form prescribed by the Division which must include, without limitation, proof that the applicant meets the requirements of subsection 3.

3. An endorsement as a crisis stabilization center may only be issued if the psychiatric hospital to which the endorsement will apply:

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

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

~~[(c) Operate]~~

(b) Operates in accordance with established administrative protocols, evidenced-based protocols for providing treatment and evidence-based standards for documenting information concerning services rendered and

recipients of such services in accordance with best practices for providing crisis stabilization services;

~~*[(d) Deliver]*~~

(c) Delivers crisis stabilization services:

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

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

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

~~*[(e) Employ]*~~

(d) Employs qualified persons to provide peer support services, as defined in NRS 449.01566, when appropriate;

~~*[(f) Use]*~~

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

~~*[(g) Perform]*~~

(f) Accepts all patients, without regard to:

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

(2) Any social conditions that affect the patient;

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

(4) Whether the patient is admitted voluntarily to the psychiatric hospital pursuant to NRS 433A.140 or admitted to the psychiatric hospital under an emergency admission pursuant to NRS 433A.150;

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

~~*[(h) Have]*~~

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

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

~~*[2.]*~~ *4. Crisis stabilization services that may be provided pursuant to paragraph* ~~*[(d)]*~~ *(c) of subsection 1 may include, without limitation:*

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

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

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

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

~~[3.]~~ 5. ~~[The Division may enter into a contract with an organization that specializes in the provision of behavioral health services to provide crisis stabilization services. Before entering into such a contract, the Division must consult with the regional behavioral health policy board created by NRS 433.429 for the region in which the crisis stabilization center is located concerning the scope of the contract.~~

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

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

~~(b) Any social conditions that affect the recipient;~~

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

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

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

~~6.]~~ An endorsement as a crisis stabilization center must be renewed at the same time as the license to which the endorsement applies. An application to renew an endorsement as a crisis stabilization center must include, without limitation:

(a) The information described in subsection 1; and

(b) Proof that the psychiatric hospital is accredited by the Commission on Accreditation of Rehabilitation Facilities, or its successor organization, or the Joint Commission, or its successor organization.

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

~~(a) "Crisis]~~ , "crisis stabilization services" means behavioral health services designed to:

~~[(1)]~~ (a) De-escalate or stabilize a behavioral crisis, including, without limitation, a behavioral health crisis experienced by a person with a co-occurring substance use disorder; and

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

~~[(b) "Psychiatric hospital" has the meaning ascribed to it in NRS 449.0165.]~~

Sec. 2. **NRS 449.029 is hereby amended to read as follows:**

449.029 As used in NRS 449.029 to 449.240, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, "medical facility" has the

meaning ascribed to it in NRS 449.0151 and includes a program of hospice care described in NRS 449.196.

Sec. 3. **NRS 449.0301 is hereby amended to read as follows:**

449.0301 The provisions of NRS 449.029 to 449.2428, inclusive, ***and section 1 of this act*** do not apply to:

1. Any facility conducted by and for the adherents of any church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing in the practice of the religion of the church or denomination, except that such a facility shall comply with all regulations relative to sanitation and safety applicable to other facilities of a similar category.

2. Foster homes as defined in NRS 424.014.

3. Any medical facility, facility for the dependent or facility which is otherwise required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed that is operated and maintained by the United States Government or an agency thereof.

Sec. 4. **NRS 449.089 is hereby amended to read as follows:**

449.089 1. Each license issued pursuant to NRS 449.029 to 449.2428, inclusive, ***and section 1 of this act*** expires on December 31 following its issuance and is renewable for 1 year upon reapplication and payment of all fees required pursuant to NRS 449.050 unless the Division finds, after an investigation, that the facility has not:

(a) Satisfactorily complied with the provisions of NRS 449.029 to 449.2428, inclusive, ***and section 1 of this act*** or the standards and regulations adopted by the Board;

(b) Obtained the approval of the Director of the Department of Health and Human Services before undertaking a project, if such approval is required by NRS 439A.100; or

(c) Conformed to all applicable local zoning regulations.

2. Each reapplication for an agency to provide personal care services in the home, an agency to provide nursing in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a hospital described in 42 U.S.C. § 1395ww(d)(1)(B)(iv) which accepts payment through Medicare, a psychiatric hospital that provides inpatient services to children, a psychiatric residential treatment facility, a residential facility for groups, a program of hospice care, a home for individual residential care, a facility for the care of adults during the day, a facility for hospice care, a nursing pool, a peer support recovery organization, the distinct part of a hospital which meets the requirements of a skilled nursing facility or nursing facility pursuant to 42 C.F.R. § 483.5, a hospital that provides swing-bed services as described in 42 C.F.R. § 482.58 or, if residential services are provided to children, a medical facility or facility for the treatment of abuse of alcohol or drugs must include, without limitation, a statement that the facility, hospital, agency, program, pool, organization or home is in compliance with the provisions of NRS 449.115 to 449.125, inclusive, and 449.174.

3. Each reapplication for an agency to provide personal care services in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a facility for the care of adults during the day, a peer support recovery organization, a residential facility for groups or a home for individual residential care must include, without limitation, a statement that the holder of the license to operate, and the administrator or other person in charge and employees of, the facility, agency, pool, organization or home are in compliance with the provisions of NRS 449.093.

Sec. 5. **NRS 449.160 is hereby amended to read as follows:**

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.029 to 449.2428, inclusive, ***and section 1 of this act*** upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.029 to 449.245, inclusive, ***and section 1 of this act*** or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, ***and section 1 of this act*** and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required.

(f) Failure to comply with the provisions of NRS 449.2486.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

➥ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Division pursuant to subsection 2.

Sec. 6. **NRS 449.163 is hereby amended to read as follows:**

449.163 1. In addition to the payment of the amount required by NRS 449.0308, if a medical facility, facility for the dependent or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, ***and section 1 of this act*** or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

(a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;

(b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;

(c) If the license of the facility limits the occupancy of the facility and the facility has exceeded the approved occupancy, require the facility, at its own expense, to move patients to another facility that is licensed;

(d) Impose an administrative penalty of not more than $5,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(e) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:

(1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (d) of subsection 1, the Division may:

(a) Suspend the license of the facility until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

3. The Division may require any facility that violates any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, ***and section 1 of this act*** or

any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

4. Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 must be accounted for separately and used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, ***and section 1 of this act,*** 449.435 to 449.531, inclusive, and chapter 449A of NRS to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards or for any other purpose authorized by the Legislature.

Sec. 7. **NRS 449.240 is hereby amended to read as follows:**

449.240 The district attorney of the county in which the facility is located shall, upon application by the Division, institute and conduct the prosecution of any action for violation of any provisions of NRS 449.029 to 449.245, inclusive ~~[.]~~ ***, and section 1 of this act.***

~~[Sec. 1.3.]~~ ***Sec. 8.*** NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ***and section*** ~~***[1.4]***~~ ***9 of this act,*** 422.580, 432.010 to 432.133, inclusive, 432B.621 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department, other than the State Public Defender of the Office of State Public Defender who is appointed pursuant to NRS 180.010.

~~[Sec. 1.4.]~~ ***Sec. 9.*** Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

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

Sec. 10. **Chapter 433 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The State Board of Health shall adopt regulations providing for the licensure and regulation of providers of nonemergency secure behavioral health transport services by the Division.

2. As used in this section, "nonemergency secure behavioral health transport services" means the use of a motor vehicle, other than an ambulance, as defined in NRS 450B.040, or other emergency response vehicle, that is specifically designed, equipped and staffed to transport a person with a mental illness or other behavioral health condition in a manner that:

(a) Allows observation of the person being transported; and

(b) Prevents the person being transported from escaping from the vehicle or accessing the driver or the means of controlling the vehicle.

Sec. 11. **NRS 433A.160 is hereby amended to read as follows:**

433A.160 1. Except as otherwise provided in subsection 2, an application for the emergency admission of a person alleged to be a person with mental illness for evaluation, observation and treatment may only be made by an accredited agent of the Department, an officer authorized to make arrests in the State of Nevada or a physician, physician assistant, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse. The agent, officer, physician, physician assistant, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse may:

(a) Without a warrant:

(1) Take a person alleged to be a person with mental illness into custody to apply for the emergency admission of the person for evaluation, observation and treatment; and

(2) Transport the person alleged to be a person with mental illness to a public or private mental health facility or hospital for that purpose, or arrange for the person to be transported by:

(I) A local law enforcement agency;

(II) A system for the nonemergency medical transportation of persons whose operation is authorized by the Nevada Transportation Authority;

(III) An entity that is exempt pursuant to NRS 706.745 from the provisions of NRS 706.386 or 706.421; ~~[or]~~

(IV) ***A provider of nonemergency secure behavioral health transport services licensed under the regulations adopted pursuant to section 10 of this act; or***

(V) If medically necessary, an ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS,

➥ only if the agent, officer, physician, physician assistant, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse has, based upon his or her personal observation of the person alleged to be a person with mental illness, probable cause to believe that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty.

(b) Apply to a district court for an order requiring:

(1) Any peace officer to take a person alleged to be a person with mental illness into custody to allow the applicant for the order to apply for the emergency admission of the person for evaluation, observation and treatment; and

(2) Any agency, system ***, provider*** or service described in subparagraph (2) of paragraph (a) to transport the person alleged to be a person with mental illness to a public or private mental health facility or hospital for that purpose.

➥ The district court may issue such an order only if it is satisfied that there is probable cause to believe that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty.

2. An application for the emergency admission of a person alleged to be a person with mental illness for evaluation, observation and treatment may be made by a spouse, parent, adult child or legal guardian of the person. The spouse, parent, adult child or legal guardian and any other person who has a legitimate interest in the person alleged to be a person with mental illness may apply to a district court for an order described in paragraph (b) of subsection 1.

3. The application for the emergency admission of a person alleged to be a person with mental illness for evaluation, observation and treatment must reveal the circumstances under which the person was taken into custody and the reasons therefor.

4. Except as otherwise provided in this subsection, each person admitted to a public or private mental health facility or hospital under an emergency admission must be evaluated at the time of admission by a psychiatrist or a psychologist. If a psychiatrist or a psychologist is not available to conduct an evaluation at the time of admission, a physician or an advanced practice registered nurse who has the training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 may conduct the evaluation. Each such emergency admission must be approved by a psychiatrist.

5. As used in this section, "an accredited agent of the Department" means any person appointed or designated by the Director of the Department to take into custody and transport to a mental health facility pursuant to subsections 1 and 2 those persons in need of emergency admission.

Sec. 12. **NRS 433A.330 is hereby amended to read as follows:**

433A.330 1. When an involuntary court admission to a mental health facility is ordered under the provisions of this chapter, the involuntarily admitted person, together with the court orders and certificates of the physicians, certified psychologists, advanced practice registered nurses or evaluation team and a full and complete transcript of the notes of the official reporter made at the examination of such person before the court, must be delivered to the sheriff of the county who shall:

(a) Transport the person; or

(b) Arrange for the person to be transported by:

(1) A system for the nonemergency medical transportation of persons whose operation is authorized by the Nevada Transportation Authority; ~~[or]~~

(2) ***A provider of nonemergency secure behavioral health transport services licensed under the regulations adopted pursuant to section 10 of this act; or***

(3) If medically necessary, an ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS,

➥ to the appropriate public or private mental health facility.

2. No person with mental illness may be transported to the mental health facility without at least one attendant of the same sex or a relative in the first degree of consanguinity or affinity being in attendance.

~~[Sec. 1.5.]~~ ***Sec. 13.*** Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

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

~~[Sec. 1.6.]~~ ***Sec. 14.*** NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, ***and section ~~[1.5]~~ 13 of this act,*** or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees or creditors or to the general public;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

~~[Sec. 1.7.]~~ ***Sec. 15.*** Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

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

~~[Sec. 2.]~~ ***Sec. 16.*** This act becomes effective:

1. Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On January 1, 2020, for all other purposes.

Assemblywoman Cohen moved that the Assembly concur in the Senate Amendment No. 909 to Assembly Bill No. 66.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Amendment 741 to Assembly Bill 66 authorizes the Division of Public and Behavioral Health of the Department of Health and Human Services to issue the holder of a license to operate a psychiatric hospital an endorsement as a crisis stabilization center if certain requirements are met; deletes provisions authorizing the Division to enter into a contract with an organization that specializes in behavioral health services to provide crisis stabilization services; replaces references to psychiatric hospitals established by the Division with the term "crisis stabilization center;" requires the State Board of Health to adopt regulations providing for the licensure and regulation of providers of nonemergency secure behavioral health transport services to transport individuals with mental illness or other behavioral health conditions; and authorizes the use of such services to transport such individuals.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 232.

The following Senate amendment was read:

Amendment No. 742.

AN ACT relating to hospitals; requiring certain hospitals to participate as a provider in the Medicare program; eliminating the designation of general hospitals; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Federal law requires a hospital that participates in Medicare to be primarily engaged in providing to inpatients, by or under the supervision of physicians, diagnostic and therapeutic services or rehabilitation services. (42 U.S.C. § 1395x(e)(1)) Existing federal regulations also require such a hospital that has an emergency medical department to provide certain emergency medical care, regardless of whether the patient is eligible for Medicare benefits or has the ability to pay. (42 C.F.R. § 489.24) **Section 2** of this bill requires each hospital, other than a psychiatric, rural or critical access hospital, to participate as a provider for Medicare. Therefore, each such hospital would be required to: (1) be primarily engaged in providing diagnostic and therapeutic services or rehabilitation services to inpatients; and (2) if the hospital has an emergency medical department, provide certain emergency medical care. **Section 21 of this bill exempts an existing hospital from those requirements until July 1, 2021. Sections 3-8, 10 and 11** of this bill make conforming changes.

Existing law provides for the designation of a hospital that offers services in at least medical, surgical and obstetric categories as a general hospital. (NRS 449.202) **Section 9** of this bill eliminates this designation. **Sections 1 and 12-20** of this bill make conforming changes to remove references to general hospitals. By removing that designation, certain provisions will apply to all hospitals. Specifically, those provisions concern: (1) the referral of a patient to certain surgical hospitals in which the referring physician has an ownership interest; (2) state assistance to publicly owned hospitals; and (3) the provision

of inpatient care to persons with a mental illness or an intellectual disability and the responsibility to pay for certain care provided to such persons.

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

Section 1. NRS 439B.425 is hereby amended to read as follows:

439B.425 1. Except as otherwise provided in this section, a practitioner shall not refer a patient, for a service or for goods related to health care, to a health facility, medical laboratory, diagnostic imaging or radiation oncology center or commercial establishment in which the practitioner has a financial interest.

2. Subsection 1 does not apply if:

(a) The service or goods required by the patient are not otherwise available within a 30-mile radius of the office of the practitioner;

(b) The service or goods are provided pursuant to a referral to a practitioner who is participating in the health care plan of a health maintenance organization that has been issued a certificate of authority pursuant to chapter 695C of NRS;

(c) The practitioner is a member of a group practice and the referral is made to that group practice;

(d) The referral is made to a surgical center for ambulatory patients, as defined in NRS 449.019, that is licensed pursuant to chapter 449 of NRS;

(e) The referral is made by:

(1) A urologist for lithotripsy services; or

(2) A nephrologist for services and supplies for a renal dialysis;

(f) The financial interest represents an investment in a corporation that has shareholder equity of more than $100,000,000, regardless of whether the securities of the corporation are publicly traded; or

(g) The referral is made by a physician to a surgical hospital in which the physician has an ownership interest and:

(1) The surgical hospital is:

(I) Located in a county whose population is less than 100,000; and

(II) Licensed pursuant to chapter 449 of NRS as a surgical hospital and not as a medical hospital, obstetrical hospital, combined-categories hospital ~~[~~, ~~general hospital]~~ or center for the treatment of trauma;

(2) The physician making the referral:

(I) Is authorized to perform medical services and has staff privileges at the surgical hospital; and

(II) Has disclosed the physician's ownership interest in the surgical hospital to the patient before making the referral;

(3) The ownership interest of the physician making the referral pertains to the surgical hospital in its entirety and is not limited to a department, subdivision or other portion of the hospital;

(4) Every physician who has an ownership interest in the surgical hospital has agreed to treat patients receiving benefits pursuant to Medicaid and Medicare;

(5) The terms of investment of each physician who has an ownership interest in the surgical hospital are not related to the volume or value of any referrals made by that physician;

(6) The payments received by each investor in the surgical hospital as a return on his or her investment are directly proportional to the relative amount of capital invested or shares owned by the investor in the hospital;

(7) None of the investors in the surgical hospital has received any financial assistance from the hospital or any other investor in the hospital for the purpose of investing in the hospital; and

(8) Either:

(I) The governing body of every other hospital that regularly provides surgical services to residents of the county in which the surgical hospital is located has issued its written general consent to the referral by such physicians of patients to that surgical hospital; or

(II) The board of county commissioners of the county in which the surgical hospital is located has issued a written declaration of its reasonable belief that the referral by such physicians of patients to that surgical hospital will not, during the 5-year period immediately following the commencement of such referrals, have a substantial adverse financial effect on any other hospital that regularly provides surgical services to residents of that county.

3. A person who violates the provisions of this section is guilty of a misdemeanor.

4. The provisions of this section do not prohibit a practitioner from owning and using equipment in his or her office solely to provide to his or her patients services or goods related to health care.

5. As used in this section:

(a) "Group practice" means two or more practitioners who organized as a business entity in accordance with the laws of this state to provide services related to health care, if:

(1) Each member of the group practice provides substantially all of the services related to health care that he or she routinely provides, including, without limitation, medical care, consultations, diagnoses and treatment, through the joint use of shared offices, facilities, equipment and personnel located at any site of the group practice;

(2) Substantially all of the services related to health care that are provided by the members of the group practice are provided through the group practice; and

(3) No member of the group practice receives compensation based directly on the volume of any services or goods related to health care which are referred to the group practice by that member.

(b) "Patient" means a person who consults with or is examined or interviewed by a practitioner or health facility for purposes of diagnosis or treatment.

(c) "Substantial adverse financial effect" includes, without limitation, a projected decline in the revenue of a hospital as a result of the loss of its surgical business, which is sufficient to cause a deficit in any cash balances, fund balances or retained earnings of the hospital.

Sec. 2. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

A hospital, other than a psychiatric hospital, critical access hospital or rural hospital, shall enter into an agreement with the United States Secretary of Health and Human Services pursuant to 42 U.S.C. § 1395dd to accept payment through Medicare.

Sec. 3. NRS 449.029 is hereby amended to read as follows:

449.029 As used in NRS 449.029 to 449.240, inclusive, ***and section 2 of this act,*** unless the context otherwise requires, "medical facility" has the meaning ascribed to it in NRS 449.0151 and includes a program of hospice care described in NRS 449.196.

Sec. 4. NRS 449.0301 is hereby amended to read as follows:

449.0301 The provisions of NRS 449.029 to 449.2428, inclusive, ***and section 2 of this act*** do not apply to:

1. Any facility conducted by and for the adherents of any church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing in the practice of the religion of the church or denomination, except that such a facility shall comply with all regulations relative to sanitation and safety applicable to other facilities of a similar category.

2. Foster homes as defined in NRS 424.014.

3. Any medical facility, facility for the dependent or facility which is otherwise required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed that is operated and maintained by the United States Government or an agency thereof.

Sec. 5. NRS 449.089 is hereby amended to read as follows:

449.089 1. Each license issued pursuant to NRS 449.029 to 449.2428, inclusive, ***and section 2 of this act*** expires on December 31 following its issuance and is renewable for 1 year upon reapplication and payment of all fees required pursuant to NRS 449.050 unless the Division finds, after an investigation, that the facility has not:

(a) Satisfactorily complied with the provisions of NRS 449.029 to 449.2428, inclusive, ***and section 2 of this act*** or the standards and regulations adopted by the Board;

(b) Obtained the approval of the Director of the Department of Health and Human Services before undertaking a project, if such approval is required by NRS 439A.100; or

(c) Conformed to all applicable local zoning regulations.

2. Each reapplication for an agency to provide personal care services in the home, an agency to provide nursing in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a hospital described in 42 U.S.C. § 1395ww(d)(1)(B)(iv) **,** ~~[which accepts payment through Medicare,]~~ a psychiatric hospital that provides inpatient services to children, a psychiatric residential treatment facility, a residential facility for groups, a program of hospice care, a home for individual residential care, a facility for the care of adults during the day, a facility for hospice care, a nursing pool, a peer support recovery organization, the distinct part of a hospital which meets the requirements of a skilled nursing facility or nursing facility pursuant to 42 C.F.R. § 483.5, a hospital that provides swing-bed services as described in 42 C.F.R. § 482.58 or, if residential services are provided to children, a medical facility or facility for the treatment of abuse of alcohol or drugs must include, without limitation, a statement that the facility, hospital, agency, program, pool, organization or home is in compliance with the provisions of NRS 449.115 to 449.125, inclusive, and 449.174.

3. Each reapplication for an agency to provide personal care services in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a facility for the care of adults during the day, a peer support recovery organization, a residential facility for groups or a home for individual residential care must include, without limitation, a statement that the holder of the license to operate, and the administrator or other person in charge and employees of, the facility, agency, pool, organization or home are in compliance with the provisions of NRS 449.093.

Sec. 6. NRS 449.119 is hereby amended to read as follows:

449.119 "Facility, hospital, agency, program or home" means an agency to provide personal care services in the home, an employment agency that contracts with persons to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home, an agency to provide nursing in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a hospital described in 42 U.S.C. § 1395ww(d)(1)(B)(iv) **,** ~~[which accepts payment through Medicare,]~~ a psychiatric hospital that provides inpatient services to children, a psychiatric residential treatment facility, a peer support recovery organization, a residential facility for groups, a program of hospice care, a home for individual residential care, a facility for the care of adults during the day, a facility for hospice care, a nursing pool, the distinct part of a hospital which meets the requirements of a skilled nursing facility or nursing facility pursuant to 42 C.F.R. § 483.5, a hospital that provides swing-bed services as described in 42 C.F.R. § 482.58 or, if residential services are provided to children, a medical facility or facility for the treatment of abuse of alcohol or drugs.

Sec. 7. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.029 to

449.2428, inclusive, ***and section 2 of this act*** upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.029 to 449.245, inclusive, ***and section 2 of this act*** or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, ***and section 2 of this act,*** and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required.

(f) Failure to comply with the provisions of NRS 449.2486.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

➥ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Division pursuant to subsection 2.

Sec. 8. NRS 449.163 is hereby amended to read as follows:

449.163 1. In addition to the payment of the amount required by NRS 449.0308, if a medical facility, facility for the dependent or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, ***and section 2 of this act,*** or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

(a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;

(b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;

(c) If the license of the facility limits the occupancy of the facility and the facility has exceeded the approved occupancy, require the facility, at its own expense, to move patients to another facility that is licensed;

(d) Impose an administrative penalty of not more than $5,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(e) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:

(1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (d) of subsection 1, the Division may:

(a) Suspend the license of the facility until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

3. The Division may require any facility that violates any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, ***and section 2 of this act,*** or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

4. Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 must be accounted for separately and used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, ***and section 2 of this act,*** 449.435 to 449.530, inclusive, and 449.760 and chapter 449A of NRS to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards or for any other purpose authorized by the Legislature.

Sec. 9. NRS 449.202 is hereby amended to read as follows:

449.202 ~~[1.]~~ A hospital which provides only one or two of the following categories of service:

~~[(a)]~~ ***1.*** Medical;

~~[(b)]~~ ***2.*** Surgical;

~~[(c)]~~ ***3.*** Obstetrical; or

~~[(d)]~~ ***4.*** Psychiatric,

➥ shall be designated a medical hospital, surgical hospital, obstetrical hospital or psychiatric hospital or combined-categories hospital, as the case may be.

~~[2. When a hospital offers services in medical, surgical and obstetrical categories, as a minimum, it shall be designated a general hospital.]~~

Sec. 10. NRS 449.220 is hereby amended to read as follows:

449.220 1. The Division may bring an action in the name of the State to enjoin any person, state or local government unit or agency thereof from operating or maintaining any facility within the meaning of NRS 449.029 to 449.2428, inclusive ~~[.]~~ ***, and section 2 of this act:***

(a) Without first obtaining a license therefor; or

(b) After his or her license has been revoked or suspended by the Division.

2. It is sufficient in such action to allege that the defendant did, on a certain date and in a certain place, operate and maintain such a facility without a license.

Sec. 11. NRS 449.240 is hereby amended to read as follows:

449.240 The district attorney of the county in which the facility is located shall, upon application by the Division, institute and conduct the prosecution of any action for violation of any provisions of NRS 449.029 to 449.245, inclusive ~~[.]~~ ***, and section 2 of this act.***

Sec. 12. NRS 449.400 is hereby amended to read as follows:

449.400 1. In order to provide state assistance for construction projects for publicly owned ~~[general]~~ hospitals, hospitals for the chronically ill and impaired, facilities for persons with intellectual disabilities, community mental health facilities, diagnostic or diagnostic and treatment centers, rehabilitation facilities, nursing homes and other facilities financed in part by federal funds in accordance with NRS 449.250 to 449.430, inclusive, and to promote maximum utilization of federal funds available for such projects, there is hereby created in the State Treasury a nonreverting trust fund to be known as the State Public Health Facilities Construction Assistance Fund. Money for the Fund may be provided from time to time by legislative appropriation.

2. The State Public Health Facilities Construction Assistance Fund must be administered by the State Department in accordance with the purposes and provisions of NRS 449.250 to 449.430, inclusive.

Sec. 13. NRS 449.410 is hereby amended to read as follows:

449.410 1. Money in the State Public Health Facilities Construction Assistance Fund must be used to supplement money from the Federal Government and money provided by the sponsor of a project for approved projects for the construction of publicly owned ~~[general]~~ hospitals, hospitals

for the chronically ill or impaired, facilities for persons with intellectual disabilities, community mental health facilities, diagnostic or diagnostic and treatment centers, rehabilitation facilities, nursing homes and other facilities financed in part by federal funds pursuant to NRS 449.250 to 449.430, inclusive, and for no other purpose or purposes.

2. Applications for state assistance for construction projects must be submitted to the State Department for consideration in the manner prescribed in NRS 449.250 to 449.430, inclusive, for applications for federal assistance.

3. No project is entitled to receive state assistance unless it is entitled to receive federal assistance.

Sec. 14. NRS 433.334 is hereby amended to read as follows:

433.334 The Division may, by contract with ~~[general]~~ hospitals or other institutions having adequate facilities in the State of Nevada, provide for inpatient care of consumers with mental illness.

Sec. 15. NRS 433A.680 is hereby amended to read as follows:

433A.680 The expense of diagnostic, medical and surgical services furnished to a consumer admitted to a division facility by a person not on the staff of the facility, whether rendered while the consumer is in a ~~[general]~~ hospital, an outpatient of a ~~[general]~~ hospital or treated outside any hospital, must be paid by the consumer, the guardian or relatives responsible pursuant to NRS 433A.610 for the consumer's care. In the case of an indigent consumer or a consumer whose estate is inadequate to pay the expenses, the expenses must be charged to the county from which the admission to the division facility was made, if the consumer had, before admission, been a resident of that county. The expense of such diagnostic, medical and surgical services must not in any case be a charge against or paid by the State of Nevada, except when in the opinion of the administrative officer of the division mental health facility to which the consumer is admitted payment should be made for nonresident indigent consumers and money is authorized pursuant to NRS 433.374 or 433B.230 and the money is authorized in approved budgets.

Sec. 16. NRS 433B.210 is hereby amended to read as follows:

433B.210 The Division may:

1. By contract with ~~[general]~~ hospitals or other institutions having adequate facilities in this State, provide for inpatient care of consumers with mental illness.

2. Contract with appropriate persons professionally qualified in the field of psychiatric mental health to provide inpatient and outpatient care for children with mental illness when it appears that they can be treated best in that manner.

Sec. 17. NRS 435.085 is hereby amended to read as follows:

435.085 The administrative officer of a division facility may authorize the transfer of a person with an intellectual disability or a person with a developmental disability to a ~~[general]~~ hospital for necessary diagnostic, medical or surgical services not available within the Division. All expenses incurred under this section must be paid as follows:

1. In the case of a person with an intellectual disability or person with a developmental disability who is judicially committed, the expenses must be paid by the person's parents or guardian to the extent of their reasonable financial ability as determined by the Administrator, and the remainder, if any, is a charge upon the county of the last known residence of the person with an intellectual disability or the person with a developmental disability;

2. In the case of a person with an intellectual disability or a person with a developmental disability admitted to a division facility pursuant to NRS 435.010, 435.020 and 435.030, the expenses are a charge upon the county from which a certificate was issued pursuant to subsection 2 of NRS 435.030; and

3. In the case of a person with an intellectual disability or a person with a developmental disability admitted to a division facility upon voluntary application as provided in NRS 435.081, the expenses must be paid by the parents or guardian to the extent of their reasonable financial ability as determined by the Administrator, and for the remainder, if any, the Administrator shall explore all reasonable alternative sources of payment.

Sec. 18. NRS 435.455 is hereby amended to read as follows:

435.455 The Division may, by contract with ~~[general]~~ hospitals or other institutions having adequate facilities in the State of Nevada, provide for inpatient care of persons with intellectual disabilities or persons with developmental disabilities.

Sec. 19. NRS 435.670 is hereby amended to read as follows:

435.670 The expense of diagnostic, medical and surgical services furnished to a consumer admitted to a division facility by a person not on the staff of the facility, whether rendered while the consumer is in a ~~[general]~~ hospital, an outpatient of a ~~[general]~~ hospital or treated outside any hospital, must be paid by the consumer, the guardian or relatives responsible pursuant to NRS 435.655 for the consumer's care. In the case of an indigent consumer or a consumer whose estate is inadequate to pay the expenses, the expenses must be charged to the county from which the admission to the division facility was made, if the consumer had, before admission, been a resident of that county. The expense of such diagnostic, medical and surgical services must not in any case be a charge against or paid by the State of Nevada, except when, in the opinion of the administrative officer of the division facility to which the consumer is admitted, payment should be made for nonresident indigent consumers and money is authorized pursuant to NRS 435.475 and the money is authorized in approved budgets.

Sec. 20. NRS 633.061 is hereby amended to read as follows:

633.061 "Hospital internship" means a 1-year internship in a ~~[general]~~ hospital conforming to the minimum standards for intern training established by the American Osteopathic Association.

Sec. 21. 1. ~~[A]~~ **Notwithstanding the provisions of section 2 of this act, a** hospital **operating on the effective date of this act** that is subject to the requirements of **that** section ~~[2 of this act]~~ **is exempt from those requirements with respect to that hospital until July 1, 2021. Any**

additional facility operated by such a hospital at another location that commences operation after the effective date of this act must comply with the requirements of section 2 of this act.

2. A hospital described in subsection 1 shall:

(a) Apply to the United States Secretary of Health and Human Services to enter into an agreement required by that section on or before ~~[January 1, 2020;]~~ **July 1, 2021;** and

(b) Enter into such an agreement as soon as practicable after that date.

~~[2.]~~ **3.** As used in this section, "hospital" has the meaning ascribed to it in NRS 449.012.

Sec. 22. The Legislative Counsel shall:

1. In preparing the Nevada Revised Statutes, use the authority set forth in subsection 10 of NRS 220.120 to remove any references to the term "general hospital"; and

2. In preparing supplements to the Nevada Administrative Code, appropriately remove any references to the term "general hospital."

Sec. 23. This act becomes effective ~~[:~~

~~1. Upon]~~ **upon** passage and approval**.** ~~[for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and~~

~~2. On January 1, 2020, for all other purposes.]~~

Assemblywoman Cohen moved that the Assembly concur in the Senate Amendment No. 742 to Assembly Bill No. 232.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Amendment 742 to Assembly Bill 232 authorizes a hospital, other than a psychiatric, rural, or critical access hospital that has not entered into an agreement with the United States Secretary of Health and Human Services as prescribed by section 2 of the bill, to continue operating at its current location until July 1, 2021, without complying with such requirements; provides that any additional facility operated by such a hospital at another location that commences operation after the effective date of the bill must comply with the bill's requirements; and revises the effective date.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 298.

The following Senate amendment was read:

Amendment No. 856.

AN ACT relating to child welfare; requiring each agency which provides child welfare services to adopt a plan for the recruitment and retention of foster homes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that an agency which provides child welfare services is responsible for licensing and regulating foster homes. (NRS 424.016, 424.030) This bill requires an agency which provides child welfare services to

adopt a plan for the recruitment and retention of foster homes. This bill also requires an agency which provides child welfare services to appoint one or more employees to: (1) develop, carry out and evaluate the implementation of the plan; and (2) evaluate certain other issues relating to the ability of existing foster homes to meet the needs of children.

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

Section 1. Chapter 424 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An agency which provides child welfare services shall adopt, publish on an Internet website maintained by the agency and update annually a plan for the recruitment and retention of foster homes which must include, without limitation:

(a) A determination of the number of foster homes needed in the area served by the agency. When making that determination, the agency must consider the needs of children in foster care in the area served by the agency with respect to:

(1) The ages of the children;

(2) Accommodating siblings to remain together;

(3) Serving children who have intellectual or developmental disabilities and who have other special needs; and

(4) Addressing the needs of children in foster care to receive care provided in a racially and culturally competent manner.

(b) Specific goals for the number of foster homes needed in the geographic area served by the agency.

(c) If the agency failed to meet the goals established pursuant to paragraph (b) for the immediately preceding year, a description of the measures that the agency plans to take to ensure that the agency meets those targets during the immediately following year.

(d) A plan to ensure that, to the extent possible, a foster home in which a child is placed pursuant to NRS 432B.550 is located in:

(1) The same community as the home from which the child was removed; and

(2) The zone of attendance of the public school that the child was attending when he or she was removed from that home, if applicable.

(e) Strategies for recruiting foster homes in geographic areas with a high rate of placement of children in protective custody.

(f) An identification of resources available to support foster parents.

2. An agency which provides child welfare services shall appoint one or more employees to:

(a) Develop and carry out the plan adopted pursuant to subsection 1.

(b) Evaluate the implementation of the plan, the degree to which existing procedures for placing children in foster homes meet the needs of those children and use resources efficiently, any gaps in services for children

placed in protective custody or foster care and any barriers to placing children in accordance with paragraph (d) of subsection 1.

3. On or before August 1 of each year, an agency which provides child welfare services shall publish on an Internet website maintained by the agency a report which includes, without limitation ~~***[, information]***~~ ***:***

(a) Information relating to whether the agency achieved the goals established pursuant to paragraph (b) of subsection 1 for each quarter of the immediately preceding year ~~***[.]***~~ ***;***

(b) The number of children placed outside this State for more than 15 days during the immediately preceding year, including, without limitation, the number of children placed in residential treatment facilities outside this State for more than 15 days during the immediately preceding year;

(c) The reasons for the placements described in paragraph (b);

(d) A summary of changes that could prevent the placements described in paragraph (b); and

(e) A summary of changes or actions necessary to allow children who are currently placed outside this State to return to this State.

Sec. 2. (Deleted by amendment.)

Sec. 2.5. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 3. This act becomes effective on July 1, 2019.

Assemblywoman Cohen moved that the Assembly concur in the Senate Amendment No. 856 to Assembly Bill No. 298.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

The amendment revises the information child welfare agencies must report to include the number of children in placements outside of Nevada for more than 15 days during the immediately preceding year; the reasons for such placements; a summary of changes that could prevent such placements; and a summary of changes or actions necessary to allow children who are currently placed in such foster homes to return to this state.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 303.

The following Senate amendment was read:

Amendment No. 800.

AN ACT relating to public health; prohibiting the sale of certain kratom products to a minor; prohibiting the preparation, distribution, advertising or sale of certain adulterated kratom products; prohibiting the sale of a kratom product that does not have a label that contains certain information; providing civil penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 4 of this bill prohibits: (1) a person from knowingly selling or offering to sell kratom products to a child who is less than 18 years of age; (2) the sale of certain adulterated kratom products; and (3) the sale of a kratom

product that does not include a label that clearly sets forth the ingredients and directions for the safe and effective use of the kratom product. **Section 4** also establishes a civil penalty of $1,000 for violating those provisions ~~[.~~ ~~Section 2 of this bill]~~ **and** defines a "kratom product."

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 and 4 of this act.]~~ **(Deleted by amendment.)**

Sec. 2. ~~*[As used in sections 2 and 4 of this act, "kratom product" means any product or ingredient containing any part of the leaf of the Mitragyna Speciosa plant if the plant contains the alkaloid mitragynine, regardless of whether the product or ingredient is labeled or sold for human consumption.]*~~ **(Deleted by amendment.)**

Sec. 3. (Deleted by amendment.)

Sec. 4. **Chapter 597 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A person shall not knowingly sell or offer to sell any material, compound, mixture or preparation containing a kratom product to a child under the age of 18 years.

2. A person shall not knowingly prepare, distribute, advertise, sell or offer to sell a kratom product that is adulterated with a substance that affects the quality or strength of the kratom product to such a degree as to render the kratom product injurious to a consumer. A person has not violated the provisions of this subsection if he or she can show by a preponderance of evidence that he or she relied in good faith upon the representations of a manufacturer, processor, packer or distributor of the kratom product.

3. A person shall not sell a kratom product that does not have a label that clearly sets forth the ingredients and directions for the safe and effective use of the kratom product.

4. A person who violates any provision of this section is subject to a civil penalty of not more than $1,000 for each violation.

5. As used in this section, "kratom product" means any product or ingredient containing:

(a) Any part of the leaf of the Mitragyna Speciosa plant if the plant contains the alkaloid mitragynine or 7-hydroxymitragynine; or

(b) A synthetic material that contains the alkaloid mitragynine or 7-hydroxymitragynine,

↪ regardless of whether the product or ingredient is labeled or sold for human consumption.

Assemblywoman Cohen moved that the Assembly concur in the Senate Amendment No. 800 to Assembly Bill No. 303.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:
The amendment redefines "kratom."

Motion carried by a constitutional majority.
Bill ordered to enrollment.

Assembly Bill No. 317.
The following Senate amendment was read:
Amendment No. 745.

AN ACT relating to health care; requiring an off-campus location of a hospital to obtain a distinct national provider identifier; revising provisions governing approval to operate a center for the treatment of trauma; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal regulations require each provider of health care, including a hospital, to obtain a national provider identifier from the National Provider System. (45 C.F.R. § 162.410) **Section 1.2** of this bill requires each off-campus location of a hospital **that provides ambulatory surgery, urgent care or emergency room services** to obtain a national provider identifier that is distinct from the national provider identifier used by the main location and any other off-campus locations of the hospital. **Sections 1.4-6.5 and 8.5** of this bill make conforming changes.

Existing law requires a person to obtain the approval of the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services and, if the hospital is located in a county whose population is 700,000 or more, the district board of health, before operating a center for the treatment of trauma. (NRS 450B.236, 450B.237) **Section 8** of this bill requires a proposal to establish a center for the treatment of trauma to be approved by the Administrator before the district board of health may approve the proposal. **Section 8** also prescribes criteria for such approval related to ensuring that the proposed center will not negatively impact existing capacity to treat trauma in the county.

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

Section 1. (Deleted by amendment.)

Sec. 1.2. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each off-campus location of a hospital must obtain and use on all claims for reimbursement or payment for health care services provided at the location a national provider identifier that is distinct from the national provider identifier used by the main campus and any other off-campus location of the hospital.

2. As used in this section:

(a) "National provider identifier" means the standard, unique health identifier for health care providers that is issued by the national provider system in accordance with 45 C.F.R. Part 162.

(b) "Off-campus location" means a facility:

(1) With operations that are directly or indirectly owned or controlled by, in whole or in part, a hospital or which is affiliated with a hospital, regardless of whether it is operated by the same governing body as the hospital;

(2) That is located more than 250 yards from the main campus of the hospital;

(3) That provides services which are organizationally and functionally integrated with the hospital; and

(4) That is an outpatient facility providing ~~[preventive, diagnostic, treatment]~~ ambulatory surgery, urgent care or emergency room services.

Sec. 1.4. NRS 449.029 is hereby amended to read as follows:

449.029 As used in NRS 449.029 to 449.240, inclusive, ***and section 1.2 of this act,*** unless the context otherwise requires, "medical facility" has the meaning ascribed to it in NRS 449.0151 and includes a program of hospice care described in NRS 449.196.

Sec. 1.6. NRS 449.0301 is hereby amended to read as follows:

449.0301 The provisions of NRS 449.029 to 449.2428, inclusive, ***and section 1.2 of this act*** do not apply to:

1. Any facility conducted by and for the adherents of any church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing in the practice of the religion of the church or denomination, except that such a facility shall comply with all regulations relative to sanitation and safety applicable to other facilities of a similar category.

2. Foster homes as defined in NRS 424.014.

3. Any medical facility, facility for the dependent or facility which is otherwise required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed that is operated and maintained by the United States Government or an agency thereof.

Sec. 1.8. NRS 449.0302 is hereby amended to read as follows:

449.0302 1. The Board shall adopt:

(a) Licensing standards for each class of medical facility or facility for the dependent covered by NRS 449.029 to 449.2428, inclusive, ***and section 1.2 of this act*** and for programs of hospice care.

(b) Regulations governing the licensing of such facilities and programs.

(c) Regulations governing the procedure and standards for granting an extension of the time for which a natural person may provide certain care in his or her home without being considered a residential facility for groups pursuant to NRS 449.017. The regulations must require that such grants are effective only if made in writing.

(d) Regulations establishing a procedure for the indemnification by the Division, from the amount of any surety bond or other obligation filed or deposited by a facility for refractive surgery pursuant to NRS 449.068 or 449.069, of a patient of the facility who has sustained any damages as a result of the bankruptcy of or any breach of contract by the facility.

(e) Any other regulations as it deems necessary or convenient to carry out the provisions of NRS 449.029 to 449.2428, inclusive ~~,~~ ***, and section 1.2 of this act.***

2. The Board shall adopt separate regulations governing the licensing and operation of:

(a) Facilities for the care of adults during the day; and

(b) Residential facilities for groups,

➥ which provide care to persons with Alzheimer's disease.

3. The Board shall adopt separate regulations for:

(a) The licensure of rural hospitals which take into consideration the unique problems of operating such a facility in a rural area.

(b) The licensure of facilities for refractive surgery which take into consideration the unique factors of operating such a facility.

(c) The licensure of mobile units which take into consideration the unique factors of operating a facility that is not in a fixed location.

4. The Board shall require that the practices and policies of each medical facility or facility for the dependent provide adequately for the protection of the health, safety and physical, moral and mental well-being of each person accommodated in the facility.

5. In addition to the training requirements prescribed pursuant to NRS 449.093, the Board shall establish minimum qualifications for administrators and employees of residential facilities for groups. In establishing the qualifications, the Board shall consider the related standards set by nationally recognized organizations which accredit such facilities.

6. The Board shall adopt separate regulations regarding the assistance which may be given pursuant to NRS 453.375 and 454.213 to an ultimate user of controlled substances or dangerous drugs by employees of residential facilities for groups. The regulations must require at least the following conditions before such assistance may be given:

(a) The ultimate user's physical and mental condition is stable and is following a predictable course.

(b) The amount of the medication prescribed is at a maintenance level and does not require a daily assessment.

(c) A written plan of care by a physician or registered nurse has been established that:

(1) Addresses possession and assistance in the administration of the medication; and

(2) Includes a plan, which has been prepared under the supervision of a registered nurse or licensed pharmacist, for emergency intervention if an adverse condition results.

(d) Except as otherwise authorized by the regulations adopted pursuant to NRS 449.0304, the prescribed medication is not administered by injection or intravenously.

(e) The employee has successfully completed training and examination approved by the Division regarding the authorized manner of assistance.

7. The Board shall adopt separate regulations governing the licensing and operation of residential facilities for groups which provide assisted living services. The Board shall not allow the licensing of a facility as a residential facility for groups which provides assisted living services and a residential facility for groups shall not claim that it provides "assisted living services" unless:

(a) Before authorizing a person to move into the facility, the facility makes a full written disclosure to the person regarding what services of personalized care will be available to the person and the amount that will be charged for those services throughout the resident's stay at the facility.

(b) The residents of the facility reside in their own living units which:

(1) Except as otherwise provided in subsection 8, contain toilet facilities;

(2) Contain a sleeping area or bedroom; and

(3) Are shared with another occupant only upon consent of both occupants.

(c) The facility provides personalized care to the residents of the facility and the general approach to operating the facility incorporates these core principles:

(1) The facility is designed to create a residential environment that actively supports and promotes each resident's quality of life and right to privacy;

(2) The facility is committed to offering high-quality supportive services that are developed by the facility in collaboration with the resident to meet the resident's individual needs;

(3) The facility provides a variety of creative and innovative services that emphasize the particular needs of each individual resident and the resident's personal choice of lifestyle;

(4) The operation of the facility and its interaction with its residents supports, to the maximum extent possible, each resident's need for autonomy and the right to make decisions regarding his or her own life;

(5) The operation of the facility is designed to foster a social climate that allows the resident to develop and maintain personal relationships with fellow residents and with persons in the general community;

(6) The facility is designed to minimize and is operated in a manner which minimizes the need for its residents to move out of the facility as their respective physical and mental conditions change over time; and

(7) The facility is operated in such a manner as to foster a culture that provides a high-quality environment for the residents, their families, the staff, any volunteers and the community at large.

8. The Division may grant an exception from the requirement of subparagraph (1) of paragraph (b) of subsection 7 to a facility which is licensed as a residential facility for groups on or before July 1, 2005, and which is authorized to have 10 or fewer beds and was originally constructed as a single-family dwelling if the Division finds that:

(a) Strict application of that requirement would result in economic hardship to the facility requesting the exception; and

(b) The exception, if granted, would not:

(1) Cause substantial detriment to the health or welfare of any resident of the facility;

(2) Result in more than two residents sharing a toilet facility; or

(3) Otherwise impair substantially the purpose of that requirement.

9. The Board shall, if it determines necessary, adopt regulations and requirements to ensure that each residential facility for groups and its staff are prepared to respond to an emergency, including, without limitation:

(a) The adoption of plans to respond to a natural disaster and other types of emergency situations, including, without limitation, an emergency involving fire;

(b) The adoption of plans to provide for the evacuation of a residential facility for groups in an emergency, including, without limitation, plans to ensure that nonambulatory patients may be evacuated;

(c) Educating the residents of residential facilities for groups concerning the plans adopted pursuant to paragraphs (a) and (b); and

(d) Posting the plans or a summary of the plans adopted pursuant to paragraphs (a) and (b) in a conspicuous place in each residential facility for groups.

10. The regulations governing the licensing and operation of facilities for transitional living for released offenders must provide for the licensure of at least three different types of facilities, including, without limitation:

(a) Facilities that only provide a housing and living environment;

(b) Facilities that provide or arrange for the provision of supportive services for residents of the facility to assist the residents with reintegration into the community, in addition to providing a housing and living environment; and

(c) Facilities that provide or arrange for the provision of alcohol and drug abuse programs, in addition to providing a housing and living environment and providing or arranging for the provision of other supportive services.

➥ The regulations must provide that if a facility was originally constructed as a single-family dwelling, the facility must not be authorized for more than eight beds.

11. As used in this section, "living unit" means an individual private accommodation designated for a resident within the facility.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 4.3. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.029 to 449.2428, inclusive, ***and section 1.2 of this act*** upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.029 to 449.245, inclusive, ***and section 1.2 of this act*** or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, ***and section 1.2 of this act*** and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required.

(f) Failure to comply with the provisions of NRS 449.2486.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

➥ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Division pursuant to subsection 2.

Sec. 4.6. NRS 449.163 is hereby amended to read as follows:

449.163 1. In addition to the payment of the amount required by NRS 449.0308, if a medical facility, facility for the dependent or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, ***and section 1.2 of this act,*** or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

(a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;

(b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;

(c) If the license of the facility limits the occupancy of the facility and the facility has exceeded the approved occupancy, require the facility, at its own expense, to move patients to another facility that is licensed;

(d) Impose an administrative penalty of not more than $5,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(e) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:

(1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (d) of subsection 1, the Division may:

(a) Suspend the license of the facility until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

3. The Division may require any facility that violates any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, ***and section 1.2 of this act*** or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

4. Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 must be accounted for separately and used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, ***and section 1.2 of this act,*** 449.435 to 449.531, inclusive, and chapter 449A of NRS to protect the health, safety, well-being and property of the patients and residents

of facilities in accordance with applicable state and federal standards or for any other purpose authorized by the Legislature.

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 6.5. NRS 449.240 is hereby amended to read as follows:

449.240 The district attorney of the county in which the facility is located shall, upon application by the Division, institute and conduct the prosecution of any action for violation of any provisions of NRS 449.029 to 449.245, inclusive ~~[.]~~ ***, and section 1.2 of this act.***

Sec. 7. (Deleted by amendment.)

Sec. 8. NRS 450B.237 is hereby amended to read as follows:

450B.237 1. The board shall establish a program for treating persons who require treatment for trauma and for transporting and admitting such persons to centers for the treatment of trauma. The program must provide for the development, operation and maintenance of a system of communication to be used in transporting such persons to the appropriate centers.

2. The State Board of Health shall adopt regulations which establish the standards for the designation of hospitals as centers for the treatment of trauma. The State Board of Health shall consider the standards adopted by the American College of Surgeons for a center for the treatment of trauma as a guide for such regulations. The Administrator of the Division shall not approve a proposal to designate a hospital as a center for the treatment of trauma unless ~~[the]~~ ***:***

(a) The hospital meets the standards established pursuant to this subsection ~~[.]~~ ***; and***

(b) The Administrator determines, after conducting a comprehensive assessment of needs, that the proposed center for the treatment of trauma will operate in an area that is experiencing a shortage of trauma care. Such an assessment of needs must include, without limitation, consideration of:

(1) The impact of the proposed center for the treatment of trauma on the capacity of existing hospitals to provide for the treatment of trauma;

(2) The number and locations of cases of trauma that have occurred during the previous 5 calendar ~~[year]~~ years in the county in which the proposed center for the treatment of trauma will be located and the level of treatment that was required for those cases;

(3) Any identified need for an additional center for the treatment of trauma in the county in which the proposed center for the treatment of trauma will be located; and

(4) Any additional criteria recommended by the American College of Surgeons or its successor organization, other than criteria related to community support for the proposed trauma center.

3. Each district board of health in a county whose population is 700,000 or more shall adopt ~~[regulations]~~ ***:***

(a) Regulations which establish the standards for the designation of hospitals in the county as centers for the treatment of trauma which are

consistent with the regulations adopted by the State Board of Health pursuant to subsection 2 ~~[.]~~ ***; and***

(b) A plan for a comprehensive trauma system concerning the treatment of trauma in the county, which includes, without limitation, consideration of the future trauma needs of the county, consideration of and plans for the development and designation of new centers for the treatment of trauma in the county based on the demographics of the county and the manner in which the county may most effectively provide trauma services to persons in the county.

4. A district board of health ***in a county whose population is 700,000 or more*** shall not approve a proposal to designate a hospital as a center for the treatment of trauma unless ~~[the]~~ ***:***

(a) The hospital meets the standards established pursuant to ~~[this]~~ subsection ~~[.~~

~~4. A proposal to designate a hospital located in a county whose population is 700,000 or more as a center for the treatment of trauma:~~

~~(a) Must be approved by the Administrator of the Division and by the district board of health of the county in which the hospital is located; and~~

~~(b) May not be approved unless the district board of health of the county in which the hospital is located has established and adopted a comprehensive trauma system plan concerning the treatment of trauma in the county, which includes, without limitation, consideration of the future trauma needs of the county, consideration of and plans for the development and designation of new centers for the treatment of trauma in the county based on the demographics of the county and the manner in which the county may most effectively provide trauma services to persons in the county.~~ ~~]~~ ***3;***

(b) The proposal has been approved by the Administrator of the Division pursuant to subsection 2; and

(c) The district board of health concludes, based on the plan adopted pursuant to paragraph (b) of subsection 3, that the proposed center for the treatment of trauma will not negatively impact the capacity of existing centers for the treatment of trauma in the county.

5. Upon approval by the Administrator of the Division and, if the hospital is located in a county whose population is 700,000 or more, the district board of health of the county in which the hospital is located, of a proposal to designate a hospital as a center for the treatment of trauma, the Administrator of the Division shall issue written approval which designates the hospital as such a center. As a condition of continuing designation ***of*** the hospital as a center for the treatment of trauma, the hospital must comply with the following requirements:

(a) The hospital must admit any injured person who requires medical care.

(b) Any physician who provides treatment for trauma must be qualified to provide that treatment.

(c) The hospital must maintain the standards specified in the regulations adopted pursuant to subsections 2 and 3.

Sec. 8.5. NRS 654.190 is hereby amended to read as follows:

654.190 1. The Board may, after notice and an opportunity for a hearing as required by law, impose an administrative fine of not more than $10,000 for each violation on, recover reasonable investigative fees and costs incurred from, suspend, revoke, deny the issuance or renewal of or place conditions on the license of, and place on probation or impose any combination of the foregoing on any licensee who:

(a) Is convicted of a felony relating to the practice of administering a nursing facility or residential facility or of any offense involving moral turpitude.

(b) Has obtained his or her license by the use of fraud or deceit.

(c) Violates any of the provisions of this chapter.

(d) Aids or abets any person in the violation of any of the provisions of NRS 449.029 to 449.2428, inclusive, ***and section 1.2 of this act*** as those provisions pertain to a facility for skilled nursing, facility for intermediate care or residential facility for groups.

(e) Violates any regulation of the Board prescribing additional standards of conduct for licensees, including, without limitation, a code of ethics.

(f) Engages in conduct that violates the trust of a patient or resident or exploits the relationship between the licensee and the patient or resident for the financial or other gain of the licensee.

2. If a licensee requests a hearing pursuant to subsection 1, the Board shall give the licensee written notice of a hearing pursuant to NRS 233B.121 and 241.034. A licensee may waive, in writing, his or her right to attend the hearing.

3. The Board may compel the attendance of witnesses or the production of documents or objects by subpoena. The Board may adopt regulations that set forth a procedure pursuant to which the Chair of the Board may issue subpoenas on behalf of the Board. Any person who is subpoenaed pursuant to this subsection may request the Board to modify the terms of the subpoena or grant additional time for compliance.

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

5. The expiration of a license by operation of law or by order or decision of the Board or a court, or the voluntary surrender of a license, does not deprive the Board of jurisdiction to proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

Sec. 9. This act becomes effective on July 1, 2019.

Assemblywoman Cohen moved that the Assembly concur in the Senate Amendment No. 745 to Assembly Bill No. 317.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

The amendment revises a portion of the definition of "off-campus location" to clarify that the term includes an outpatient facility providing ambulatory surgery, urgent care, or emergency room services and revises the assessment of needs that must be conducted to determine whether a proposed trauma center will operate in an area experiencing a shortage of trauma care.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Joint Resolution No. 1.

The following Senate amendment was read:

Amendment No. 836.

ASSEMBLY JOINT RESOLUTION—Expressing objection to the transfer of radioactive plutonium to this State.

WHEREAS, Since 1954, when the Atomic Energy Act was passed by Congress, the Federal Government has been responsible for the regulation of nuclear materials, yet few environmental challenges have proven more daunting than the problems posed by the storage and disposal of nuclear materials; and

WHEREAS, The transportation of highly radioactive, weapons-grade plutonium to the Nevada National Security Site in southern Nevada poses serious and unacceptable risks to the environment, the economy and the health and welfare of the residents of the State of Nevada; and

WHEREAS, The United States Department of Energy failed to fulfill its statutory obligations pursuant to 50 U.S.C. § 2566(c)(1), causing a federal district court in South Carolina to order the removal of highly radioactive, weapons-grade plutonium **, often referred to as "defense plutonium,"** from the State of South Carolina by January 1, 2020; and

WHEREAS, In April 2018, the Department of Energy informed the State of Nevada of a potential proposal to ship **defense** plutonium from the State of South Carolina to the State of Nevada; and

WHEREAS, In August 2018, the Department of Energy publicly announced in the release of the "Supplement Analysis for the Removal of One Metric Ton of Plutonium from the State of South Carolina to Nevada, Texas, and New Mexico" its intent to transfer up to 1 metric ton of plutonium from South Carolina to Nevada or Texas; and

WHEREAS, Pursuant to 42 U.S.C. § 4332, federal agencies are required, "to the fullest extent possible," to prepare an environmental impact statement for all "major Federal actions significantly affecting the quality of the human environment"; and

WHEREAS, In its Supplement Analysis from August 2018, the United States Department of Energy declined to prepare an environmental impact statement for the transportation to and indefinite storage of up to 1 metric ton of highly radioactive, weapons-grade plutonium in this State, failing to consider any of at least five alternatives which would pose a lower risk of environmental damage and failing to update previous studies to account for the health and safety risks of the indefinite storage of 1 metric ton of highly radioactive,

weapons-grade plutonium at the Nevada National Security Site, less than 100 miles away from the Las Vegas metropolitan area which hosts over 2,200,000 residents and more than 42,000,000 tourists each year; and

WHEREAS, The Supplement Analysis also made use of antiquated information regarding the Las Vegas metropolitan area and thus failed to account for significant changes in population, population density, highway construction, traffic flows, accident rates and a variety of other factors related to minimizing the tremendous risks inherent in transporting hazardous and dangerous materials, like highly radioactive, weapons-grade plutonium; and

WHEREAS, The State of Nevada expressed its strong opposition to a transfer of **South Carolina defense** plutonium to the State and commenced discussions with the Department of Energy to address the concerns of the State with the transfer of the **South Carolina defense** plutonium, during which the Department of Energy assured the State of Nevada that the Department would not commence the shipment of the plutonium; and

WHEREAS, On November 30, 2018, the State of Nevada filed a complaint in federal district court and requested a preliminary injunction to halt the transfer of **the** plutonium into this State; and

WHEREAS, On January 30, 2019, the United States Department of Energy informed the United States District Court for the District of Nevada that one-half metric ton of **the** plutonium had already been transferred to the Nevada National Security Site sometime before November 2018, and before the commencement of the litigation; and

WHEREAS, On January 30, 2019, the United States District Court for the District of Nevada denied the State of Nevada's request for a preliminary injunction to halt the transfer of **the** plutonium into the State; and

WHEREAS, On February 4, 2019, the State of Nevada announced its intent to appeal the District Court's denial of the request for a preliminary injunction to the United States Court of Appeals for the Ninth Circuit; and

WHEREAS, The State of Nevada was neither properly informed of nor consented to the transfer of **the** plutonium into this State; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the Nevada Legislature protests, in the strongest possible terms, any transfer of **South Carolina defense** plutonium or any other **highly** radioactive ~~[waste or]~~ materials **, including, without limitation, high-level radioactive waste as defined in NRS 459.910,** to the Nevada National Security Site in southern Nevada; and be it further

RESOLVED, That the Nevada Legislature formally calls on James Richard "Rick" Perry, the United States Secretary of Energy, to halt immediately any future shipments of **South Carolina defense** plutonium or **any** other **highly** radioactive ~~[waste or]~~ materials **, including, without limitation, high-level radioactive waste as defined in NRS 459.910,** to the State of Nevada, to inform appropriate officials of the State of Nevada of a timeline for the removal from this State of the plutonium shipped from the State of South Carolina and to adequately and timely inform appropriate officials of the State

of Nevada of any future plans of the United States Department of Energy to transfer **South Carolina defense** plutonium or ~~[other]~~ **any highly** radioactive ~~[waste or]~~ materials **, including, without limitation, high-level radioactive waste as defined in NRS 459.910,** to this State; and be it further

RESOLVED, That the Nevada Legislature formally restates its strong and unyielding opposition to the storage or disposal of ~~[nuclear materials]~~ **South Carolina defense plutonium or any other highly radioactive materials, including without limitation, high-level radioactive waste as defined in NRS 459.910,** in the State of Nevada without its knowledge or consent; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives, the United States Secretary of Energy and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon approval.

Assemblywoman Jauregui moved that the Assembly concur in the Senate Amendment No. 836 to Assembly Joint Resolution No. 1.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

The amendment clarifies the type and source of the plutonium referenced in the resolution and ensures that the resolution is not limited in scope by referring to the definition of "high-level radioactive waste" as set forth in *Nevada Revised Statutes*.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 282.

The following Senate amendment was read:

Amendment No. 839.

AN ACT relating to the City of Henderson; requiring, under certain circumstances, a member of the City Council of the City of Henderson to be elected only by the registered voters of the ward that he or she seeks to represent; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under the existing Charter of the City of Henderson, the City is divided into four wards, but the candidates for the office of Council Member are voted on by the registered voters of the City at large. (Henderson City Charter §§ 1.040, 2.010, 5.010, 5.020) In addition, under the existing Charter of the City of Henderson, the City holds primary and general city elections in odd-numbered years, but the City may by ordinance provide for its elections to be held in even-numbered years on the statewide election cycle. (Henderson City Charter §§ 5.010, 5.020) Finally, under the Nevada Constitution, the Legislature may amend the existing Charter of the City of Henderson to require the City's elections to be held in even-numbered years on the statewide election cycle.

(Nev. Const. Art. 4, § 27, Art. 8, § 1) **In sections 26, 29 and 30 of Assembly Bill No. 50 of this session, the Legislature proposes to amend the existing Charter of the City of Henderson to require the City's elections to be held in even-numbered years on the statewide election cycle.**

Section 5 of this bill requires the City Council to place a question on the ballot at: (1) the general city election held in June 2021; or (2) if no general city election will be held in June 2021 because the City will be holding its elections in even-numbered years on the statewide election cycle, the general election held in November 2022. The ballot question will ask the registered voters of the City whether the Charter of the City should be amended to require that the candidates for members of the City Council of the City of Henderson be voted upon only by the registered voters of the ward that the candidate seeks to represent. If the voters of the City approve the ballot question: (1) **the applicable** sections ~~[1-4]~~ of this bill become effective; and (2) candidates for the office of Council Member of the City must be voted upon at subsequent elections only by the registered voters of the ward that the candidate seeks to represent. If the voters of the City do not approve the ballot question: (1) **the applicable** sections ~~[1-4]~~ **of this bill** do not become effective; and (2) candidates for the office of Council Member of the City will continue to be voted upon at subsequent elections by the registered voters of the City at large.

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

Section 1. Section 1.060 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as amended by chapter 231, Statutes of Nevada 1991, at page 511, is hereby amended to read as follows:

Sec. 1.060 Elective offices.

1. The elective officers of the City consist of:

(a) A Mayor.

(b) ~~[~~Four~~]~~ ***One*** Council ~~[~~Members.~~]~~ ***Member from each ward.***

(c) Municipal Judges.

2. Such officers shall be elected as provided by this Charter.

Sec. 2. Section 2.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 218, Statutes of Nevada 2011, at page 955, is hereby amended to read as follows:

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of ~~[~~four~~]~~ ***one*** Council ~~[~~Members~~]~~ ***Member from each ward*** and the Mayor.

2. The Mayor must be:

(a) A bona fide resident of the territory which is established by the boundaries of the City for the 12 months immediately preceding the last day for filing a declaration of candidacy for the office.

(b) A qualified elector within the City.

3. Each Council Member must be:

(a) A bona fide resident of the territory which is established by the boundaries of the City for the 12 months immediately preceding the last day for filing a declaration of candidacy for the office.

(b) A qualified elector within the ward which he or she represents.

(c) A resident of the ward which he or she represents for at least 30 days immediately preceding the last day for filing a declaration of candidacy for the office, except that changes in ward boundaries pursuant to the provisions of section 1.040 do not affect the right of any elected Council Member to continue in office for the term for which he or she was elected.

4. All Council Members, including the Mayor, ~~[must be voted upon by the registered voters of the City at large and,]~~ except as otherwise provided in section 5.020, shall serve for terms of 4 years.

5. The Mayor and Council Members are entitled to receive a salary in an amount fixed by the City Council. The City Council shall not adopt an ordinance which increases or decreases the salary of the Mayor or the Council Members during the term for which they have been elected or appointed.

Sec. 2.5. **Section 2.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as amended by section 26 of Assembly Bill No. 50 of the 80th Session of the Nevada Legislature, is hereby amended to read as follows:**

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of ~~[four]~~ ***one*** Council ~~[Members]~~ ***Member from each ward*** and the Mayor.

2. The Mayor must be:

(a) A bona fide resident of the territory which is established by the boundaries of the City for the 12 months immediately preceding the last day for filing a declaration of candidacy for the office.

(b) A qualified elector within the City.

3. Each Council Member must be:

(a) A bona fide resident of the territory which is established by the boundaries of the City for the 12 months immediately preceding the last day for filing a declaration of candidacy for the office.

(b) A qualified elector within the ward which he or she represents.

(c) A resident of the ward which he or she represents for at least 30 days immediately preceding the last day for filing a declaration of candidacy for the office, except that changes in ward boundaries pursuant to the provisions of section 1.040 do not affect the right of any elected Council Member to continue in office for the term for which he or she was elected.

4. All Council Members, including the Mayor, ~~[must be voted upon by the registered voters of the City at large and,]~~ except as otherwise provided in sections 5.020 and 5.120, shall serve for terms of 4 years.

5. The Mayor and Council Members are entitled to receive a salary in an amount fixed by the City Council. The City Council shall not adopt an ordinance which increases or decreases the salary of the Mayor or the Council Members during the term for which they have been elected or appointed.

Sec. 3. Section 5.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 266, Statutes of Nevada 2013, at page 1214, is hereby amended to read as follows:

Sec. 5.010 Primary municipal election.

1. Except as otherwise provided in section 5.020, a primary municipal election must be held on the Tuesday after the first Monday in April of each odd-numbered year, at which time there must be nominated candidates for offices to be voted for at the next general municipal election.

2. A candidate for any office to be voted for at any primary municipal election must file a declaration of candidacy as provided by the election laws of this State.

3. All candidates for elective office ***, other than candidates for the office of Council Member ,*** must be voted upon by the registered voters of the City at large.

4. ***A candidate for the office of Council Member must be voted upon only by the registered voters of the ward that he or she seeks to represent.***

5. If in the primary municipal election no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general municipal election. If in the primary municipal election, regardless of the number of candidates for an office, one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, he or she must be declared elected and no general municipal election need be held for that office. Such candidate shall enter upon his or her respective duties at the second regular meeting of the City Council held in June of the year of the general municipal election.

Sec. 3.5. **Section 5.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as amended by section 29 of Assembly Bill No. 50 of the 80th Session of the Nevada Legislature, is hereby amended to read as follows:**

Sec. 5.010 Primary municipal election.

1. A primary municipal election must be held:

(a) On the first Tuesday after the first Monday in April 2019; and

(b) Beginning in 2022, on the second Tuesday in June of each even-numbered year,

➥ at which time there must be nominated candidates for offices to be voted for at the next general municipal election.

2. A candidate for any office to be voted for at any primary municipal election must file a declaration of candidacy as provided by the election laws of this State.

3. All candidates for elective office ***, other than candidates for the office of Council Member,*** must be voted upon by the registered voters of the City at large.

4. ***A candidate for the office of Council Member must be voted upon only by the registered voters of the ward that he or she seeks to represent.***

5. If in the primary municipal election no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general municipal election. If in the primary municipal election, regardless of the number of candidates for an office, one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, he or she must be declared elected and no general municipal election need be held for that office. Such candidate shall enter upon his or her respective duties at:

(a) If the primary municipal election was held in 2019, the second regular meeting of the City Council held in June 2019.

(b) If the primary municipal election was held on the second Tuesday of June of an even-numbered year, the first regular meeting of the City Council held in January of the year following the primary municipal election.

Sec. 4. Section 5.020 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 336, Statutes of Nevada 2015, at page 1890, is hereby amended to read as follows:

Sec. 5.020 General municipal election.

1. Except as otherwise provided in subsection ~~[2.]~~ ***4:***

(a) A general municipal election must be held in the City on the second Tuesday after the first Monday in June of each odd-numbered year, at which time the registered voters of the City shall elect city officers to fill the available elective positions.

(b) ~~[All candidates for the office of Mayor, Council Member and Municipal Judge must be voted upon by the registered voters of the City at large. The term of office for members of the City Council and the Mayor is 4 years. Except as otherwise provided in subsection 3 of section 4.015, the term of office for a Municipal Judge is 6 years.~~

~~(c)]~~ On the second Tuesday after the first Monday in June 2019, and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 1 who will hold office until his or her successor has been elected and qualified.

~~[(d)]~~ ***(c)*** On the second Tuesday after the first Monday in June 2021, and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 2 who will hold office until his or her successor has been elected and qualified.

~~[(e)]~~ ***(d)*** On the second Tuesday after the first Monday in June 2017, and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 3 who will hold office until his or her successor has been elected and qualified.

2. ***All candidates for ~~[the]~~ elective office ~~[of Mayor and Municipal Judge]~~ , other than candidates for the office of Council Member, must be voted upon by the registered voters of the City at large.***

3. A candidate for the office of Council Member must be voted upon only by the registered voters of the ward that he or she seeks to represent.

4. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

~~[3.]~~ ***5.*** If the City Council adopts an ordinance pursuant to subsection ~~[2,]~~ ***4,*** the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165 and in NRS 293.175, 293.177, 293.345 and 293.368 apply for the purposes of conducting the primary municipal elections and general municipal elections.

~~[4.]~~ ***6.*** If the City Council adopts an ordinance pursuant to subsection ~~[2,]~~ ***4,*** the ordinance must not affect the term of office of any elected official of the City serving in office on the effective date of the ordinance. The next succeeding term for that office may be shortened but may not be lengthened as a result of the ordinance.

Sec. 4.5. **Section 5.020 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as amended by section 30 of Assembly Bill No. 50 of the 80th Session of the Nevada Legislature, is hereby amended to read as follows:**

Sec. 5.020 General municipal election.

1. ~~[On]~~ ***Notwithstanding the provisions of subsections 7 and 8, on*** the second Tuesday after the first Monday in June 2019, there must be elected by the qualified voters of the City ~~[,]~~ ***pursuant to the provisions of this Charter in effect*** at ~~[a]~~ ***the*** general municipal election ~~[to be]~~ held for that purpose:

(a) Three Council Members who shall hold office until their successors have been elected and qualified pursuant to subsection 4; and

(b) A Municipal Judge for Department 1 who shall hold office until his or her successor has been elected and qualified pursuant to subsection 6.

2. On the first Tuesday after the first Monday in November 2022, and at each successive interval of 4 years, there must be elected , ~~[by the~~

~~qualified voters of the City,]~~ at a general municipal election to be held for that purpose, a Mayor and one Council Member who shall hold office for a period of 4 years and until their successors have been elected and qualified.

3. On the first Tuesday after the first Monday in November 2022, and at each successive interval of 6 years, there must be elected **,** ~~[by the qualified voters of the City,]~~ at a general municipal election to be held for that purpose, a Municipal Judge for Department 2 who shall hold office for a period of 6 years and until his or her successor has been elected and qualified.

4. On the first Tuesday after the first Monday in November 2024, and at each successive interval of 4 years, there must be elected **,** ~~[by the qualified voters of the City,]~~ at a general municipal election to be held for that purpose, three Council Members who shall hold office for a period of 4 years and until their successors have been elected and qualified.

5. On the first Tuesday after the first Monday in November 2024, and at each successive interval of 6 years, there must be elected **,** ~~[by the qualified voters of the City,]~~ at a general municipal election to be held for that purpose, a Municipal Judge for Department 3 who shall hold office for a period of 6 years and until his or her successor has been elected and qualified.

6. On the first Tuesday after the first Monday in November 2026, and at each successive interval of 6 years, there must be elected **,** ~~[by the qualified voters of the City,]~~ at a general municipal election held for that purpose, a Municipal Judge for Department 1 who shall hold office for a period of 6 years and until his or her successor has been elected and qualified.

7. All candidates for elective office, other than candidates for the office of Council Member, must be voted upon by the registered voters of the City at large.

8. A candidate for the office of Council Member must be voted upon only by the registered voters of the ward that he or she seeks to represent.

Sec. 5. 1. The City Council **of the City of Henderson** shall submit the question set forth in subsection 2 on the ballot:

(a) Except as otherwise provided in paragraph (b), at the general city election held in June 2021; or

(b) If a general city election is not held in June 2021, at the general election held in November 2022.

2. The question required pursuant to subsection 1 must be in substantially the following form:

> Shall the Charter of the City of Henderson be amended to require that a candidate for member of the City Council of the City of Henderson be voted upon only by the registered voters of the ward that the candidate seeks to represent?

Yes ☐ No ☐

The voter shall mark the ballot by placing a cross (x) next to the word "yes" or "no ~~[."]~~ **" or by casting his or her vote for or against the question by another method of voting used in the City under the standards adopted pursuant to NRS 293C.369.**

3. The provisions of NRS 293.481 **and 295.217** apply to the City Council for purposes of submitting the question set forth in subsection 2 to the voters ~~[.]~~ **, except that the question must not be withdrawn by the City Council pursuant to subsection 4 of NRS 293.481.**

4. If **sections 26, 29 and 30 of Assembly Bill No. 50 of the 80th Session of the Nevada Legislature:**

(a) Are not enacted into law and the question **set forth in subsection 2** is approved by the voters, the provisions of sections 1 ~~[to 4, inclusive,]~~ **, 2, 3 and 4** of this act apply to every city election that occurs following the election described in subsection 1.

(b) Are enacted into law and the question set forth in subsection 2 is approved by the voters, the provisions of sections 1, 2.5, 3.5 and 4.5 of this act apply to every city election that occurs following the election described in subsection 1.

Sec. 6. Notwithstanding any other provision of law to the contrary, any person:

1. Elected or appointed to the office of Council Member of the City of Henderson to represent the City at large and who holds office on the effective date of sections 1 ~~[to 4, inclusive,]~~ **, 2, 3 and 4 of this act or sections 1, 2.5, 3.5 and 4.5** of this act **, as applicable,** shall be deemed to hold an office that represents the ward in which the person must be a qualified elector pursuant to section 2.010 of the Charter of the City of Henderson.

2. Appointed to the office of Council Member of the City of Henderson on or after the effective date of sections 1 ~~[to 4, inclusive,]~~ **, 2, 3 and 4 of this act or sections 1, 2.5, 3.5 and 4.5 of** this act **, as applicable,** shall be deemed to hold an office that represents the ward in which the person must be a qualified elector pursuant to section 2.010 of the Charter of the City of Henderson.

Sec. 7. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 8. 1. This section and sections 5 and 7 of this act become effective upon passage and approval.

2. ~~[Sections 1 to 4, inclusive, and 6 of this act become effective, if]~~ **If sections 26, 29 and 30 of Assembly Bill No. 50 of the 80th Session of the Nevada Legislature:**

(a) Are not enacted into law and the question set forth in **subsection 2 of** section 5 of this act is approved by the voters of the City ~~[.]~~ **of Henderson, sections 1, 2, 3, 4 and 6 of this act become effective** upon the completion of the canvass of the election described in subsection 1 of section 5 of this act by

the City Council pursuant to section 5.100 of the Charter of the City of Henderson.

(b) Are enacted into law and the question set forth in subsection 2 of section 5 of this act is approved by the voters of the City of Henderson, sections 1, 2.5, 3.5, 4.5 and 6 of this act become effective upon the completion of the canvass of the election described in subsection 1 of section 5 of this act by the City Council pursuant to section 5.100 of the Charter of the City of Henderson.

Assemblywoman Jauregui moved that the Assembly concur in the Senate Amendment No. 839 to Assembly Bill No. 282.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

The amendment prohibits the City of Henderson from withdrawing the city ballot question concerning ward-only voting and adds transitory language to ensure city elections will be held in even-numbered years if Assembly Bill 50 of the 80th Session passes.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 50.

The following Senate amendment was read:

Amendment No. 835.

AN ACT relating to elections; revising provisions governing the dates for certain city elections; **revising provisions relating to candidates in certain city elections;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under the Nevada Constitution, the Legislature may require city elections to be held in even-numbered years on the statewide election cycle by amending: (1) the general law governing cities and their elections; and (2) the charters of the cities organized under special legislative acts or the commission form of government. (Nev. Const. Art. 4, § 27, Art. 8, § 1; chapters 266, 267 and 293C of NRS) In transitioning city elections to even-numbered years, the Legislature may shorten or lengthen the existing terms of office of elected city officers, without violating federal and state constitutional limitations, where the object of the legislation is to regulate the time of holding city elections, and not merely to reduce or extend the terms of particular incumbents. (Nev. Att'y Gen. Op. 2005-02 (Feb. 8, 2005); *Spencer v. Knight*, 98 N.E. 342, 346 (Ind. 1912); *Long v. City of New York*, 81 N.Y. 425, 427-28 (1880); *Lanza v. Wagner*, 183 N.E.2d 670, 673-74 (N.Y. 1962); *State ex rel. Voss v. Davis*, 418 S.W.2d 163, 167-72 (Mo. 1967))

Existing law authorizes the governing body of a city incorporated pursuant to general law to choose by ordinance whether to: (1) hold city elections on the statewide election cycle; or (2) hold a primary city election on the first Tuesday after the first Monday in April and hold a general city election on the

second Tuesday after the first Monday in June of odd-numbered years. (NRS 293C.115, 293C.140, 293C.145, 293C.175) **Existing provisions of various city charters also authorize the cities incorporated under those charters to make the same choice by ordinance regarding the dates of their city elections, and some of the charter cities currently hold their city elections on the statewide election cycle in even-numbered years, while other charter cities currently hold their city elections in odd-numbered years.**

Sections ~~[4–7]~~ 1, 2, 4, 5, 6.4, 7.4 and 17-50 of this bill require that **all** cities hold elections on the statewide election cycle beginning in the year 2022. **Sections 3, ~~[6]~~ 3.8, 6.2, 7.2 and ~~[7.3–14]~~ 8-16** of this bill amend various **~~[other dates]~~ provisions** relating to city elections, such as the date for filing declarations of candidacy **, in order** to **~~[conform]~~ facilitate the transition** to the statewide election cycle. **~~[Section]~~**

Under existing law, the cities of Ely and Fallon are the only cities incorporated pursuant to general law that currently hold their city elections in odd-numbered years. To carry out the transition to the statewide election cycle in those general-law cities, section 51 of this bill provides that officials of **~~[affected]~~ those** cities who **~~[are]~~ were** elected in **~~[2019]~~ 2017** will hold office until the city elections are held in 2022, and **~~[that]~~** officials of **~~[such]~~ those** cities who **~~[are]~~ will be** elected in **~~[2021]~~ 2019** will hold office until the city elections are held in 2024.

Certain **charter** cities **~~[that are created by charters]~~ currently** hold general municipal elections in June of odd-numbered years (Boulder City, Caliente, Henderson, Las Vegas, North Las Vegas and Yerington). **Sections 17-50** of this bill amend the charter of each of those cities to require that the cities hold **~~[primary and general]~~ their** city elections on the same dates as the statewide **~~[primary and general elections.]~~ election cycle in even-numbered years.** **Section 52** of this bill provides for the terms of office of officials of such cities who were elected in 2017 or who will be elected in 2019, and the terms of office of municipal judges who were elected to 6-year terms in 2015 or 2017 or who will be elected in 2019, to be extended by 1 year to allow for the transition to the statewide election cycle. **Section 52.5** of this bill requires Boulder City to transition to the statewide election cycle in accordance with the ordinance adopted by the City Council of Boulder City for such purpose effective November 1, 2018.

~~[Existing law requires.]~~ Under existing law, with limited exception, **a judicial candidate for justice of the Supreme Court, judge of the Court of Appeals, judge of a district court or justice of the peace must file a declaration of candidacy with the appropriate filing officer in January in even-numbered years. (NRS 293.177) Depending on the organization of a city and its population category, existing law provides that a judge of a municipal court of the city may be either elected or appointed to office or, under certain circumstances, a justice of the peace of the township in which the city is located may serve ex officio as a judge of a municipal court of the city. (NRS 5.020, 266.405) If a judge of a municipal court is**

elected to office, existing law provides that a **judicial** candidate for ~~[any]~~ **the elective** office ~~[to be voted for at the primary city election to]~~ **must** file a declaration of candidacy with the city clerk **: (1) in cities that currently hold their city elections in even-numbered years, in March in even-numbered years; and (2) in cities that currently hold their city elections in odd-numbered years,** not less than 60 days or more than 70 days before the date of the primary city election **.** ~~[.]~~ **or, if the city does not hold a primary city election, not less than 60 days nor more than 70 days before the date of the general city election.** (NRS **293.177, 293C.115, 293C.145,** 293C.175) ~~[Section 7]~~

Sections 3.8, 6.2 and 7.2 of this bill ~~[requires, effective upon passage and approval of this bill,]~~ **provide that, beginning in the year 2020,** a **judicial** candidate for ~~[judicial office at a primary city election to instead]~~ **the elective office of judge of a municipal court in cities that currently hold their city elections in even-numbered years must** file a declaration of candidacy with the city clerk not earlier than the first Monday in January ~~[of the year in which the general city election is to be held]~~ and not later than 5 p.m. on the second Friday after the first Monday in January **.** ~~[,]~~ **in even-numbered years,** consistent with the filing period for all other judicial candidates **.** ~~[.]~~ **in even-numbered years. When all other cities transition to the statewide election cycle beginning in the year 2022, sections 6.4 and 7.4 of this bill provide that all judicial candidates for the elective office of judge of a municipal court must file a declaration of candidacy with the city clerk during that same period in January in even-numbered years.**

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

Section 1. NRS 293.059 is hereby amended to read as follows:

293.059 "General city election" means an election held pursuant to NRS ~~[293C.115,]~~ 293C.140 or 293C.145. The term includes a general municipal election held pursuant to the provisions of a special charter of an incorporated city.

Sec. 2. NRS 293.079 is hereby amended to read as follows:

293.079 "Primary city election" means an election held pursuant to NRS ~~[293C.115 or]~~ 293C.175. The term includes a primary municipal election held pursuant to the provisions of a special charter of an incorporated city.

Sec. 3. NRS 293B.354 is hereby amended to read as follows:

293B.354 1. The county clerk shall, not later than April 15 of each year in which a general election is held, submit to the Secretary of State for approval a written plan for the accommodation of members of the general public who observe the delivery, counting, handling and processing of ballots at a polling place, receiving center or central counting place.

2. The city clerk shall, not later than ~~[January 1]~~ ***April 15*** of each year in which a general city election is held, submit to the Secretary of State for approval a written plan for the accommodation of members of the general

public who observe the delivery, counting, handling and processing of the ballots at a polling place, receiving center or central counting place.

3. Each plan must include:

(a) The location of the central counting place and of each polling place and receiving center;

(b) A procedure for the establishment of areas within each polling place and receiving center and the central counting place from which members of the general public may observe the activities set forth in subsections 1 and 2;

(c) The requirements concerning the conduct of the members of the general public who observe the activities set forth in subsections 1 and 2; and

(d) Any other provisions relating to the accommodation of members of the general public who observe the activities set forth in subsections 1 and 2 which the county or city clerk considers appropriate.

Sec. 3.8. **NRS 293C.115 is hereby amended to read as follows:**

293C.115 1. The governing body of a city incorporated pursuant to general law may by ordinance provide for a primary city election and a general city election on:

(a) The dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS; or

(b) The dates set forth for primary city elections and general city elections pursuant to the provisions of this chapter.

2. If a governing body of a city adopts an ordinance pursuant to paragraph (a) of subsection 1, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165, and in NRS 293.175, ~~[293.177,]~~ 293.345 and 293.368 apply for purposes of conducting the primary city elections and general city elections of the city.

3. If a governing body of a city adopts an ordinance pursuant to subsection 1:

(a) The term of office of any elected city official may not be shortened as a result of the ordinance; and

(b) Each elected city official holds office until the end of his or her term and until his or her successor has been elected and qualified.

Sec. 4. NRS 293C.115 is hereby amended to read as follows:

293C.115 ~~[1.]~~ The governing body of a city incorporated pursuant to general law ~~[may]~~ ***shall*** by ordinance provide for a primary city election and a general city election on ~~[:~~

~~(a) The dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS; or~~

~~(b) The]~~ ***the*** dates set forth for primary city elections and general city elections pursuant to the provisions of this chapter.

~~[2. If a governing body of a city adopts an ordinance pursuant to paragraph (a) of subsection 1, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165, and in NRS 293.175, 293.345 and 293.368 apply for purposes of conducting the primary city elections and general city elections of the city.~~

~~3. If a governing body of a city adopts an ordinance pursuant to subsection 1:~~

~~(a) The term of office of any elected city official may not be shortened as a result of the ordinance; and~~

~~(b) Each elected city official holds office until the end of his or her term and until his or her successor has been elected and qualified.]~~

Sec. 5. NRS 293C.140 is hereby amended to read as follows:

293C.140 1. ~~[Except as otherwise provided in NRS 293C.115, a]~~ ***A*** general city election must be held in each city of population categories one and two on the ~~[second]~~ ***first*** Tuesday after the first Monday in ~~[June]~~ ***November*** of the first ~~[odd-numbered]~~ ***even-numbered*** year after incorporation, and ~~[on the same day every]~~ ***at each successive interval of*** 2 years ***,*** ~~[thereafter as determined by law, ordinance or resolution,]~~ at which time there must be elected the elective city officers, the offices of which are required next to be filled by election. All candidates, except as otherwise provided in NRS 266.220, at the general city election must be voted upon by the electors of the city at large.

2. ~~[Unless the terms of office of city council members are extended by an ordinance adopted pursuant to NRS 293C.115, the]~~ ***The*** terms of office ***of the council members*** are 4 years, which terms must be staggered. The council members elected to office immediately after incorporation shall decide, by lot, among themselves which of their offices expire at the next general city election, and thereafter the terms of office must be 4 years ***.*** ~~[unless the terms are extended by an ordinance adopted pursuant to NRS 293C.115.]~~]

Sec. 6. ~~[NRS 293C.145 is hereby amended to read as follows:~~

~~293C.145 1. [Except as otherwise provided in NRS 293C.115, a] A general city election must be held in each city of population category three on the [second] first Tuesday after the first Monday in [June] November of the first [odd-numbered] even-numbered year after incorporation, and [on the same day every] at each successive interval of 2 years . [thereafter, as determined by ordinance.]~~

~~2. There must be one mayor and three or five council members, as the city council shall provide by ordinance, for each city of population category three. [Unless the terms of office of the mayor and the council members are extended by an ordinance adopted pursuant to NRS 293C.115, the] The terms of office of the mayor and the council members are 4 years, which terms must be staggered. The mayor and council members elected to office immediately after incorporation shall decide, by lot, among themselves which two of their offices expire at the next general city election, and thereafter the terms of office must be 4 years . [unless the terms are extended by an ordinance adopted pursuant to NRS 293C.115.] If a city council thereafter increases the number of council members, it shall, by lot, stagger the initial terms of the additional members.~~

~~3. [Except as otherwise provided in NRS 293C.115, a] A candidate for any office to be voted for at the general city election must file a declaration of candidacy with the city clerk not [less than 60 days nor more than 70 days~~

~~before the day of the general city election.~~ ***~~earlier than the first Monday in March of the year in which the general city election is to be held and not later than 5 p.m. on the second Friday after the first Monday in March.~~*** ~~The city clerk shall charge and collect from the candidate and the candidate must pay to the city clerk, at the time of filing the declaration of candidacy, a filing fee in an amount fixed by the city council by ordinance or resolution.~~

~~4. Candidates for mayor must be voted upon by the electors of the city at large. Candidates for the city council must be voted upon by the electors of their respective wards to represent the wards in which they reside or by the electors of the city at large in accordance with the provisions of chapter 266 of NRS.~~ **(Deleted by amendment.)**

Sec. 6.2. **NRS 293C.145 is hereby amended to read as follows:**

293C.145 1. Except as otherwise provided in NRS 293C.115, a general city election must be held in each city of population category three on the second Tuesday after the first Monday in June of the first odd-numbered year after incorporation, and on the same day every 2 years thereafter, as determined by ordinance.

2. There must be one mayor and three or five council members, as the city council shall provide by ordinance, for each city of population category three. Unless the terms of office of the mayor and the council members are extended by an ordinance adopted pursuant to NRS 293C.115, the terms of office of the mayor and the council members are 4 years, which terms must be staggered. The mayor and council members elected to office immediately after incorporation shall decide, by lot, among themselves which two of their offices expire at the next general city election, and thereafter the terms of office must be 4 years unless the terms are extended by an ordinance adopted pursuant to NRS 293C.115. If a city council thereafter increases the number of council members, it shall, by lot, stagger the initial terms of the additional members.

3. ~~[Except as otherwise provided in NRS 293C.115, a]~~ ***A*** candidate for ~~[any]~~ ***an*** office to be voted for at the general city election must file a declaration of candidacy with the city clerk **:**

(a) If the city has provided by ordinance for a general city election on the same date as the statewide general election pursuant to chapter 293 of NRS and the candidate is filing for:

(1) The office of judge of a municipal court, not earlier than the first Monday in January of the year in which the applicable election is to be held and not later than 5 p.m. on the second Friday after the first Monday in January.

(2) Any other office, not earlier than the first Monday in March of the year in which the applicable election is to be held and not later than 5 p.m. on the second Friday after the first Monday in March.

(b) If the city has not provided by ordinance for a general city election on the same date as the statewide general election pursuant to chapter 293 of NRS, not ~~[less]~~ ***earlier*** than ~~[60 days nor more]~~ ***the 70th day before the applicable election is to be held and not later*** than ~~[70 days]~~ ***5 p.m. on the***

60th day before the ~~[day of the general city election. The]~~ ***applicable election is to be held.***

4. At the time that a candidate files a declaration of candidacy, the city clerk shall charge and collect from the candidate***,*** and the candidate must pay to the city clerk, ~~[at the time of filing the declaration of candidacy,]~~ a filing fee in an amount fixed by the city council by ordinance or resolution.

~~[4.]~~ ***5.*** Candidates for mayor must be voted upon by the electors of the city at large. Candidates for the city council must be voted upon by the electors of their respective wards to represent the wards in which they reside or by the electors of the city at large in accordance with the provisions of chapter 266 of NRS.

Sec. 6.4. **NRS 293C.145 is hereby amended to read as follows:**

293C.145 1. ~~[Except as otherwise provided in NRS 293C.115, a]~~ ***A*** general city election must be held in each city of population category three on the ~~[second]~~ ***first*** Tuesday after the first Monday in ~~[June]~~ ***November*** of the first ~~[odd-numbered]~~ ***even-numbered*** year after incorporation, and ~~[on the same day every]~~ ***at each successive interval of*** 2 years***.*** ~~[thereafter, as determined by ordinance.]~~

2. There must be one mayor and three or five council members, as the city council shall provide by ordinance, for each city of population category three. ~~[Unless the terms of office of the mayor and the council members are extended by an ordinance adopted pursuant to NRS 293C.115, the]~~ ***The*** terms of office of the mayor and the council members are 4 years, which terms must be staggered. The mayor and council members elected to office immediately after incorporation shall decide, by lot, among themselves which two of their offices expire at the next general city election, and thereafter the terms of office must be 4 years***.*** ~~[unless the terms are extended by an ordinance adopted pursuant to NRS 293C.115.]~~ If a city council thereafter increases the number of council members, it shall, by lot, stagger the initial terms of the additional members.

3. A candidate for an office to be voted for at the general city election must file a declaration of candidacy with the city clerk ~~[:]~~ ***not earlier than:***

(a) ~~[If the city has provided by ordinance for a general city election on the same date as the statewide general election pursuant to chapter 293 of NRS and the candidate is filing for:~~

~~(1) The]~~ ***For the*** office of judge of a municipal court, ~~[not earlier than]~~ the first Monday in January of the year in which the applicable election is to be held and not later than 5 p.m. on the second Friday after the first Monday in January.

~~[(2) Any]~~

(b) For any other office, ~~[not earlier than]~~ the first Monday in March of the year in which the applicable election is to be held and not later than 5 p.m. on the second Friday after the first Monday in March.

~~[(b) If the city has not provided by ordinance for a general city election on the same date as the statewide general election pursuant to chapter 293 of NRS,~~

~~not earlier than the 70th day before the applicable election is to be held and not later than 5 p.m. on the 60th day before the applicable election is to be held.~~**]**

4. At the time that a candidate files a declaration of candidacy, the city clerk shall charge and collect from the candidate, and the candidate must pay to the city clerk, a filing fee in an amount fixed by the city council by ordinance or resolution.

5. Candidates for mayor must be voted upon by the electors of the city at large. Candidates for the city council must be voted upon by the electors of their respective wards to represent the wards in which they reside or by the electors of the city at large in accordance with the provisions of chapter 266 of NRS.

Sec. 7. ~~**[**NRS 293C.175 is hereby amended to read as follows:~~

~~293C.175 1. Except as otherwise provided in NRS 293C.115, a primary city election must be held in each city of population category one, and in each city of population category two that has so provided by ordinance, on the first Tuesday after the first Monday in April of every year in which a general city election is to be held, at which time there must be nominated candidates for offices to be voted for at the next general city election.~~

~~2. Except as otherwise provided in NRS 293C.115, a candidate for~~ **[**~~any~~**]** ***an*** ~~office to be voted for at the primary city election must file a declaration of candidacy with the city clerk~~ ***:***

~~***(a) For a judicial office in a city that has by ordinance provided for a primary and a general city election on the dates set forth in chapter 293 of NRS, not earlier than the first Monday in January of the year in which the general city election is to be held and not later than 5 p.m. on the second Friday after the first Monday in January; and***~~

~~***(b) For all other offices,*** not [less than 60 days or more than 70 days before the date of the primary city election.~~**]** ~~***earlier than the 70th day before the primary city election and not later than 5 p.m. on the 60th day before the primary city election.***~~

~~***3.*** The city clerk shall charge and collect from the candidate and the candidate must pay to the city clerk, at the time of filing the declaration of candidacy, a filing fee in an amount fixed by the governing body of the city by ordinance or resolution. The filing fees collected by the city clerk must be deposited to the credit of the general fund of the city.~~

~~**[***3.***]** ***4.*** All candidates, except as otherwise provided in NRS 266.220, must be voted upon by the electors of the city at large.~~

~~**[**4.**]** ***5.*** If, in a primary city election held in a city of population category one or two, one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the candidate must be declared elected to the office and the candidate's name must not be placed on the ballot for the general city election. If, in the primary city election, no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest~~

~~number of votes must be placed on the ballot for the general city election.]~~ **(Deleted by amendment.)**

Sec. 7.2. **NRS 293C.175 is hereby amended to read as follows:**

293C.175 1. Except as otherwise provided in NRS 293C.115, a primary city election must be held in each city of population category one, and in each city of population category two that has so provided by ordinance, on the first Tuesday after the first Monday in April of every year in which a general city election is to be held, at which time there must be nominated candidates for offices to be voted for at the next general city election.

2. ~~[Except as otherwise provided in NRS 293C.115, a]~~ ***A*** candidate for ~~[any]~~ ***an*** office to be voted for at the primary ***or general*** city election must file a declaration of candidacy with the city clerk ***:***

(a) If the city has provided by ordinance for the primary and general city elections on the same dates, respectively, as the statewide primary and general elections pursuant to chapter 293 of NRS and the candidate is filing for:

(1) The office of judge of a municipal court, not earlier than the first Monday in January of the year in which the applicable election is to be held and not later than 5 p.m. on the second Friday after the first Monday in January.

(2) Any other office, not earlier than the first Monday in March of the year in which the applicable election is to be held and not later than 5 p.m. on the second Friday after the first Monday in March.

(b) If the city has not provided by ordinance for the primary and general city elections on the same dates, respectively, as the statewide primary and general elections pursuant to chapter 293 of NRS, not ~~[less]~~ ***earlier*** than ~~[60 days or more]~~ ***the 70th day before the applicable election is to be held and not later*** than ~~[70 days]~~ ***5 p.m. on the 60th day*** before the ~~[date of the primary city election. The]~~ ***applicable election is to be held.***

3. At the time that a candidate files a declaration of candidacy, the city clerk shall charge and collect from the candidate***,*** and the candidate must pay to the city clerk, ~~[at the time of filing the declaration of candidacy,]~~ a filing fee in an amount fixed by the governing body of the city by ordinance or resolution. The filing fees collected by the city clerk must be deposited to the credit of the general fund of the city.

~~[3.]~~ ***4.*** All candidates, except as otherwise provided in NRS 266.220, must be voted upon by the electors of the city at large.

~~[4.]~~ ***5.*** If, in a primary city election held in a city of population category one or two, one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the candidate must be declared elected to the office and the candidate's name must not be placed on the ballot for the general city election. If, in the primary city election, no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general city election.

Sec. 7.3. ~~[NRS 293C.175 is hereby amended to read as follows:~~

~~293C.175 1. [Except as otherwise provided in NRS 293C.115, a] *A* primary city election must be held in each city of population category one, and in each city of population category two that has so provided by ordinance, on the [first] *second* Tuesday [after the first Monday] in [April] *June* of [every] *each even-numbered* year , [in which a general city election is to be held,] at which time there must be nominated candidates for offices to be voted for at the next general city election.~~

~~2. [Except as otherwise provided in NRS 293C.115, a] *A* candidate for an office to be voted for at the primary city election must file a declaration of candidacy with the city clerk [:] *not earlier than:*~~

~~(a) For a judicial office , [in a city that has by ordinance provided for a primary and a general city election on the dates set forth in chapter 293 of NRS, not earlier than] the first Monday in January of the year in which the general city election is to be held and not later than 5 p.m. on the second Friday after the first Monday in January; and~~

~~(b) For all other offices, [not earlier than the 70th day before the primary city election] *the first Monday in March of the year in which the general city election is to be held* and not later than 5 p.m. on the [60th day before the primary city election.] *second Friday after the first Monday in March.*~~

~~3. The city clerk shall charge and collect from the candidate and the candidate must pay to the city clerk, at the time of filing the declaration of candidacy, a filing fee in an amount fixed by the governing body of the city by ordinance or resolution. The filing fees collected by the city clerk must be deposited to the credit of the general fund of the city.~~

~~4. All candidates, except as otherwise provided in NRS 266.220, must be voted upon by the electors of the city at large.~~

~~5. If, in a primary city election held in a city of population category one or two, one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the candidate must be declared elected to the office and the candidate's name must not be placed on the ballot for the general city election. If, in the primary city election, no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general city election.] (Deleted by amendment.)~~

Sec. 7.4. **NRS 293C.175 is hereby amended to read as follows:**

293C.175 1. ~~[Except as otherwise provided in NRS 293C.115, a]~~ ***A*** primary city election must be held in each city of population category one, and in each city of population category two that has so provided by ordinance, on the ~~[first]~~ ***second*** Tuesday ~~[after the first Monday]~~ in ~~[April]~~ ***June*** of ~~[every]~~ ***each even-numbered*** year **,** ~~[in which a general city election is to be held,]~~ at which time there must be nominated candidates for offices to be voted for at the next general city election.

2. A candidate for an office to be voted for at the primary or general city election must file a declaration of candidacy with the city clerk ~~[:]~~ ***not earlier than:***

(a) ~~[If the city has provided by ordinance for the primary and general city elections on the same dates, respectively, as the statewide primary and general elections pursuant to chapter 293 of NRS and the candidate is filing for:~~

~~(1) The]~~ ***For the*** office of judge of a municipal court, ~~[not earlier than]~~ the first Monday in January of the year in which the applicable election is to be held and not later than 5 p.m. on the second Friday after the first Monday in January.

~~[(2) Any]~~

(b) For any other office, ~~[not earlier than]~~ the first Monday in March of the year in which the applicable election is to be held and not later than 5 p.m. on the second Friday after the first Monday in March.

~~[(b) If the city has not provided by ordinance for the primary and general city elections on the same dates, respectively, as the statewide primary and general elections pursuant to chapter 293 of NRS, not earlier than the 70th day before the applicable election is to be held and not later than 5 p.m. on the 60th day before the applicable election is to be held.]~~

3. At the time that a candidate files a declaration of candidacy, the city clerk shall charge and collect from the candidate, and the candidate must pay to the city clerk, a filing fee in an amount fixed by the governing body of the city by ordinance or resolution. The filing fees collected by the city clerk must be deposited to the credit of the general fund of the city.

4. All candidates, except as otherwise provided in NRS 266.220, must be voted upon by the electors of the city at large.

5. If, in a primary city election held in a city of population category one or two, one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the candidate must be declared elected to the office and the candidate's name must not be placed on the ballot for the general city election. If, in the primary city election, no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general city election.

Sec. 7.7. NRS 293C.180 is hereby amended to read as follows:

293C.180 1. If at 5 p.m. on the last day for filing a declaration of candidacy, there is only one candidate who has filed for nomination for an office, that candidate must be declared elected and no election may be held for that office.

2. Except as otherwise provided in subsection 1, if not more than twice the number of candidates to be elected have filed for nomination for an office, the names of those candidates must be omitted from all ballots for a primary city election and placed on all ballots for a general city election.

3. If more than twice the number of candidates to be elected have filed for nomination for an office, the names of the candidates must appear on the ballot

for a primary city election. Except as otherwise provided in subsection ~~[4]~~ ***5*** of NRS 293C.175, those candidates who receive the highest number of votes at that election, not to exceed twice the number to be elected, must be declared nominees for the office.

Sec. 8. NRS 293C.185 is hereby amended to read as follows:

293C.185 1. Except as otherwise provided in NRS ~~[293C.115 and]~~ 293C.190, a ~~*[A]*~~ name may not be printed on a ballot to be used at a primary ***or general*** city election unless the person named has ***, in accordance with NRS 293C.145 or 293C.175, as applicable, timely*** filed a declaration of candidacy or an acceptance of candidacy and ~~[has]~~ paid the fee established by the governing body of the city ***.*** ~~[not earlier than 70 days before the primary city election and not later than 5 p.m. on the 60th day before the primary city election.]~~

2. A declaration ***or acceptance*** of candidacy required to be filed ~~[by]~~ ***pursuant to*** this ~~[section]~~ ***chapter*** must be in substantially the following form:

DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....

State of Nevada

City of.....

For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, ..., the undersigned do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the city, township or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a candidate at the ensuing election I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy or acceptance of candidacy which contains a false statement is a crime punishable as a

gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public or other person
authorized to administer an oath

3. The address of a candidate that must be included in the declaration or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if the candidate fails to comply with the following provisions of this subsection or, if applicable, the provisions of subsection 4:

(a) The candidate shall not list the candidate's address as a post office box unless a street address has not been assigned to the residence; and

(b) Except as otherwise provided in subsection 4, the candidate shall present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or

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

4. If the candidate executes an oath or affirmation under penalty of perjury stating that the candidate is unable to present to the filing officer the proof of residency required by subsection 3 because a street address has not been assigned to the candidate's residence or because the rural or remote location of the candidate's residence makes it impracticable to present the proof of residency required by subsection 3, the candidate shall present to the filing officer:

(a) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate; and

(b) Alternative proof of the candidate's residential address that the filing officer determines is sufficient to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050. The

Secretary of State may adopt regulations establishing the forms of alternative proof of the candidate's residential address that the filing officer may accept to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050.

5. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to subsection 3 or 4. Such a copy:

(a) May not be withheld from the public; and

(b) Must not contain the social security number, driver's license or identification card number or account number of the candidate.

6. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the city clerk as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293C.186. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the city clerk duplicate copies of the process. The city clerk shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the city clerk a different address for that purpose, in which case the city clerk shall mail the copy to the last address so designated.

7. If the city clerk receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the city clerk:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored by a court of competent jurisdiction; and

(b) Shall transmit the credible evidence and the findings from such investigation to the city attorney.

8. The receipt of information by the city attorney pursuant to subsection 7 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293C.186 to which the provisions of NRS 293.2045 apply.

9. Any person who knowingly and willfully files a declaration of candidacy or acceptance of candidacy which contains a false statement in violation of this section is guilty of a gross misdemeanor.

Sec. 9. NRS 293C.190 is hereby amended to read as follows:

293C.190 1. ~~[Except as otherwise provided in NRS 293C.115, a vacancy occurring in a nomination for a city office after the close of filing and on or before 5 p.m. of the first Tuesday after the first Monday in March in a year in which a general city election is held must be filled by filing a nominating petition that is signed by at least 1 percent of the persons who are registered to vote and who voted for that office at the last preceding general city election. Except as otherwise provided in NRS 293C.115, the petition must be filed not earlier than the third Tuesday in February and not later than the third Tuesday after the third Monday in March. A candidate nominated pursuant to the~~

~~provisions of this subsection may be elected only at a general city election, and the candidate's name must not appear on the ballot for a primary city election.~~

~~2. Except as otherwise provided in NRS 293C.115, a~~ ***A*** vacancy occurring in a nomination for a city office ~~[after 5 p.m. of the first Tuesday after the first Monday in March and on or]~~ before 5 p.m. of the ~~[second Tuesday after the second Monday in April]~~ ***fourth Friday in July of the year in which the general city election is held*** must be filled by the person who received the next highest vote for the nomination in the primary city election ~~[.~~

~~3. Except to place a candidate nominated pursuant to subsection 1 on the ballot and except as otherwise provided in NRS 293C.115, no]~~ ***if a primary city election was held for that office. If no primary city election was held for that city office or if there was not more than one person who was seeking the nomination in the primary city election, a person may become a candidate for the city office at the general city election if the person files a declaration of candidacy or acceptance of candidacy and pays the appropriate filing fee before 5 p.m. on the fourth Friday in July.***

2. ***No*** change may be made on the ballot for the general city election after 5 p.m. ~~[of the second Tuesday after the second Monday in April]~~ ***on the fourth Friday in July*** of the year in which the general city election is held. If ~~[a]~~ ***,*** ***after that time and date:***

(a) A nominee dies ~~[after that time and date,]~~ ***or is adjudicated insane or mentally incompetent; or***

(b) A vacancy in the nomination is otherwise created,

↪ the nominee's name must remain on the ballot for the general city election and, if elected, a vacancy exists.

~~[4. Except as otherwise provided in NRS 293C.115, all designations provided for in this section must be filed on or before 5 p.m. on the second Tuesday after the second Monday in April of the year in which the general city election is held. The filing fee must be paid and an acceptance of the designation must be filed on or before 5 p.m. on that date.]~~

Sec. 10. NRS 293C.2675 is hereby amended to read as follows:

293C.2675 1. If an Indian reservation or Indian colony is located in whole or in part within a city, the Indian tribe may submit a request to the city clerk for the establishment of a polling place within the boundaries of the Indian reservation or Indian colony for the day of a primary city election or general city election.

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

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

(1) If the request is for a primary city election ***,*** ~~[that is held:~~

~~(I) On the dates set forth for primary elections pursuant to the provisions of chapter 293 of NRS,]~~ the first Friday in January of the year in which the primary city election is to be held.

~~[(II) On the dates set forth for primary city elections pursuant to the provisions of this chapter, the first Friday in December of the year immediately preceding the year in which the primary city election is to be held.]~~

(2) If the request is for a general city election **,** ~~[that is held:~~

~~(I) On the dates set forth for general elections pursuant to the provisions of chapter 293 of NRS,]~~ the first Friday in July of the year in which the general city election is to be held.

~~[(II) On the dates set forth for general city elections pursuant to the provisions of this chapter, the first Friday in January of the year in which the general city election is to be held.]~~

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

3. Except as otherwise provided in this subsection, if the city clerk receives a request that satisfies the requirements set forth in subsection 2, the city clerk must establish at least one polling place within the boundaries of the Indian reservation or Indian colony at a location or locations, as applicable, approved by the Indian tribe for the day of a primary city election or general city election. The city clerk is not required to establish a polling place within the boundaries of the Indian reservation or Indian colony for the day of a primary city election or general city election if the city clerk established a temporary branch polling place for early voting pursuant to NRS 293C.3572 within the boundaries of the Indian reservation or Indian colony for the same election.

Sec. 11. NRS 293C.291 is hereby amended to read as follows:

293C.291 If a candidate whose name appears on the ballot at a primary city election or general city election dies after the applicable date set forth in ~~[:~~

~~1.]~~ NRS 293C.370 ~~[; or~~

~~2. NRS 293.368, if the governing body of the city has adopted an ordinance pursuant to paragraph (a) of subsection 1 of NRS 293C.115,~~

~~➥]~~ but before the time of the closing of the polls on the day of the election, the city clerk shall post a notice of the candidate's death at each polling place where the candidate's name will appear on the ballot for the primary city election or general city election.

Sec. 12. NRS 293C.345 is hereby amended to read as follows:

293C.345 ~~[Except as otherwise provided in NRS 293C.115, the]~~ ***The*** city clerk shall mail to each registered voter in each mailing precinct and in each absent ballot mailing precinct ~~[, before 5 p.m. on the third Thursday in March and before 5 p.m. on the fourth Tuesday in May of any year in which a general city election is held,]~~ an official mailing ballot to be voted by the voter at the election ~~[.]~~ ***before 5 p.m. on the last business day preceding the first day of the period for early voting for any primary city election or general city election, as applicable.***

Sec. 13. NRS 293C.3572 is hereby amended to read as follows:

293C.3572 1. In addition to permanent polling places for early voting, except as otherwise provided in subsection ~~[3,]~~ ***4,*** the city clerk may establish temporary branch polling places for early voting pursuant to NRS 293C.3561.

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

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

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

(1) If the request is for a primary city election **,** ~~[that is held:~~

~~(I) On the dates set forth for primary elections pursuant to the provisions of chapter 293 of NRS,]~~ the first Friday in January of the year in which the primary city election is to be held.

~~[(II) On the dates set forth for primary city elections pursuant to the provisions of this chapter, the first Friday in December of the year immediately preceding the year in which the primary city election is to be held.]~~

(2) If the request is for a general city election **,** ~~[that is held:~~

~~(I) On the dates set forth for general elections pursuant to the provisions of chapter 293 of NRS,]~~ the first Friday in July of the year in which the general city election is to be held.

~~[(II) On the dates set forth for general city elections pursuant to the provisions of this chapter, the first Friday in January of the year in which the general city election is to be held.]~~

(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the temporary branch polling place and proposed hours thereof. Any proposed location must satisfy the criteria established by the city clerk pursuant to NRS 293C.3561.

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

5. The provisions of subsection 3 of NRS 293C.3568 do not apply to a temporary branch polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the city clerk.

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

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

Sec. 14. NRS 293C.370 is hereby amended to read as follows:

293C.370 Except as otherwise provided in NRS ~~[293C.115:]~~ ***293C.190:***

1. Whenever a candidate whose name appears upon the ballot at a primary city election dies after 5 p.m. ~~[of]~~ ***on*** the ~~[first]~~ ***second*** Tuesday ~~[after the first Monday]~~ in ~~[March,]~~ ***April,*** the deceased candidate's name must remain on the ballot and the votes cast for the deceased candidate must be counted in determining the nomination for the office for which the decedent was a candidate.

2. If the deceased candidate on the ballot at the primary city election receives the number of votes required to receive the nomination to the office for which he or she was a candidate, the nomination is filled ~~[as provided in subsection 2 of NRS 293C.190.]~~ ***by the person who received the next highest vote for the nomination in the primary election.***

3. Whenever a candidate whose name appears upon the ballot at a general city election dies after 5 p.m. ~~[of]~~ ***on*** the ~~[second Tuesday after the second Monday in April,]~~ ***fourth Friday in July of the year in which the primary city election was held,*** the votes cast for the deceased candidate must be counted in determining the results of the ***general city*** election for the office for which the decedent was a candidate.

4. If the deceased candidate on the ballot at the general ***city*** election receives the majority of the votes cast for the office, the deceased candidate shall be deemed elected and the office to which he or she was elected shall be deemed vacant at the beginning of the term for which he or she was elected. The vacancy created must be filled in the same manner as if the candidate had died after taking office for that term.

Sec. 15. NRS 266.405 is hereby amended to read as follows:

266.405 1. In addition to the mayor and city council, there must be in each city of population category one or two a city clerk, a city treasurer, or if those offices are combined pursuant to subsection 4, a city clerk and treasurer, a municipal judge and a city attorney. The offices of city clerk, city treasurer, municipal judge and city attorney may be either elective or appointive offices, as provided by city ordinance. Except as otherwise provided in this subsection ***,*** ~~[and unless the terms of those elected officers are extended by an ordinance adopted pursuant to NRS 293C.115,]~~ the elected officers shall hold their respective offices for 4 years and until their successors are elected and qualified. The cities of population category three may by ordinance provide that the mayor and city council members must be elected and shall hold office for 2 years ***.*** ~~[unless the terms of office of the mayor and city council members are extended by an ordinance adopted pursuant to NRS 293C.115.]~~

2. In each city of population category one or two, in which the officers are appointed pursuant to ordinance, the mayor, with the advice and consent of the city council, shall appoint all of the officers.

3. In cities of population category three, the mayor, with the advice and consent of the city council, may appoint any officers as may be deemed expedient.

4. The city council may provide by ordinance for the office of city clerk and the office of city treasurer to be combined into the office of city clerk and treasurer.

Sec. 16. NRS 267.110 is hereby amended to read as follows:

267.110 1. Any city having adopted a charter pursuant to the provisions of NRS 267.010 to 267.140, inclusive, has pursuant to the charter:

(a) All of the powers enumerated in the general laws of the State for the incorporation of cities.

(b) Such other powers necessary and not in conflict with the Constitution and laws of the State of Nevada to carry out the commission form of government.

2. The charter, when submitted, must:

(a) Fix the number of commissioners, their terms of office and their duties and compensation.

(b) Provide for all necessary appointive and elective officers for the form of government therein provided, and fix their salaries and emoluments, duties and powers.

(c) Fix, in accordance with the provisions of NRS 293C.140 and 293C.175 or with the provisions of NRS 293C.145, ~~[or with the provisions of paragraph (a) of subsection 1 of NRS 293C.115,]~~ the time for the first and subsequent elections for all elective officers. After the first election and the qualification of the officers who were elected, the old officers and all boards or offices and their emoluments must be abolished.

Sec. 17. Section 4 of the Charter of Boulder City is hereby amended to read as follows:

Section 4. Number; selection ***;*** ~~[and term;]~~ eligibility for office; recall.

1. Except as otherwise provided in section 96, the City Council shall have four Council Members and a Mayor elected from the City at large in the manner provided in Article IX ***.*** ~~[, for terms of four years and until their successors have been elected and have taken office as provided in section 16.]~~ No Council Member shall represent any particular constituency or district of the City, and each Council Member shall represent the entire City. (Amd. 2; 6-4-1991; Add. 17; Amd. 1; 11-5-1996)

2. (Repealed by Amd. 1; 6-4-1991)

3. No person may be elected to the office of Mayor who has served in that office for 12 years or more, unless the permissible number of terms

or duration of service is otherwise specified in the Nevada Constitution. (Add. 26; Amd. 4; 11-2-2010)

4. No person may be elected to the office of Council Member who has served in that office for 12 years or more, unless the permissible number of terms or duration of service is otherwise specified in the Nevada Constitution. (Add. 26; Amd. 4; 11-2-2010)

5. The Council Members and the Mayor are subject to recall as provided in section 111.5.

Sec. 18. Section 12 of the Charter of Boulder City is hereby amended to read as follows:

Section 12. Vacancies in Council.

Except as otherwise provided in NRS 268.325, a vacancy on the Council must be filled by appointment by a majority of the remaining members of the Council within 30 days or after three regular or special meetings, whichever is the shorter period of time. In the event of a tie vote among the remaining members of the Council, selection must be made by lot. No such appointment extends beyond the next ***general*** municipal election. (Add. 19; Amd. 1; 7-16-1997)

Sec. 19. Section 96 of the Charter of Boulder City is hereby amended to read as follows:

Section 96. Conduct of municipal elections.

1. All municipal elections must be nonpartisan in character and must be conducted in accordance with the provisions of the general election laws of the State of Nevada and any ordinance regulations as adopted by the City Council which are consistent with law and this Charter. (1959 Charter)

2. ~~[All]~~ ***On the first Tuesday after the first Monday in November 2022, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Mayor and two Council Members who shall hold office for a period of 4 years and until their successors have been elected and qualified.***

3. On the first Tuesday after the first Monday in November 2024, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, two Council Members who shall hold office for a period of 4 years and until their successors have been elected and qualified.

4. All full terms of office in the City Council are 4 years, and Council Members must be elected at large without regard to precinct residency. ~~[Except as otherwise provided in subsection 8, two full-term Council Members and the Mayor are to be elected in each year immediately preceding a federal presidential election, and two full-term Council Members are to be elected in each year immediately following a federal presidential election.]~~ In each election, the candidates receiving the

greatest number of votes must be declared elected to the ~~[vacant]~~ ***available*** full-term positions. (Add. 17; Amd. 1; 11-5-1996)

~~[3.]~~ ***5.*** In the event one or more 2-year term positions on the Council will be available at the time of a ***general*** municipal election as provided in section 12, candidates must file specifically for such position(s). Candidates receiving the greatest respective number of votes must be declared elected to the respective available 2-year positions. (Add. 15; Amd. 2; 6-4-1991)

~~[4.]~~ ***6.*** Except as otherwise provided in subsection ~~[8,]~~ ***7,*** a primary municipal election must be held ~~[on]~~ ***:***

(a) On the first Tuesday after the first Monday in April ~~[of each odd-numbered year and a general municipal election must be held on the second Tuesday after the first Monday in June of each odd-numbered year.~~

~~5.]~~ ***2019; and***

(b) Beginning in 2022, on the second Tuesday in June of each even-numbered year.

7. A primary municipal election must not be held if no more than double the number of Council Members to be elected file as candidates. A primary municipal election must not be held for the office of Mayor if no more than two candidates file for that position. The primary municipal election must be held for the purpose of eliminating candidates in excess of a figure double the number of Council Members to be elected. (Add. 17; Amd. 1; 11-5-1996)

~~[6.]~~ ***8.*** If, in the primary municipal election, a candidate receives votes equal to a majority of voters casting ballots in that election, he or she shall be considered elected to one of the vacancies and his or her name shall not be placed on the ballot for the general municipal election. (Add. 10; Amd. 7; 6-2-1981)

~~[7.]~~ ***9.*** In each primary and general municipal election, voters are entitled to cast ballots for candidates in a number equal to the number of seats to be filled in the municipal elections. (Add. 11; Amd. 5; 6-7-1983)

~~[8. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.~~

~~9. If the City Council adopts an ordinance pursuant to subsection 8, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165 and in NRS 293.175, 293.177, 293.345 and 293.368 apply for the purposes of conducting the primary municipal elections and general municipal elections.~~

~~10. If the City Council adopts an ordinance pursuant to subsection 8, the ordinance must not affect the term of office of any elected official of the City serving in office on the effective date of the ordinance. The next~~

~~succeeding term for that office may be shortened but may not be lengthened as a result of the ordinance.~~

~~11.~~ ***10.*** The conduct of all municipal elections must be under the control of the City Council, which shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter. Nothing in this Charter shall be construed as to deny or abridge the power of the City Council to provide for supplemental regulations for the prevention of fraud in such elections and for the recount of ballots in cases of doubt or fraud. (Add. 24; Amd. 1; 6-3-2003)

Sec. 20. The Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, at page 55, is hereby amended by adding thereto a new section to be designated as section 5.120, immediately following section 5.110, to read as follows:

Sec. 5.120 Continuation of certain officers.

The Mayor and two Council Members elected at the general municipal election held on the second Tuesday after the first Monday in June 2017 shall continue in office until the election, and qualification thereafter, of their successors pursuant to subsection 2 of section 5.010.

Sec. 21. Section 1.060 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, as last amended by chapter 515, Statutes of Nevada 1997, at page 2449, is hereby amended to read as follows:

Sec. 1.060 Elective offices: Vacancies. Except as otherwise provided in NRS 268.325:

1. A vacancy in the City Council or in the office of Mayor must be filled by a majority vote of the members of the City Council within 30 days after the occurrence of the vacancy. A person may be selected to fill a prospective vacancy in the Council before the vacancy occurs. In such a case, each member of the Council, except any member whose term of office expires before the occurrence of the vacancy, may participate in any action taken by the Council pursuant to this section. The appointee must have the same qualifications as are required of the elected official.

2. The appointee shall serve until the next ***general*** municipal election and his or her successor is elected and qualified. At the time of the election, if a balance remains in the term of office to which the appointee was appointed, the successor may be elected only for the balance of that term.

Sec. 22. Section 2.010 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, as last amended by chapter 218, Statutes of Nevada 2011, at page 954, is hereby amended to read as follows:

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of five Council Members, including the Mayor.

2. The Mayor and each Council Member must be:

(a) Bona fide residents of the City for at least 2 years immediately prior to their election.

(b) Qualified electors within the City.

3. All Council Members, including the Mayor, must be voted upon by the registered voters of the City at large and shall serve for terms of 4 years except as otherwise provided in ~~[section]~~ ***sections*** 5.010 ~~[.]~~ ***and 5.120.***

4. The Mayor and Council Members shall receive a salary in an amount fixed by the City Council. Such salary must not be increased or diminished during the term of the recipient.

Sec. 23. Section 5.010 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, as last amended by chapter 336, Statutes of Nevada 2015, at page 1889, is hereby amended to read as follows:

Sec. 5.010 ~~[Municipal]~~ ***General municipal*** elections.

1. ~~[Except as otherwise provided in subsection 2:~~

~~(a)]~~ On the second Tuesday after the first Monday in June 2019, ~~[and at each successive interval of 4 years thereafter,]~~ there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, two Council Members who shall hold office ~~[for a period of 4 years and]~~ until their successors have been elected and qualified ~~[.]~~ ***pursuant to subsection 3.***

~~[(b)]~~ ***2.*** On the ~~[second]~~ ***first*** Tuesday after the first Monday in ~~[June 2017,]~~ ***November 2022,*** and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Mayor and two Council Members, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

~~[2. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.~~

~~3. If the City Council adopts an ordinance pursuant to subsection 2, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165 and in NRS 293.175, 293.177, 293.345 and 293.368 apply for the purposes of conducting the primary municipal elections and general municipal elections.~~

~~4. If the City Council adopts an ordinance pursuant to subsection 2, the term of office of any elected official may be shortened but may not be lengthened as a result of the ordinance.]~~

3. On the first Tuesday after the first Monday in November 2024, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, two Council Members who shall hold office for a period of 4 years and until their successors have been elected and qualified.

Sec. 24. Section 5.100 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, as amended by chapter 185, Statutes of Nevada 2007, at page 627, is hereby amended to read as follows:

Sec. 5.100 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any municipal election shall be filed with the City Clerk, who shall immediately place such returns in a safe or vault, and no person shall be permitted to handle, inspect or in any manner interfere with such returns until canvassed by the City Council.

2. The City Council shall meet within 6 working days after any election and canvass the returns and declare the result. The election returns shall then be sealed and kept by the City Clerk for 6 months, and no person shall have access thereto except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers so elected shall qualify and enter upon the discharge of their respective duties on the first Monday in ***:***

(a) July next following their election ~~.~~ ***for those officers elected in June 2019.***

(b) January next following their election for those officers elected in November 2022 and November of every even-numbered year thereafter.

4. If any election should result in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The Clerk shall then issue to the winner a certificate of election.

Sec. 25. The Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, at page 402, is hereby amended by adding thereto a new section to be designated as section 5.120, immediately following section 5.110, to read as follows:

Sec. 5.120 Continuation of certain officers.

1. The Municipal Judge for Department 2 elected at the general municipal election held in June 2015 shall continue in office until the election, and qualification thereafter, of his or her successor pursuant to subsection 3 of section 5.020.

2. The Municipal Judge for Department 3 elected at the general municipal election held in June 2017 shall continue in office until the election, and qualification thereafter, of his or her successor pursuant to subsection 5 of section 5.020.

3. The Mayor and one Council Member elected at the general municipal election held in June 2017 shall continue in office until the election, and qualification thereafter, of his or her successor pursuant to subsection 2 of section 5.020.

Sec. 26. Section 2.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 218, Statutes of Nevada 2011, at page 955, is hereby amended to read as follows:

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of four Council Members and the Mayor.

2. The Mayor must be:

(a) A bona fide resident of the territory which is established by the boundaries of the City for the 12 months immediately preceding the last day for filing a declaration of candidacy for the office.

(b) A qualified elector within the City.

3. Each Council Member must be:

(a) A bona fide resident of the territory which is established by the boundaries of the City for the 12 months immediately preceding the last day for filing a declaration of candidacy for the office.

(b) A qualified elector within the ward which he or she represents.

(c) A resident of the ward which he or she represents for at least 30 days immediately preceding the last day for filing a declaration of candidacy for the office, except that changes in ward boundaries pursuant to the provisions of section 1.040 do not affect the right of any elected Council Member to continue in office for the term for which he or she was elected.

4. All Council Members, including the Mayor, must be voted upon by the registered voters of the City at large and, except as otherwise provided in ~~[section]~~ ***sections*** 5.020 ~~[,]~~ ***and 5.120,*** shall serve for terms of 4 years.

5. The Mayor and Council Members are entitled to receive a salary in an amount fixed by the City Council. The City Council shall not adopt an ordinance which increases or decreases the salary of the Mayor or the Council Members during the term for which they have been elected or appointed.

Sec. 27. Section 3.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, at page 412, is hereby amended to read as follows:

Sec. 3.010 Mayor: Duties; Mayor pro tempore.

1. The Mayor shall:

(a) Serve as a member of the City Council and preside over its meetings.

(b) Have no administrative duties.

(c) Be recognized as the head of the City government for all ceremonial purposes.

(d) Perform such emergency duties as may be necessary for the general health, welfare and safety of the City.

(e) Perform such other duties, except administrative duties, as may be prescribed by ordinance or by the provisions of Nevada Revised Statutes

which apply to a mayor of a city organized under the provisions of a special charter.

2. The City Council shall elect one of its members to be Mayor pro tempore. Such person shall:

(a) Hold such office and title, without additional compensation, during the term for which he or she was elected.

(b) Perform the duties of Mayor during the absence or disability of the Mayor.

(c) Act as Mayor until the ~~[next municipal election if the office of Mayor becomes vacant.]~~ ***vacancy is filled pursuant to section 1.070.***

Sec. 28. Section 4.015 of the Charter of the City of Henderson, being chapter 231, Statutes of Nevada 1991, as last amended by chapter 218, Statutes of Nevada 2011, at page 955, is hereby amended to read as follows:

Sec. 4.015 Municipal Court.

1. There is a Municipal Court of the City which consists of at least one department. Each department must be presided over by a Municipal Judge and has such power and jurisdiction as is prescribed in, and is, in all respects which are not inconsistent with this Charter, governed by, the provisions of chapters 5 and 266 of NRS which relate to municipal courts.

2. The City Council may from time to time establish additional departments of the Municipal Court and shall appoint an additional Municipal Judge for each.

3. At the first primary or general municipal election which follows the appointment of an additional Municipal Judge to a newly created department of the Municipal Court, the successor to that Municipal Judge must be elected for a term of not more than 5 years, as determined by the City Council, in order that, as nearly as practicable, one-third of the number of Municipal Judges be elected every 2 years.

4. Except as otherwise provided in subsection 3, each Municipal Judge must be voted upon by the registered voters of the City at large and, except as otherwise provided in ~~[section]~~ ***subsection 3 and sections*** 5.020 ~~[,]~~ ***and 5.120,*** shall serve for a term of 6 years.

5. The respective departments of the Municipal Court must be numbered 1 through the appropriate Arabic number, as additional departments are approved by the City Council. A Municipal Judge must be elected for each department by number.

6. The Senior Municipal Judge is selected by a majority of the sitting judges for a term of 2 years. If no Municipal Judge receives a majority of the votes, the Senior Municipal Judge is the Municipal Judge who has continuously served as a Municipal Judge for the longest period.

Sec. 29. Section 5.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 266, Statutes of Nevada 2013, at page 1214, is hereby amended to read as follows:

Sec. 5.010 Primary municipal election.

1. ~~[Except as otherwise provided in section 5.020, a]~~ ***A*** primary municipal election must be held ~~[on]~~ ***:***

(a) On the ***first*** Tuesday after the first Monday in April ~~[of each odd-numbered year,]~~ ***2019; and***

(b) Beginning in 2022, on the second Tuesday in June of each even-numbered year,

➥ at which time there must be nominated candidates for offices to be voted for at the next general municipal election.

2. A candidate for any office to be voted for at any primary municipal election must file a declaration of candidacy as provided by the election laws of this State.

3. All candidates for elective office must be voted upon by the registered voters of the City at large.

4. If in the primary municipal election no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general municipal election. If in the primary municipal election, regardless of the number of candidates for an office, one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, he or she must be declared elected and no general municipal election need be held for that office. Such candidate shall enter upon his or her respective duties at ***:***

(a) If the primary municipal election was held in 2019, the second regular meeting of the City Council held in June ~~[of the year of the general municipal election.]~~ ***2019.***

(b) If the primary municipal election was held on the second Tuesday of June of an even-numbered year, the first regular meeting of the City Council held in January of the year following the primary municipal election.

Sec. 30. Section 5.020 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 336, Statutes of Nevada 2015, at page 1890, is hereby amended to read as follows:

Sec. 5.020 General municipal election.

1. ~~[Except as otherwise provided in subsection 2:~~

~~(a) A general municipal election must be held in the City on the second Tuesday after the first Monday in June of each odd-numbered year, at which time the registered voters of the City shall elect city officers to fill the available elective positions.~~

~~(b) All candidates for the office of Mayor, Council Member and Municipal Judge must be voted upon by the registered voters of the City at large. The term of office for members of the City Council and the Mayor is 4 years. Except as otherwise provided in subsection 3 of section 4.015, the term of office for a Municipal Judge is 6 years.~~

~~(c)~~ On the second Tuesday after the first Monday in June 2019, ~~[and every 6 years thereafter,]~~ there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose ~~[, a]~~ ***:***

(a) Three Council Members who shall hold office until their successors have been elected and qualified pursuant to subsection 4; and

(b) A Municipal Judge for Department 1 who ~~[will]~~ ***shall*** hold office until his or her successor has been elected and qualified ~~[~~.

~~(d)]~~ ***pursuant to subsection 6.***

2. On the first Tuesday after the first Monday in November 2022, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Mayor and one Council Member who shall hold office for a period of 4 years and until their successors have been elected and qualified.

3. On the ~~[second]~~ ***first*** Tuesday after the first Monday in ~~[June 2021,]~~ ***November 2022,*** and ~~[every]~~ ***at each successive interval of*** 6 years ***,*** ~~[thereafter,]~~ there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 2 who ~~[will]~~ ***shall*** hold office ***for a period of 6 years and*** until his or her successor has been elected and qualified.

~~[(e)]~~ ***4.*** On the ~~[second]~~ ***first*** Tuesday after the first Monday in ~~[June 2017,]~~ ***November 2024, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, three Council Members who shall hold office for a period of 4 years and until their successors have been elected and qualified.***

5. On the first Tuesday after the first Monday in November 2024, and ~~[every]~~ ***at each successive interval of*** 6 years ***,*** ~~[thereafter,]~~ there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 3 who ~~[will]~~ ***shall*** hold office ***for a period of 6 years and*** until his or her successor has been elected and qualified.

~~[2. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.~~

~~3. If the City Council adopts an ordinance pursuant to subsection 2, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165 and in NRS 293.175, 293.177, 293.345 and 293.368 apply for the purposes of conducting the primary municipal elections and general municipal elections.~~

~~4. If the City Council adopts an ordinance pursuant to subsection 2, the ordinance must not affect the term of office of any elected official of the City serving in office on the effective date of the ordinance. The next~~

~~succeeding term for that office may be shortened but may not be lengthened as a result of the ordinance.]~~

6. On the first Tuesday after the first Monday in November 2026, and at each successive interval of 6 years, there must be elected by the qualified voters of the City, at a general municipal election held for that purpose, a Municipal Judge for Department 1 who shall hold office for a period of 6 years and until his or her successor has been elected and qualified.

Sec. 31. Section 5.100 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 266, Statutes of Nevada 2013, at page 1216, is hereby amended to read as follows:

Sec. 5.100 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any special, primary or general municipal election must be filed with the City Clerk, who shall immediately place the returns in a safe or vault, and no person may handle, inspect or in any manner interfere with the returns until canvassed by the City Council.

2. The City Council shall meet at any time within 10 days after any election and canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 6 months. No person may have access to the returns except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue to each person elected a certificate of election. Except as otherwise provided in section 1.070, ~~[the officers]~~ ***an officer*** so elected shall qualify and enter upon the discharge of ~~[their]~~ ***his or her*** respective duties at ***:***

(a) If the officer is elected pursuant to subsection 1 of section 5.020, the second regular meeting of the City Council held in June of the year of the general municipal election.

(b) If the officer is elected pursuant to subsection 2, 3, 4, 5 or 6 of section 5.020, the first regular meeting of the City Council held in January of the year following the general municipal election.

4. If any election results in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The City Clerk shall then issue to the winner a certificate of election.

Sec. 32. The Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1391, is hereby amended by adding thereto a new section to be designated as section 5.140, immediately following section 5.130, to read as follows:

Sec. 5.140 Continuation of certain officers.

1. The Municipal Judges for Departments 1, 4 and 6 elected at the general municipal election held in June 2015 shall continue in office until the general municipal election, and qualification thereafter, of their successors pursuant to subsection 3 of section 5.020.

2. The Municipal Judges for Departments 2, 3 and 5 elected at the general municipal election held in June 2017 shall continue in office until the general municipal election, and qualification thereafter, of their successors pursuant to subsection 5 of section 5.020.

3. The Council Members from even-numbered wards elected at the general municipal election held in June 2017 shall continue in office until the general municipal election, and qualification thereafter, of their successors pursuant to subsection 2 of section 5.020.

Sec. 33. Section 1.140 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 218, Statutes of Nevada 2011, at page 958, is hereby amended to read as follows:

Sec. 1.140 Elective offices.

1. The elective officers of the City consist of:

(a) A Mayor.

(b) One Council Member from each ward.

(c) Municipal Judges.

2. Except as otherwise provided in ~~[~~section~~]~~ ***sections*** 5.020 ~~[,]~~ ***and 5.140,*** the terms of office of the Mayor and Council Members are 4 years.

3. Except as otherwise provided in subsection 3 of section 4.010 and ~~[~~section~~]~~ ***sections*** 5.020 ~~[,]~~ ***and 5.140,*** the term of office of a Municipal Judge is 6 years.

Sec. 34. Section 1.160 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 336, Statutes of Nevada 2015, at page 1891, is hereby amended to read as follows:

Sec. 1.160 Elective offices: Vacancies. Except as otherwise provided in NRS 268.325:

1. A vacancy in the office of Mayor, Council Member or Municipal Judge must be filled by the majority vote of the entire City Council within 30 days after the occurrence of that vacancy. A person may be selected to fill a prospective vacancy before the vacancy occurs. In such a case, each member of the Council, except any member whose term of office expires before the occurrence of the vacancy, may participate in any action taken by the Council pursuant to this section. The appointee must have the same qualifications as are required of the elective official, including, without limitation, any applicable residency requirement.

2. Except as otherwise provided in section 5.010, no appointment extends beyond the first regular meeting of the City Council that follows the next general municipal election, at that election the office must be filled for the remainder of the unexpired term **.** ~~[~~~, or beyond the first regular meeting of the City Council after the second Tuesday after the first Monday in the next succeeding June in an odd-numbered year, if no general municipal election is held in that year.~~]~~

Sec. 35. Section 2.030 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1394, is hereby amended to read as follows:

Sec. 2.030 Mayor: Duties; Mayor pro tempore; duties.

1. The Mayor shall preside over and conduct the meetings of the City Council.

2. The City Council shall elect one of its members to be Mayor pro tempore. That person:

(a) Shall hold that office and title without additional compensation during the term for which he or she was elected as Mayor pro tempore.

(b) Possesses the powers and shall perform the duties of Mayor during the absence or disability of the Mayor.

(c) Shall act as Mayor until the ~~[next municipal election, if the office of Mayor becomes vacant.]~~ ***vacancy is filled pursuant to section 1.160.***

Sec. 36. Section 4.020 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 218, Statutes of Nevada 2011, at page 958, is hereby amended to read as follows:

Sec. 4.020 Municipal Court: Qualifications of Municipal Judges; salary; Master Judge; departments; Alternate Judges.

1. Each Municipal Judge shall devote his or her full time to the duties of his or her office and must be:

(a) A duly licensed member, in good standing, of the State Bar of Nevada, but this qualification does not apply to any Municipal Judge who is an incumbent when this Charter becomes effective as long as he or she continues to serve as such in uninterrupted terms.

(b) A qualified elector who has resided within the territory which is established by the boundaries of the City for a period of not less than 30 days immediately before the last day for filing a declaration of candidacy for the department for which he or she is a candidate.

(c) Voted upon by the registered voters of the City at large.

2. The salary of the Municipal Judges must be fixed by ordinance and be uniform for all departments of the Municipal Court. The salary may be increased during the terms for which the Judges are elected or appointed.

3. The Municipal Judges of the six departments shall elect a Master Judge from among their number. The Master Judge shall hold office for a term of 2 years commencing on ***:***

(a) If the general municipal election is held in an odd-numbered year, July 1 of each year of a general municipal election.

(b) If the general municipal election is held in an even-numbered year, January 1 of the year following the general municipal election.

4. If a vacancy occurs in the position of Master Judge, the Municipal Judges shall elect a replacement for the remainder of the unexpired term. If two or more Municipal Judges receive an equal number of votes for the position of Master Judge, the candidates who have received the tie votes shall resolve the tie vote by the drawing of lots. The Master Judge:

(a) Shall establish and enforce administrative regulations for governing the affairs of the Municipal Court.

(b) Is responsible for setting trial dates and other matters which pertain to the Court calendar.

(c) Shall perform such other Court administrative duties as may be required by the City Council.

~~[4.]~~ ***5.*** Alternate Judges in sufficient numbers may be appointed annually by the Mayor, each of whom:

(a) Must be a duly licensed member, in good standing, of the State Bar of Nevada and have such other qualifications as are prescribed by ordinance.

(b) Has all of the powers and jurisdiction of a Municipal Judge while acting as such.

(c) Is entitled to such compensation as may be fixed by the City Council.

~~[5.]~~ ***6.*** Any Municipal Judge, other than an Alternate Judge, automatically forfeits his or her office if he or she ceases to be a resident of the City.

Sec. 37. Section 5.010 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 218, Statutes of Nevada 2011, at page 959, is hereby amended to read as follows:

Sec. 5.010 Primary municipal elections. ~~[Except as otherwise provided in section 5.020:~~

~~1. On the Tuesday after the first Monday in April 2001, and at each successive interval of 4 years, a]~~

1. A primary municipal election must be held in the City ~~[at which time candidates for half of the offices of Council Member and for Municipal Judge, Department 2, must be nominated.~~

~~2.]~~ ***:***

(a) On the ***first*** Tuesday after the first Monday in April ~~[2003, and at each successive interval of 4 years, a primary municipal election must be held in the City at which time candidates for Mayor, for the other half of the offices of Council Member and for Municipal Judge, Department 1, must be nominated.~~

~~3.]~~ ***2019; and***

(b) Beginning in 2022, on the second Tuesday in June of each even-numbered year.

2. In the primary municipal elections:

(a) The candidates for Council Member who are to be nominated ~~[as provided in subsections 1 and 2]~~ must be nominated and voted for separately according to the respective wards. ~~[The candidates from each even-numbered ward must be nominated as provided in subsection 1, and the candidates from each odd-numbered ward must be nominated as provided in subsection 2.~~

~~— 4.]~~ ***(b)*** If the City Council has established an additional department or departments of the Municipal Court pursuant to section 4.010 and, as a result, more than one office of Municipal Judge is to be filled at any election, the candidates for those offices must be nominated and voted upon separately according to the respective departments.

~~[5.]~~ ***3.*** Each candidate for ~~[the municipal offices which are provided for in subsections 1, 2 and 4]~~ ***municipal office*** must file a declaration of candidacy with the City Clerk. All filing fees collected by the City Clerk must be paid into the City Treasury.

~~[6.]~~ ***4.*** If, in the primary municipal election, regardless of the number of candidates for an office, one candidate receives a majority of votes which are cast in that election for the office for which he or she is a candidate, he or she must be declared elected for the term which commences on the day of the first regular meeting of the City Council next succeeding the meeting at which the canvass of the returns is made, and no general municipal election need be held for that office. If, in the primary municipal election, no candidate receives a majority of votes which are cast in that election for the office for which he or she is a candidate, the names of the two candidates who receive the highest number of votes must be placed on the ballot for the general municipal election.

Sec. 38. Section 5.020 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as amended by chapter 336, Statutes of Nevada 2015, at page 1892, is hereby amended to read as follows:

Sec. 5.020 General municipal election.

1. ~~[Except as otherwise provided in subsection 2,]~~ ***On the second Tuesday after the first Monday in June 2019, there must be elected, at*** a general municipal election ~~[must be held in the City on the second Tuesday after the first Monday in June of each odd-numbered year and on the same day every 2 years thereafter, at which time there must be elected those officers whose offices are required to be filled by election in that year.~~

~~— 2. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.~~

~~— 3. If the City Council adopts an ordinance pursuant to subsection 2, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165 and in NRS 293.175, 293.177, 293.345 and 293.368 apply for the purposes of conducting the primary municipal elections and general municipal elections.~~

~~— 4. If the City Council adopts an ordinance pursuant to subsection 2, the ordinance must not affect the term of office of any elected official of the City serving in office on the effective date of the ordinance. The next~~

~~succeeding term for that office may be shortened but may not be lengthened as a result of the ordinance.~~

~~5.~~] ***held for that purpose, the Mayor and Council Members from odd-numbered wards who shall hold office until their successors have been elected and qualified pursuant to subsection 4.***

2. On the first Tuesday after the first Monday in November 2022, and at each successive interval of 4 years, there must be elected, at a general municipal election held for that purpose, the Council Members from even-numbered wards who shall hold office for a period of 4 years and until their successors have been elected and qualified.

3. On the first Tuesday after the first Monday in November 2022, and at each successive interval of 6 years, there must be elected, at a general municipal election held for that purpose, Municipal Judges for Departments 1, 4 and 6 who shall hold office for a period of 6 years and until their successors have been elected and qualified.

4. On the first Tuesday after the first Monday in November 2024, and at each successive interval of 4 years, there must be elected, at a general municipal election held for that purpose, the Mayor and Council Members from odd-numbered wards who shall hold office for a period of 4 years and until their successors have been elected and qualified.

5. On the first Tuesday after the first Monday in November 2024, and at each successive interval of 6 years, there must be elected, at a general municipal election held for that purpose, Municipal Judges for Departments 2, 3 and 5 who shall hold office for a period of 6 years and until their successors have been elected and qualified.

6. All candidates for elective office, except the office of Council Member, must be voted upon by the registered voters of the City at large.

Sec. 39. The Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, at page 1210, is hereby amended by adding thereto a new section to be designated as section 5.100, immediately following section 5.090, to read as follows:

Sec. 5.100 Continuation of certain officers.

1. The Municipal Judge elected at the general municipal election held in June 2015 shall continue in office until the election, and qualification thereafter, of his or her successor pursuant to subsection 3 of section 5.010.

2. The Mayor and two Council Members elected at the general municipal election held in June 2017 shall continue in office until the election, and qualification thereafter, of their successors pursuant to subsection 2 of section 5.010.

Sec. 40. Section 1.060 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 515, Statutes of Nevada 1997, at page 2451, is hereby amended to read as follows:

Sec. 1.060 Elective offices: Vacancies. Except as otherwise provided in NRS 268.325:

1. A vacancy in the City Council or in the office of Mayor or Municipal Judge must be filled by a majority vote of the members of the City Council within 30 days after the occurrence of the vacancy. A person may be selected to fill a prospective vacancy in the City Council before the vacancy occurs. In such a case, each member of the Council, except any member whose term of office expires before the occurrence of the vacancy, may participate in any action taken by the Council pursuant to this section. The appointee must have the same qualifications as are required of the elective official.

2. No such appointment extends beyond the first day of ~~[July after]~~ ***the month following*** the next ***general*** municipal election, at which election the office must be filled for the remaining unexpired term.

Sec. 41. Section 2.010 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 218, Statutes of Nevada 2011, at page 961, is hereby amended to read as follows:

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of four Council Members and a Mayor.

2. The Mayor must be:

(a) A bona fide resident of the City for at least 6 months immediately preceding his or her election.

(b) A qualified elector within the City.

3. Each Council Member:

(a) Must be a qualified elector who has resided in the ward which he or she represents for at least 30 days immediately preceding the last day for filing a declaration of candidacy for his or her office.

(b) Must continue to live in the ward he or she represents, except that changes in ward boundaries made pursuant to section 1.045 will not affect the right of any elected Council Member to continue in office for the term for which he or she was elected.

4. At the time of filing, if so required by an ordinance duly enacted, candidates for the office of Mayor and Council Member shall produce evidence in satisfaction of any or all of the qualifications provided in subsection 2 or 3, whichever is applicable.

5. Each Council Member must be voted upon only by the registered voters of the ward that he or she seeks to represent, and except as otherwise provided in sections 5.010 and ~~[5.025,]~~ ***5.100,*** his or her term of office is 4 years.

6. The Mayor must be voted upon by the registered voters of the City at large, and except as otherwise provided in sections 5.010 and ~~[~~5.025,~~]~~ ***5.100,*** his or her term of office is 4 years.

7. The Mayor and Council Members are entitled to receive a salary in an amount fixed by the City Council.

Sec. 42. Section 4.005 of the Charter of the City of North Las Vegas, being chapter 215, Statutes of Nevada 1997, as last amended by chapter 218, Statutes of Nevada 2011, at page 962, is hereby amended to read as follows:

Sec. 4.005 Municipal Court.

1. There is a Municipal Court of the City which consists of at least one department. Each department must be presided over by a Municipal Judge and has such power and jurisdiction as is prescribed in, and is, in all respects which are not inconsistent with this Charter, governed by the provisions of chapters 5 and 266 of NRS which relate to municipal courts.

2. The City Council may, from time to time, by ordinance, establish additional departments of the Municipal Court and shall appoint an additional Municipal Judge for each additional department.

3. At the first primary or general municipal election that follows the appointment of an additional Municipal Judge to a newly created department of the Municipal Court, the successor to that Municipal Judge must be elected for an initial term of not more than 6 years, as determined by the City Council, in order that, as nearly as practicable, one-third of the number of Municipal Judges be elected every 2 years.

4. Except as otherwise provided by the ordinance establishing an additional department, each Municipal Judge must be voted upon by the registered voters of the City at large and, except as otherwise provided in sections 5.010 and ~~[~~5.025,~~]~~ ***5.100,*** holds office for a period of 6 years and until his or her successor has been elected and qualified.

5. The respective departments of the Municipal Court must be numbered 1 through the appropriate Arabic numeral, as additional departments are approved by the City Council. A Municipal Judge must be elected for each department by number.

Sec. 43. Section 5.010 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 336, Statutes of Nevada 2015, at page 1892, is hereby amended to read as follows:

Sec. 5.010 General municipal elections.

1. ~~[~~Except as otherwise provided in section 5.025:

~~(a)~~~~]~~ On the second Tuesday after the first Monday in June ~~[~~2017, and at each successive interval of 4 years thereafter,~~]~~ ***2019,*** there must be elected, at a general municipal election to be held for that purpose, ~~[~~a Mayor and~~]~~ two Council Members, who shall hold office ~~[~~for a period of 4 years and~~]~~ until their successors have been elected and qualified ~~[~~.

~~(b)~~~~]~~ ***pursuant to subsection 4.***

2. On the ~~[~~second~~]~~ ***first*** Tuesday after the first Monday in ~~[~~June 2019,~~]~~ ***November 2022,*** and at each successive interval of 4 years thereafter,

there must be elected, at a general municipal election to be held for that purpose, ***a Mayor and*** two Council Members, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

~~[2.]~~ ***3. On the first Tuesday after the first Monday in November 2022, and at each successive interval of 6 years, there must be elected, at a general municipal election to be held for that purpose, a Municipal Judge who shall hold office for a period of 6 years and until his or her successor has been elected and qualified.***

4. On the first Tuesday after the first Monday in November 2024, and at each successive interval of 4 years thereafter, there must be elected, at a general municipal election to be held for that purpose, two Council Members who shall hold office for a period of 4 years and until their successors have been elected and qualified.

5. In a general municipal election:

(a) A candidate for the office of City Council Member must be elected only by the registered voters of the ward that he or she seeks to represent.

(b) Candidates for all other elective offices must be elected by the registered voters of the City at large.

Sec. 44. Section 5.020 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 218, Statutes of Nevada 2011, at page 963, is hereby amended to read as follows:

Sec. 5.020 Primary municipal elections; declaration of candidacy.

1. The City Council shall provide by ordinance for candidates for elective office to declare their candidacy and file the necessary documents. The seats for City Council Members must be designated by the numbers one through four, which numbers must correspond with the wards the candidates for City Council Members will seek to represent. A candidate for the office of City Council Member shall include in his or her declaration of candidacy the number of the ward which he or she seeks to represent. Each candidate for City Council must be designated as a candidate for the City Council seat that corresponds with the ward that he or she seeks to represent.

2. ~~[Except as otherwise provided in section 5.025, a]~~ ***A*** primary municipal election must be held ~~[on]~~ ***:***

(a) On the Tuesday following the first Monday in April ~~[preceding the general municipal election, at which time there must be nominated candidates for offices to be voted for at the next general municipal election.]~~ ***2019; and***

(b) Beginning in 2022, on the second Tuesday in June of each even-numbered year.

3. In the primary municipal election:

(a) A candidate for the office of City Council Member must be voted upon only by the registered voters of the ward that he or she seeks to represent.

(b) Candidates for all other elective offices must be voted upon by the registered voters of the City at large.

~~[3.]~~ ***4.*** Except as otherwise provided in subsection ~~[4,]~~ ***5,*** after the primary municipal election, the names of the two candidates who receive the highest number of votes must be placed on the ballot for the general municipal election.

~~[4.]~~ ***5.*** If, regardless of the number of candidates for an office, one candidate receives a majority of the total votes cast for that office in the primary municipal election, he or she must be declared elected to that office and no general municipal election need be held for that office.

Sec. 45. Section 5.080 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 465, Statutes of Nevada 1985, at page 1440, is hereby amended to read as follows:

Sec. 5.080 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any special, primary or general municipal election shall be filed with the City Clerk, who shall immediately place the returns in a safe or vault, and no person may be permitted to handle, inspect or in any manner interfere with the returns until canvassed by the City Council.

2. The City Council shall meet at any time within 16 days after any election and shall canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 6 months, and no person may have access thereto except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers so elected shall qualify and enter upon the discharge of their respective duties on the 1st day of ~~[July]~~ ***the month*** next following their election.

4. If any election should result in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The Clerk shall then issue to the winner a certificate of election.

Sec. 46. The Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, at page 901, is hereby amended by adding thereto a new section to be designated as section 5.110, immediately following section 5.100, to read as follows:

Sec. 5.110 Continuation of certain officers.

The two Council Members elected at the general municipal election held in June 2017 shall continue in office until the election, and qualification thereafter, of their successors pursuant to subsection 2 of section 5.010.

Sec. 47. Section 1.060 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, as amended by chapter 515, Statutes of Nevada 1997, at page 2453, is hereby amended to read as follows:

Sec. 1.060 Elective offices: Vacancies. Except as otherwise provided in NRS 268.325:

1. A vacancy in the City Council or in the office of Mayor must be filled by a majority vote of the members of the City Council, or the remaining members, in the case of a vacancy in the City Council, within 30 days after the occurrence of the vacancy. The appointee must have the same qualifications as are required of the elective official.

2. No such appointment extends beyond the first Monday ~~[in July after]~~ ***of the month following*** the next municipal election, at which election the office must be filled.

Sec. 48. Section 2.010 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, as last amended by chapter 218, Statutes of Nevada 2011, at page 963, is hereby amended to read as follows:

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of four Council Members.

2. The Council Members must be:

(a) Bona fide residents of the City for at least 6 months immediately preceding their election.

(b) Qualified electors in the City.

3. All Council Members must be voted upon by the registered voters of the City at large and, except as otherwise provided in ~~[section]~~ ***sections*** 5.010 ~~[,]~~ ***and 5.110,*** shall serve for terms of 4 years.

4. The Council Members shall receive a salary in an amount fixed by the City Council.

Sec. 49. Section 5.010 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, as last amended by chapter 336, Statutes of Nevada 2015, at page 1893, is hereby amended to read as follows:

Sec. 5.010 Municipal elections.

1. ~~[Except as otherwise provided in subsection 2:~~

~~(a)]~~ On the second Tuesday after the first Monday in June 2019, ~~[and at each successive interval of 4 years,]~~ there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Mayor and two Council Members, who shall hold office ~~[for a period of 4 years and]~~ until their successors have been elected and qualified ~~[~~.

~~(b)]~~ ***pursuant to subsection 3.***

2. On the ~~[second]~~ ***first*** Tuesday after the first Monday in ~~[June 2017,]~~ ***November 2022,*** and at each successive interval of 4 years ***,*** ~~[thereafter,]~~ there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, two Council Members, who

shall hold office for a period of 4 years and until their successors have been elected and qualified.

~~[2. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.~~

~~3. If the City Council adopts an ordinance pursuant to subsection 2, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165 and in NRS 293.175, 293.177, 293.345 and 293.368 apply for the purposes of conducting the primary municipal elections and general municipal elections.~~

~~4. If the City Council adopts an ordinance pursuant to subsection 2, the term of office of any elected official may be shortened but may not be lengthened as a result of the ordinance.]~~

3. On the first Tuesday after the first Monday in November 2024, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Mayor and two Council Members who shall hold office for a period of 4 years and until their successors have been elected and qualified.

Sec. 50. Section 5.090 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, at page 913, is hereby amended to read as follows:

Sec. 5.090 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any municipal election shall be filed with the City Clerk, who shall immediately place such returns in a safe or vault, and no person shall be permitted to handle, inspect or in any manner interfere with such returns until canvassed by the City Council.

2. The City Council shall meet within 10 days after any election and canvass the returns and declare the results. The election returns shall then be sealed and kept by the City Clerk for 6 months, and no person shall have access thereto except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers so elected shall qualify and enter upon the discharge of their respective duties on the 1st Monday ~~[in July next]~~ ***of the month*** following their election.

4. If any election should result in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The Clerk shall then issue to the winner a certificate of election.

Sec. 51. Notwithstanding any other provision of law to the contrary, if a city incorporated pursuant to general law ~~[holds]~~ **held** a general city election in:

1. June ~~[2019,]~~ **2017,** the elective city officers ~~[who are]~~ elected at such general city election shall continue in office until the election, and qualification thereafter, of their successors in the general city election to be held on the first Tuesday after the first Monday in November 2022.

2. June ~~[2021,]~~ **2019,** the elective city officers ~~[who are]~~ elected at such general city election shall continue in office until the election, and qualification thereafter, of their successors in the general city election to be held on the first Tuesday after the first Monday in November 2024.

Sec. 52. Except as otherwise provided in section 52.5 of this act, notwithstanding any other provision of law to the contrary, if the term of any elective city officer whose term of office expires in 2021, 2023 or 2025 is not otherwise extended or shortened pursuant to sections 1 to 51, inclusive, of this act, the person or entity designated by law to fill vacancies that occur on the city council of the city shall appoint the incumbent elective city officer to serve as city council member, mayor, municipal judge or other elective city officer, as applicable, in that office until his or her successor is elected and qualified at the general city election in 2022, 2024 or 2026, as applicable, if that person is willing to serve in that capacity. If the person is not willing to serve in that capacity, the position must be filled in the same manner as if a vacancy occurred in the position.

Sec. 52.5. 1. Notwithstanding any other provision of this act, Boulder City shall transition to the statewide election cycle pursuant to Ordinance No. 1613, effective on November 1, 2018, and any amendments consistent thereto, passed by the City Council of Boulder City.

2. To carry out and accomplish this purpose, Ordinance No. 1613, and any amendments consistent thereto, are not preempted or repealed, either expressly or by implication, by the provisions of this act and must remain in effect until Boulder City has completed its transition to the statewide election cycle and is conducting elections in a manner consistent with the provisions of this act.

3. Any person elected to the office of Mayor or Council Member in Boulder City in June 2019 or June 2021 under Ordinance No. 1613, and any amendments consistent thereto, shall serve a shortened term in office pursuant to Ordinance No. 1613, and any amendments consistent thereto, until their successors are elected and qualified at the general city election in November 2022 or November 2024, as applicable.

Sec. 52.7. **The amendatory provisions of this act do not abrogate, alter or affect the results of any election conducted before July 1, 2019.**

Sec. 53. Section 5.025 of the Charter of the City of North Las Vegas, being chapter 218, Statutes of Nevada 2011, at page 961, is hereby repealed.

Sec. 54. 1. This section and sections ~~[7,]~~ **3.8, 6.2, 7.2,** 7.7, 8, 17, 18 and 20 to 53, inclusive, of this act become effective ~~[upon passage and approval.]~~ **on July 1, 2019.**

2. Sections 1 ~~[to 6, inclusive, 7.3,]~~ **, 2, 3, 4, 5, 6.4, 7.4,** 9 to 16, inclusive, and 19 of this act become effective on July 1, 2021.

TEXT OF REPEALED SECTION

Sec. 5.025 City Council authorized to provide for primary and general municipal elections in even-numbered years.

1. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

2. If the City Council adopts an ordinance pursuant to subsection 1, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165 and in NRS 293.175, 293.177, 293.345 and 293.368 apply for the purposes of conducting the primary municipal elections and general municipal elections.

3. If the City Council adopts an ordinance pursuant to subsection 1, the ordinance must not affect the term of office of any elected official of the City serving in office on the effective date of the ordinance. The next succeeding term for that office may be shortened but may not be lengthened as a result of the ordinance.

Assemblywoman Jauregui moved that the Assembly concur in the Senate Amendment No. 835 to Assembly Bill No. 50.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

The amendment ensures that judicial candidates for municipal court file their declarations of candidacy in January, including in those cities transitioning to the statewide election cycle, and extends the terms of city officers elected in Ely and Fallon in 2017 and 2019 in order to transition those cities to the statewide election cycle beginning in 2022.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 244.

The following Senate amendment was read:

Amendment No. 809.

SUMMARY—Allows the imposition of ~~[rate increases for certain taxes]~~ **a property tax** in ~~[a county]~~ **certain counties** to fund capital projects of the school district based on the recommendations of an advisory committee and voter approval. (BDR S-1008)

AN ACT relating to taxation; authorizing the board of trustees of a school district under specified circumstances to adopt a resolution establishing the formation of an advisory committee to recommend the imposition of ~~[certain tax rate increases]~~ **a property tax** to fund the capital projects of the school district; authorizing the board of trustees of a school district to transmit the recommendations of such a committee to the board of county commissioners; authorizing the board of county commissioners to submit a question to the voters at the next general election asking whether the recommended ~~[rate increases]~~ **tax** should be imposed in the county; requiring the board of county

commissioners to adopt an ordinance imposing any such ~~[rate increases]~~ **tax** that ~~[are]~~ **is** approved by the voters; providing for the use of the proceeds of such ~~[rate increases]~~ **tax** for certain school purposes; providing for the prospective expiration of the authority of a board of trustees to establish such a committee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

During the 2015 Legislative Session, the Legislature enacted Senate Bill No. 411, which authorized the board of trustees of certain school districts to establish by resolution a Public Schools Overcrowding and Repair Needs Committee to recommend the imposition of certain taxes for consideration by the voters at the 2016 General Election to fund the capital projects of the school district. The authority to establish such a Committee expired by limitation on April 2, 2016.

Section 1 of this bill authorizes the board of trustees of ~~[a]~~ **certain** school ~~[district]~~ **districts** to establish by resolution an advisory committee to recommend ~~[an increase in the rate of certain taxes]~~ **a property tax** for consideration by the voters at a general election held not later than the November 8, 2022, General Election, to fund the capital projects of the school district. Under this bill, an advisory committee may not be established by the board of trustees of a school district which established a Public Schools Overcrowding and Repair Needs Committee, which is located in a county authorized to impose for the benefit of the school district a tax on residential construction, or which is located in a county in which there is imposed for the benefit of the school district a tax on the gross receipts from the rental of transient lodging or a tax on transfers of real property, or both.

~~[Section]~~ **Sections 2 and 3.5** of this bill ~~[provides]~~ **provide** that if such an advisory committee is established, the advisory committee may recommend ~~[the imposition of one or more rate increases for any tax which is]~~ **that an additional property tax be** imposed in the county for the benefit of the school district. The recommendations of the advisory committee must specify the ~~[increase in]~~ rate ~~[or rates for each of the taxes for which a rate increase is recommended]~~ **of the tax** and the period during which the recommended ~~[rate increases]~~ **tax** will be imposed. If the advisory committee submits its recommendations to the board of trustees of the school district by April 2, 2022, the board of trustees is authorized to transmit the recommendations to the board of county commissioners. The board of county commissioners is authorized to submit a question to the voters at the next general election asking whether ~~[any of the rate increases]~~ **the tax** recommended by the advisory committee should be imposed in the county. If a majority of the voters approve the question, the board of county commissioners is required to impose the approved ~~[rate increases]~~ **tax** at the rate and for the period specified in the question submitted to the voters. If a majority of the voters approve the imposition of ~~[an]~~ **the** additional property tax, the additional rate is exempt from the partial abatement of property taxes on certain property and the

requirement that taxes ad valorem not exceed $3.64 on each $100 of assessed valuation.

Section 4 of this bill provides that the proceeds resulting from the imposition of ~~[such rate increases:]~~ **the additional property tax:** (1) must be deposited in the fund for capital projects of the school district; and (2) may be pledged to the payment of the principal and interest on bonds or other obligations issued for certain school purposes.

Section 5 of this bill provides that the provisions of this bill authorizing the board of trustees of a school district to establish such an advisory committee expire by limitation on April 2, 2022.

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

Section 1. 1. The board of trustees of a school district, other than a school district which established a Public Schools Overcrowding and Repair Needs Committee pursuant to section 1 of chapter 425, Statutes of Nevada 2015, at page 2444, which is located in a county not authorized to impose a residential construction tax pursuant to NRS 387.331 for the benefit of the school district, or which is located in a county in which there is imposed for the benefit of the school district a tax on the gross receipts from the rental of transient lodging or a tax on transfers of real property pursuant to chapter 375 of NRS, or both, may, by resolution, establish an advisory committee to recommend the ~~[increase of the rate]~~ **imposition** of ~~[one or more of]~~ the ~~[taxes]~~ **tax** described in section ~~[2]~~ **3.5** of this act for consideration by the voters at a general election to fund the capital projects of the school district. If such a resolution is adopted, the board of trustees shall appoint the members of the advisory committee, consisting of persons who represent a variety of interests within the community, including, without limitation, seniors, veterans, low-income persons, businesses and realtors.

2. The members appointed pursuant to subsection 1 must be residents of the county.

3. Any vacancy occurring in the membership of an advisory committee established pursuant to subsection 1 must be filled not later than 30 days after the vacancy occurs.

4. If an advisory committee is established pursuant to subsection 1, the advisory committee shall hold its first meeting upon the call of the superintendent of schools of the school district as soon as practicable after the appointments are made pursuant to subsection 1. At the first meeting of the advisory committee, the members of the advisory committee shall elect a chair.

5. A majority of an advisory committee established pursuant to subsection 1 constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the advisory committee.

6. If an advisory committee is established pursuant to subsection 1, the superintendent of schools of the school district shall provide administrative support to the advisory committee.

Sec. 2. 1. If an advisory committee is established pursuant to subsection 1 of section 1 of this act, such an advisory committee shall, on or before April 2, 2022:

(a) Prepare recommendations for the ~~[increase]~~ **imposition** of ~~[one or more of]~~ the ~~[taxes imposed]~~ **tax described in section 3.5 of this act** in the county ~~[for the benefit of the school district and the use of the proceeds of the increased tax or taxes]~~ to provide funding for the school district for the purposes set forth in subsection 1 of NRS 387.335. The recommendations must specify the proposed rate ~~[or rates for each of the taxes for which a rate increase is]~~ **of the** recommended **tax** and the period during which ~~[one or more of]~~ the recommended tax ~~[rate increases]~~ will be imposed.

(b) Submit the recommendations to the board of trustees of the school district which established the advisory committee. The board of trustees may submit the recommendations of the advisory committee to the board of county commissioners of the county in which the school district is located.

2. Upon the receipt of recommendations pursuant to subsection 1, the board of county commissioners may, at the next general election following the receipt of the recommendations, submit a question to the voters of the county asking whether ~~[any of]~~ the recommended tax ~~[rate increases]~~ should be imposed in the county. The question submitted to the voters of the county must specify the proposed rate ~~[or rates for each of the taxes for which a rate increase was recommended]~~ **of the tax** and the period during which ~~[each of]~~ the recommended tax ~~[rate increases]~~ will be imposed. ~~[If the]~~ **The** question submitted to the voters pursuant to this subsection ~~[asks the voters of the county whether to increase the rate of the tax levied in accordance with NRS 387.195, the question]~~ must state that any such tax imposed is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724 and that the rate of the tax must not be included in the total ad valorem tax levy for the purposes of the application of the limitation in NRS 361.453.

3. If a majority of the voters voting on the question submitted to the voters pursuant to subsection 2 vote affirmatively on the question:

(a) The board of county commissioners shall impose ~~[each]~~ **the** recommended tax ~~[rate increase]~~ at the rate ~~[or rates]~~ and for the period specified in the question submitted to the voters pursuant to subsection 2.

(b) ~~[If the question recommended an increase in the rate of the tax levied in accordance with NRS 387.195:~~

~~(1)]~~ Any such tax imposed is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724.

~~[(2)]~~ **(c)** The provisions of NRS 361.453 do not apply to any such tax imposed.

~~[(c) Each]~~

(d) The tax ~~[rate increase]~~ shall be imposed notwithstanding the provisions of any specific statute to the contrary and, except as otherwise specifically provided in this section and sections 1 and 4 of this act, ~~[each such]~~ **the** tax ~~[rate increase]~~ is not subject to any limitations set forth in any statute which authorizes the board of county commissioners to impose such tax or taxes, including, without limitation, any limitations on the maximum rate or rates which may be imposed or the duration of the period during which such taxes may be imposed.

Sec. 3. (Deleted by amendment.)

Sec. 3.5. **Upon approval of the registered voters of a county voting on a question presented to the voters pursuant to section 2 of this act recommending the imposition of a tax on the assessed valuation of taxable property within the county, the board of county commissioners shall, in addition to any tax levied on the assessed valuation of taxable property in the county, levy a tax on the assessed valuation of taxable property within the county in the amount described in the question presented to the voters pursuant to section 2 of this act. The tax must be administered and enforced in the same manner as the tax imposed pursuant to NRS 387.195 is administered and enforced.**

Sec. 4. The proceeds of ~~[each]~~ **any** tax ~~[rate increase]~~ imposed pursuant to section 2 of this act:

1. Must be deposited in the school district's fund for capital projects established pursuant to NRS 387.328, to be held and, except as otherwise provided in subsection 2, expended in the same manner as other money deposited in that fund.

2. May be pledged to the payment of principal and interest on bonds or other obligations issued for one or more of the purposes set forth in NRS 387.335. The proceeds of ~~[each such]~~ **the** tax ~~[rate increase]~~ so pledged may be treated as pledged revenues for the purposes of subsection 3 of NRS 350.020, and the board of trustees of the school district may issue bonds for those purposes in accordance with the provisions of chapter 350 of NRS.

3. May not be used:

(a) To settle or arbitrate disputes between a recognized organization representing employees of a school district and the school district, or to settle any negotiations; or

(b) To adjust the district-wide schedule of salaries and benefits of the employees of a school district.

Sec. 5. 1. This act becomes effective upon passage and approval.

2. Section 1 of this act expires by limitation on April 2, 2022.

Assemblywoman Neal moved that the Assembly concur in the Senate Amendment No. 809 to Assembly Bill No. 244.

Remarks by Assemblywoman Neal.

ASSEMBLYWOMAN NEAL:

The amendment changes the tax that may be used as a ballot advisory question.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 400.

The following Senate amendment was read:

Amendment No. 791.

AN ACT relating to tax abatements; prohibiting the Office of Economic Development from approving certain abatements of the taxes imposed for the support of local schools ~~[,]~~ **under certain circumstances;** prohibiting the Office from approving certain partial abatements of taxes if the applicant has previously received the partial abatement of taxes; **revising the period for which certain partial abatements of taxes may be approved;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Office of Economic Development to approve an abatement or a partial abatement of certain sales and use taxes in certain circumstances. (NRS 274.310, 274.320, 274.330, 360.750, 360.753, 360.754, 360.889, 360.945) **Sections 5-8, ~~[11-13,]~~ 15 ~~[,]~~ and 16 ~~[and 18.5]~~** of this bill provide that such an abatement does not apply to sales and use taxes that are imposed by the Sales and Use Tax Act and the Local School Support Tax Law **.** ~~[if the application for the abatement is submitted on or after the passage and approval of this bill.]~~ **Sections 11 and 12** of this bill **provide that such an abatement for certain expanding businesses does not apply to taxes imposed by the Local School Support Tax Law, while preserving the eligibility of certain new businesses for such an abatement. Sections 11 and 12** also prohibit the Office from awarding certain partial abatements of taxes imposed on a new or expanding business if the applicant previously received such a partial abatement for locating or expanding the business in this State ~~[.]~~ **, and prohibit the awarding of such an abatement to a business if the applicant has changed the name or identity of the business to evade the prohibitions on such previously awarded abatements. Section 12.5 of this bill provides that, for certain new or expanding businesses involving aircraft, the taxes imposed by the Local School Support Tax Law may be partially abated only if the Board of Economic Development approves such a partial abatement by at least a two-thirds vote, and section 13 of this bill applies that same condition for a partial abatement awarded to a new or expanding data center. Section 12.5 shortens the maximum duration of a partial abatement approved for certain new or expanding businesses involving aircraft, from 20 years to 10 years.**

Finally, section 18.5 of this bill provides that the amendatory provisions of this bill do not apply to any abatement granted or any application for an abatement filed before July 1, 2019.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. NRS 274.310 is hereby amended to read as follows:

274.310 1. A person who intends to locate a business in this State within:

(a) A historically underutilized business zone, as defined in 15 U.S.C. § 632;

(b) A redevelopment area created pursuant to chapter 279 of NRS;

(c) An area eligible for a community development block grant pursuant to 24 C.F.R. Part 570; or

(d) An enterprise community established pursuant to 24 C.F.R. Part 597,

➥ may submit a request to the governing body of the county, city or town in which the business would operate for an endorsement of an application by the person to the Office of Economic Development for a partial abatement of one or more of the taxes imposed pursuant to chapter 361 ~~[or 374]~~ of NRS ~~[.]~~ ***or the local sales and use taxes.*** The governing body of the county, city or town shall provide notice of the request to the board of trustees of the school district in which the business would operate. The notice must set forth the date, time and location of the hearing at which the governing body will consider whether to endorse the application. ***As used in this subsection, "local sales and use taxes" means the taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in the political subdivision in which the business is located, except the taxes imposed by the Sales and Use Tax Act and the Local School Support Tax Law.***

2. The governing body of a county, city or town shall develop procedures for:

(a) Evaluating whether such an abatement would be beneficial for the economic development of the county, city or town.

(b) Issuing a certificate of endorsement for an application for such an abatement that is found to be beneficial for the economic development of the county, city or town.

3. A person whose application has been endorsed by the governing body of the county, city or town, as applicable, pursuant to this section may submit the application to the Office of Economic Development. The Office shall approve the application if the Office makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for Economic Development developed by the Administrator pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Administrator to implement the State Plan for Economic Development.

(b) The applicant has executed an agreement with the Office which states:

(1) The date on which the abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application; and

(2) That the business will, after the date on which the abatement becomes effective:

(I) Commence operation and continue in operation in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to chapter 279 of NRS, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597 for a period specified by the Office, which must be at least 5 years; and

(II) Continue to meet the eligibility requirements set forth in this subsection.

➥ The agreement must bind successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business will operate.

(d) The applicant invested or commits to invest a minimum of $500,000 in capital assets that will be retained at the location of the business in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to chapter 279 of NRS, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597 until at least the date which is 5 years after the date on which the abatement becomes effective.

4. If the Office of Economic Development approves an application for a partial abatement, the Office shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department of Taxation;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer of the county in which the business will be located.

5. If the Office of Economic Development approves an application for a partial abatement pursuant to this section:

(a) The partial abatement must be for a duration of not less than 1 year but not more than 5 years.

(b) If the abatement is from the property tax imposed pursuant to chapter 361 of NRS, the partial abatement must not exceed 75 percent of the taxes on personal property payable by a business each year pursuant to that chapter.

6. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the eligibility requirements for the partial abatement; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 3,

➥ the business shall repay to the Department of Taxation or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

7. The Office of Economic Development may adopt such regulations as the Office determines to be necessary or advisable to carry out the provisions of this section.

8. An applicant for an abatement who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

Sec. 6. NRS 274.310 is hereby amended to read as follows:

274.310 1. A person who intends to locate a business in this State within:

(a) A historically underutilized business zone, as defined in 15 U.S.C. § 632;

(b) A redevelopment area created pursuant to chapter 279 of NRS;

(c) An area eligible for a community development block grant pursuant to 24 C.F.R. Part 570; or

(d) An enterprise community established pursuant to 24 C.F.R. Part 597,

➥ may submit a request to the governing body of the county, city or town in which the business would operate for an endorsement of an application by the person to the Office of Economic Development for a partial abatement of one or more of the taxes imposed pursuant to chapter 361 ~~[or 374]~~ of NRS ~~[.]~~ ***or the local sales and use taxes.*** The governing body of the county, city or town shall provide notice of the request to the board of trustees of the school district in which the business would operate. The notice must set forth the date, time and location of the hearing at which the governing body will consider whether to endorse the application. ***As used in this subsection, "local sales and use taxes" means the taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in the political subdivision in which the business is located, except the taxes imposed by the Sales and Use Tax Act and the Local School Support Tax Law.***

2. The governing body of a county, city or town shall develop procedures for:

(a) Evaluating whether such an abatement would be beneficial for the economic development of the county, city or town.

(b) Issuing a certificate of endorsement for an application for such an abatement that is found to be beneficial for the economic development of the county, city or town.

3. A person whose application has been endorsed by the governing body of the county, city or town, as applicable, pursuant to this section may submit the application to the Office of Economic Development. The Office shall approve the application if the Office makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for Economic Development developed by the Administrator pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Administrator to implement the State Plan for Economic Development.

(b) The applicant has executed an agreement with the Office which states:

(1) The date on which the abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application; and

(2) That the business will, after the date on which a certificate of eligibility for the abatement is issued pursuant to subsection 4:

(I) Commence operation and continue in operation in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to chapter 279 of NRS, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597 for a period specified by the Office, which must be at least 5 years; and

(II) Continue to meet the eligibility requirements set forth in this subsection.

➥ The agreement must bind successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business will operate.

(d) The applicant invested or commits to invest a minimum of $500,000 in capital.

4. If the Office of Economic Development approves an application for a partial abatement, the Office shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department of Taxation;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer of the county in which the business will be located.

5. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the eligibility requirements for the partial abatement; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 3,

➥ the business shall repay to the Department of Taxation or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

6. The Office of Economic Development may adopt such regulations as the Office determines to be necessary or advisable to carry out the provisions of this section.

7. An applicant for an abatement who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

Sec. 6.3. NRS 274.320 is hereby amended to read as follows:

274.320 1. A person who intends to expand a business in this State within:

(a) A historically underutilized business zone, as defined in 15 U.S.C. § 632;

(b) A redevelopment area created pursuant to chapter 279 of NRS;

(c) An area eligible for a community development block grant pursuant to 24 C.F.R. Part 570; or

(d) An enterprise community established pursuant to 24 C.F.R. Part 597,

➥ may submit a request to the governing body of the county, city or town in which the business operates for an endorsement of an application by the person to the Office of Economic Development for a partial abatement of the ***local sales and use*** taxes imposed on capital equipment **.** ~~[~~pursuant to chapter 374 of NRS.~~]~~ The governing body of the county, city or town shall provide notice of the request to the board of trustees of the school district in which the business operates. The notice must set forth the date, time and location of the hearing at which the governing body will consider whether to endorse the application. ***As used in this subsection, "local sales and use taxes" means the taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in the political subdivision in which the business is located, except the taxes imposed by the Sales and Use Tax Act and the Local School Support Tax Law.***

2. The governing body of a county, city or town shall develop procedures for:

(a) Evaluating whether such an abatement would be beneficial for the economic development of the county, city or town.

(b) Issuing a certificate of endorsement for an application for such an abatement that is found to be beneficial for the economic development of the county, city or town.

3. A person whose application has been endorsed by the governing body of the county, city or town, as applicable, pursuant to this section may submit the application to the Office of Economic Development. The Office shall approve the application if the Office makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for Economic Development developed by the Administrator pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Administrator to implement the State Plan for Economic Development.

(b) The applicant has executed an agreement with the Office which states:

(1) The date on which the abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application; and

(2) That the business will, after the date on which the abatement becomes effective:

(I) Continue in operation in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to chapter 279 of NRS, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597 for a period specified by the Office, which must be at least 5 years; and

(II) Continue to meet the eligibility requirements set forth in this subsection.

➥ The agreement must bind successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(d) The applicant invested or commits to invest a minimum of $250,000 in capital equipment that will be retained at the location of the business in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to chapter 279 of NRS, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597 until at least the date which is 5 years after the date on which the abatement becomes effective.

4. If the Office of Economic Development approves an application for a partial abatement, the Office shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department of Taxation; and

(b) The Nevada Tax Commission.

5. If the Office of Economic Development approves an application for a partial abatement pursuant to this section:

(a) The partial abatement must be for a duration of not less than 1 year but not more than 5 years.

(b) If the abatement is from the property tax imposed pursuant to chapter 361 of NRS, the partial abatement must not exceed 75 percent of the taxes on personal property payable by a business each year pursuant to that chapter.

6. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the eligibility requirements for the partial abatement; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 3,

➥ the business shall repay to the Department of Taxation the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

7. The Office of Economic Development may adopt such regulations as the Office determines to be necessary or advisable to carry out the provisions of this section.

8. An applicant for an abatement who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

Sec. 6.5. NRS 274.320 is hereby amended to read as follows:

274.320 1. A person who intends to expand a business in this State within:

(a) A historically underutilized business zone, as defined in 15 U.S.C. § 632;

(b) A redevelopment area created pursuant to chapter 279 of NRS;

(c) An area eligible for a community development block grant pursuant to 24 C.F.R. Part 570; or

(d) An enterprise community established pursuant to 24 C.F.R. Part 597,

➥ may submit a request to the governing body of the county, city or town in which the business operates for an endorsement of an application by the person

to the Office of Economic Development for a partial abatement of the ***local sales and use*** taxes imposed on capital equipment **.** ~~[pursuant to chapter 374 of NRS.]~~ The governing body of the county, city or town shall provide notice of the request to the board of trustees of the school district in which the business operates. The notice must set forth the date, time and location of the hearing at which the governing body will consider whether to endorse the application. ***As used in this subsection, "local sales and use taxes" means the taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in the political subdivision in which the business is located, except the taxes imposed by the Sales and Use Tax Act and the Local School Support Tax Law.***

2. The governing body of a county, city or town shall develop procedures for:

(a) Evaluating whether such an abatement would be beneficial for the economic development of the county, city or town.

(b) Issuing a certificate of endorsement for an application for such an abatement that is found to be beneficial for the economic development of the county, city or town.

3. A person whose application has been endorsed by the governing body of the county, city or town, as applicable, pursuant to this section may submit the application to the Office of Economic Development. The Office shall approve the application if the Office makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for Economic Development developed by the Administrator pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Administrator to implement the State Plan for Economic Development.

(b) The applicant has executed an agreement with the Office which states:

(1) The date on which the abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application; and

(2) That the business will, after the date on which a certificate of eligibility for the abatement is issued pursuant to subsection 4:

(I) Continue in operation in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to chapter 279 of NRS, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597 for a period specified by the Office, which must be at least 5 years; and

(II) Continue to meet the eligibility requirements set forth in this subsection.

➥ The agreement must bind successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(d) The applicant invested or commits to invest a minimum of $250,000 in capital equipment.

4. If the Office of Economic Development approves an application for a partial abatement, the Office shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department of Taxation; and

(b) The Nevada Tax Commission.

5. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the eligibility requirements for the partial abatement; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 3,

➥ the business shall repay to the Department of Taxation the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

6. The Office of Economic Development may adopt such regulations as the Office determines to be necessary or advisable to carry out the provisions of this section.

7. An applicant for an abatement who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

Sec. 7. NRS 274.330 is hereby amended to read as follows:

274.330 1. A person who owns a business which is located within an enterprise community established pursuant to 24 C.F.R. Part 597 in this State may submit a request to the governing body of the county, city or town in which the business is located for an endorsement of an application by the person to the Office of Economic Development for a partial abatement of one or more of the taxes imposed pursuant to chapter 361 ~~[or 374]~~ of NRS ~~[.]~~ ***or the local sales and use taxes.*** The governing body of the county, city or town shall provide notice of the request to the board of trustees of the school district in which the business operates. The notice must set forth the date, time and location of the hearing at which the governing body will consider whether to endorse the application. ***As used in this subsection, "local sales and use taxes" means the taxes imposed on the gross receipts of any retailer from the***

sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in the political subdivision in which the business is located, except the taxes imposed by the Sales and Use Tax Act and the Local School Support Tax Law.

2. The governing body of a county, city or town shall develop procedures for:

(a) Evaluating whether such an abatement would be beneficial for the economic development of the county, city or town.

(b) Issuing a certificate of endorsement for an application for such an abatement that is found to be beneficial for the economic development of the county, city or town.

3. A person whose application has been endorsed by the governing body of the county, city or town, as applicable, pursuant to this section may submit the application to the Office of Economic Development. The Office shall approve the application if the Office makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for Economic Development developed by the Administrator pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Administrator to implement the State Plan for Economic Development.

(b) The applicant has executed an agreement with the Office which states:

(1) The date on which the abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application; and

(2) That the business will, after the date on which the abatement becomes effective:

(I) Continue in operation in the enterprise community for a period specified by the Office, which must be at least 5 years; and

(II) Continue to meet the eligibility requirements set forth in this subsection.

➥ The agreement must bind successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(d) The business:

(1) Employs one or more dislocated workers who reside in the enterprise community; and

(2) Pays such employees a wage of not less than 100 percent of the federally designated level signifying poverty for a family of four persons and provides medical benefits to the employees and their dependents which meet the minimum requirements for medical benefits established by the Office.

4. If the Office of Economic Development approves an application for a partial abatement, the Office shall:

(a) Determine the percentage of employees of the business which meet the requirements of paragraph (d) of subsection 3 and grant a partial abatement equal to that percentage; and

(b) Immediately forward a certificate of eligibility for the abatement to:

(1) The Department of Taxation;

(2) The Nevada Tax Commission; and

(3) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer of the county in which the business is located.

5. If the Office of Economic Development approves an application for a partial abatement pursuant to this section:

(a) The partial abatement must be for a duration of not less than 1 year but not more than 5 years.

(b) If the abatement is from the property tax imposed pursuant to chapter 361 of NRS, the partial abatement must not exceed 75 percent of the taxes on personal property payable by a business each year pursuant to that chapter.

6. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the eligibility requirements for the partial abatement; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 3,

➥ the business shall repay to the Department of Taxation or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

7. The Office of Economic Development:

(a) Shall adopt regulations relating to the minimum level of benefits that a business must provide to its employees to qualify for an abatement pursuant to this section.

(b) May adopt such other regulations as the Office determines to be necessary or advisable to carry out the provisions of this section.

8. An applicant for an abatement who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

9. As used in this section, "dislocated worker" means a person who:

(a) Has been terminated, laid off or received notice of termination or layoff from employment;

(b) Is eligible for or receiving or has exhausted his or her entitlement to unemployment compensation;

(c) Has been dependent on the income of another family member but is no longer supported by that income;

(d) Has been self-employed but is no longer receiving an income from self-employment because of general economic conditions in the community or natural disaster; or

(e) Is currently unemployed and unable to return to a previous industry or occupation.

Sec. 8. NRS 274.330 is hereby amended to read as follows:

274.330 1. A person who owns a business which is located within an enterprise community established pursuant to 24 C.F.R. Part 597 in this State may submit a request to the governing body of the county, city or town in which the business is located for an endorsement of an application by the person to the Office of Economic Development for a partial abatement of one or more of the taxes imposed pursuant to chapter 361 ~~[or 374]~~ of NRS ~~[.]~~ ***or the local sales and use taxes.*** The governing body of the county, city or town shall provide notice of the request to the board of trustees of the school district in which the business operates. The notice must set forth the date, time and location of the hearing at which the governing body will consider whether to endorse the application. ***As used in this subsection, "local sales and use taxes" means the taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in the political subdivision in which the business is located, except the taxes imposed by the Sales and Use Tax Act and the Local School Support Tax Law.***

2. The governing body of a county, city or town shall develop procedures for:

(a) Evaluating whether such an abatement would be beneficial for the economic development of the county, city or town.

(b) Issuing a certificate of endorsement for an application for such an abatement that is found to be beneficial for the economic development of the county, city or town.

3. A person whose application has been endorsed by the governing body of the county, city or town, as applicable, pursuant to this section may submit the application to the Office of Economic Development. The Office shall approve the application if the Office makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for Economic Development developed by the Administrator pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Administrator to implement the State Plan for Economic Development.

(b) The applicant has executed an agreement with the Office which states:

(1) The date on which the abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application; and

(2) That the business will, after the date on which a certificate of eligibility for the abatement is issued pursuant to subsection 4:

(I) Continue in operation in the enterprise community for a period specified by the Office, which must be at least 5 years; and

(II) Continue to meet the eligibility requirements set forth in this subsection.

➥ The agreement must bind successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(d) The business:

(1) Employs one or more dislocated workers who reside in the enterprise community; and

(2) Pays such employees a wage of not less than 100 percent of the federally designated level signifying poverty for a family of four persons and provides medical benefits to the employees and their dependents which meet the minimum requirements for medical benefits established by the Office.

4. If the Office of Economic Development approves an application for a partial abatement, the Office shall:

(a) Determine the percentage of employees of the business which meet the requirements of paragraph (d) of subsection 3 and grant a partial abatement equal to that percentage; and

(b) Immediately forward a certificate of eligibility for the abatement to:

(1) The Department of Taxation;

(2) The Nevada Tax Commission; and

(3) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer of the county in which the business is located.

5. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the eligibility requirements for the partial abatement; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 3,

➥ the business shall repay to the Department of Taxation or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due

at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

6. The Office of Economic Development:

(a) Shall adopt regulations relating to the minimum level of benefits that a business must provide to its employees to qualify for an abatement pursuant to this section.

(b) May adopt such other regulations as the Office determines to be necessary or advisable to carry out the provisions of this section.

7. An applicant for an abatement who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

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

(a) Has been terminated, laid off or received notice of termination or layoff from employment;

(b) Is eligible for or receiving or has exhausted his or her entitlement to unemployment compensation;

(c) Has been dependent on the income of another family member but is no longer supported by that income;

(d) Has been self-employed but is no longer receiving an income from self-employment because of general economic conditions in the community or natural disaster; or

(e) Is currently unemployed and unable to return to a previous industry or occupation.

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. NRS 360.750 is hereby amended to read as follows:

360.750 1. A person who intends to locate or expand a business in this State may apply to the Office of Economic Development pursuant to this section for a partial abatement of one or more of the taxes imposed on the ~~[new or expanded]~~ **:**

(a) New business pursuant to chapter 361 **,** ~~***[or]***~~ 363B or 374 of NRS **.**

(b) Expanded business pursuant to chapter 361 or 363B of NRS or the local sales and use taxes. As used in this ~~***[subsection,]***~~ ***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 business is to be located or expanded, except the taxes imposed by the Sales and Use Tax Act and the Local School Support Tax Law.***

2. The Office of Economic Development shall approve an application for a partial abatement pursuant to this section if the Office makes the following determinations:

(a) The business offers primary jobs and is consistent with:

(1) The State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Executive Director of the Office to implement the State Plan for Economic Development.

(b) The applicant has executed an agreement with the Office which must:

(1) Comply with the requirements of NRS 360.755;

(2) State the date on which the abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application;

(3) State that the business will, after the date on which the abatement becomes effective, continue in operation in this State for a period specified by the Office, which must be at least 5 years, and will continue to meet the eligibility requirements set forth in this subsection;

(4) State that the business will offer primary jobs; and

(5) Bind the successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(d) Except as otherwise provided in subsection 4 or 5, the average hourly wage that will be paid by the business to its new employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

(e) The business will, by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective, offer a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees, and the health care benefits the business offers to its employees in this State will meet the minimum requirements for health care benefits established by the Office.

(f) Except as otherwise provided in this subsection and NRS 361.0687, if the business is a new business in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the business meets at least one of the following requirements:

(1) The business will have 50 or more full-time employees on the payroll of the business by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective who will be employed at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.

(2) Establishing the business will require the business to make, not later than the date which is 2 years after the date on which the abatement becomes effective, a capital investment of at least $1,000,000 in this State in capital assets that will be retained at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.

(g) Except as otherwise provided in NRS 361.0687, if the business is a new business in a county whose population is less than 100,000, in an area of a county whose population is 100,000 or more that is located within the geographic boundaries of an area that is designated as rural by the United States Department of Agriculture and at least 20 miles outside of the geographic boundaries of an area designated as urban by the United States Department of Agriculture, or in a city whose population is less than 60,000, the business meets at least one of the following requirements:

(1) The business will have 10 or more full-time employees on the payroll of the business by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective who will be employed at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.

(2) Establishing the business will require the business to make, not later than the date which is 2 years after the date on which the abatement becomes effective, a capital investment of at least $250,000 in this State in capital assets that will be retained at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.

(h) If the business is an existing business, the business meets at least one of the following requirements:

(1) For a business in:

(I) Except as otherwise provided in sub-subparagraph (II), a county whose population is 100,000 or more or a city whose population is 60,000 or more, the business will, by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective, increase the number of employees on its payroll in that county or city by 10 percent more than it employed in the fiscal year immediately preceding the fiscal year in which the abatement becomes effective or by twenty-five employees, whichever is greater, who will be employed at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective; or

(II) A county whose population is less than 100,000, an area of a county whose population is 100,000 or more that is located within the geographic boundaries of an area that is designated as rural by the United States Department of Agriculture and at least 20 miles outside of the geographic boundaries of an area designated as urban by the United States Department of Agriculture, or a city whose population is less than 60,000, the business will, by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective, increase the number of employees on its payroll in that county or city by 10 percent more than it employed in the fiscal year immediately preceding the fiscal year in which the abatement becomes effective or by six employees, whichever is greater, who will be employed at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.

(2) The business will expand by making a capital investment in this State, not later than the date which is 2 years after the date on which the abatement becomes effective, in an amount equal to at least 20 percent of the value of the tangible property possessed by the business in the fiscal year immediately preceding the fiscal year in which the abatement becomes effective, and the capital investment will be in capital assets that will be retained at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective. The determination of the value of the tangible property possessed by the business in the immediately preceding fiscal year must be made by the:

(I) County assessor of the county in which the business will expand, if the business is locally assessed; or

(II) Department, if the business is centrally assessed.

(i) The applicant has provided in the application an estimate of the total number of new employees which the business anticipates hiring in this State by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective if the Office approves the application.

3. Notwithstanding the provisions of subsection 2, the Office of Economic Development:

(a) Shall not consider an application for a partial abatement pursuant to this section unless the Office has requested a letter of acknowledgment of the request for the abatement from any affected county, school district, city or town.

(b) Shall consider the level of health care benefits provided by the business to its employees, the projected economic impact of the business and the projected tax revenue of the business after deducting projected revenue from the abated taxes.

(c) May, if the Office determines that such action is necessary:

(1) Approve an application for a partial abatement pursuant to this section by a business that does not meet the requirements set forth in paragraph (f), (g) or (h) of subsection 2;

(2) Make any of the requirements set forth in paragraphs (d) to (h), inclusive, of subsection 2 more stringent; or

(3) Add additional requirements that a business must meet to qualify for a partial abatement pursuant to this section.

4. Notwithstanding any other provision of law, the Office of Economic Development shall not approve an application for a partial abatement pursuant to this section if:

(a) The applicant intends to locate or expand in a county in which the rate of unemployment is 7 percent or more and the average hourly wage that will be paid by the applicant to its new employees in this State is less than 70 percent of the average statewide hourly wage, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

(b) The applicant intends to locate or expand in a county in which the rate of unemployment is less than 7 percent and the average hourly wage that will be paid by the applicant to its new employees in this State is less than 85 percent of the average statewide hourly wage, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

(c) The applicant intends to locate in a county but has already received a partial abatement pursuant to this section for locating that business in that county.

(d) The applicant intends to expand in a county but has already received a partial abatement pursuant to this section for expanding that business in that county.

(e) The applicant has changed the name or identity of the business to evade the provisions of paragraphs (c) or (d).

5. Notwithstanding any other provision of law, if the Office of Economic Development approves an application for a partial abatement pursuant to this section, in determining the types of taxes imposed on a new or expanded business for which the partial abatement will be approved and the amount of the partial abatement:

(a) If the new or expanded business is located in a county in which the rate of unemployment is 7 percent or more and the average hourly wage that will be paid by the business to its new employees in this State is less than 85 percent of the average statewide hourly wage, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year, the Office shall not:

(1) Approve an abatement of the taxes imposed pursuant to chapter 361 of NRS which exceeds 25 percent of the taxes on personal property payable by the business each year.

(2) Approve an abatement of the taxes imposed pursuant to chapter 363B of NRS which exceeds 25 percent of the amount of tax otherwise due pursuant to NRS 363B.110.

(b) If the new or expanded business is located in a county in which the rate of unemployment is less than 7 percent and the average hourly wage that will be paid by the business to its new employees in this State is less than 100 percent of the average statewide hourly wage, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year, the Office shall not:

(1) Approve an abatement of the taxes imposed pursuant to chapter 361 of NRS which exceeds 25 percent of the taxes on personal property payable by the business each year.

(2) Approve an abatement of the taxes imposed pursuant to chapter 363B of NRS which exceeds 25 percent of the amount of tax otherwise due pursuant to NRS 363B.110.

~~[(3) Approve an abatement of the taxes imposed pursuant to chapter 374 of NRS which exceeds the local sales and use taxes. As used in this~~

~~subparagraph, "local sales and use taxes" means the taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in the political subdivision in which the new or expanded business is located, except the taxes imposed by the Sales and Use Tax Act and the Local School Support Tax Law.~~]

6. If the Office of Economic Development approves an application for a partial abatement pursuant to this section, the Office shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer.

7. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request of the Executive Director of the Office of Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

8. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the requirements set forth in subsection 2; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 2,

➥ the business shall repay to the Department or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

9. A county treasurer:

(a) Shall deposit any money that he or she receives pursuant to subsection 8 in one or more of the funds established by a local government of the county pursuant to NRS 354.6113 or 354.6115; and

(b) May use the money deposited pursuant to paragraph (a) only for the purposes authorized by NRS 354.6113 and 354.6115.

10. The Office of Economic Development may adopt such regulations as the Office of Economic Development determines to be necessary to carry out the provisions of this section and NRS 360.755.

11. The Nevada Tax Commission:

(a) Shall adopt regulations regarding:

(1) The capital investment that a new business must make to meet the requirement set forth in paragraph (f) or (g) of subsection 2; and

(2) Any security that a business is required to post to qualify for a partial abatement pursuant to this section.

(b) May adopt such other regulations as the Nevada Tax Commission determines to be necessary to carry out the provisions of this section and NRS 360.755.

12. An applicant for a partial abatement pursuant to this section who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

13. For the purposes of this section, an employee is a "full-time employee" if he or she is in a permanent position of employment and works an average of 30 hours per week during the applicable period set forth in subsection 2.

Sec. 12. NRS 360.750 is hereby amended to read as follows:

360.750 1. A person who intends to locate or expand a business in this State may apply to the Office of Economic Development pursuant to this section for a partial abatement of one or more of the taxes imposed on the ~~[new or expanded]~~ **:**

(a) New business pursuant to chapter 361 , ~~***[or]***~~ 363B or 374 of NRS ,

(b) Expanded business pursuant to chapter 361 or 363B of NRS or the local sales and use taxes. As used in this ~~[subsection,]~~ 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 business is to be located or expanded, except the taxes imposed by the Sales and Use Tax Act and the Local School Support Tax Law.

2. The Office of Economic Development shall approve an application for a partial abatement pursuant to this section if the Office makes the following determinations:

(a) The business offers primary jobs and is consistent with:

(1) The State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Executive Director of the Office to implement the State Plan for Economic Development.

(b) The applicant has executed an agreement with the Office which must:

(1) Comply with the requirements of NRS 360.755;

(2) State the date on which the abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application;

(3) State that the business will, after the date on which the abatement becomes effective, continue in operation in this State for a period specified by the Office, which must be at least 5 years, and will continue to meet the eligibility requirements set forth in this subsection;

(4) State that the business will offer primary jobs; and

(5) Bind the successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(d) Except as otherwise provided in subsection 4 or 5, the average hourly wage that will be paid by the business to its new employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

(e) The business will, by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective, offer a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees, and the health care benefits the business offers to its employees in this State will meet the minimum requirements for health care benefits established by the Office.

(f) Except as otherwise provided in this subsection and NRS 361.0687, if the business is a new business in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the business meets at least one of the following requirements:

(1) The business will have 75 or more full-time employees on the payroll of the business by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective who will be employed at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.

(2) Establishing the business will require the business to make a capital investment of at least $1,000,000 in this State.

(g) Except as otherwise provided in NRS 361.0687, if the business is a new business in a county whose population is less than 100,000, in an area of a county whose population is 100,000 or more that is located within the geographic boundaries of an area that is designated as rural by the United States Department of Agriculture and at least 20 miles outside of the geographic boundaries of an area designated as urban by the United States Department of Agriculture, or in a city whose population is less than 60,000, the business meets at least one of the following requirements:

(1) The business will have 15 or more full-time employees on the payroll of the business by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective who will be employed at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.

(2) Establishing the business will require the business to make a capital investment of at least $250,000 in this State.

(h) If the business is an existing business, the business meets at least one of the following requirements:

(1) The business will increase the number of employees on its payroll by 10 percent more than it employed in the immediately preceding fiscal year or by six employees, whichever is greater.

(2) The business will expand by making a capital investment in this State in an amount equal to at least 20 percent of the value of the tangible property possessed by the business in the immediately preceding fiscal year. The determination of the value of the tangible property possessed by the business in the immediately preceding fiscal year must be made by the:

(I) County assessor of the county in which the business will expand, if the business is locally assessed; or

(II) Department, if the business is centrally assessed.

(i) The applicant has provided in the application an estimate of the total number of new employees which the business anticipates hiring in this State by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective if the Office approves the application.

3. Notwithstanding the provisions of subsection 2, the Office of Economic Development:

(a) Shall not consider an application for a partial abatement pursuant to this section unless the Office has requested a letter of acknowledgment of the request for the abatement from any affected county, school district, city or town.

(b) Shall consider the level of health care benefits provided by the business to its employees, the projected economic impact of the business and the projected tax revenue of the business after deducting projected revenue from the abated taxes.

(c) May, if the Office determines that such action is necessary:

(1) Approve an application for a partial abatement pursuant to this section by a business that does not meet the requirements set forth in paragraph (f), (g) or (h) of subsection 2;

(2) Make any of the requirements set forth in paragraphs (d) to (h), inclusive, of subsection 2 more stringent; or

(3) Add additional requirements that a business must meet to qualify for a partial abatement pursuant to this section.

4. Notwithstanding any other provision of law, the Office of Economic Development shall not approve an application for a partial abatement pursuant to this section if:

(a) The applicant intends to locate or expand in a county in which the rate of unemployment is 7 percent or more and the average hourly wage that will be paid by the applicant to its new employees in this State is less than 70 percent of the average statewide hourly wage, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

(b) The applicant intends to locate or expand in a county in which the rate of unemployment is less than 7 percent and the average hourly wage that will be paid by the applicant to its new employees in this State is less than 85

percent of the average statewide hourly wage, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

(c) The applicant intends to locate in a county but has already received a partial abatement pursuant to this section for locating that business in that county.

(d) The applicant intends to expand in a county but has already received a partial abatement pursuant to this section for expanding that business in that county.

(e) The applicant has changed the name or identity of the business to evade the provisions of paragraph (c) or (d).

5. Notwithstanding any other provision of law, if the Office of Economic Development approves an application for a partial abatement pursuant to this section, in determining the types of taxes imposed on a new or expanded business for which the partial abatement will be approved and the amount of the partial abatement:

(a) If the new or expanded business is located in a county in which the rate of unemployment is 7 percent or more and the average hourly wage that will be paid by the business to its new employees in this State is less than 85 percent of the average statewide hourly wage, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year, the Office shall not:

(1) Approve an abatement of the taxes imposed pursuant to chapter 361 of NRS which exceeds 25 percent of the taxes on personal property payable by the business each year.

(2) Approve an abatement of the taxes imposed pursuant to chapter 363B of NRS which exceeds 25 percent of the amount of tax otherwise due pursuant to NRS 363B.110.

(b) If the new or expanded business is located in a county in which the rate of unemployment is less than 7 percent and the average hourly wage that will be paid by the business to its new employees in this State is less than 100 percent of the average statewide hourly wage, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year, the Office shall not:

(1) Approve an abatement of the taxes imposed pursuant to chapter 361 of NRS which exceeds 25 percent of the taxes on personal property payable by the business each year.

(2) Approve an abatement of the taxes imposed pursuant to chapter 363B of NRS which exceeds 25 percent of the amount of tax otherwise due pursuant to NRS 363B.110.

~~[(3) Approve an abatement of the taxes imposed pursuant to chapter 374 of NRS which exceeds the local sales and use taxes. As used in this subparagraph, "local sales and use taxes" means the taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in the political subdivision in which~~

~~the new or expanded business is located, except the taxes imposed by the Sales and Use Tax Act and the Local School Support Tax Law.]~~

6. If the Office of Economic Development approves an application for a partial abatement pursuant to this section, the Office shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer.

7. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request of the Executive Director of the Office of Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

8. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the requirements set forth in subsection 2; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 2,

➥ the business shall repay to the Department or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

9. A county treasurer:

(a) Shall deposit any money that he or she receives pursuant to subsection 8 in one or more of the funds established by a local government of the county pursuant to NRS 354.6113 or 354.6115; and

(b) May use the money deposited pursuant to paragraph (a) only for the purposes authorized by NRS 354.6113 and 354.6115.

10. The Office of Economic Development may adopt such regulations as the Office of Economic Development determines to be necessary to carry out the provisions of this section and NRS 360.755.

11. The Nevada Tax Commission:

(a) Shall adopt regulations regarding:

(1) The capital investment that a new business must make to meet the requirement set forth in paragraph (f) or (g) of subsection 2; and

(2) Any security that a business is required to post to qualify for a partial abatement pursuant to this section.

(b) May adopt such other regulations as the Nevada Tax Commission determines to be necessary to carry out the provisions of this section and NRS 360.755.

12. An applicant for a partial abatement pursuant to this section who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

13. For the purposes of this section, an employee is a "full-time employee" if he or she is in a permanent position of employment and works an average of 30 hours per week during the applicable period set forth in subsection 2.

Sec. 12.5. NRS 360.753 is hereby amended to read as follows:

360.753 1. An owner of a business or a person who intends to locate or expand a business in this State may apply to the Office of Economic Development pursuant to this section for a partial abatement of one or more of:

(a) The personal property taxes imposed on an aircraft and the personal property used to own, operate, manufacture, service, maintain, test, repair, overhaul or assemble an aircraft or any component of an aircraft; and

(b) The local sales and use taxes imposed on the purchase of tangible personal property used to operate, manufacture, service, maintain, test, repair, overhaul or assemble an aircraft or any component of an aircraft.

2. Notwithstanding the provisions of any law to the contrary and except as otherwise provided in subsections 3 and 4, the Office of Economic Development shall approve an application for a partial abatement if the Office makes the following determinations:

(a) The applicant has executed an agreement with the Office which:

(1) Complies with the requirements of NRS 360.755;

(2) States the date on which the abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application;

(3) States that the business will, after the date on which a certificate of eligibility for the partial abatement is issued pursuant to subsection 5, continue in operation in this State for a period specified by the Office, which must be not less than 5 years, and will continue to meet the eligibility requirements set forth in this subsection; and

(4) Binds any successor in interest of the applicant for the specified period;

(b) The business is registered pursuant to the laws of this State or the applicant commits to obtaining a valid business license and all other permits required by the county, city or town in which the business operates;

(c) The business owns, operates, manufactures, services, maintains, tests, repairs, overhauls or assembles an aircraft or any component of an aircraft;

(d) The average hourly wage that will be paid by the business to its employees in this State during the period of partial abatement is not less than

100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year;

(e) The business will, by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective, offer a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees, and the health care benefits the business offers to its employees in this State will meet the minimum requirements for health care benefits established by the Office;

(f) If the business is:

(1) A new business, that it will have five or more full-time employees on the payroll of the business within 1 year after receiving its certificate of eligibility for a partial abatement; or

(2) An existing business, that it will increase its number of full-time employees on the payroll of the business in this State by 3 percent or three employees, whichever is greater, within 1 year after receiving its certificate of eligibility for a partial abatement; ~~[and]~~

(g) The business meets at least one of the following requirements:

(1) The business will make a new capital investment of at least $250,000 in this State within 1 year after receiving its certificate of eligibility for a partial abatement.

(2) The business will maintain and possess in this State tangible personal property having a value of not less than $5,000,000 during the period of partial abatement.

(3) The business develops, refines or owns a patent or other intellectual property, or has been issued a type certificate by the Federal Aviation Administration pursuant to 14 C.F.R. Part 21 ~~[.]~~ ***; and***

(h) If the application is for the partial abatement of the taxes imposed by the Local School Support Tax Law, the application has been approved by a vote of at least two-thirds of the members of the Board of Economic Development created by NRS 231.033.

3. The Office of Economic Development:

(a) Shall approve or deny an application submitted pursuant to this section and notify the applicant of its decision not later than 45 days after receiving the application.

(b) Must not:

(1) Consider an application for a partial abatement unless the Office has requested a letter of acknowledgment of the request for the partial abatement from any affected county, school district, city or town and has complied with the requirements of NRS 360.757; or

(2) Approve a partial abatement for any applicant for a period of more than ~~[20]~~ ***10*** years.

4. The Office of Economic Development must not approve a partial abatement of personal property taxes for a business whose physical property

is collectively valued and centrally assessed pursuant to NRS 361.320 and 361.3205.

5. If the Office of Economic Development approves an application for a partial abatement pursuant to this section, the Office shall immediately forward a certificate of eligibility for the partial abatement to:

(a) The Department;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from personal property taxes, the appropriate county treasurer.

6. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request of the Executive Director of the Office of Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

7. If a business whose partial abatement has been approved pursuant to this section and whose partial abatement is in effect ceases:

(a) To meet the requirements set forth in subsection 2; or

(b) Operation before the time specified in the agreement described in paragraph (a) of subsection 2,

➥ the business shall repay to the Department or, if the partial abatement was from personal property taxes, to the appropriate county treasurer, the amount of the partial abatement that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the partial abatement required to be repaid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

8. The Office of Economic Development may adopt such regulations as the Office determines to be necessary to carry out the provisions of this section.

9. The Nevada Tax Commission may adopt such regulations as the Commission determines are necessary to carry out the provisions of this section.

10. An applicant for a partial abatement who is aggrieved by a final decision of the Office of Economic Development may petition a court of competent jurisdiction to review the decision in the manner provided in chapter 233B of NRS.

11. If the Office of Economic Development approves an application for a partial abatement of local sales and use taxes pursuant to this section, the Department shall issue to the business a document certifying the partial abatement which can be presented to retailers and customers of the business at

the time of sale. The document must clearly state that the purchaser is only required to pay sales and use taxes imposed in this State at the rate of 2 percent.

12. As used in this section:

(a) "Aircraft" means any fixed-wing, rotary-wing or unmanned aerial vehicle.

(b) "Component of an aircraft" means any:

(1) Element that makes up the physical structure of an aircraft, or is affixed thereto;

(2) Mechanical, electrical or other system of an aircraft, including, without limitation, any component thereof; and

(3) Raw material or processed material, part, machinery, tool, chemical, gas or equipment used to operate, manufacture, service, maintain, test, repair, overhaul or assemble an aircraft or component of an aircraft.

(c) "Full-time employee" means a person who is in a permanent position of employment and works an average of 30 hours per week during the applicable period set forth in subparagraph (3) of paragraph (a) of subsection 2.

(d) "Local sales and use taxes" means any taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in any political subdivision of this State, except the taxes imposed by the Sales and Use Tax Act . ***[and the Local School Support Tax Law.]***

(e) "Personal property taxes" means any taxes levied on personal property by the State or a local government pursuant to chapter 361 of NRS.

Sec. 13. NRS 360.754 is hereby amended to read as follows:

360.754 1. A person who intends to locate or expand a data center in this State may apply to the Office of Economic Development pursuant to this section for a partial abatement of one or more of the taxes imposed on the new or expanded data center pursuant to chapter 361 or 374 of NRS . ***[or the local sales and use taxes. As used in this subsection, "local sales and use taxes" means the taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in the political subdivision in which the data center is to be located or expanded, except the taxes imposed by the Sales and Use Tax Act and the Local School Support Tax Law.]***

2. The Office of Economic Development shall approve an application for a partial abatement pursuant to this section if the Office makes the following determinations:

(a) The application is consistent with the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053 and any guidelines adopted by the Executive Director of the Office to implement the State Plan for Economic Development.

(b) The applicant has executed an agreement with the Office of Economic Development which must:

(1) Comply with the requirements of NRS 360.755;

(2) State the date on which the abatement becomes effective, as agreed to by the applicant and the Office of Economic Development, which must not be earlier than the date on which the Office received the application;

(3) State that the data center will, after the date on which the abatement becomes effective, continue in operation in this State for a period specified by the Office of Economic Development, which must be at least 10 years, and will continue to meet the eligibility requirements set forth in this subsection; and

(4) Bind the successors in interest of the applicant for the specified period.

(c) The applicant is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by each county, city or town in which the data center operates.

(d) If the applicant is seeking a partial abatement for a period of not more than 10 years, the applicant meets the following requirements:

(1) The data center will, by not later than the date that is 5 years after the date on which the abatement becomes effective, have or have added 10 or more full-time employees who are residents of Nevada and who will be employed at the data center and will continue to employ 10 or more full-time employees who are residents of Nevada at the data center until at least the date which is 10 years after the date on which the abatement becomes effective.

(2) Establishing or expanding the data center will require the data center or any combination of the data center and one or more colocated businesses to make in each county in this State in which the data center is located, by not later than the date which is 5 years after the date on which the abatement becomes effective, a cumulative capital investment of at least $25,000,000 in capital assets that will be used or located at the data center.

(3) The average hourly wage that will be paid by the data center to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The data center will, by not later than the date which is 2 years after the date on which the abatement becomes effective, provide a health insurance plan for all employees employed at the data center that includes an option for health insurance coverage for dependents of the employees; and

(II) The health care benefits provided to employees employed at the data center will meet the minimum requirements for health care benefits established by the Office of Economic Development by regulation pursuant to subsection 12.

(4) At least 50 percent of the employees engaged in the construction of the data center are residents of Nevada, unless waived by the Executive Director of the Office of Economic Development upon proof satisfactory to the Executive Director of the Office of Economic Development that there is an insufficient number of residents of Nevada available and qualified for such employment.

(e) If the applicant is seeking a partial abatement for a period of 10 years or more but not more than 20 years, the applicant meets the following requirements:

(1) The data center will, by not later than the date that is 5 years after the date on which the abatement becomes effective, have or have added 50 or more full-time employees who are residents of Nevada and who will be employed at the data center and will continue to employ 50 or more full-time employees who are residents of Nevada at the data center until at least the date which is 20 years after the date on which the abatement becomes effective.

(2) Establishing or expanding the data center will require the data center or any combination of the data center and one or more colocated businesses to make in each county in this State in which the data center is located, by not later than the date which is 5 years after the date on which the abatement becomes effective, a cumulative capital investment of at least $100,000,000 in capital assets that will be used or located at the data center.

(3) The average hourly wage that will be paid by the data center to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The data center will, by not later than the date which is 2 years after the date on which the abatement becomes effective, provide a health insurance plan for all employees employed at the data center that includes an option for health insurance coverage for dependents of the employees; and

(II) The health care benefits provided to employees employed at the data center will meet the minimum requirements for health care benefits established by the Office of Economic Development by regulation pursuant to subsection 12.

(4) At least 50 percent of the employees engaged in the construction of the data center are residents of Nevada, unless waived by the Executive Director of the Office of Economic Development upon proof satisfactory to the Executive Director of the Office of Economic Development that there is an insufficient number of residents of Nevada available and qualified for such employment.

(f) The applicant has provided in the application an estimate of the total number of new employees which the data center anticipates hiring in this State if the Office of Economic Development approves the application.

(g) If the applicant is seeking a partial abatement of the taxes imposed by the Local School Support Tax Law, the application has been approved by a vote of at least two-thirds of the members of the Board of Economic Development created by NRS 231.033.

3. Notwithstanding the provisions of subsection 2, the Office of Economic Development:

(a) Shall not consider an application for a partial abatement pursuant to this section unless the Office of Economic Development has requested a letter of

acknowledgment of the request for the abatement from each affected county, school district, city or town.

(b) Shall consider the level of health care benefits provided to employees employed at the data center, the projected economic impact of the data center and the projected tax revenue of the data center after deducting projected revenue from the abated taxes.

(c) May, if the Office of Economic Development determines that such action is necessary:

(1) Approve an application for a partial abatement pursuant to this section by a data center that does not meet the requirements set forth in paragraph (d) or (e) of subsection 2;

(2) Make the requirements set forth in paragraph (d) and (e) of subsection 2 more stringent; or

(3) Add additional requirements that an applicant must meet to qualify for a partial abatement pursuant to this section.

4. If the Office of Economic Development approves an application for a partial abatement pursuant to this section, the Office shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer of each county in which the data center is or will be located.

5. If the Office of Economic Development approves an application for a partial abatement pursuant to this section, the Office may also approve a partial abatement of taxes for each colocated business that enters into a contract to use or occupy, for a period of at least 2 years, all or a portion of the new or expanded data center. Each such colocated business shall obtain a state business license issued by the Secretary of State. The percentage amount of a partial abatement approved for a colocated business pursuant to this subsection must not exceed the percentage amount of the partial abatement approved for the data center. The duration of a partial abatement approved for a colocated business pursuant to this subsection must not exceed the duration of the contract or contracts entered into between the colocated business and the data center, including the duration of any contract or contracts extended or renewed by the parties. If a colocated business ceases to meet the requirements set forth in this subsection, the colocated business shall repay the amount of the abatement that was allowed in the same manner in which a data center is required by subsection 7 to repay the Department or a county treasurer. If a data center ceases to meet the requirements of subsection 2 or ceases operation before the time specified in the agreement described in paragraph (b) of subsection 2, any partial abatement approved for a colocated business ceases to be in effect, but the colocated business is not required to repay the amount of the abatement that was allowed before the date on which the abatement ceases to be in effect. A data center shall provide the Executive Director of the

Office and the Department with a list of the colocated businesses that are qualified to receive a partial abatement pursuant to this subsection and shall notify the Executive Director within 30 days after any change to the list. The Executive Director shall provide the list and any updates to the list to the Department and the county treasurer of each affected county.

6. An applicant for a partial abatement pursuant to this section or a data center whose partial abatement is in effect shall, upon the request of the Executive Director of the Office of Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

7. If a data center whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the requirements set forth in subsection 2; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 2,

➥ the data center shall repay to the Department or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the abatement that was allowed pursuant to this section before the failure of the data center to comply unless the Nevada Tax Commission determines that the data center has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the data center shall, in addition to the amount of the abatement required to be repaid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

8. A county treasurer:

(a) Shall deposit any money that he or she receives pursuant to subsection 5 or 7 in one or more of the funds established by a local government of the county pursuant to NRS 354.6113 or 354.6115; and

(b) May use the money deposited pursuant to paragraph (a) only for the purposes authorized by NRS 354.6113 and 354.6115.

9. An applicant for a partial abatement pursuant to this section who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

10. For an employee to be considered a resident of Nevada for the purposes of this section, a data center must maintain the following documents in the personnel file of the employee:

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

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

(c) Proof that the employee is a full-time employee; and

(d) Proof that the employee is covered by the health insurance plan which the data center is required to provide pursuant to sub-subparagraph (I) of subparagraph (3) of paragraph (d) of subsection 2 or sub-subparagraph (I) of subparagraph (3) of paragraph (e) of subsection 2.

11. For the purpose of obtaining from the Executive Director of the Office of Economic Development any waiver of the requirements set forth in subparagraph (4) of paragraph (d) of subsection 2 or subparagraph (4) of paragraph (e) of subsection 2, a data center must submit to the Executive Director of the Office of Economic Development written documentation of the efforts to meet the requirements and documented proof that an insufficient number of Nevada residents is available and qualified for employment.

12. The Office of Economic Development:

(a) Shall adopt regulations relating to the minimum level of health care benefits that a data center must provide to its employees to meet the requirement set forth in paragraph (d) or (e) of subsection 2;

(b) May adopt such other regulations as the Office determines to be necessary to carry out the provisions of this section; and

(c) Shall not approve any application for a partial abatement submitted pursuant to this section which is received on or after January 1, 2036.

13. The Nevada Tax Commission:

(a) Shall adopt regulations regarding:

(1) The capital investment necessary to meet the requirement set forth in paragraph (d) or (e) of subsection 2; and

(2) Any security that a data center is required to post to qualify for a partial abatement pursuant to this section.

(b) May adopt such other regulations as the Nevada Tax Commission determines to be necessary to carry out the provisions of this section.

14. As used in this section, unless the context otherwise requires:

(a) "Colocated business" means a person who enters into a contract with a data center that is qualified to receive an abatement pursuant to this section to use or occupy all or part of the data center.

(b) "Data center" means one or more buildings located at one or more physical locations in this State which house a group of networked server computers for the purpose of centralizing the storage, management and dissemination of data and information pertaining to one or more businesses and includes any modular or preassembled components, associated telecommunications and storage systems and, if the data center includes more than one building or physical location, any network or connection between such buildings or physical locations.

(c) "Full-time employee" means a person who is in a permanent position of employment and works an average of 30 hours per week during the applicable period set forth in paragraph (d) or (e) of subsection 2.

Sec. 14. (Deleted by amendment.)

Sec. 15. NRS 360.884 is hereby amended to read as follows:

360.884 "Local sales and use taxes" means only the taxes imposed pursuant to chapters ~~[~~374,~~]~~ 377, 377A and 377B of NRS imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in the county in which the qualified project is located. The term does not include any taxes imposed by the Sales and Use Tax Act ~~[~~***and the Local School Support Tax Law.***~~]~~.

Sec. 16. NRS 360.920 is hereby amended to read as follows:

360.920 "Local sales and use taxes" means only the taxes imposed pursuant to ~~[~~chapters 374 and~~]~~ ***chapter*** 377 of NRS on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in the county in which the qualified project is located. The term does not include the taxes imposed by the Sales and Use Tax Act ~~[~~***and the Local School Support Tax Law.***~~]~~.

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 18.5. The amendatory provisions of ~~[~~sections 5, 6.3, 7, 11, 12.5, 13, 15 and 16~~]~~ **this act** do not apply to any abatement granted or any application for an abatement filed before ~~[~~the effective date of the amendatory provisions to those sections.~~]~~ **July 1, 2019.**

Sec. 19. 1. This section and sections 5, 6.3, 7, 11, 12.5, 13, 15, 16 and 18.5 of this act become effective on ~~[~~passage and approval.~~]~~ **July 1, 2019.**

2. Sections 6, 6.5, 8 and 12 of this act become effective on July 1, 2032.
3. Section 15 of this act expires by limitation on June 30, 2032.
4. Section 12.5 of this act expires by limitation on June 30, 2035.
5. Section 16 of this act expires by limitation on June 30, 2036.
6. Section 13 of this act expires by limitation on December 31, 2056.

Assemblywoman Neal moved that the Assembly concur in the Senate Amendment No. 791 to Assembly Bill No. 400.

Remarks by Assemblywoman Neal.

ASSEMBLYWOMAN NEAL:

The amendment allows new businesses but not expanding businesses to receive Local School Support Tax [LSST] and reduces the aircraft abatements.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 15.

The following Senate amendment was read:

Amendment No. 695.

AN ACT relating to crimes; prohibiting the preparation or delivery of documents that simulate legal process for certain purposes; revising provisions governing crimes related to certain financial transactions; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill makes it unlawful for a person to cause to be prepared or delivered to another person any document that simulates a summons, complaint, judgment, order or other legal process with the intent to: (1) induce payment of a claim from another person; or (2) induce another person to submit to the putative authority of the document or take or refrain from taking certain actions. **Section 1** provides that a person who violates any such provision is guilty of a category D felony. **Section 1** also establishes the circumstances: (1) in which a rebuttable presumption exists that a person intended to violate any such provision; and (2) that do not constitute a defense to a prosecution under the section.

Existing law provides that if a monetary instrument represents the proceeds of or is derived from any unlawful activity, it is unlawful for a person who has knowledge of that fact to conduct or attempt to conduct a financial transaction involving such monetary instrument or transport or attempt to transport the monetary instrument, if the person has the intent to further any unlawful activity or has certain other knowledge. (NRS 207.195) **Section 1.5** of this bill: (1) increases the penalty for a violation of any such provision from a category D to a category C felony; and (2) includes other property that represents the proceeds of or is derived from any unlawful activity in such provisions.

Existing law also provides that it is unlawful for any person to conduct or attempt to conduct a financial transaction with the intent to evade any regulation governing the records of certain casinos regarding transactions involving cash. A person who violates such a provision is guilty of a category D felony. (NRS 207.195) **Section 1.5**: (1) expands the prohibition and makes it unlawful for any person to conduct or attempt to conduct a financial transaction with the intent to evade any provision of federal or state law that requires the reporting of a financial transaction; and (2) provides that a person who violates such a provision is guilty of a category C felony.

Section 1.5 additionally makes it unlawful for a person to conduct or attempt to conduct a financial transaction concerning any monetary instrument or other property that has a value of $5,000 or more with the knowledge that the monetary instrument or other property is directly or indirectly derived from any unlawful activity. A person who violates such a provision is guilty of a category C felony.

Section 1.5 further: (1) provides that each violation of the section involving one or more monetary instruments, financial transactions or property valued at $5,000 or more is a separate offense; (2) provides that the section must not be construed to prohibit any financial transaction relating to the medical use of marijuana or the regulation or taxation of marijuana; and (3) revises the definition of "monetary instrument" to include ~~[cryptocurrency.]~~ **virtual currency.**

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

Section 1. Chapter 207 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any person who causes to be prepared or delivered to another person any document that simulates a summons, complaint, judgment, order or other legal process with the intent to:

(a) Induce payment of a claim from another person; or

(b) Induce another person to:

(1) Submit to the putative authority of the document; or

(2) Take any action or refrain from taking any action:

(I) In response to or on the basis of the document; or

(II) To comply with the document,

↪ is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. There is a rebuttable presumption that a person intended to violate the provisions of this section if the person files with or presents or delivers to any court in this State any document that simulates a summons, complaint, judgment, order or other legal process.

3. It is not a defense to a prosecution under this section that a document that simulates a summons, complaint, judgment, order or other legal process states that the document is not legal process or purports to have been issued or authorized by a person or entity who does not have the lawful authority to issue or authorize the document.

4. As used in this section, "action" includes, without limitation:

(a) Making a court appearance;

(b) Obtaining legal counsel;

(c) Acting upon a perceived conflict created by a document that simulates a summons, complaint, judgment, order or other legal process; or

(d) Recusal.

Sec. 1.5. NRS 207.195 is hereby amended to read as follows:

207.195 1. If a monetary instrument ***or other property*** represents the proceeds of or is directly or indirectly derived from any unlawful activity, it is unlawful for a person, having knowledge of that fact:

(a) To conduct or attempt to conduct a financial transaction involving the ***monetary*** instrument ~~[,]~~ ***or other property:***

(1) With the intent to further any unlawful activity;

(2) With the knowledge that the transaction conceals the location, source, ownership or control of the ***monetary*** instrument ~~[,]~~ ***or other property;*** or

(3) With the knowledge that the transaction evades any provision of federal or state law that requires the reporting of a financial transaction.

(b) To transport or attempt to transport the monetary instrument ~~[,]~~ ***or other property:***

(1) With the intent to further any unlawful activity;

(2) With the knowledge that the transportation conceals the location, source, ownership or control of any proceeds derived from unlawful activity; or

(3) With the knowledge that the transportation evades any provision of federal or state law that requires the reporting of a financial transaction.

2. ***It is unlawful for any person to conduct or attempt to conduct a financial transaction concerning any monetary instrument or other property that has a value of $5,000 or more with the knowledge that the monetary instrument or other property is directly or indirectly derived from any unlawful activity.***

3. It is unlawful for any person to conduct or attempt to conduct a financial transaction with the intent to evade ~~[a regulation adopted pursuant to NRS 463.125.~~

~~3.]~~ ***any provision of federal or state law that requires the reporting of a financial transaction.***

4. A person who violates any provision of subsection 1 ***,*** ~~[or]~~ 2 ***or 3*** is guilty of a category ~~[D]~~ ***C*** felony and shall be punished as provided in NRS 193.130.

~~[4.]~~ ***5.*** Each violation of ~~[subsection 1 or 2]~~ ***this section*** involving one or more monetary instruments ~~[totaling $10,000]~~ ***, financial transactions or property valued at $5,000*** or more shall be deemed a separate offense.

~~[5.]~~ ***6. The provisions of this section must not be construed to prohibit any financial transaction conducted pursuant to chapter 453A or 453D of NRS.***

7. As used in this section:

(a) "Financial transaction" means any purchase, sale, loan, pledge, gift, transfer, deposit, withdrawal or other exchange involving a monetary instrument ~~[.]~~ ***or other property.*** The term does not include any instrument or transaction for the payment of assistance of counsel in a criminal prosecution.

(b) "Monetary instrument" includes any coin or currency of the United States or any other country, any traveler's check, personal check, money order, bank check, cashier's check, ~~***[cryptocurrency,]***~~ ***virtual currency,*** stock, bond, precious metal, precious stone or gem or any negotiable instrument to which title passes upon delivery. The term does not include any instrument or transaction for the payment of assistance of counsel in a criminal prosecution.

(c) "Unlawful activity" includes any crime related to racketeering as defined in NRS 207.360 or any offense punishable as a felony pursuant to state or federal statute. The term does not include any procedural error in the acceptance of a credit instrument, as defined in NRS 463.01467, by a person who holds a nonrestricted gaming license.

Sec. 2. This act becomes effective on July 1, 2019.

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 695 to Assembly Bill No. 15.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

The amendment changes the term "cryptocurrency" to "virtual currency" to comport with common usage.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 60.

The following Senate amendment was read:

Amendment No. 726.

AN ACT relating to criminal justice; revising the definition of domestic violence; increasing certain penalties relating to **a** battery which constitutes domestic violence; **revising provisions relating to the procedure for arresting a person suspected of committing a battery which constitutes domestic violence; enacting provisions relating to the procedure for arresting a person suspected of committing a battery against certain persons;** imposing a fee on certain unlawful acts that constitute domestic violence; requiring such fees to be deposited into the Account for Programs Related to Domestic Violence; revising the definition of stalking; increasing certain penalties related to stalking; revising provisions relating to the crime of facilitating sex trafficking; revising provisions relating to the crime of assault; revising provisions relating to the crime of battery; revising ~~[the duties and quorum requirements of]~~ **provisions relating to** the Committee on Domestic Violence; revising provisions relating to the Office of Advocate for Missing or Exploited Children; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain unlawful acts that constitute domestic violence when committed against certain persons. (NRS 33.018) **Section 1** of this bill revises the unlawful acts that constitute domestic violence to include coercion, burglary, home invasion and pandering. **Section 1** also provides that such acts if committed by siblings against each other, unless those siblings are in a custodial or guardianship relationship, or such acts if committed by cousins against each other, unless those cousins are in a custodial or guardianship relationship, do not constitute domestic violence. **Section** ~~[22]~~ **1.5** of this bill makes a conforming change.

Existing law requires a peace officer, under certain circumstances, to arrest a person when the officer has probable cause to believe that the person has committed a battery upon: (1) a spouse; (2) a former spouse; (3) a person to whom he or she is related by blood or marriage; (4) a person with whom he or she is or was actually residing; (5) a person to whom he or she is in a dating relationship; (6) a person with whom he or she has a child; (7) the minor child of any such person; or (8) his or her minor child. (NRS 171.137) Section 1.5 additionally requires a peace officer to make such an arrest if the person committed such a battery upon the custodian or guardian of the person's minor child. Section 1.5 also removes the requirement that the officer make such an arrest for a battery committed upon a person with whom he or she is or was actually residing.

Section 1.1 of this bill authorizes a peace officer, under certain circumstances, to arrest a person when the officer has probable cause to believe that the person has committed a battery within the preceding 24 hours upon: (1) a person with whom he or she is actually residing; (2) a sibling, if the person is not the custodian or guardian of the sibling; or (3) a cousin, if the person is not the custodian or guardian of the cousin. Sections 1.1 and 1.5 also provide that liability cannot be imposed against a peace officer or his or her employer for a determination made in good faith not to arrest a person suspected of committing such a battery or a battery which constitutes domestic violence, as applicable. Section 1.3 makes a conforming change.

Existing law authorizes a court to order the videotaping of a deposition under certain circumstances. (NRS 174.227) Existing law also authorizes, under certain circumstances, the use of such a videotaped deposition instead of the deponent's testimony at trial. (NRS 174.228) **Section 2** of this bill authorizes the court to order the videotaping of a deposition of a victim of facilitating sex trafficking. **Section 3** of this bill makes a conforming change to allow such a videotaped deposition to be used instead of the deponent's testimony at trial.

When a person is convicted of a battery which constitutes domestic violence, existing law requires the court to order the person to pay an administrative assessment of $35 to be deposited in the Account for Programs Related to Domestic Violence. (NRS 200.485) **Section 3.5** of this bill requires the court to order a $35 fee to be paid and deposited into the Account for Programs Related to Domestic Violence if a person is convicted of certain unlawful acts which constitute domestic violence. **Section 3.5** requires the court to enter a finding of fact that a person has committed an act which constitutes domestic violence in such a person's judgment of conviction. **Section 3.5** also requires the court to order such a person to attend such counseling sessions relating to the treatment of persons who commit domestic violence under certain circumstances. **Section 40** of this bill requires such fees to be deposited with the State Controller for credit to the Account.

Under existing law, a person convicted of a battery which constitutes domestic violence, for the first offense, is guilty of a misdemeanor and shall be punished by: (1) imprisonment in a city or county jail or detention center for not less than 2 days, but not more than 6 months; (2) community service; and (3) a fine of not less than $200 and not more than $1,000. Existing law authorizes a court to impose the term of imprisonment intermittently, except that each period of confinement cannot last less than 4 consecutive hours and cannot be served when the person is required to be at his or her place of employment. (NRS 200.485) **Section 15** of this bill requires the court to impose intermittent confinement of not less than 12 consecutive hours for the first offense of such an act.

Additionally, under existing law, a person convicted for his or her second offense of a battery which constitutes domestic violence is guilty of a

misdemeanor and is required to be imprisoned in a city or county jail or detention facility for not less than 10 days and not more than 6 months and pay a fine of not less than $500 or more than $1,000. (NRS 200.485) **Section 15** increases the minimum term of imprisonment to 20 days.

Under existing law, a person convicted for his or her third or any subsequent offense of a battery which constitutes domestic violence is guilty of a category C felony. (NRS 200.485) **Section 15** increases the penalty for such an act to a category B felony.

Existing law provides that any person who has previously been convicted of a battery which constitutes domestic violence that is punishable as a felony or a conviction for a similar felony of another state and who commits a battery that constitutes domestic violence is guilty of a category B felony. (NRS 200.485) **Section 15** instead provides that a person who has previously been convicted of any felony that constitutes domestic violence or a similar offense in another state and who commits a battery which constitutes domestic violence is guilty of a category B felony.

Section 15 also provides a penalty for a battery which constitutes domestic violence where the act was committed against a victim who was pregnant at the time of such a battery. Under **section 15**, a person who commits such a battery: (1) for the first offense is guilty of a gross misdemeanor; and (2) for the second or any subsequent offense is guilty of a category B felony and authorizes the court to impose a minimum fine of not less than $1,000 and not more than $5,000.

Section 15 also provides that if a person is convicted of a battery which constitutes domestic violence, where such a battery causes substantial bodily harm to the victim, the person: (1) is guilty of a category B felony; and (2) the court is authorized to impose a fine of $1,000 to $15,000.

Existing law provides that a person is guilty of: (1) a category D felony if the person commits an assault upon an officer; and (2) a category B felony if the person commits an assault upon an officer with the use of a deadly weapon or the present ability to use a deadly weapon. (NRS 200.471) Existing law also provides that a person is guilty of: (1) a category B felony if the person commits a battery upon an officer which causes substantial bodily harm or is committed by strangulation; and (2) a gross misdemeanor if the person commits a battery upon an officer and the person knew or should have known that the victim was an officer. (NRS 200.481) **Sections 14 and 14.5** of this bill revise the definition of "officer" for such purposes to include a prosecuting attorney of an agency or political subdivision of the United States or of this State.

Existing law provides that a person who, without lawful authority, willfully or maliciously engages in conduct that would cause a reasonable person to feel terrorized, frightened, intimidated, harassed or fearful for the immediate safety of a family or household member, and the conduct actually causes the victim to feel such emotions, is guilty of the crime of stalking. Existing law makes such a crime punishable as a misdemeanor for the first offense, and as a gross

misdemeanor for any subsequent offense. (NRS 200.575) **Section 17** of this bill revises the definition of stalking to: (1) provide that the course of conduct must be directed at the victim; and (2) clarify that the conduct would cause the victim to be fearful for his or her immediate safety. **Section 17** also increases the penalty for a third or any subsequent offense of stalking to a category C felony and authorizes a court to impose a fine of not more than $5,000. **Section 17** also provides that if the crime of stalking is committed against a victim who is under the age of 16 and the person is 5 or more years older than the victim: (1) for the first offense, the person is guilty of a gross misdemeanor; (2) for the second offense, the person is guilty of a category C felony and may be further punished by a fine of not more than $5,000; and (3) for a third or any subsequent offense, the person is guilty of a category B felony and may be further punished by a fine of not more than $5,000.

Existing law authorizes a court to impose an additional fine of $500,000 on certain persons who are convicted of sex trafficking or living from earnings of a prostitute. (NRS 201.352) **Section 21** of this bill similarly authorizes a court to impose an additional fine of $500,000 on a person convicted of facilitating sex trafficking.

Existing law provides for the compensation of certain victims of crime. (NRS 217.010-217.270) **Section 38 and 39** of this bill expand the definition of "victim" to include victims of the crime of facilitating sex trafficking so that such persons may be compensated under certain circumstances.

Existing law requires the Attorney General to appoint a Committee on Domestic Violence whose duties include, among other things: (1) increasing awareness of domestic violence within the State; and (2) reviewing certain programs related to the treatment of persons who commit domestic violence and making recommendations concerning those programs to the Division of Public and Behavioral Health of the Department of Health and Human Services. Existing law also requires a quorum of six members of the Committee for voting purposes. (NRS 228.470) **Section 41** of this bill: (1) ~~[eliminates the]~~ **authorizes the Attorney General to appoint a subcommittee to carry out the Committee's** duty to review and make recommendations concerning such treatment programs; (2) requires a quorum of six members for all purposes; and (3) authorizes the Committee to adopt regulations necessary to carry out its duties.

Under existing law, the duties of the Office of Advocate for Missing or Exploited Children of the Office of the Attorney General include investigating and prosecuting any alleged crime involving the exploitation of children. (NRS 432.157) **Section 42** of this bill expands the Office's duties to include investigating and prosecuting the crime of facilitating sex trafficking involving children.

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

Section 1. NRS 33.018 is hereby amended to read as follows:

33.018 1. Domestic violence occurs when a person commits one of the following acts against or upon the person's spouse or former spouse, any other person to whom the person is related by blood or marriage, any other person with whom the person has had or is having a dating relationship, any other person with whom the person has a child in common, the minor child of any of those persons, the person's minor child or any other person who has been appointed the custodian or legal guardian for the person's minor child:

(a) A battery.

(b) An assault.

(c) ~~[Compelling the other person by force or threat of force to perform an act from which the other person has the right to refrain or to refrain from an act which the other person has the right to perform.]~~ ***Coercion pursuant to NRS 207.190.***

(d) A sexual assault.

(e) A knowing, purposeful or reckless course of conduct intended to harass the other person. Such conduct may include, but is not limited to:

(1) Stalking.

(2) Arson.

(3) Trespassing.

(4) Larceny.

(5) Destruction of private property.

(6) Carrying a concealed weapon without a permit.

(7) Injuring or killing an animal.

(8) Burglary.

(9) An invasion of the home.

(f) A false imprisonment.

(g) ~~[Unlawful entry of the other person's residence, or forcible entry against the other person's will if there is a reasonably foreseeable risk of harm to the other person from the entry.]~~ ***Pandering.***

2. ***The provisions of this section do not apply to:***

(a) Siblings, except those siblings who are in a custodial or guardianship relationship with each other; or

(b) Cousins, except those cousins who are in a custodial or guardianship relationship with each other.

3. As used in this section, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

Sec. 1.1. **Chapter 171 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Whether or not a warrant has been issued, a peace officer may arrest a person when the peace officer has probable cause to believe that the person to be arrested has, within the preceding 24 hours, committed a battery upon:

(a) A person with whom he or she is actually residing;

(b) A sibling, if the person is not the custodian or guardian of the sibling; or

(c) A cousin, if the person is not the custodian or guardian of the cousin.

2. Nothing in this section shall be construed to impose liability upon a peace officer or his or her employer for a determination made in good faith by the peace officer not to arrest a person pursuant to this section.

Sec. 1.3. **NRS 171.136 is hereby amended to read as follows:**

171.136 1. If the offense charged is a felony or gross misdemeanor, the arrest may be made on any day, and at any time of day or night.

2. If it is a misdemeanor, the arrest cannot be made between the hours of 7 p.m. and 7 a.m., except:

(a) Upon the direction of a magistrate, endorsed upon the warrant;

(b) When the offense is committed in the presence of the arresting officer;

(c) When the person is found and the arrest is made in a public place or a place that is open to the public and:

(1) There is a warrant of arrest against the person; and

(2) The misdemeanor is discovered because there was probable cause for the arresting officer to stop, detain or arrest the person for another alleged violation or offense;

(d) When the offense is committed in the presence of a private person and the person makes an arrest immediately after the offense is committed;

(e) When the arrest is made in the manner provided in NRS 171.137 ~~[,]~~ ***or section 1.1 of this act;***

(f) When the offense charged is a violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive;

(g) When the person is already in custody as a result of another lawful arrest; or

(h) When the person voluntarily surrenders himself or herself in response to an outstanding warrant of arrest.

Sec. 1.5. NRS 171.137 is hereby amended to read as follows:

171.137 1. Except as otherwise provided in subsection 2, whether or not a warrant has been issued, a peace officer shall, unless mitigating circumstances exist, arrest a person when the peace officer has probable cause to believe that the person to be arrested has, within the preceding 24 hours, committed a battery upon his or her spouse, former spouse, any other person to whom he or she is related by blood or marriage, ~~[a person with whom he or she is or was actually residing,]~~ a person with whom he or she has had or is having a dating relationship, a person with whom he or she has a child in common, the minor child of any of those persons ~~[or]~~ **,** his or her minor child ~~[.]~~ ***or a person who is the custodian or guardian of his or her minor child.***

2. If the peace officer has probable cause to believe that a battery described in subsection 1 was a mutual battery, the peace officer shall attempt to determine which person was the primary physical aggressor. If the peace officer determines that one of the persons who allegedly committed a battery

was the primary physical aggressor involved in the incident, the peace officer is not required to arrest any other person believed to have committed a battery during the incident. In determining whether a person is a primary physical aggressor for the purposes of this subsection, the peace officer shall consider:

(a) Prior domestic violence involving either person;

(b) The relative severity of the injuries inflicted upon the persons involved;

(c) The potential for future injury;

(d) Whether one of the alleged batteries was committed in self-defense; and

(e) Any other factor that may help the peace officer decide which person was the primary physical aggressor.

3. A peace officer shall not base a decision regarding whether to arrest a person pursuant to this section on the peace officer's perception of the willingness of a victim or a witness to the incident to testify or otherwise participate in related judicial proceedings.

4. ***Nothing in this section shall be construed to impose liability upon a peace officer or his or her employer for a determination made in good faith by the peace officer not to arrest a person pursuant to this section.***

5. The provisions of this section do not apply to:

(a) Siblings, except those siblings who are in a custodial or guardianship relationship with each other; or

(b) Cousins, except those cousins who are in a custodial or guardianship relationship with each other.

6. As used in this section, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

Sec. 2. NRS 174.227 is hereby amended to read as follows:

174.227 1. A court on its own motion or on the motion of the district attorney may, for good cause shown, order the taking of a videotaped deposition of:

(a) A victim of sexual abuse as that term is defined in NRS 432B.100;

(b) A prospective witness in any criminal prosecution if the witness is less than 14 years of age; ~~[or]~~

(c) A victim of sex trafficking as that term is defined in subsection 2 of NRS 201.300 ~~[.]~~ ***; or***

(d) A victim of facilitating sex trafficking as that term is defined in subsection 1 of NRS 201.301. There is a rebuttable presumption that good cause exists where the district attorney seeks to take the deposition of a person alleged to be the victim of sex trafficking.

➥ The court may specify the time and place for taking the deposition and the persons who may be present when it is taken.

2. The district attorney shall give every other party reasonable written notice of the time and place for taking the deposition. The notice must include the name of the person to be examined. On the motion of a party upon whom the notice is served, the court:

(a) For good cause shown may release the address of the person to be examined; and

(b) For cause shown may extend or shorten the time.

3. If at the time such a deposition is taken, the district attorney anticipates using the deposition at trial, the court shall so state in the order for the deposition and the accused must be given the opportunity to cross-examine the deponent in the same manner as permitted at trial.

4. Except as limited by NRS 174.228, the court may allow the videotaped deposition to be used at any proceeding in addition to or in lieu of the direct testimony of the deponent. It may also be used by any party to contradict or impeach the testimony of the deponent as a witness. If only a part of the deposition is offered in evidence by a party, an adverse party may require the party to offer all of it which is relevant to the part offered and any party may offer other parts.

Sec. 3. NRS 174.228 is hereby amended to read as follows:

174.228 A court may allow a videotaped deposition to be used instead of the deponent's testimony at trial only if:

1. In the case of a victim of sexual abuse, as that term is defined in NRS 432B.100:

(a) Before the deposition is taken, a hearing is held by a justice of the peace or district judge who finds that:

(1) The use of the videotaped deposition in lieu of testimony at trial is necessary to protect the welfare of the victim; and

(2) The presence of the accused at trial would inflict trauma, more than minimal in degree, upon the victim; and

(b) At the time a party seeks to use the deposition, the court determines that the conditions set forth in subparagraphs (1) and (2) of paragraph (a) continue to exist. The court may hold a hearing before the use of the deposition to make its determination.

2. In the case of a victim of sex trafficking as that term is defined in subsection 2 of NRS 201.300 ~~[.]~~ ***or a victim of facilitating sex trafficking as that term is defined in subsection 1 of NRS 201.301:***

(a) Before the deposition is taken, a hearing is held by a justice of the peace or district judge and the justice or judge finds that cause exists pursuant to paragraph (c) of subsection 1 of NRS 174.227; and

(b) Before allowing the videotaped deposition to be used at trial, the court finds that the victim is unavailable as a witness.

3. In all cases:

(a) A justice of the peace or district judge presides over the taking of the deposition;

(b) The accused is able to hear and see the proceedings;

(c) The accused is represented by counsel who, if physically separated from the accused, is able to communicate orally with the accused by electronic means;

(d) The accused is given an adequate opportunity to cross-examine the deponent subject to the protection of the deponent deemed necessary by the court; and

(e) The deponent testifies under oath.

Sec. 3.5. Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:

In addition to any other fine or penalty, if the court finds that a person is guilty of committing an act which constitutes domestic violence pursuant to NRS 33.018, the court shall:

1. Enter a finding of fact in the judgment of conviction.

2. Order the person to pay a fee of $35. Any money so collected ~~[pursuant to subsection 1]~~ must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.

3. Require for the:

(a) First offense within 7 years of any act which constitutes domestic violence, the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, but not more than 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258; or

(b) Second offense within 7 years of any act which constitutes domestic violence, the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258.

Sec. 4. NRS 176A.413 is hereby amended to read as follows:

176A.413 1. Except as otherwise provided in subsection 2, if a defendant is convicted of stalking with the use of an Internet or network site, electronic mail, text messaging or any other similar means of communication pursuant to subsection ~~[3]~~ ***4*** of NRS 200.575, an offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive, or luring a child or a person with mental illness through the use of a computer, system or network pursuant to paragraph (a) or (b) of subsection 4 of NRS 201.560 and the court grants probation or suspends the sentence, the court shall, in addition to any other condition ordered pursuant to NRS 176A.400, order as a condition of probation or suspension that the defendant not own or use a computer, including, without limitation, use electronic mail, a chat room or the Internet.

2. The court is not required to impose a condition of probation or suspension of sentence set forth in subsection 1 if the court finds that:

(a) The use of a computer by the defendant will assist a law enforcement agency or officer in a criminal investigation;

(b) The defendant will use the computer to provide technological training concerning technology of which the defendant has a unique knowledge; or

(c) The use of the computer by the defendant will assist companies that require the use of the specific technological knowledge of the defendant that is unique and is otherwise unavailable to the company.

3. Except as otherwise provided in subsection 1, if a defendant is convicted of an offense that involved the use of a computer, system or network and the court grants probation or suspends the sentence, the court may, in addition to any other condition ordered pursuant to NRS 176A.400, order as a condition of probation or suspension that the defendant not own or use a computer, including, without limitation, use electronic mail, a chat room or the Internet.

4. As used in this section:

(a) "Computer" has the meaning ascribed to it in NRS 205.4735.

(b) "Network" has the meaning ascribed to it in NRS 205.4745.

(c) "System" has the meaning ascribed to it in NRS 205.476.

(d) "Text messaging" has the meaning ascribed to it in NRS 200.575.

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 8.5. NRS 199.480 is hereby amended to read as follows:

199.480 1. Except as otherwise provided in subsection 2, whenever two or more persons conspire to commit murder, robbery, sexual assault, kidnapping in the first or second degree, arson in the first or second degree, involuntary servitude in violation of NRS 200.463 or 200.464, a violation of any provision of NRS 200.465, trafficking in persons in violation of NRS 200.467 or 200.468, sex trafficking in violation of NRS 201.300 ***, facilitating sex trafficking in violation of NRS 201.301*** or a violation of NRS 205.463, each person is guilty of a category B felony and shall be punished:

(a) If the conspiracy was to commit robbery, sexual assault, kidnapping in the first or second degree, arson in the first or second degree, involuntary servitude in violation of NRS 200.463 or 200.464, a violation of any provision of NRS 200.465, trafficking in persons in violation of NRS 200.467 or 200.468, sex trafficking in violation of NRS 201.300 ***, facilitating sex trafficking in violation of NRS 201.301*** or a violation of NRS 205.463, by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years; or

(b) If the conspiracy was to commit murder, by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years,

➥ and may be further punished by a fine of not more than $5,000.

2. If the conspiracy subjects the conspirators to criminal liability under NRS 207.400, they shall be punished in the manner provided in NRS 207.400.

3. Whenever two or more persons conspire:

(a) To commit any crime other than those set forth in subsections 1 and 2, and no punishment is otherwise prescribed by law;

(b) Falsely and maliciously to procure another to be arrested or proceeded against for a crime;

(c) Falsely to institute or maintain any action or proceeding;

(d) To cheat or defraud another out of any property by unlawful or fraudulent means;

(e) To prevent another from exercising any lawful trade or calling, or from doing any other lawful act, by force, threats or intimidation, or by interfering or threatening to interfere with any tools, implements or property belonging to or used by another, or with the use or employment thereof;

(f) To commit any act injurious to the public health, public morals, trade or commerce, or for the perversion or corruption of public justice or the due administration of the law; or

(g) To accomplish any criminal or unlawful purpose, or to accomplish a purpose, not in itself criminal or unlawful, by criminal or unlawful means,

➥ each person is guilty of a gross misdemeanor.

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. NRS 200.471 is hereby amended to read as follows:

200.471 1. As used in this section:

(a) "Assault" means:

(1) Unlawfully attempting to use physical force against another person; or

(2) Intentionally placing another person in reasonable apprehension of immediate bodily harm.

(b) "Fire-fighting agency" has the meaning ascribed to it in NRS 239B.020.

(c) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard or other correctional officer of a city or county jail;

(5) ***A prosecuting attorney of an agency or political subdivision of the United States or of this State;***

(6) A justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including a person acting pro tempore in a capacity listed in this subparagraph;

~~[(6)]~~ ***(7)*** An employee of this State or a political subdivision of this State whose official duties require the employee to make home visits;

~~[(7)]~~ ***(8)*** A civilian employee or a volunteer of a law enforcement agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to law enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the law enforcement agency;

~~[(8)]~~ ***(9)*** A civilian employee or a volunteer of a fire-fighting agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to fire fighting or fire prevention; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the fire-fighting agency; or

~~[(9)]~~ ***(10)*** A civilian employee or volunteer of this State or a political subdivision of this State whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to code enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for this State or a political subdivision of this State.

(d) "Provider of health care" means a physician, a medical student, a perfusionist or a physician assistant licensed pursuant to chapter 630 of NRS, a practitioner of respiratory care, a homeopathic physician, an advanced practitioner of homeopathy, a homeopathic assistant, an osteopathic physician, a physician assistant licensed pursuant to chapter 633 of NRS, a podiatric physician, a podiatry hygienist, a physical therapist, a medical laboratory technician, an optometrist, a chiropractor, a chiropractor's assistant, a doctor of Oriental medicine, a nurse, a student nurse, a certified nursing assistant, a nursing assistant trainee, a medication aide - certified, a dentist, a dental student, a dental hygienist, a dental hygienist student, a pharmacist, a pharmacy student, an intern pharmacist, an attendant on an ambulance or air ambulance, a psychologist, a social worker, a marriage and family therapist, a marriage and family therapist intern, a clinical professional counselor, a clinical professional counselor intern, a licensed dietitian, an emergency medical technician, an advanced emergency medical technician and a paramedic.

(e) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100 or 391.281.

(f) "Sporting event" has the meaning ascribed to it in NRS 41.630.

(g) "Sports official" has the meaning ascribed to it in NRS 41.630.

(h) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

(i) "Taxicab driver" means a person who operates a taxicab.

(j) "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

2. A person convicted of an assault shall be punished:

(a) If paragraph (c) or (d) does not apply to the circumstances of the crime and the assault is not made with the use of a deadly weapon or the present ability to use a deadly weapon, for a misdemeanor.

(b) If the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(c) If paragraph (d) does not apply to the circumstances of the crime and if the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event and the person charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a gross misdemeanor, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(d) If the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event by a probationer, a prisoner who is in lawful custody or confinement or a parolee, and the probationer, prisoner or parolee charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a category D felony as provided in NRS 193.130, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

Sec. 14.5. NRS 200.481 is hereby amended to read as follows:

200.481 1. As used in this section:

(a) "Battery" means any willful and unlawful use of force or violence upon the person of another.

(b) "Child" means a person less than 18 years of age.

(c) "Fire-fighting agency" has the meaning ascribed to it in NRS 239B.020.

(d) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard, matron or other correctional officer of a city or county jail or detention facility;

(5) ***A prosecuting attorney of an agency or political subdivision of the United States or of this State;***

(6) A justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including, without limitation, a person acting pro tempore in a capacity listed in this subparagraph;

~~[(6)]~~ ***(7)*** An employee of this State or a political subdivision of this State whose official duties require the employee to make home visits;

~~[(7)]~~ ***(8)*** A civilian employee or a volunteer of a law enforcement agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to law enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the law enforcement agency;

~~[(8)]~~ ***(9)*** A civilian employee or a volunteer of a fire-fighting agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to fire fighting or fire prevention; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the fire-fighting agency; or

~~[(9)]~~ ***(10)*** A civilian employee or volunteer of this State or a political subdivision of this State whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to code enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for this State or a political subdivision of this State.

(e) "Provider of health care" has the meaning ascribed to it in NRS 200.471.

(f) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100 or 391.281.

(g) "Sporting event" has the meaning ascribed to it in NRS 41.630.

(h) "Sports official" has the meaning ascribed to it in NRS 41.630.

(i) "Strangulation" means intentionally impeding the normal breathing or circulation of the blood by applying pressure on the throat or neck or by blocking the nose or mouth of another person in a manner that creates a risk of death or substantial bodily harm.

(j) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

(k) "Taxicab driver" means a person who operates a taxicab.

(l) "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

2. Except as otherwise provided in NRS 200.485, a person convicted of a battery, other than a battery committed by an adult upon a child which constitutes child abuse, shall be punished:

(a) If the battery is not committed with a deadly weapon, and no substantial bodily harm to the victim results, except under circumstances where a greater penalty is provided in this section or NRS 197.090, for a misdemeanor.

(b) If the battery is not committed with a deadly weapon, and either substantial bodily harm to the victim results or the battery is committed by strangulation, for a category C felony as provided in NRS 193.130.

(c) If:

(1) The battery is committed upon an officer, provider of health care, school employee, taxicab driver or transit operator who was performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event;

(2) The officer, provider of health care, school employee, taxicab driver, transit operator or sports official suffers substantial bodily harm or the battery is committed by strangulation; and

(3) The person charged knew or should have known that the victim was an officer, provider of health care, school employee, taxicab driver, transit operator or sports official,

➥ for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, or by a fine of not more than $10,000, or by both fine and imprisonment.

(d) If the battery is committed upon an officer, provider of health care, school employee, taxicab driver or transit operator who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event and the person charged knew or should have known that the victim was an officer, provider of health care, school employee, taxicab driver, transit operator or sports official, for a gross misdemeanor, except under circumstances where a greater penalty is provided in this section.

(e) If the battery is committed with the use of a deadly weapon, and:

(1) No substantial bodily harm to the victim results, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000.

(2) Substantial bodily harm to the victim results or the battery is committed by strangulation, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $10,000.

(f) If the battery is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee, without the use of a deadly weapon, whether or not substantial bodily harm results and whether or not the battery

is committed by strangulation, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

(g) If the battery is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee, with the use of a deadly weapon, and:

(1) No substantial bodily harm to the victim results, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years.

(2) Substantial bodily harm to the victim results or the battery is committed by strangulation, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years.

Sec. 15. NRS 200.485 is hereby amended to read as follows:

200.485 1. Unless a greater penalty is provided pursuant to ~~[subsection]~~ ***subsections*** 2 ~~[or 3]~~ ***to 5, inclusive,*** or NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018:

(a) For the first offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

➥ The person shall be further punished by a fine of not less than $200, but not more than $1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than ~~[4]~~ ***12*** consecutive hours and must occur at a time when the person is not required to be at his or her place of employment or on a weekend.

(b) For the second offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than ~~[10]~~ ***20*** days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

➥ The person shall be further punished by a fine of not less than $500, but not more than $1,000. ***A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must not be less than 12 consecutive hours and must occur at a time when the person is not required to be at his or her place of employment or on a weekend.***

(c) For the third offense within 7 years, is guilty of a category ~~[C]~~ ***B*** felony and shall be punished ~~[as provided in NRS 193.130.]~~ ***by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not less than $1,000, but not more than $5,000.***

2. Unless a greater penalty is provided pursuant to subsection 3 or NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery is committed by strangulation as described in NRS 200.481, is guilty of a category C felony and shall be punished as provided in NRS 193.130 **.** ~~[and by a fine of not more than $15,000.]~~

3. Unless a greater penalty is provided pursuant to NRS 200.481, a person who has been previously convicted of:

(a) ~~[A battery which]~~ ***A felony that*** constitutes domestic violence pursuant to NRS 33.018 ***;*** ~~[that is punishable as a felony pursuant to paragraph (c) of subsection 1 or subsection 2;]~~ or

(b) A violation of the law of any other jurisdiction that prohibits the same or similar conduct set forth in paragraph (a),

➥ and who commits a battery which constitutes domestic violence pursuant to NRS 33.018 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and shall be further punished by a fine of not less than $2,000, but not more than $5,000.

4. ***Unless a greater penalty is provided pursuant to NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery is committed against a victim who was pregnant at the time of the battery and the person knew or should have known that the victim was pregnant:***

(a) For the first offense, is guilty of a gross misdemeanor.

(b) For the second or any subsequent offense, is guilty of a category B felony and shall be punished by imprisonment in the state prison of a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not less than $1,000, but not more than $5,000.

5. Unless a greater penalty is provided pursuant to NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery causes substantial bodily harm, is guilty of a category B felony and shall be punished by imprisonment in the state prison of a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not less than $1,000, but not more than $5,000.

6. In addition to any other penalty, if a person is convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, the court shall:

(a) For the first offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, but not more than 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258.

(b) For the second offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for 12

months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258.

➥ If the person resides in this State but the nearest location at which counseling services are available is in another state, the court may allow the person to participate in counseling in the other state in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258.

~~[5.]~~ ***7.*** Except as otherwise provided in this subsection, an offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section:

(a) When evidenced by a conviction; or

(b) If the offense is conditionally dismissed pursuant to NRS 176A.290 or dismissed in connection with successful completion of a diversionary program or specialty court program,

➥ without regard to the sequence of the offenses and convictions. An offense which is listed in paragraph (a) or (b) of subsection 3 that occurred on any date preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

~~[6. In addition to any other fine or penalty, the court shall order such a person to pay an administrative assessment of $35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.~~

~~7.]~~ ***8.*** In addition to any other penalty, the court may require such a person to participate, at his or her expense, in a program of treatment for the abuse of alcohol or drugs that has been certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

~~[8.]~~ ***9.*** If it appears from information presented to the court that a child under the age of 18 years may need counseling as a result of the commission of a battery which constitutes domestic violence pursuant to NRS 33.018, the court may refer the child to an agency which provides child welfare services. If the court refers a child to an agency which provides child welfare services, the court shall require the person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018 to reimburse the agency for the costs of any services provided, to the extent of the convicted person's ability to pay.

~~[9.]~~ ***10.*** If a person is charged with committing a battery which constitutes domestic violence pursuant to NRS 33.018, a prosecuting attorney shall not

dismiss such a charge in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows, or it is obvious, that the charge is not supported by probable cause or cannot be proved at the time of trial. Except as otherwise provided in this subsection, a court shall not grant probation to or suspend the sentence of such a person. A court may grant probation to or suspend the sentence of such a person:

(a) As set forth in NRS 4.373 and 5.055; or

(b) To assign the person to a program for the treatment of veterans and members of the military pursuant to NRS 176A.290 if the charge is for a first offense punishable as a misdemeanor.

~~[10.]~~ ***11.*** In every judgment of conviction or admonishment of rights issued pursuant to this section, the court shall:

(a) Inform the person convicted that he or she is prohibited from owning, possessing or having under his or her custody or control any firearm pursuant to NRS 202.360; and

(b) Order the person convicted to permanently surrender, sell or transfer any firearm that he or she owns or that is in his or her possession or under his or her custody or control in the manner set forth in NRS 202.361.

~~[11.]~~ ***12.*** A person who violates any provision included in a judgment of conviction or admonishment of rights issued pursuant to this section concerning the surrender, sale, transfer, ownership, possession, custody or control of a firearm is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000. The court must include in the judgment of conviction or admonishment of rights a statement that a violation of such a provision in the judgment or admonishment is a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000.

~~[12.]~~ ***13.*** As used in this section:

(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

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

(c) "Offense" includes a battery which constitutes domestic violence pursuant to NRS 33.018 or a violation of the law of any other jurisdiction that prohibits the same or similar conduct.

Sec. 16. NRS 200.571 is hereby amended to read as follows:

200.571 1. A person is guilty of harassment if:

(a) Without lawful authority, the person knowingly threatens:

(1) To cause bodily injury in the future to the person threatened or to any other person;

(2) To cause physical damage to the property of another person;

(3) To subject the person threatened or any other person to physical confinement or restraint; or

(4) To do any act which is intended to substantially harm the person threatened or any other person with respect to his or her physical or mental health or safety; and

(b) The person by words or conduct places the person receiving the threat in reasonable fear that the threat will be carried out.

2. Except where the provisions of subsection 2 ***,*** ~~[or]~~ 3 ***or 4*** of NRS 200.575 are applicable, a person who is guilty of harassment:

(a) For the first offense, is guilty of a misdemeanor.

(b) For the second or any subsequent offense, is guilty of a gross misdemeanor.

3. The penalties provided in this section do not preclude the victim from seeking any other legal remedy available.

Sec. 17. NRS 200.575 is hereby amended to read as follows:

200.575 1. A person who, without lawful authority, willfully or maliciously engages in a course of conduct ***directed towards a victim*** that would cause a reasonable person ***under similar circumstances*** to feel terrorized, frightened, intimidated, harassed or fearful for ***his or her immediate safety or*** the immediate safety of a family or household member, and that actually causes the victim to feel terrorized, frightened, intimidated, harassed or fearful for ***his or her immediate safety or*** the immediate safety of a family or household member, commits the crime of stalking. Except where the provisions of subsection 2 ***,*** ~~[or]~~ 3 ***or 4*** are applicable, a person who commits the crime of stalking:

(a) For the first offense, is guilty of a misdemeanor.

(b) For ~~[any subsequent]~~ ***the second*** offense, is guilty of a gross misdemeanor.

(c) For the third or any subsequent offense, is guilty of a category C felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years, and may be further punished by a fine of not more than $5,000.

2. ***Except as otherwise provided in subsection 3 or 4 and unless a more severe penalty is prescribed by law, a person who commits the crime of stalking where the victim is under the age of 16 and the person is 5 or more years older than the victim:***

(a) For the first offense, is guilty of a gross misdemeanor.

(b) For the second offense, is guilty of a category C felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 5 years, and may be further punished by a fine of not more than $5,000.

(c) For the third or any subsequent offense, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more

than 15 years, and may be further punished by a fine of not more than $5,000.

3. A person who commits the crime of stalking and in conjunction therewith threatens the person with the intent to cause the person to be placed in reasonable fear of death or substantial bodily harm commits the crime of aggravated stalking. A person who commits the crime of aggravated stalking shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $5,000.

~~[3.]~~ ***4.*** A person who commits the crime of stalking with the use of an Internet or network site, electronic mail, text messaging or any other similar means of communication to publish, display or distribute information in a manner that substantially increases the risk of harm or violence to the victim shall be punished for a category C felony as provided in NRS 193.130.

5. If any act engaged in by a person was part of the course of conduct that constitutes the crime of stalking and was initiated or had an effect on the victim in this State, the person may be prosecuted in this State.

~~[4.]~~ ***6.*** Except as otherwise provided in subsection 2 of NRS 200.571, a criminal penalty provided for in this section may be imposed in addition to any penalty that may be imposed for any other criminal offense arising from the same conduct or for any contempt of court arising from the same conduct.

~~[5.]~~ ***7.*** If the court finds that a person convicted of stalking pursuant to this section committed the crime against a person listed in subsection 1 of NRS 33.018 and that the victim has an ongoing, reasonable fear of physical harm, the court shall enter the finding in its judgment of conviction or admonishment of rights.

~~[6.]~~ ***8.*** If the court includes such a finding in a judgment of conviction or admonishment of rights issued pursuant to this section, the court shall:

(a) Inform the person convicted that he or she is prohibited from owning, possessing or having under his or her control or custody any firearm pursuant to NRS 202.360; and

(b) Order the person convicted to permanently surrender, sell or transfer any firearm that he or she owns or that is in his or her possession or under his or her custody or control in the manner set forth in NRS 202.361.

~~[7.]~~ ***9.*** A person who violates any provision included in a judgment of conviction or admonishment of rights issued pursuant to this section concerning the surrender, sale, transfer, ownership, possession, custody or control of a firearm is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000. The court must include in the judgment of conviction or admonishment of rights a statement that a violation of such a provision in the judgment or admonishment is a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not

less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000.

~~[8.]~~ ***10.*** The penalties provided in this section do not preclude the victim from seeking any other legal remedy available.

~~[9.]~~ ***11.*** As used in this section:

(a) "Course of conduct" means a pattern of conduct which consists of ~~[a series of]~~ ***two or more*** acts over ***a period of*** time that evidences a continuity of purpose directed at a specific person.

(b) "Family or household member" means a spouse, a former spouse, a parent or other person who is related by blood or marriage or is or was actually residing with the person.

(c) "Internet or network site" has the meaning ascribed to it in NRS 205.4744.

(d) "Network" has the meaning ascribed to it in NRS 205.4745.

(e) ***"Offense" includes, without limitation, a violation of the law of any other jurisdiction that prohibits the same or similar conduct set forth in this section.***

(f) "Text messaging" means a communication in the form of electronic text or one or more electronic images sent from a telephone or computer to another person's telephone or computer by addressing the communication to the recipient's telephone number.

~~[(f)]~~ ***(g)*** "Without lawful authority" includes acts which are initiated or continued without the victim's consent. The term does not include acts which are otherwise protected or authorized by constitutional or statutory law, regulation or order of a court of competent jurisdiction, including, but not limited to:

(1) Picketing which occurs during a strike, work stoppage or any other labor dispute.

(2) The activities of a reporter, photographer, camera operator or other person while gathering information for communication to the public if that person is employed or engaged by or has contracted with a newspaper, periodical, press association or radio or television station and is acting solely within that professional capacity.

(3) The activities of a person that are carried out in the normal course of his or her lawful employment.

(4) Any activities carried out in the exercise of the constitutionally protected rights of freedom of speech and assembly.

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. NRS 201.352 is hereby amended to read as follows:

201.352 1. If a person is convicted of a violation of subsection 2 of NRS 201.300 ***, subsection 1 of NRS 201.301*** or NRS 201.320, the victim of the violation is a child when the offense is committed and physical force or violence or the immediate threat of physical force or violence is used upon the

child, the court may, in addition to the term of imprisonment prescribed by statute for the offense and any fine imposed pursuant to subsection 2, impose a fine of not more than $500,000.

2. If a person is convicted of a violation of subsection 2 of NRS 201.300 ***, subsection 1 of NRS 201.301*** or NRS 201.320, the victim of the offense is a child when the offense is committed and the offense also involves a conspiracy to commit a violation of subsection 2 of NRS 201.300 ***, subsection 1 of NRS 201.301*** or NRS 201.320, the court may, in addition to the punishment prescribed by statute for the offense of a provision of subsection 2 of NRS 201.300 ***, NRS 201.301*** or ~~[NRS]~~ 201.320 and any fine imposed pursuant to subsection 1, impose a fine of not more than $500,000.

3. The provisions of subsections 1 and 2 do not create a separate offense but provide an additional penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact.

Sec. 22. NRS 202.360 is hereby amended to read as follows:

202.360 1. A person shall not own or have in his or her possession or under his or her custody or control any firearm if the person:

(a) Has been convicted in this State or any other state of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33);

(b) Has been convicted of a felony in this State or any other state, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America, unless the person has received a pardon and the pardon does not restrict his or her right to bear arms;

(c) Has been convicted of a violation of NRS 200.575 or a law of any other state that prohibits the same or substantially similar conduct and the court entered a finding in the judgment of conviction or admonishment of rights pursuant to subsection ~~[5]~~ ***7*** of NRS 200.575;

(d) Except as otherwise provided in NRS 33.031, is currently subject to:

(1) An extended order for protection against domestic violence pursuant to NRS 33.017 to 33.100, inclusive, which includes a statement that the adverse party is prohibited from possessing or having under his or her custody or control any firearm while the order is in effect; or

(2) An equivalent order in any other state;

(e) Is a fugitive from justice;

(f) Is an unlawful user of, or addicted to, any controlled substance; or

(g) Is otherwise prohibited by federal law from having a firearm in his or her possession or under his or her custody or control.

➥ A person who violates the provisions of this subsection is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000.

2. A person shall not own or have in his or her possession or under his or her custody or control any firearm if the person:

(a) Has been adjudicated as mentally ill or has been committed to any mental health facility by a court of this State, any other state or the United States;

(b) Has entered a plea of guilty but mentally ill in a court of this State, any other state or the United States;

(c) Has been found guilty but mentally ill in a court of this State, any other state or the United States;

(d) Has been acquitted by reason of insanity in a court of this State, any other state or the United States; or

(e) Is illegally or unlawfully in the United States.

➥ A person who violates the provisions of this subsection is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. As used in this section:

(a) "Controlled substance" has the meaning ascribed to it in 21 U.S.C. § 802(6).

(b) "Firearm" includes any firearm that is loaded or unloaded and operable or inoperable.

Sec. 23. (Deleted by amendment.)

Sec. 24. (Deleted by amendment.)

Sec. 25. (Deleted by amendment.)

Sec. 26. (Deleted by amendment.)

Sec. 27. (Deleted by amendment.)

Sec. 28. (Deleted by amendment.)

Sec. 29. (Deleted by amendment.)

Sec. 30. (Deleted by amendment.)

Sec. 31. (Deleted by amendment.)

Sec. 32. (Deleted by amendment.)

Sec. 33. (Deleted by amendment.)

Sec. 34. (Deleted by amendment.)

Sec. 35. (Deleted by amendment.)

Sec. 36. (Deleted by amendment.)

Sec. 37. NRS 213.1258 is hereby amended to read as follows:

213.1258 1. Except as otherwise provided in subsection 2, if the Board releases on parole a prisoner convicted of stalking with the use of an Internet or network site, electronic mail, text messaging or any other similar means of communication pursuant to subsection ~~[3]~~ ***4*** of NRS 200.575, an offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive, or luring a child or a person with mental illness through the use of a computer, system or network pursuant to paragraph (a) or (b) of subsection 4 of NRS 201.560, the Board shall, in addition to any other condition of parole, require as a condition of parole that the parolee not own or use a computer, including, without limitation, use electronic mail, a chat room or the Internet.

2. The Board is not required to impose a condition of parole set forth in subsection 1 if the Board finds that:

(a) The use of a computer by the parolee will assist a law enforcement agency or officer in a criminal investigation;

(b) The parolee will use the computer to provide technological training concerning technology of which the defendant has a unique knowledge; or

(c) The use of the computer by the parolee will assist companies that require the use of the specific technological knowledge of the parolee that is unique and is otherwise unavailable to the company.

3. Except as otherwise provided in subsection 1, if the Board releases on parole a prisoner convicted of an offense that involved the use of a computer, system or network, the Board may, in addition to any other condition of parole, require as a condition of parole that the parolee not own or use a computer, including, without limitation, use electronic mail, a chat room or the Internet.

4. As used in this section:

(a) "Computer" has the meaning ascribed to it in NRS 205.4735.

(b) "Network" has the meaning ascribed to it in NRS 205.4745.

(c) "System" has the meaning ascribed to it in NRS 205.476.

(d) "Text messaging" has the meaning ascribed to it in NRS 200.575.

Sec. 38. NRS 217.070 is hereby amended to read as follows:

217.070 1. "Victim" means:

(a) A person who is physically injured or killed as the direct result of a criminal act;

(b) A minor who was involved in the production of pornography in violation of NRS 200.710, 200.720, 200.725 or 200.730;

(c) A minor who was sexually abused, as "sexual abuse" is defined in NRS 432B.100;

(d) A person who is physically injured or killed as the direct result of a violation of NRS 484C.110 or any act or neglect of duty punishable pursuant to NRS 484C.430 or 484C.440;

(e) A pedestrian who is physically injured or killed as the direct result of a driver of a motor vehicle who failed to stop at the scene of a crash involving the driver and the pedestrian in violation of NRS 484E.010;

(f) An older person who is abused, neglected, exploited, isolated or abandoned in violation of NRS 200.5099 or 200.50995;

(g) A person who is physically injured or killed as the direct result of an act of international terrorism as defined in 18 U.S.C. § 2331(1); ~~[or]~~

(h) A person who is trafficked in violation of subsection 2 of NRS 201.300 ~~[.]~~ ***; or***

(i) A person who is subjected to facilitating sex trafficking in violation of subsection 1 of NRS 201.301.

2. The term includes any person who was harmed by an act listed in subsection 1, regardless of whether:

(a) The person is a resident of this State, a citizen of the United States or is lawfully entitled to reside in the United States; or

(b) The act was committed by an adult or a minor.

Sec. 39. NRS 217.180 is hereby amended to read as follows:

217.180 1. Except as otherwise provided in subsection 2, in determining whether to make an order for compensation, the compensation officer shall consider the provocation, consent or any other behavior of the victim that directly or indirectly contributed to the injury or death of the victim, the prior case or social history, if any, of the victim, the need of the victim or the dependents of the victim for financial aid and other relevant matters.

2. If the case involves a victim of domestic violence, sexual assault ***, facilitating sex trafficking*** or sex trafficking, the compensation officer shall not consider the provocation, consent or any other behavior of the victim that directly or indirectly contributed to the injury or death of the victim.

3. If the applicant has received or is likely to receive an amount on account of the applicant's injury or the death of another from:

(a) The person who committed the crime that caused the victim's injury or from anyone paying on behalf of the offender;

(b) Insurance;

(c) The employer of the victim; or

(d) Another private or public source or program of assistance,

➥ the applicant shall report the amount received or that the applicant is likely to receive to the compensation officer. Any of those sources that are obligated to pay an amount after the award of compensation shall pay the Board the amount of compensation that has been paid to the applicant and pay the remainder of the amount due to the applicant. The compensation officer shall deduct the amounts that the applicant has received or is likely to receive from those sources from the applicant's total expenses.

4. An order for compensation may be made whether or not a person is prosecuted or convicted of an offense arising from the act on which the claim for compensation is based.

5. As used in this section:

(a) "Domestic violence" means an act described in NRS 33.018.

(b) ***"Facilitating sex trafficking" means a violation of NRS 201.301.***

(c) "Public source or program of assistance" means:

(1) Public assistance, as defined in NRS 422A.065;

(2) Social services provided by a social service agency, as defined in NRS 430A.080; or

(3) Other assistance provided by a public entity.

~~[(c)]~~ ***(d)*** "Sex trafficking" means a violation of subsection 2 of NRS 201.300.

~~[(d)]~~ ***(e)*** "Sexual assault" has the meaning ascribed to it in NRS 200.366.

Sec. 40. NRS 228.460 is hereby amended to read as follows:

228.460 1. The Account for Programs Related to Domestic Violence is hereby created in the State General Fund. Any ~~[administrative assessment]~~ ***fee*** imposed and collected pursuant to ~~[NRS 200.485]~~ ***section 3.5 of this act*** must be deposited with the State Controller for credit to the Account.

2. The Ombudsman for Victims of Domestic Violence:

(a) Shall administer the Account for Programs Related to Domestic Violence; and

(b) May expend money in the Account only to pay for expenses related to:

(1) The Committee;

(2) Training law enforcement officers, attorneys and members of the judicial system about domestic violence;

(3) Assisting victims of domestic violence and educating the public concerning domestic violence; and

(4) Carrying out the duties and functions of his or her office.

3. All claims against the Account for Programs Related to Domestic Violence must be paid as other claims against the State are paid.

Sec. 41. NRS 228.470 is hereby amended to read as follows:

228.470 1. The Attorney General shall appoint a Committee on Domestic Violence comprised of the Attorney General or a designee of the Attorney General and:

(a) One staff member of a program for victims of domestic violence;

(b) One staff member of a program for the treatment of persons who commit domestic violence;

(c) One representative from an office of the district attorney with experience in prosecuting criminal offenses;

(d) One representative from an office of the city attorney with experience in prosecuting criminal offenses;

(e) One law enforcement officer;

(f) One provider of mental health care;

(g) Two victims of domestic violence;

(h) One justice of the peace or municipal judge; and

(i) Any other person appointed by the Attorney General.

➥ Each appointed member serves a term of 2 years. Members may be reappointed for additional terms of 2 years. At least two members of the Committee must be residents of a county whose population is less than 100,000.

2. The Committee shall:

(a) Increase awareness of the existence and unacceptability of domestic violence in this State;

(b) Review programs for the treatment of persons who commit domestic violence and make recommendations to the Division of Public and Behavioral Health of the Department of Health and Human Services for the certification of such programs pursuant to NRS 439.258;

(c) Review and evaluate existing programs provided to peace officers for training related to domestic violence and make recommendations to the Peace Officers' Standards and Training Commission regarding such training;

(d) ~~[(c)]~~ To the extent that money is available, provide financial support to programs for the prevention of domestic violence in this State;

(e) ~~[(d)]~~ Study and review all appropriate issues related to the administration of the criminal justice system in rural Nevada with respect to

offenses involving domestic violence, including, without limitation, the availability of counseling services; and

(f) ~~[(e)]~~ Submit on or before March 1 of each odd-numbered year a report to the Director of the Legislative Counsel Bureau for distribution to the regular session of the Legislature. In preparing the report, the Committee shall solicit comments and recommendations from district judges, municipal judges and justices of the peace in rural Nevada. The report must include, without limitation:

(1) A summary of the work of the Committee and recommendations for any necessary legislation concerning domestic violence; and

(2) All comments and recommendations received by the Committee.

3. ***The Attorney General shall appoint a subcommittee of members of the Committee to carry out the duties prescribed in paragraph (b) of subsection 2.***

4. The Attorney General or the designee of the Attorney General is the Chair of the Committee.

~~[4.]~~ ***5.*** The Committee shall annually elect a Vice Chair, Secretary and Treasurer from among its members.

~~[5.]~~ ***6.*** The Committee shall meet regularly at least three times in each calendar year and may meet at other times upon the call of the Chair. Any six members of the Committee constitute a quorum **.** ~~[for the purpose of voting.]~~ A majority vote of the quorum is required to take action with respect to any matter.

~~[6.]~~ ***7.*** At least one meeting in each calendar year must be held at a location within the Fourth Judicial District, Fifth Judicial District, Sixth Judicial District, Seventh Judicial District or Eleventh Judicial District.

~~[7.]~~ ***8.*** The Attorney General shall provide the Committee with such staff as is necessary to carry out the duties of the Committee.

~~[8.]~~ ***9.*** While engaged in the business of the Committee, each member and employee of the Committee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

10. The Committee may adopt regulations necessary to carry out its duties pursuant to NRS 228.470 to 228.497, inclusive.

Sec. 42. NRS 432.157 is hereby amended to read as follows:

432.157 1. The Office of Advocate for Missing or Exploited Children is hereby created within the Office of the Attorney General. The Advocate for Missing or Exploited Children may be known as the Children's Advocate.

2. The Attorney General shall appoint the Children's Advocate. The Children's Advocate is in the unclassified service of the State.

3. The Children's Advocate:

(a) Must be an attorney licensed to practice law in this state;

(b) Shall advise and represent the Clearinghouse on all matters concerning missing or exploited children in this state; and

(c) Shall advocate the best interests of missing or exploited children before any public or private body.

4. The Children's Advocate may:

(a) Appear as an amicus curiae on behalf of missing or exploited children in any court in this state;

(b) If requested, advise a political subdivision of this state concerning its duty to protect missing or exploited children;

(c) Recommend legislation concerning missing or exploited children; and

(d) Investigate and prosecute any alleged crime involving the exploitation of children, including, without limitation, sex trafficking in violation of subsection 2 of NRS 201.300 ***, a violation of subsection 1 of NRS 201.301*** or a violation of NRS 201.320.

5. Upon request by the Children's Advocate, a district attorney or local law enforcement agency in this state shall provide all information and assistance necessary to assist the Children's Advocate in carrying out the provisions of this section.

6. The Children's Advocate may apply for any available grants and accept gifts, grants, bequests, appropriations or donations to assist the Children's Advocate in carrying out his or her duties pursuant to this section. Any money received by the Children's Advocate must be deposited in the Special Account for the Support of the Office of Advocate for Missing or Exploited Children, which is hereby created in the State General Fund.

7. Interest and income earned on money in the Special Account must be credited to the Special Account.

8. Money in the Special Account may only be used for the support of the Office of Advocate for Missing or Exploited Children and its activities pursuant to subsection 2 of NRS 201.300, ***subsection 1 of NRS 201.301,*** NRS 201.320 and 432.150 to 432.220, inclusive.

9. Money in the Special Account must remain in the Special Account and must not revert to the State General Fund at the end of any fiscal year.

Sec. 43. NRS 432B.640 is hereby amended to read as follows:

432B.640 1. Upon receiving a referral from a court pursuant to subsection ~~[8]~~ ***9*** of NRS 200.485, an agency which provides child welfare services may, as appropriate, conduct an assessment to determine whether a psychological evaluation or counseling is needed by a child.

2. If an agency which provides child welfare services conducts an assessment pursuant to subsection 1 and determines that a psychological evaluation or counseling would benefit the child, the agency may, with the approval of the parent or legal guardian of the child:

(a) Conduct the evaluation or counseling; or

(b) Refer the child to a person that has entered into an agreement with the agency to provide those services.

Sec. 43.5. NRS 481.091 is hereby amended to read as follows:

481.091 1. The following persons may request that the Department display an alternate address on the person's driver's license, commercial driver's license or identification card:

(a) Any justice or judge in this State.

(b) Any senior justice or senior judge in this State.

(c) Any court-appointed master in this State.

(d) Any clerk of the court, court administrator or court executive officer in this State.

(e) Any ~~[district attorney or attorney employed by the district attorney]~~ ***prosecutor*** who as part of his or her normal job responsibilities prosecutes persons for:

(1) Crimes that are punishable as category A felonies; or

(2) Domestic violence.

(f) Any state or county public defender who as part of his or her normal job responsibilities defends persons for:

(1) Crimes that are punishable as category A felonies; or

(2) Domestic violence.

(g) The spouse, domestic partner or minor child of a person described in paragraphs (a) to (f), inclusive.

(h) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to (f), inclusive, who was killed in the performance of his or her duties.

2. A person who wishes to have an alternate address displayed on his or her driver's license, commercial driver's license or identification card pursuant to this section must submit to the Department satisfactory proof:

(a) That he or she is a person described in subsection 1; and

(b) Of the person's address of principal residence and mailing address, if different from the address of principal residence.

3. A person who obtains a driver's license, commercial driver's license or identification card that displays an alternate address pursuant to this section may subsequently submit a request to the Department to have his or her address of principal residence displayed on his or her driver's license, commercial driver's license or identification card instead of the alternate address.

4. The Department may adopt regulations to carry out the provisions of this section.

Sec. 44. (Deleted by amendment.)

Sec. 45. (Deleted by amendment.)

Sec. 46. This act becomes effective on July 1, 2019.

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 726 to Assembly Bill No. 60.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

This amendment makes some changes about when a peace officer is required to make an arrest for battery and also authorizes the Attorney General to appoint a subcommittee to review and make recommendations concerning treatment programs for those who commit domestic violence.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 112.

The following Senate amendment was read:

Amendment No. 806.

AN ACT relating to criminal justice; revising certain provisions governing the Advisory Commission on the Administration of Justice; repealing certain subcommittees of the Advisory Commission; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Advisory Commission on the Administration of Justice and directs the Advisory Commission, among other duties, to identify and study the elements of this State's system of criminal justice. Additionally, existing law requires the Advisory Commission to submit a report to the Director of the Legislative Counsel Bureau by September 1 of each even-numbered year. (NRS 176.0123, 176.0125) **Sections 2 and 3** of this bill revise the duties of the Advisory Commission. **Section 2**: (1) removes language specifying certain duties of the Advisory Commission and instead generally requires the Advisory Commission, at the discretion of the Chair of the Advisory Commission, to identify and study certain elements of this State's system of criminal justice; and (2) revises the deadline for the Advisory Commission to submit its report to December 1 of each even-numbered year. **Section 3** requires the Advisory Commission to evaluate and review the submittal, storage and testing of sexual assault forensic evidence kits.

Existing law establishes and prescribes the duties of various subcommittees of the Advisory Commission. Such subcommittees include: (1) the Subcommittee on Juvenile Justice; (2) the Subcommittee on Victims of Crime; (3) the Subcommittee to Review Arrestee DNA; and (4) the Subcommittee on Medical Use of Marijuana. (NRS 176.0124-176.01247) **Section 7** of this bill repeals these subcommittees. **Sections 4 and 5** of this bill make conforming changes.

Finally, **section 1** of this bill **: (1) requires that a legislative member of the Advisory Commission serve as the Chair of the Advisory Commission; and (2)** requires an officer or employee of this State or a political subdivision of this State who is a member of the Advisory Commission to be relieved from his or her duties as an officer or employee to prepare, attend meetings and perform work for the Advisory Commission without loss of his or her regular compensation.

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

Section 1. NRS 176.0123 is hereby amended to read as follows:

176.0123 1. The Advisory Commission on the Administration of Justice is hereby created. The Commission consists of:

(a) One member who is a municipal judge or justice of the peace, appointed by the governing body of the Nevada Judges of Limited Jurisdiction;

(b) One member who is a district judge, appointed by the governing body of the Nevada District Judges Association;

(c) 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;

(d) One member who is a district attorney, appointed by the governing body of the Nevada District Attorneys Association;

(e) 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;

(f) One member who is a public defender, appointed by the governing body of the State Bar of Nevada;

(g) One member who is a representative of a law enforcement agency, appointed by the Governor;

(h) One member who is a representative of the Division of Parole and Probation of the Department of Public Safety, appointed by the Governor;

(i) One member who is a representative of the Central Repository for Nevada Records of Criminal History, appointed by the Governor;

(j) 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;

(k) One member who is a representative of an organization that advocates on behalf of inmates, appointed by the Governor;

(l) One member who is a representative of the Nevada Sheriffs' and Chiefs' Association, appointed by the Nevada Sheriffs' and Chiefs' Association;

(m) One member who is a member of the State Board of Parole Commissioners, appointed by the State Board of Parole Commissioners;

(n) The Director of the Department of Corrections;

(o) 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; and

(p) 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.

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

2. The Attorney General is an ex officio voting member of the Commission.

3. 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 Commission must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

4. The Legislators who are members of the 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 Commission.

5. At the first regular meeting of each odd-numbered year, the members of the Commission shall elect a Chair by majority vote ~~[who]~~ ***from among the legislative members of the Commission. Each Chair*** shall serve until the next Chair is elected.

6. The Commission shall meet at least once every 3 months and may meet at such further times as deemed necessary by the Chair.

7. A majority of the members of the 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 Commission.

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

9. ***A member of the Commission who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation so that he or she may prepare for and attend meetings of the Commission and perform any work necessary to carry out the duties of the Commission in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Commission to:***

(a) Make up the time the member is absent from work to carry out his or her duties as a member of the Commission; or

(b) Take annual leave or compensatory time for the absence.

10. To the extent of legislative appropriation, the Director of the Legislative Counsel Bureau shall provide the Commission with such staff as is necessary to carry out the duties of the Commission.

Sec. 2. NRS 176.0125 is hereby amended to read as follows:

176.0125 The Commission shall:

1. Except as otherwise provided pursuant to NRS 176.0134 ~~[,]~~ ***and subject to the discretion of the Chair,*** evaluate and study the elements of this State's system of criminal justice.

2. ~~[Evaluate the effectiveness and efficiency of the Department of Corrections and the State Board of Parole Commissioners with consideration as to whether it is feasible and advisable to establish an oversight or advisory board to perform various functions and make recommendations concerning:~~

~~(a) Policies relating to parole;~~

~~(b) Regulatory procedures and policies of the State Board of Parole Commissioners;~~

~~(c) Policies for the operation of the Department of Corrections;~~

~~(d) Budgetary issues; and~~

~~(e) Other related matters.~~

~~3. Evaluate the effectiveness of specialty court programs in this State with consideration as to whether such programs have the effect of limiting or precluding reentry of offenders and parolees into the community.~~

~~4. Evaluate the policies and practices concerning presentence investigations and reports made by the Division of Parole and Probation of the Department of Public Safety, including, without limitation, the resources relied on in preparing such investigations and reports and the extent to which judges in this State rely on and follow the recommendations contained in such presentence investigations and reports.~~

~~5. Evaluate, review and comment upon issues relating to juvenile justice in this State, including, but not limited to:~~

~~(a) The need for the establishment and implementation of evidence based programs and a continuum of sanctions for children who are subject to the jurisdiction of the juvenile court; and~~

~~(b) The impact on the criminal justice system of the policies and programs of the juvenile justice system.~~

~~6. Identify and study issues relating to the application of chapter 241 of NRS to meetings held by the:~~

~~(a) State Board of Pardons Commissioners to consider an application for clemency; and~~

~~(b) State Board of Parole Commissioners to consider an offender for parole.~~

~~7. Identify and study issues relating to the operation of the Department of Corrections, including, without limitation, the system for allowing credits against the sentences of offenders, the accounting of such credits and any other policies and procedures of the Department which pertain to the operation of the Department.~~

~~8. Evaluate the policies and practices relating to the involuntary civil commitment of sexually dangerous persons.~~

~~9. Identify and study the impacts and effects of collateral consequences of convictions in this State. Such identification and study:~~

~~(a) Must cause to be identified any provision in the Nevada Constitution, the Nevada Revised Statutes and the Nevada Administrative Code which imposes a collateral sanction or authorizes the imposition of a disqualification, and any provision of law that may afford relief from a collateral consequence;~~

~~(b) May rely on the study of this State's collateral sanctions, disqualifications and relief provisions prepared by the National Institute of Justice described in section 510 of the Court Security Improvement Act of 2007, Public Law 110-177; and~~

~~(c) Must include the posting of a hyperlink on the Commission's website to any study of this State's collateral sanctions, disqualifications and relief provisions prepared by the National Institute of Justice described in section 510 of the Court Security Improvement Act of 2007, Public Law 110-177.~~

~~10.~~] Recommend standards, policies and procedures for integrated criminal justice information sharing between criminal justice agencies in this State and the Central Repository for Nevada Records of Criminal History.

~~[11.]~~ ***3.*** Provide a copy of any recommendations described in subsection ~~[10]~~ ***2*** to the Director of the Department of Public Safety.

~~[12.]~~ ***4.*** For each regular session of the Legislature, prepare a comprehensive report including the Commission's recommended changes pertaining to the administration of justice in this State, the Commission's findings and any recommendations of the Commission for proposed legislation. The report must be submitted to the Director of the Legislative Counsel Bureau for distribution to the Legislature not later than ~~[September]~~ ***December*** 1 of each even-numbered year.

Sec. 3. NRS 176.0125 is hereby amended to read as follows:

176.0125 The Commission shall:

1. Except as otherwise provided pursuant to NRS 176.0134 and subject to the discretion of the Chair, evaluate and study the elements of this State's system of criminal justice.

2. Recommend standards, policies and procedures for integrated criminal justice information sharing between criminal justice agencies in this State and the Central Repository for Nevada Records of Criminal History.

3. Provide a copy of any recommendations described in subsection 2 to the Director of the Department of Public Safety.

4. Evaluate and review issues relating to the submittal, storage and testing of sexual assault forensic evidence kits, including, without limitation, the review of any report required pursuant to NRS 200.3788.

5. For each regular session of the Legislature, prepare a comprehensive report including the Commission's recommended changes pertaining to the administration of justice in this State, the Commission's findings and any recommendations of the Commission for proposed legislation. The report must be submitted to the Director of the Legislative Counsel Bureau for distribution to the Legislature not later than December 1 of each even-numbered year.

6. As used in this section, "sexual assault forensic evidence kit" has the meaning ascribed to it in NRS 200.364.

Sec. 4. Section 4.5 of chapter 431, Statutes of Nevada 2017, at page 2891, is hereby amended to read as follows:

Sec. 4.5. The department or division designated by the Attorney General pursuant to section 1.7 of this act to establish a statewide program to track sexual assault forensic evidence kits shall, on or before July 1, 2021, submit to the Governor and the ~~[Subcommittee to Review DNA of the]~~ Advisory Commission on the Administration of Justice ~~[created by NRS 176.01246, as amended by section 3.1 of this act,]~~ a report concerning the status of the program and a plan for launching the program, including a plan for phased implementation.

Sec. 5. Section 8 of chapter 431, Statutes of Nevada 2017, at page 2891, is hereby amended to read as follows:

Sec. 8. 1. This section and sections 1, 1.3, 2, 3.3 to 4, inclusive, 5 and 6 of this act become effective on October 1, 2017.

2. Sections 1.7, 2.5 ~~[, 3.1]~~ and 4.5 of this bill become effective on January 1, 2021.

Sec. 6. 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. 7. 1. NRS 176.0124, 176.01245, 176.01246 and 176.01247 are hereby repealed.

2. Section 3.1 of chapter 431, Statutes of Nevada 2017, at page 2889, is hereby repealed.

Sec. 8. 1. This section and sections 1, 2 and 4 to 7, inclusive, of this act become effective on July 1, 2019.

2. Section 3 of this act becomes effective on January 1, 2021.

LEADLINES OF REPEALED SECTIONS OF NRS AND TEXT OF REPEALED SECTIONS OF STATUTES OF NEVADA

176.0124 Subcommittee on Juvenile Justice: Creation; Chair; members; duties; salaries and per diem.

176.01245 Subcommittee on Victims of Crime: Creation; Chair; members; duties; salaries and per diem.

176.01246 Subcommittee to Review Arrestee DNA: Creation; Chair; members; duties; salaries and per diem.

176.01247 Subcommittee on Medical Use of Marijuana: Creation; Chair; members; duties; salaries and per diem.

Section 3.1 of chapter 431, Statutes of Nevada 2017, at page 2889:

Sec. 3.1. NRS 176.01246 is hereby amended to read as follows:

176.01246 1. There is hereby created the Subcommittee to Review DNA of the Commission.

2. The Chair of the Commission shall appoint the members of the Subcommittee which must include, without limitation:

(a) A member experienced in defending criminal actions.

(b) A member of a minority community organization whose mission includes the protection of civil rights for minorities.

3. The Chair of the Commission shall designate one of the members of the Subcommittee as Chair of the Subcommittee.

4. The Subcommittee shall meet at the times and places specified by a call of the Chair. A majority of the members of the Subcommittee constitutes a quorum, and a quorum may exercise any power or authority conferred on the Subcommittee.

5. The Subcommittee shall consider issues relating to DNA and shall evaluate, review and submit a report to the Commission with recommendations concerning such issues. The issues considered by the Subcommittee and the report submitted by the Subcommittee must include, without limitation:

(a) The costs and procedures relating to the methods, implementation and utilization of the provisions for the destruction of biological

specimens and purging of DNA profiles and DNA records of arrested persons;

(b) The collection and review of information concerning the number of requests for the destruction of biological specimens and purging of DNA profiles and DNA records of arrested persons and the number and percentage of such requests that are denied; and

(c) The submittal, storage and testing of sexual assault forensic evidence kits, including, without limitation, the review of any report required pursuant to section 1.7 of this act.

6. Any Legislators who are members of the Subcommittee 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 Subcommittee.

7. While engaged in the business of the Subcommittee, to the extent of legislative appropriation, each member of the Subcommittee is entitled to receive the per diem allowance and travel expenses as provided for state officers and employees generally.

8. As used in this section:

(a) "Biological specimen" has the meaning ascribed to it in NRS 176.09112.

(b) "DNA" has the meaning ascribed to it in NRS 176.09114.

(c) "DNA profile" has the meaning ascribed to it in NRS 176.09115.

(d) "DNA record" has the meaning ascribed to it in NRS 176.09116.

(e) "Sexual assault forensic evidence kit" has the meaning ascribed to it in NRS 200.364.

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 806 to Assembly Bill No. 112.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

The amendment requires that a legislator serve as Chair of the Advisory Commission of the Administration of Justice.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 166.

The following Senate amendment was read:

Amendment No. 805.

ASSEMBLYMEN TOLLES; AND ROBERTS

JOINT SPONSORS; SENATORS PICKARD AND SPEARMAN

AN ACT relating to crimes; establishing the crime of advancing prostitution; revising the penalties for the crime of living from the earnings of a prostitute; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that any person who, without consideration, knowingly accepts, receives, levies or appropriates any money or other valuable thing from the proceeds of a prostitute is guilty of a category D felony. (NRS 201.320) **Section 3** of this bill provides that a person who commits any such act is guilty of the crime of living from the earnings of a prostitute and shall be punished: (1) for a category C felony if physical force or the immediate threat of physical force is used in the commission of the crime; or (2) for a category D felony if no physical force or immediate threat of physical force is used in the commission of the crime.

Section 1 of this bill establishes the crime of advancing prostitution and provides that a person who owns, leases, operates, controls or manages any business or private property is guilty of such a crime if the person: (1) knows or should know that illegal prostitution is being conducted at the business or upon such private property; (2) knows or should know that one or more prostitutes engaging in such illegal prostitution are victims of involuntary servitude **;** ~~[or victims of sex trafficking against whom physical force or the immediate threat of physical force is being or has been used;]~~ and (3) fails to take reasonable steps to abate such illegal prostitution within 30 days after the person knows or should know about such illegal prostitution. ~~[Section]~~ **Unless a greater penalty is provided by specific statute, section 1** provides that a person who is guilty of advancing prostitution shall be punished for a category C felony.

Sections 4-18 of this bill include a reference to the crime of advancing prostitution in each section of NRS that references the crime of living from the earnings of a prostitute.

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

Section 1. Chapter 201 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who owns, leases, operates, controls or manages any business or private property and who:

(a) Knows or should know that illegal prostitution is being conducted at the business or upon such private property;

(b) Knows or should know that one or more prostitutes engaging in such illegal prostitution are victims of ~~*[:*~~

~~*(1) Involuntary]*~~ ***involuntary servitude as described in NRS 200.463;*** ~~*[or*~~

~~*(2) Sex trafficking as described in subsection 2 of NRS 201.300 against whom physical force or the immediate threat of physical force is being or has been used;]*~~ ***and***

(c) Fails to take reasonable steps to abate such illegal prostitution within 30 days after the date on which the person knows the circumstances set forth in paragraphs (a) and (b),

↪ is guilty of advancing prostitution.

2. [A] Unless a greater penalty is provided by specific statute, a person who is guilty of advancing prostitution shall be punished for a category C felony as provided in NRS 193.130.

3. For the purposes of this section, a person who owns, leases, operates, controls or manages any business or private property shall be deemed:

(a) To know that illegal prostitution is being conducted at the business or upon the private property of the person if a law enforcement agency has notified the person who owns, leases, operates, controls or manages the business or private property, in writing, of at least three incidents of illegal prostitution that occurred at the business or upon the private property of the person within a period of 180 consecutive days.

(b) To know that one or more prostitutes engaging in such illegal prostitution are victims of involuntary servitude as described in NRS 200.463 [for sex trafficking as described in subsection 2 of NRS 201.300 against whom physical force or the immediate threat of physical force is being or has been used] if, in light of all the surrounding facts and circumstances which are known to the person at the time, a reasonable person would believe, under those facts and circumstances, that one or more prostitutes engaging in such illegal prostitution are victims of involuntary servitude as described in NRS 200.463 . [for sex trafficking as described in subsection 2 of NRS 201.300 against whom physical force or the immediate threat of physical force is being or has been used.]

(c) To have taken reasonable steps to abate such illegal prostitution if the person has:

(1) Filed a report of such illegal prostitution with a law enforcement agency;

(2) Allowed a law enforcement agency to conduct surveillance or an unrestricted undercover operation;

(3) Promoted ongoing education about such illegal prostitution for employees; or

(4) Used any other available legal means to abate such illegal prostitution.

Sec. 2. NRS 201.295 is hereby amended to read as follows:

201.295 As used in NRS 201.295 to 201.440, inclusive, ***and section 1 of this act,*** unless the context otherwise requires:

1. "Adult" means a person 18 years of age or older.
2. "Child" means a person less than 18 years of age.
3. "Induce" means to persuade, encourage, inveigle or entice.
4. "Prostitute" means a male or female person who for a fee, monetary consideration or other thing of value engages in sexual intercourse, oral-genital contact or any touching of the sexual organs or other intimate parts of a person for the purpose of arousing or gratifying the sexual desire of either person.
5. "Prostitution" means engaging in sexual conduct with another person in return for a fee, monetary consideration or other thing of value.

6. "Sexual conduct" means any of the acts enumerated in subsection 4.

7. "Transports" means to transport or cause to be transported, by any means of conveyance, into, through or across this State, or to aid or assist in obtaining such transportation.

Sec. 3. NRS 201.320 is hereby amended to read as follows:

201.320 1. A person who knowingly accepts, receives, levies or appropriates any money or other valuable thing, without consideration, from the proceeds of any prostitute, is guilty of ~~[a category D felony]~~ ***living from the earnings of a prostitute*** and shall be punished ***:***

(a) Where physical force or the immediate threat of physical force is used, for a category C felony as provided in NRS 193.130.

(b) Where no physical force or immediate threat of physical force is used, for a category D felony as provided in NRS 193.130.

2. Any such acceptance, receipt, levy or appropriation of money or valuable thing upon any proceedings or trial for violation of this section is presumptive evidence of lack of consideration.

Sec. 4. NRS 201.325 is hereby amended to read as follows:

201.325 1. In addition to any other penalty, the court may order a person convicted of a violation of any provision of NRS 201.300 or 201.320 ***or section 1 of this act*** to pay restitution to the victim as provided in subsection 2.

2. Restitution ordered pursuant to this section may include, without limitation:

(a) The cost of medical and psychological treatment, including, without limitation, physical and occupational therapy and rehabilitation;

(b) The cost of transportation, temporary housing and child care;

(c) The return of property, the cost of repairing damaged property or the full value of the property if it is destroyed or damaged beyond repair;

(d) Expenses incurred by a victim in relocating away from the defendant or his or her associates, if the expenses are verified by law enforcement to be necessary for the personal safety of the victim;

(e) The cost of repatriation of the victim to his or her home country, if applicable; and

(f) Any and all other losses suffered by the victim as a result of the violation of any provision of NRS 201.300 or 201.320 ~~[.]~~ ***or section 1 of this act.***

3. The return of the victim to his or her home country or other absence of the victim from the jurisdiction does not prevent the victim from receiving restitution.

4. As used in this section, "victim" means any person:

(a) Against whom a violation of any provision of NRS 201.300 or 201.320 ***or section 1 of this act*** has been committed; or

(b) Who is the surviving child of such a person.

Sec. 5. NRS 201.345 is hereby amended to read as follows:

201.345 1. The Attorney General has concurrent jurisdiction with the district attorneys of the counties in this State to prosecute any violation of NRS 201.300 or 201.320 ~~[.]~~ ***or section 1 of this act.***

2. When acting pursuant to this section, the Attorney General may commence an investigation and file a criminal action without leave of court and the Attorney General has exclusive charge of the conduct of the prosecution.

Sec. 6. NRS 201.350 is hereby amended to read as follows:

201.350 It shall not be a defense to a prosecution for any of the acts prohibited in NRS 201.300 or 201.320 ***or section 1 of this act*** that any part of such act or acts shall have been committed outside this state, and the offense shall in such case be deemed and alleged to have been committed, and the offender tried and punished, in any county in which the prostitution was consummated, or any overt act in furtherance of the offense shall have been committed.

Sec. 7. NRS 201.351 is hereby amended to read as follows:

201.351 1. All assets derived from or relating to any violation of NRS 201.300 or 201.320 ***or section 1 of this act*** are subject to forfeiture pursuant to NRS 179.121 and a proceeding for their forfeiture may be brought pursuant to NRS 179.1156 to 179.121, inclusive.

2. In any proceeding for forfeiture brought pursuant to NRS 179.1156 to 179.121, inclusive, the plaintiff may apply for, and a court may issue without notice or hearing, a temporary restraining order to preserve property which would be subject to forfeiture pursuant to this section if:

(a) The forfeitable property is in the possession or control of the party against whom the order will be entered; and

(b) The court determines that the nature of the property is such that it can be concealed, disposed of or placed beyond the jurisdiction of the court before a hearing on the matter.

3. A temporary restraining order which is issued without notice may be issued for not more than 30 days and may be extended only for good cause or by consent. The court shall provide notice and hold a hearing on the matter before the order expires.

4. Any proceeds derived from a forfeiture of property pursuant to this section and remaining after the distribution required by subsection 1 of NRS 179.118 must be deposited with the county treasurer and distributed to programs for the prevention of child prostitution or for services to victims which are designated to receive such distributions by the district attorney of the county.

Sec. 8. NRS 201.352 is hereby amended to read as follows:

201.352 1. If a person is convicted of a violation of subsection 2 of NRS 201.300 or NRS 201.320 ~~[,]~~ ***or section 1 of this act,*** the victim of the violation is a child when the offense is committed and physical force or violence or the immediate threat of physical force or violence is used upon the child, the court may, in addition to the term of imprisonment prescribed by statute for the offense and any fine imposed pursuant to subsection 2, impose a fine of not more than $500,000.

2. If a person is convicted of a violation of subsection 2 of NRS 201.300 or NRS 201.320 ~~[,]~~ ***or section 1 of this act,*** the victim of the offense is a child when the offense is committed and the offense also involves a conspiracy to commit a violation of subsection 2 of NRS 201.300 or NRS 201.320 ~~[,]~~ ***or section 1 of this act,*** the court may, in addition to the punishment prescribed by statute for the offense of a provision of subsection 2 of NRS 201.300 or NRS 201.320 ***or section 1 of this act*** and any fine imposed pursuant to subsection 1, impose a fine of not more than $500,000.

3. The provisions of subsections 1 and 2 do not create a separate offense but provide an additional penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact.

Sec. 9. NRS 202.876 is hereby amended to read as follows:

202.876 "Violent or sexual offense" means any act that, if prosecuted in this State, would constitute any of the following offenses:

1. Murder or voluntary manslaughter pursuant to NRS 200.010 to 200.260, inclusive.
2. Mayhem pursuant to NRS 200.280.
3. Kidnapping pursuant to NRS 200.310 to 200.340, inclusive.
4. Sexual assault pursuant to NRS 200.366.
5. Robbery pursuant to NRS 200.380.
6. Administering poison or another noxious or destructive substance or liquid with intent to cause death pursuant to NRS 200.390.
7. Battery with intent to commit a crime pursuant to NRS 200.400.
8. Administering a drug or controlled substance to another person with the intent to enable or assist the commission of a felony or crime of violence pursuant to NRS 200.405 or 200.408.
9. False imprisonment pursuant to NRS 200.460 if the false imprisonment involves the use or threatened use of force or violence against the victim or the use or threatened use of a firearm or a deadly weapon.
10. Assault with a deadly weapon pursuant to NRS 200.471.
11. Battery which is committed with the use of a deadly weapon or which results in substantial bodily harm as described in NRS 200.481 or battery which is committed by strangulation as described in NRS 200.481 or 200.485.
12. An offense involving pornography and a minor pursuant to NRS 200.710 or 200.720.
13. Intentional transmission of the human immunodeficiency virus pursuant to NRS 201.205.
14. Open or gross lewdness pursuant to NRS 201.210.
15. Lewdness with a child pursuant to NRS 201.230.
16. An offense involving pandering or sex trafficking in violation of NRS 201.300 or prostitution in violation of NRS 201.320 ~~[.]~~ ***or section 1 of this act.***
17. Coercion pursuant to NRS 207.190, if the coercion involves the use or threatened use of force or violence against the victim or the use or threatened use of a firearm or a deadly weapon.

18. An attempt, conspiracy or solicitation to commit an offense listed in this section.

Sec. 10. NRS 207.360 is hereby amended to read as follows:

207.360 "Crime related to racketeering" means the commission of, attempt to commit or conspiracy to commit any of the following crimes:

1. Murder;
2. Manslaughter, except vehicular manslaughter as described in NRS 484B.657;
3. Mayhem;
4. Battery which is punished as a felony;
5. Kidnapping;
6. Sexual assault;
7. Arson;
8. Robbery;
9. Taking property from another under circumstances not amounting to robbery;
10. Extortion;
11. Statutory sexual seduction;
12. Extortionate collection of debt in violation of NRS 205.322;
13. Forgery, including, without limitation, forgery of a credit card or debit card in violation of NRS 205.740;
14. Obtaining and using personal identifying information of another person in violation of NRS 205.463;
15. Establishing or possessing a financial forgery laboratory in violation of NRS 205.46513;
16. Any violation of NRS 199.280 which is punished as a felony;
17. Burglary;
18. Grand larceny;
19. Bribery or asking for or receiving a bribe in violation of chapter 197 or 199 of NRS which is punished as a felony;
20. Battery with intent to commit a crime in violation of NRS 200.400;
21. Assault with a deadly weapon;
22. Any violation of NRS 453.232, 453.316 to 453.3395, inclusive, except a violation of NRS 453.3393, or NRS 453.375 to 453.401, inclusive;
23. Receiving or transferring a stolen vehicle;
24. Any violation of NRS 202.260, 202.275 or 202.350 which is punished as a felony;
25. Any violation of subsection 2 or 3 of NRS 463.360 or chapter 465 of NRS;
26. Receiving, possessing or withholding stolen goods valued at $650 or more;
27. Embezzlement of money or property valued at $650 or more;
28. Obtaining possession of money or property valued at $650 or more, or obtaining a signature by means of false pretenses;
29. Perjury or subornation of perjury;

30. Offering false evidence;

31. Any violation of NRS 201.300, 201.320 or 201.360 ~~|,|~~ ***or section 1 of this act;***

32. Any violation of NRS 90.570, 91.230 or 686A.290, or insurance fraud pursuant to NRS 686A.291;

33. Any violation of NRS 205.506, 205.920 or 205.930;

34. Any violation of NRS 202.445 or 202.446;

35. Any violation of NRS 205.377;

36. Involuntary servitude in violation of any provision of NRS 200.463 or 200.464 or a violation of any provision of NRS 200.465; or

37. Trafficking in persons in violation of any provision of NRS 200.467 or 200.468.

Sec. 11. NRS 41.1399 is hereby amended to read as follows:

41.1399 1. Any person who is a victim of human trafficking may bring a civil action against any person who caused, was responsible for or profited from the human trafficking.

2. A civil action brought under this section may be instituted in the district court of this State in the county in which the prospective defendant resides or has committed any act which subjects him or her to liability under this section.

3. In an action brought under this section, the court may award such injunctive relief as the court deems appropriate.

4. A plaintiff who prevails in an action brought under this section may recover actual damages, compensatory damages, punitive damages or any other appropriate relief. If a plaintiff recovers actual damages in an action brought under this section and the acts of the defendant were willful and malicious, the court may award treble damages to the plaintiff. If the plaintiff prevails in an action brought under this section, the court may award attorney's fees and costs to the plaintiff.

5. The statute of limitations for an action brought under this section does not commence until:

(a) The plaintiff discovers or reasonably should have discovered that he or she is a victim of human trafficking and that the defendant caused, was responsible for or profited from the human trafficking;

(b) The plaintiff reaches 18 years of age; or

(c) If the injury to the plaintiff results from two or more acts relating to the human trafficking, the final act in the series of acts has occurred,

➥ whichever is later.

6. The statute of limitations for an action brought under this section is tolled for any period during which the plaintiff was under a disability. For the purposes of this subsection, a plaintiff is under a disability if the plaintiff is insane, a person with an intellectual disability, mentally incompetent or in a medically comatose or vegetative state.

7. A defendant in an action brought under this section is estopped from asserting that the action was not brought within the statute of limitations if the defendant, or any person acting on behalf of the defendant, has induced the

plaintiff to delay bringing an action under this section by subjecting the plaintiff to duress, threats, intimidation, manipulation or fraud or any other conduct inducing the plaintiff to delay bringing an action under this section.

8. In the discretion of the court in an action brought under this section:

(a) Two or more persons may join as plaintiffs in one action if the claims of those plaintiffs involve at least one defendant in common.

(b) Two or more persons may be joined in one action as defendants if those persons may be liable to at least one plaintiff in common.

9. The consent of a victim is not a defense to a cause of action brought under this section.

10. For the purposes of this section:

(a) A victim of human trafficking is a person against whom a violation of any provision of NRS 200.463 to 200.468, inclusive, 201.300 or 201.320 ~~[,]~~ ***or section 1 of this act,*** or 18 U.S.C. § 1589, 1590 or 1591 has been committed.

(b) It is not necessary that the defendant be investigated, arrested, prosecuted or convicted for a violation of any provision of NRS 200.463 to 200.468, inclusive, 201.300 or 201.320 ~~[,]~~ ***or section 1 of this act,*** or 18 U.S.C. § 1589, 1590 or 1591 to be found liable in an action brought under this section.

Sec. 12. NRS 49.25425 is hereby amended to read as follows:

49.25425 "Human trafficking" means a violation of any provision of NRS 200.463 to 200.468, inclusive, 201.300 or 201.320 ***or section 1 of this act*** or 18 U.S.C. § 1589, 1590 or 1591.

Sec. 13. NRS 179.121 is hereby amended to read as follows:

179.121 1. All personal property, including, without limitation, any tool, substance, weapon, machine, computer, money or security, which is used as an instrumentality in any of the following crimes is subject to forfeiture:

(a) The commission of or attempted commission of the crime of murder, robbery, kidnapping, burglary, invasion of the home, grand larceny or theft if it is punishable as a felony;

(b) The commission of or attempted commission of any felony with the intent to commit, cause, aid, further or conceal an act of terrorism;

(c) A violation of NRS 202.445 or 202.446;

(d) The commission of any crime by a criminal gang, as defined in NRS 213.1263; or

(e) A violation of NRS 200.463 to 200.468, inclusive, 201.300, 201.320, 202.265, 202.287, 205.473 to 205.513, inclusive, 205.610 to 205.810, inclusive, 370.380, 370.382, 370.395, 370.405, 465.070 to 465.086, inclusive, 630.400, 630A.600, 631.400, 632.285, 632.291, 632.315, 633.741, 634.227, 634A.230, 635.167, 636.145, 637.090, 637B.290, 639.100, 639.2813, 640.169, 640A.230, 644A.900 or 654.200 ~~[.]~~ ***or section 1 of this act.***

2. Except as otherwise provided for conveyances forfeitable pursuant to NRS 453.301 or 501.3857, all conveyances, including aircraft, vehicles or vessels, which are used or intended for use during the commission of a felony or a violation of NRS 202.287, 202.300 or 465.070 to 465.086, inclusive, are subject to forfeiture except that:

(a) A conveyance used by any person as a common carrier in the transaction of business as a common carrier is not subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to the felony or violation;

(b) A conveyance is not subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the owner's knowledge, consent or willful blindness;

(c) A conveyance is not subject to forfeiture for a violation of NRS 202.300 if the firearm used in the violation of that section was not loaded at the time of the violation; and

(d) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the felony. If a conveyance is forfeited, the appropriate law enforcement agency may pay the existing balance and retain the conveyance for official use.

3. For the purposes of this section, a firearm is loaded if:

(a) There is a cartridge in the chamber of the firearm;

(b) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver; or

(c) There is a cartridge in the magazine and the magazine is in the firearm or there is a cartridge in the chamber, if the firearm is a semiautomatic firearm.

4. As used in this section, "act of terrorism" has the meaning ascribed to it in NRS 202.4415.

Sec. 14. NRS 179D.0357 is hereby amended to read as follows:

179D.0357 "Crime against a child" means any of the following offenses if the victim of the offense was less than 18 years of age when the offense was committed:

1. Kidnapping pursuant to NRS 200.310 to 200.340, inclusive, unless the offender is the parent or guardian of the victim.

2. False imprisonment pursuant to NRS 200.460, unless the offender is the parent or guardian of the victim.

3. Involuntary servitude of a child pursuant to NRS 200.4631, unless the offender is the parent or guardian of the victim.

4. An offense involving sex trafficking pursuant to subsection 2 of NRS 201.300 or prostitution pursuant to NRS 201.320 ~~,~~ ***or section 1 of this act.***

5. An attempt to commit an offense listed in this section.

6. An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this section. This subsection includes, without limitation, an offense prosecuted in:

(a) A tribal court.

(b) A court of the United States or the Armed Forces of the United States.

7. An offense against a child committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the

laws of that jurisdiction to register as an offender who has committed a crime against a child because of the offense. This subsection includes, without limitation, an offense prosecuted in:

(a) A tribal court.

(b) A court of the United States or the Armed Forces of the United States.

(c) A court having jurisdiction over juveniles.

Sec. 15. NRS 179D.115 is hereby amended to read as follows:

179D.115 "Tier II offender" means an offender convicted of a crime against a child or a sex offender, other than a Tier III offender, whose crime against a child is punishable by imprisonment for more than 1 year or whose sexual offense:

1. If committed against a child, constitutes:

(a) Luring a child pursuant to NRS 201.560, if punishable as a felony;

(b) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation;

(c) An offense involving sex trafficking pursuant to NRS 201.300 or prostitution pursuant to NRS 201.320 ~~[,]~~ ***or section 1 of this act;***

(d) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive; or

(e) Any other offense that is comparable to or more severe than the offenses described in ~~[42 U.S.C. § 16911(3),]~~ ***34 U.S.C. § 20911(3);***

2. Involves an attempt or conspiracy to commit any offense described in subsection 1;

3. If committed in another jurisdiction, is an offense that, if committed in this State, would be an offense listed in this section. This subsection includes, without limitation, an offense prosecuted in:

(a) A tribal court; or

(b) A court of the United States or the Armed Forces of the United States; or

4. Is committed after the person becomes a Tier I offender if any of the person's sexual offenses constitute an offense punishable by imprisonment for more than 1 year.

Sec. 16. NRS 217.400 is hereby amended to read as follows:

217.400 As used in NRS 217.400 to 217.475, inclusive, unless the context otherwise requires:

1. "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

2. "Division" means the Division of Child and Family Services of the Department of Health and Human Services.

3. "Domestic violence" means:

(a) The attempt to cause or the causing of bodily injury to a family or household member or the placing of the member in fear of imminent physical harm by threat of force.

(b) Any of the following acts committed by a person against a family or household member, a person with whom he or she had or is having a dating relationship or with whom he or she has a child in common, or upon his or her minor child or a minor child of that person:

(1) A battery.

(2) An assault.

(3) Compelling the other by force or threat of force to perform an act from which he or she has the right to refrain or to refrain from an act which he or she has the right to perform.

(4) A sexual assault.

(5) A knowing, purposeful or reckless course of conduct intended to harass the other. Such conduct may include, without limitation:

(I) Stalking.

(II) Arson.

(III) Trespassing.

(IV) Larceny.

(V) Destruction of private property.

(VI) Carrying a concealed weapon without a permit.

(6) False imprisonment.

(7) Unlawful entry of the other's residence, or forcible entry against the other's will if there is a reasonably foreseeable risk of harm to the other from the entry.

4. "Family or household member" means a spouse, a former spouse, a parent or other adult person who is related by blood or marriage or is or was actually residing with the person committing the act of domestic violence.

5. "Participant" means an adult, child or incapacitated person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.

6. "Victim of domestic violence" includes the dependent children of the victim.

7. "Victim of human trafficking" means a person who is a victim of:

(a) Involuntary servitude as set forth in NRS 200.463 or 200.464.

(b) A violation of any provision of NRS 200.465.

(c) Trafficking in persons in violation of any provision of NRS 200.467 or 200.468.

(d) Sex trafficking in violation of any provision of NRS 201.300.

(e) A violation of NRS 201.320 ~~,~~ ***or section 1 of this act.***

8. "Victim of sexual assault" means a person who has been sexually assaulted as defined in NRS 200.366 or a person upon whom a sexual assault has been attempted.

9. "Victim of stalking" means a person who is a victim of the crime of stalking or aggravated stalking as set forth in NRS 200.575.

Sec. 17. NRS 217.520 is hereby amended to read as follows:

217.520 "Victim of human trafficking" means a person who is a victim of:

1. Involuntary servitude as set forth in NRS 200.463 or 200.464.

2. A violation of any provision of NRS 200.465.

3. Trafficking in persons in violation of any provision of NRS 200.467 or 200.468.

4. Pandering in violation of any provision of NRS 201.300.

5. A violation of NRS 201.320 ~~.~~ ***or section 1 of this act.***

Sec. 18. NRS 432.157 is hereby amended to read as follows:

432.157 1. The Office of Advocate for Missing or Exploited Children is hereby created within the Office of the Attorney General. The Advocate for Missing or Exploited Children may be known as the Children's Advocate.

2. The Attorney General shall appoint the Children's Advocate. The Children's Advocate is in the unclassified service of the State.

3. The Children's Advocate:

(a) Must be an attorney licensed to practice law in this state;

(b) Shall advise and represent the Clearinghouse on all matters concerning missing or exploited children in this state; and

(c) Shall advocate the best interests of missing or exploited children before any public or private body.

4. The Children's Advocate may:

(a) Appear as an amicus curiae on behalf of missing or exploited children in any court in this state;

(b) If requested, advise a political subdivision of this state concerning its duty to protect missing or exploited children;

(c) Recommend legislation concerning missing or exploited children; and

(d) Investigate and prosecute any alleged crime involving the exploitation of children, including, without limitation, sex trafficking in violation of subsection 2 of NRS 201.300 or a violation of NRS 201.320 ~~.~~ ***or section 1 of this act.***

5. Upon request by the Children's Advocate, a district attorney or local law enforcement agency in this state shall provide all information and assistance necessary to assist the Children's Advocate in carrying out the provisions of this section.

6. The Children's Advocate may apply for any available grants and accept gifts, grants, bequests, appropriations or donations to assist the Children's Advocate in carrying out his or her duties pursuant to this section. Any money received by the Children's Advocate must be deposited in the Special Account for the Support of the Office of Advocate for Missing or Exploited Children, which is hereby created in the State General Fund.

7. Interest and income earned on money in the Special Account must be credited to the Special Account.

8. Money in the Special Account may only be used for the support of the Office of Advocate for Missing or Exploited Children and its activities pursuant to subsection 2 of NRS 201.300, NRS 201.320 and 432.150 to 432.220, inclusive ~~.~~ ***, and section 1 of this act.***

9. Money in the Special Account must remain in the Special Account and must not revert to the State General Fund at the end of any fiscal year.

Sec. 19. The amendatory provisions of this act apply to an offense committed on or after the effective date of this act.

Sec. 20. This act becomes effective upon passage and approval.

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 805 to Assembly Bill No. 166.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

This amendment strikes references to "sex trafficking" in the bill and replaces that phrase with "unless a greater penalty is provided by specific statute" in order to ensure that this bill does not interfere with the ability to prosecute certain sex trafficking violations and adds cosponsors.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 286.

The following Senate amendment was read:

Amendment No. 728.

AN ACT relating to personal financial administration; revising provisions relating to certain fees charged by the clerk of the court; revising provisions relating to the statutory rule against perpetuities; clarifying certain provisions relating to nonprobate transfer of property upon death; providing that certain sums derived from the sale of a homestead are exempt from the execution of a judgment ~~[.]~~ **in certain circumstances;** revising provisions that govern the transfer of community property or separate property into a trust; revising certain provisions that govern wills and estates of deceased persons; revising certain provisions of the Uniform Powers of Appointment Act; revising certain provisions that govern trusts and the administration of trusts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the clerk of the court is required to charge and collect certain fees on the filing of a petition for letters testamentary or letters of administration for an estate that is valued at $200,000 or more and for an estate that is valued at more than $20,000 but less than $200,000. (NRS 19.0302) **Section 1** of this bill increases the $200,000 amount to $300,000.

Existing law sets forth the Uniform Statutory Rule Against Perpetuities. (NRS 111.103-111.1039) This rule provides that a property interest which has not vested is invalid unless: (1) when the property interest is created, it is certain to vest or terminate no later than 21 years after the death of a person who is alive when the interest is created; or (2) the property interest either vests or terminates within 365 years after its creation. (NRS 111.1031) Existing law further provides that if language in a governing instrument for a trust or other property arrangement seeks to disallow or postpone the vesting or termination of any interest or trust beyond or until the later of the expiration of a period of time not exceeding or that exceeds or might exceed 21 years after the death of certain persons, such language is inoperative to the extent that it produces a

period of time that exceeds 21 years after the death of certain persons. (NRS 111.1031) **Section 4** of this bill removes this limitation on a governing instrument for a trust or other property.

Article 15, Section 4 of the Nevada Constitution provides that "[n]o perpetuities shall be allowed except for eleemosynary purposes." According to the Nevada Supreme Court, " 'eleemosynary' is synonymous with 'charitable,'... (*Nixon v. Brown*, 46 Nev. 439, 457 (1923)) The constitutional provision against perpetuities is directed at private trusts and not at public or charitable trusts." *Id.* Existing law provides exclusions to which the statutory rule against perpetuities does not apply. (NRS 111.1037) **Section 5** of this bill provides that the statutory rule against perpetuities does not apply to a property interest in or a power of appointment with respect to certain trusts or other property arrangements that were established for eleemosynary purposes.

Existing law sets forth various provisions governing nonprobate transfer of property upon death. (NRS 111.700-111.815) Existing law provides that a creditor has no claim against property transferred according to a power of appointment that was exercised by a decedent unless it was exercisable in favor of the decedent or the decedent's estate. (NRS 111.779) **Section 6** of this bill provides that a creditor has no claim against property transferred according to a power of appointment that was exercised by a decedent unless the power of appointment was actually exercised in favor of the decedent or the decedent's estate.

Existing law provides that a homestead is not subject to forced sale on execution or any final process from any court, subject to certain exceptions. Existing law further provides that this exemption for homesteads extends only to the amount of equity in the property which does not exceed $550,000 in value. (NRS 115.010) Existing law defines "homestead" to mean the property consisting of: (1) a quantity of land, together with the dwelling house and its appurtenances; (2) a mobile home; or (3) a unit existing in a common-interest community or a condominium project. (NRS 115.005) Existing law provides that if the equity in the homestead exceeds the sum of $550,000, the judge shall determine whether the property can be divided so as to leave the property subject to the homestead exemption without material injury. If such division cannot occur, existing law requires: (1) the judge to order the entire property to be sold; and (2) that, from the proceeds of such a sale, the sum of $550,000 must be paid to the defendant in execution, with certain rules applying when the execution is against a spouse. (NRS 115.050) **Section 7** of this bill provides that if the sum of $550,000 is paid to the defendant in execution or to a spouse, then the sum of $550,000 **generally** possesses all the protections that the original homestead possessed. Existing law provides that the homestead is exempt from execution of a judgment. (NRS 21.090) **Section 2** of this bill provides that the sum of $550,000 that is paid to the defendant or spouse is also **generally** exempt from execution of a judgment. **Sections 1.5 and 3** of this bill make conforming changes. **Section 6.5 of this bill provides that the proceeds of $550,000 from the sale of a homestead are only exempt from**

execution if: (1) such proceeds are reinvested in another property of like kind for which the declaration of a homestead will be made; and (2) the other property is identified not later than 45 days after the sale of the homestead and taken possession of not later than 180 days after the sale of the homestead.

Existing law authorizes a trust instrument to provide that community property or separate property transferred into an irrevocable trust of which both spouses are current permissible beneficiaries remains community property or separate property, as applicable, during the marriage. (NRS 123.125) **Section 8** of this bill authorizes a trust instrument to provide that community property or separate property transferred into an irrevocable trust of which both spouses are distribution beneficiaries remains community property or separate property, as applicable, during the marriage. The Nevada Supreme Court found that "[t]ransmutation from separate to community property must be shown by clear and convincing evidence." (*Sprenger v. Sprenger*, 110 Nev. 855, 858 (1994)) **Section 8** incorporates this standard by requiring a spouse or party to a case to establish by clear and convincing evidence the transmutation of community property or separate property that is transferred into a trust into separate property or community property, as applicable.

Existing law provides that kindred of the half blood inherit equally with those of the whole blood in the same degree, unless the inheritance comes to the decedent from an ancestor, in which case those who are not of the blood of the ancestor are excluded from the inheritance. (NRS 134.160) **Section 10** of this bill provides that kindred of the half blood inherit equally with those of the whole blood in the same degree.

Existing law grants exclusive jurisdiction of the settlement of an estate to the district court in the county where the decedent was a resident at the time of death. Existing law provides that the estate of a nonresident decedent may be settled by the district court of any county in which part of the estate is located. (NRS 136.010) **Section 11** of this bill provides that the estate of a decedent may be settled by the district court of any county in which any part of the estate is located or where the decedent was a resident at the time of death. **Section 11** further provides that if the decedent was a resident of this State at his or her time of death, the district court of any county in this State may assume jurisdiction of the settlement of the estate only after considering the convenience of the forum to certain parties. **Section 11** additionally provides that after a properly noticed hearing is held, the district court that first assumes jurisdiction of the settlement of an estate has exclusive jurisdiction of the settlement of that estate. Existing law requires a petition for the probate of a will and issuance of letters to state certain facts and information. (NRS 136.090) **Section 12** of this bill requires such a petition to state how the district court in which the petition is being filed is a convenient forum to certain parties.

Existing law sets forth the procedure for petitioning for probate and proving a lost or destroyed will by using a copy of such a lost or destroyed will or a statement of the testamentary words. Existing law further provides that the production of a person's lost or destroyed will, whose primary beneficiary is a certain nontestamentary trust, creates a rebuttable presumption that the will had not been revoked. (NRS 136.240) **Section 13** of this bill provides that the production of a copy of a person's lost or destroyed will, whose provisions are clearly and distinctly proved by two or more credible witnesses, creates a rebuttable presumption that the will had not been revoked. **Section 13** further provides that a person may overcome these presumptions only by proving by a preponderance of the evidence that the person whose will it is claimed to be destroyed the will with the intent to revoke the will before his or her death.

Existing law provides for the enforcement of a no-contest clause in a will or trust. (NRS 137.005, 163.00195) **Sections 14 and 23** of this bill provide, with certain exceptions, that a no-contest clause in a will or trust must be enforced by a court according to the terms expressly stated in the no-contest clause. **Sections 14 and 23** expand the number of exceptions to enforcing a no-contest clause in a will or trust.

Existing law authorizes a court, by temporary order, to: (1) restrain a personal representative or a trustee from performing certain acts; or (2) enter any other order to secure proper performance of the duties of the office. Any temporary order entered by a court must be set for hearing within 10 days after entry of the temporary order and notice must be given to the personal representative or trustee. (NRS 143.165, 163.115) **Sections 15 and 22** of this bill authorize a court to enter an ex parte order: (1) restraining a personal representative or a trustee from performing certain acts; or (2) enter any other order to secure proper performance of the duties of the office that is effective until further order of the court. **Sections 15 and 22** authorize a court to impose a fine on an interested person or a beneficiary who obtains an ex parte order without probable cause and further authorize the court to terminate an ex parte order in certain circumstances. **Sections 25 and 27-31** of this bill make conforming changes.

After the filing of the inventory of an estate, existing law: (1) authorizes a court to set apart for the use of the surviving spouse, minor child or minor children of the decedent all of the personal property which is exempt by law from execution; and (2) requires a court to set apart the homestead. Such property set apart by a court is not subject to administration of the estate. (NRS 146.020) **Section 16** of this bill removes the provision that such setting apart must happen after the filing of the inventory of the estate. If, after setting apart the property, the remaining assets of the estate do not exceed $100,000 and may be set aside without administration, **section 16** requires the court to follow the procedure used to set aside the remaining assets of the estate without administration. If, after setting apart the property, the remaining assets of the estate exceed $100,000 and may not be set aside without administration,

section 16 requires the court to administer the remaining assets of the estate as if the remaining assets of the estate are the only assets of the estate.

During the 2017 Legislative Session, the Nevada Legislature adopted the Uniform Powers of Appointment Act. (Chapter 162B of NRS) **Sections 17-21** of this bill revise certain provisions of the Act.

Existing law provides that, unless the terms of the instrument creating a power of appointment manifest a contrary intent, the creation, revocation or amendment of the power and the exercise, release or disclaimer of the power is governed by the law of the donor's or powerholder's domicile at the relevant time. (NRS 162B.105) **Section 17** of this bill provides that, unless the terms of the instrument creating a power of appointment manifest a contrary intent, the creation, revocation or amendment of the power and the exercise, release or disclaimer of the power is valid if permitted under any of: (1) the governing law adopted by the instrument; or (2) the law of the donor's or powerholder's domicile at the relevant time.

Existing law provides that a power of appointment is created only if the instrument creating the power: (1) is valid under applicable law; and (2) except in certain situations, transfers the appointive property. (NRS 162B.200) **Section 18** of this bill removes the requirement that the instrument creating the power must transfer the appointive property.

Existing law authorizes a powerholder of a nongeneral power, unless the terms of the instrument creating a power of appointment manifest a contrary intent, to create a general power in a permissible appointee. (NRS 162B.320) **Section 19** of this bill authorizes a powerholder of a nongeneral power, unless the terms of the instrument creating a power of appointment manifest a contrary intent, to create a general power or a nongeneral power in a permissible appointee.

Existing law authorizes a powerholder to revoke or amend an exercise of a power of appointment only in certain situations. (NRS 162B.365) **Section 20** of this bill authorizes a powerholder to revoke or amend an exercise of a power appointment unless expressly prohibited by the instrument.

Existing law provides that appointive property subject to a general power of appointment created by a person other than the powerholder is subject to a claim of certain creditors. (NRS 162B.510) **Section 21** of this bill provides that such property subject to a general power of appointment is not subject to a claim of any creditor, unless the power of appointment was actually exercised in favor of the decedent or the decedent's estate.

Existing law provides that a trust is irrevocable by the settlor except to the extent that a right to amend or a right to revoke the trust is expressly reserved by the settlor. (NRS 163.004) **Section 24** of this bill provides that, in addition to situations where a settlor reserves a right of revocation, one or more other persons may amend or revoke a trust if such a right is granted to such persons under the terms of the trust instrument.

Existing law authorizes a beneficiary or cotrustee to maintain a proceeding if a trustee commits or threatens to commit a breach of trust. (NRS 163.115)

Section 26 of this bill authorizes a settlor, cotrustee or beneficiary of a trust or a court, on its own initiative, to request a court to remove a trustee in certain circumstances. **Section 26** further authorizes the court to order that a settlor, cotrustee or beneficiary of a trust who institutes a proceeding against a trustee without good faith and not based on probable cause pay all or any part of the costs of the proceeding, including reasonable attorney's fees.

Existing law sets forth the circumstances under which a trustee may appoint property of one trust to a second trust. Existing law prohibits a trustee from appointing property of the original trust to a second trust in certain circumstances, including where property held for the benefit of one or more beneficiaries under both the original and second trust has a lower value than the value of the property held for the benefit of such beneficiaries under only the original trust. (NRS 163.556) **Section 32** of this bill removes this prohibition.

Existing law authorizes a trust to refer to a written statement or list to dispose of items of tangible personal property not otherwise disposed of by the trust. Existing law prohibits such a statement or list from disposing of money, evidences of indebtedness, documents of title, securities and property used in a trade or business. (NRS 163.590) **Section 33** of this bill authorizes such a statement or list to dispose of items of trust property not otherwise specifically disposed of by the trust. **Section 33** further provides that such a statement or list may be used to dispose of all items of trust property, regardless of whether the trust property is real or personal property or tangible or intangible property. **Section 33** authorizes the trust instrument to limit the use of such statement or list to: (1) only dispose of tangible personal property; or (2) prevent the statement or list from being used to dispose of certain types of property.

Senate Bill No. 484 of the 78th Legislative Session replaced the term "excluded fiduciary" with "directed fiduciary." (Chapter 524, Statutes of Nevada 2015, p. 3518) Existing law still defines "excluded fiduciary" although this term has been replaced. (NRS 163.5539) **Section 47** of this bill repeals the definition for "excluded fiduciary." **Section 46** of this bill makes a conforming change.

Existing law sets forth various requirements for the expenses and compensation of a trustee of a testamentary trust. (NRS 153.070) **Section 34** of this bill adds similar requirements for the expenses and compensation of a trustee of a nontestamentary trust.

Existing law authorizes the trustee of a nontestamentary trust, after the death of the settlor of the trust, to publish a notice and mail a copy of the notice to known or readily ascertainable creditors. Such a notice must comply with the format provided in existing law. (NRS 164.025) **Section 35** of this bill creates an additional format for such a notice for a claim against a settlor.

Existing law authorizes virtual representation in the administration of trusts. Under existing law, certain persons may be represented by another person who has a substantially similar interest with respect to the question or dispute. (NRS 164.038) **Section 36** of this bill authorizes a powerholder of a power of

appointment to represent and bind a person who is a permissible appointee or a taker in default of appointment.

Existing law sets forth that the laws of this State govern the validity and construction of a trust in certain situations. Existing law further prohibits a trust instrument or designation from extending the duration of the trust beyond the rule against perpetuities that is otherwise applicable to the trust at the time of its creation. (NRS 164.045) **Section 37** of this bill removes this prohibition.

Existing law provides that a provision in a will or trust instrument requiring the arbitration of certain disputes between or among certain parties is enforceable. (NRS 164.930) Existing law requires an agreement, including an agreement requiring a person to submit to arbitration of any dispute arising between the parties to the agreement, to include a provision indicating that the person has affirmatively agreed to the arbitration requirement. (NRS 597.995) **Section 38** of this bill clarifies that this affirmative agreement to arbitration requirement does not apply to an arbitration provision in a will or trust. **Section 45** of this bill makes a conforming change.

Existing law authorizes the terms of a trust instrument to expand, restrict, eliminate or otherwise vary the rights and interests of beneficiaries in certain manners that are not illegal or against public policy. (NRS 165.160) **Section 47** of this bill repeals this existing law.

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

Section 1. NRS 19.0302 is hereby amended to read as follows:

19.0302 1. Except as otherwise provided by specific statute and in addition to any other fee required by law, the clerk of the court shall charge and collect the following fees:

(a) On the commencement of any action or proceeding in the district court, other than those listed in paragraphs (c), (e) and (f), or on the transfer of any action or proceeding from a district court of another county, to be paid by the party commencing the action, proceeding or transfer $99

(b) On the appearance of any defendant or any number of defendants answering jointly, to be paid upon the filing of the first paper in the action by the defendant or defendants $99

(c) On the filing of a petition for letters testamentary or letters of administration, which fee does not include the court fee prescribed by NRS 19.020, to be paid by the petitioner:

(1) Where the stated value of the estate is ~~[$200,000]~~ ***$300,000*** or more $352

(2) Where the stated value of the estate is more than $20,000 but less than ~~[$200,000]~~ ***$300,000*** $99

(3) Where the stated value of the estate is $20,000 or less, no fee may be charged or collected.

(d) On the filing of a motion for summary judgment or a joinder thereto $200

(e) On the commencement of an action defined as a business matter pursuant to the local rules of practice and on the answer or appearance of any party in any such action or proceeding, to be paid by the party commencing, answering or appearing in the action or proceeding thereto $1,359

(f) On the commencement of:

(1) An action for a constructional defect pursuant to NRS 40.600 to 40.695, inclusive; or

(2) Any other action defined as "complex" pursuant to the local rules of practice,

➥ and on the answer or appearance of any party in any such action or proceeding, to be paid by the party commencing, answering or appearing in the action or proceeding $349

(g) On the filing of a third-party complaint, to be paid by the filing party $135

(h) On the filing of a motion to certify or decertify a class, to be paid by the filing party $349

(i) For the issuance of any writ of attachment, writ of garnishment, writ of execution or any other writ designed to enforce any judgment of the court $10

2. Except as otherwise provided in subsection 4, fees collected pursuant to this section must be deposited into a special account administered by the county and maintained for the benefit of the district court. The money in that account must be used only:

(a) To offset the costs for adding and maintaining new judicial departments, including, without limitation, the cost for additional staff;

(b) To reimburse the county for any capital costs incurred for maintaining any judicial departments that are added by the 75th Session of the Nevada Legislature; and

(c) If any money remains in the account in a fiscal year after satisfying the purposes set forth in paragraphs (a) and (b), to:

(1) Acquire land on which to construct additional facilities for the district court or a regional justice center that includes the district court;

(2) Construct or acquire additional facilities for the district court or a regional justice center that includes the district court;

(3) Renovate or remodel existing facilities for the district court or a regional justice center that includes the district court;

(4) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the district court or a regional justice center that includes the district court;

(5) Acquire advanced technology;

(6) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the district court or a regional justice center that includes the district court;

(7) In a county whose population is less than 100,000, support court appointed special advocate programs for children, at the discretion of the judges of the judicial district;

(8) In a county whose population is less than 100,000, support legal services to the indigent and to be used by the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for the operation of programs for the indigent; or

(9) Be carried forward to the next fiscal year.

3. Except as otherwise provided by specific statute, all fees prescribed in this section are payable in advance if demanded by the clerk of the court.

4. Each clerk of the court shall, on or before the fifth day of each month, account for and pay to the county treasurer:

(a) In a county whose population is 100,000 or more, an amount equal to $10 of each fee collected pursuant to paragraphs (a) and (b) of subsection 1 during the preceding month. The county treasurer shall remit quarterly to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for the operation of programs for the indigent all the money received from the clerk of the court pursuant to this paragraph.

(b) All remaining fees collected pursuant to this section during the preceding month.

Sec. 1.5. NRS 21.075 is hereby amended to read as follows:

21.075 1. Execution on the writ of execution by levying on the property of the judgment debtor may occur only if the sheriff serves the judgment debtor with a notice of the writ of execution pursuant to NRS 21.076 and a copy of the writ. The notice must describe the types of property exempt from execution and explain the procedure for claiming those exemptions in the manner required in subsection 2. The clerk of the court shall attach the notice to the writ of execution at the time the writ is issued.

2. The notice required pursuant to subsection 1 must be substantially in the following form:

NOTICE OF EXECUTION

YOUR PROPERTY IS BEING ATTACHED OR
YOUR WAGES ARE BEING GARNISHED

A court has determined that you owe money to ..... (name of person), the judgment creditor. The judgment creditor has begun the procedure to collect that money by garnishing your wages, bank account and other personal property held by third persons or by taking money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.

3. Payments for public assistance granted through the Division of Welfare and Supportive Services of the Department of Health and Human Services or a local governmental entity.

4. Proceeds from a policy of life insurance.

5. Payments of benefits under a program of industrial insurance.

6. Payments received as disability, illness or unemployment benefits.

7. Payments received as unemployment compensation.

8. Veteran's benefits.

9. A homestead in a dwelling or a mobile home, ***including , subject to the provisions of section 6.5 of this act, the proceeds from the sale of such property,*** not to exceed $550,000, unless:

(a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.

(b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.

10. All money reasonably deposited with a landlord by you to secure an agreement to rent or lease a dwelling that is used by you as your primary residence, except that such money is not exempt with respect to a landlord or landlord's successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.

11. A vehicle, if your equity in the vehicle is less than $15,000.

12. Eighty-two percent of the take-home pay for any workweek if your gross weekly salary or wage was $770 or less on the date the most recent writ of garnishment was issued, or seventy-five percent of the take-home pay for any workweek if your gross weekly salary or wage exceeded $770 on the date the most recent writ of garnishment was issued, unless the weekly take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.

13. Money, not to exceed $1,000,000 in present value, held in:

(a) An individual retirement arrangement which conforms with or is maintained pursuant to the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A, including, without limitation, an inherited individual retirement arrangement;

(b) A written simplified employee pension plan which conforms with or is maintained pursuant to the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408, including, without limitation, an inherited simplified employee pension plan;

(c) A cash or deferred arrangement plan which is qualified and maintained pursuant to the Internal Revenue Code, including, without limitation, an inherited cash or deferred arrangement plan;

(d) A trust forming part of a stock bonus, pension or profit-sharing plan that is qualified and maintained pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

14. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

15. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

16. Regardless of whether a trust contains a spendthrift provision:

(a) A present or future interest in the income or principal of a trust that is a contingent interest, if the contingency has not been satisfied or removed;

(b) A present or future interest in the income or principal of a trust for which discretionary power is held by a trustee to determine whether to make a distribution from the trust, if the interest has not been distributed from the trust;

(c) The power to direct dispositions of property in the trust, other than such a power held by a trustee to distribute property to a beneficiary of the trust;

(d) Certain powers held by a trust protector or certain other persons; and

(e) Any power held by the person who created the trust.

17. If a trust contains a spendthrift provision:

(a) A present or future interest in the income or principal of a trust that is a mandatory interest in which the trustee does not have discretion concerning whether to make the distribution from the trust, if the interest has not been distributed from the trust; and

(b) A present or future interest in the income or principal of a trust that is a support interest in which the standard for distribution may be

interpreted by the trustee or a court, if the interest has not been distributed from the trust.

18. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

19. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

20. Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

21. Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

22. Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

23. Payments received as restitution for a criminal act.

24. Personal property, not to exceed $10,000 in total value, if the property is not otherwise exempt from execution.

25. A tax refund received from the earned income credit provided by federal law or a similar state law.

26. Stock of a corporation described in subsection 2 of NRS 78.746 except as set forth in that section.

➥These exemptions may not apply in certain cases such as a proceeding to enforce a judgment for support of a person or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through ..... (name of organization in county providing legal services to indigent or elderly persons). If you do not wish to consult an attorney or receive legal services from an organization that provides assistance to persons who qualify, you may obtain the form to be used to claim an exemption from the clerk of the court.

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt, you must complete and file with the clerk of the court an executed claim of exemption. A copy of the claim of exemption must be served upon the sheriff, the garnishee and the judgment creditor within 10 days after the notice of execution or garnishment is served on you by mail pursuant to

NRS 21.076 which identifies the specific property that is being levied on. The property must be released by the garnishee or the sheriff within 9 judicial days after you serve the claim of exemption upon the sheriff, garnishee and judgment creditor, unless the sheriff or garnishee receives a copy of an objection to the claim of exemption and a notice for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The objection to the claim of exemption and notice for the hearing to determine the issue of exemption must be filed within 8 judicial days after the claim of exemption is served on the judgment creditor by mail or in person and served on the judgment debtor, the sheriff and any garnishee not less than 5 judicial days before the date set for the hearing. The hearing to determine whether the property or money is exempt must be held within 7 judicial days after the objection to the claim of exemption and notice for the hearing is filed. You may be able to have your property released more quickly if you mail to the judgment creditor or the attorney of the judgment creditor written proof that the property is exempt. Such proof may include, without limitation, a letter from the government, an annual statement from a pension fund, receipts for payment, copies of checks, records from financial institutions or any other document which demonstrates that the money in your account is exempt.

IF YOU DO NOT FILE THE EXECUTED CLAIM OF EXEMPTION WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

Sec. 2. NRS 21.090 is hereby amended to read as follows:

21.090 1. The following property is exempt from execution, except as otherwise specifically provided in this section or required by federal law:

(a) Private libraries, works of art, musical instruments and jewelry not to exceed $5,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor, and all family pictures and keepsakes.

(b) Necessary household goods, furnishings, electronics, wearing apparel, other personal effects and yard equipment, not to exceed $12,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor.

(c) Farm trucks, farm stock, farm tools, farm equipment, supplies and seed not to exceed $4,500 in value, belonging to the judgment debtor to be selected by the judgment debtor.

(d) Professional libraries, equipment, supplies, and the tools, inventory, instruments and materials used to carry on the trade or business of the judgment debtor for the support of the judgment debtor and his or her family not to exceed $10,000 in value.

(e) The cabin or dwelling of a miner or prospector, the miner's or prospector's cars, implements and appliances necessary for carrying on any mining operations and the mining claim actually worked by the miner or prospector, not exceeding $4,500 in total value.

(f) Except as otherwise provided in paragraph (p), one vehicle if the judgment debtor's equity does not exceed $15,000 or the creditor is paid an amount equal to any excess above that equity.

(g) For any workweek, 82 percent of the disposable earnings of a judgment debtor during that week if the gross weekly salary or wage of the judgment debtor on the date the most recent writ of garnishment was issued was $770 or less, 75 percent of the disposable earnings of a judgment debtor during that week if the gross weekly salary or wage of the judgment debtor on the date the most recent writ of garnishment was issued exceeded $770, or 50 times the minimum hourly wage prescribed by section 206(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 et seq., and in effect at the time the earnings are payable, whichever is greater. Except as otherwise provided in paragraphs (o), (s) and (t), the exemption provided in this paragraph does not apply in the case of any order of a court of competent jurisdiction for the support of any person, any order of a court of bankruptcy or of any debt due for any state or federal tax. As used in this paragraph:

(1) "Disposable earnings" means that part of the earnings of a judgment debtor remaining after the deduction from those earnings of any amounts required by law to be withheld.

(2) "Earnings" means compensation paid or payable for personal services performed by a judgment debtor in the regular course of business, including, without limitation, compensation designated as income, wages, tips, a salary, a commission or a bonus. The term includes compensation received by a judgment debtor that is in the possession of the judgment debtor, compensation held in accounts maintained in a bank or any other financial institution or, in the case of a receivable, compensation that is due the judgment debtor.

(h) All fire engines, hooks and ladders, with the carts, trucks and carriages, hose, buckets, implements and apparatus thereunto appertaining, and all furniture and uniforms of any fire company or department organized under the laws of this State.

(i) All arms, uniforms and accouterments required by law to be kept by any person, and also one gun, to be selected by the debtor.

(j) All courthouses, jails, public offices and buildings, lots, grounds and personal property, the fixtures, furniture, books, papers and appurtenances belonging and pertaining to the courthouse, jail and public offices belonging to any county of this State, all cemeteries, public squares, parks and places, public buildings, town halls, markets, buildings for the use of fire departments and military organizations, and the lots and grounds thereto belonging and appertaining, owned or held by any town or incorporated city, or dedicated by the town or city to health, ornament or public use, or for the use of any fire or military company organized under the laws of this State and all lots, buildings

and other school property owned by a school district and devoted to public school purposes.

(k) All money, benefits, privileges or immunities accruing or in any manner growing out of any life insurance.

(l) The homestead as provided for by law, including ~~[a]~~ ***:***

(1) ~~[The]~~ Subject to the provisions of section 6.5 of this act, the sum of $550,000 that is paid to the defendant in execution pursuant to subsection 2 of NRS 115.050 or to a spouse pursuant to subsection 3 of NRS 115.050; and

(2) A homestead for which allodial title has been established and not relinquished and for which a waiver executed pursuant to NRS 115.010 is not applicable.

(m) The dwelling of the judgment debtor occupied as a home for himself or herself and family, where the amount of equity held by the judgment debtor in the home does not exceed $550,000 in value and the dwelling is situated upon lands not owned by the judgment debtor.

(n) All money reasonably deposited with a landlord by the judgment debtor to secure an agreement to rent or lease a dwelling that is used by the judgment debtor as his or her primary residence, except that such money is not exempt with respect to a landlord or the landlord's successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.

(o) All property in this State of the judgment debtor where the judgment is in favor of any state for failure to pay that state's income tax on benefits received from a pension or other retirement plan.

(p) Any vehicle owned by the judgment debtor for use by the judgment debtor or the judgment debtor's dependent that is equipped or modified to provide mobility for a person with a permanent disability.

(q) Any prosthesis or equipment prescribed by a physician or dentist for the judgment debtor or a dependent of the debtor.

(r) Money, not to exceed $1,000,000 in present value, held in:

(1) An individual retirement arrangement which conforms with or is maintained pursuant to the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A, including, without limitation, an inherited individual retirement arrangement;

(2) A written simplified employee pension plan which conforms with or is maintained pursuant to the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408, including, without limitation, an inherited simplified employee pension plan;

(3) A cash or deferred arrangement plan which is qualified and maintained pursuant to the Internal Revenue Code, including, without limitation, an inherited cash or deferred arrangement plan;

(4) A trust forming part of a stock bonus, pension or profit-sharing plan which is qualified and maintained pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(5) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of

NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

(s) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

(t) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

(u) Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

(v) Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

(w) Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

(x) Payments received as restitution for a criminal act.

(y) Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

(z) Any personal property not otherwise exempt from execution pursuant to this subsection belonging to the judgment debtor, including, without limitation, the judgment debtor's equity in any property, money, stocks, bonds or other funds on deposit with a financial institution, not to exceed $10,000 in total value, to be selected by the judgment debtor.

(aa) Any tax refund received by the judgment debtor that is derived from the earned income credit described in section 32 of the Internal Revenue Code, 26 U.S.C. § 32, or a similar credit provided pursuant to a state law.

(bb) Stock of a corporation described in subsection 2 of NRS 78.746 except as set forth in that section.

(cc) Regardless of whether a trust contains a spendthrift provision:

(1) A distribution interest in the trust as defined in NRS 163.4155 that is a contingent interest, if the contingency has not been satisfied or removed;

(2) A distribution interest in the trust as defined in NRS 163.4155 that is a discretionary interest as described in NRS 163.4185, if the interest has not been distributed;

(3) A power of appointment in the trust as defined in NRS 163.4157 regardless of whether the power has been exercised;

(4) A power listed in NRS 163.5553 that is held by a trust protector as defined in NRS 163.5547 or any other person regardless of whether the power has been exercised; and

(5) A reserved power in the trust as defined in NRS 163.4165 regardless of whether the power has been exercised.

(dd) If a trust contains a spendthrift provision:

(1) A distribution interest in the trust as defined in NRS 163.4155 that is a mandatory interest as described in NRS 163.4185, if the interest has not been distributed; and

(2) Notwithstanding a beneficiary's right to enforce a support interest, a distribution interest in the trust as defined in NRS 163.4155 that is a support interest as described in NRS 163.4185, if the interest has not been distributed.

(ee) Proceeds received from a private disability insurance plan.

(ff) Money in a trust fund for funeral or burial services pursuant to NRS 689.700.

(gg) Compensation that was payable or paid pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS as provided in NRS 616C.205.

(hh) Unemployment compensation benefits received pursuant to NRS 612.710.

(ii) Benefits or refunds payable or paid from the Public Employees' Retirement System pursuant to NRS 286.670.

(jj) Money paid or rights existing for vocational rehabilitation pursuant to NRS 615.270.

(kk) Public assistance provided through the Department of Health and Human Services pursuant to NRS 422.291 and 422A.325.

(ll) Child welfare assistance provided pursuant to NRS 432.036.

2. Except as otherwise provided in NRS 115.010, no article or species of property mentioned in this section is exempt from execution issued upon a judgment to recover for its price, or upon a judgment of foreclosure of a mortgage or other lien thereon.

3. Any exemptions specified in subsection (d) of section 522 of the Bankruptcy Reform Act of 1978, 11 U.S.C. §§ 101 et seq., do not apply to property owned by a resident of this State unless conferred also by subsection 1, as limited by subsection 2.

Sec. 3. NRS 31.045 is hereby amended to read as follows:

31.045 1. Execution on the writ of attachment by attaching property of the defendant may occur only if:

(a) The judgment creditor serves the defendant with notice of the execution when the notice of the hearing is served pursuant to NRS 31.013; or

(b) Pursuant to an ex parte hearing, the sheriff serves upon the judgment debtor notice of the execution and a copy of the writ at the same time and in the same manner as set forth in NRS 21.076.

➥ If the attachment occurs pursuant to an ex parte hearing, the clerk of the court shall attach the notice to the writ of attachment at the time the writ is issued.

2. The notice required pursuant to subsection 1 must be substantially in the following form:

NOTICE OF EXECUTION

YOUR PROPERTY IS BEING ATTACHED OR
YOUR WAGES ARE BEING GARNISHED

Plaintiff, ... (name of person), alleges that you owe the plaintiff money. The plaintiff has begun the procedure to collect that money. To secure satisfaction of judgment, the court has ordered the garnishment of your wages, bank account or other personal property held by third persons or the taking of money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.

3. Payments for public assistance granted through the Division of Welfare and Supportive Services of the Department of Health and Human Services or a local governmental entity.

4. Proceeds from a policy of life insurance.

5. Payments of benefits under a program of industrial insurance.

6. Payments received as disability, illness or unemployment benefits.

7. Payments received as unemployment compensation.

8. Veteran's benefits.

9. A homestead in a dwelling or a mobile home, ***including , subject to the provisions of section 6.5 of this act, the proceeds from the sale of such property,*** not to exceed $550,000, unless:

(a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.

(b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.

10. All money reasonably deposited with a landlord by you to secure an agreement to rent or lease a dwelling that is used by you as your primary residence, except that such money is not exempt with respect to

a landlord or the landlord's successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.

11. A vehicle, if your equity in the vehicle is less than $15,000.

12. Eighty-two percent of the take-home pay for any workweek if your gross weekly salary or wage on the date the most recent writ of garnishment was issued was $770 or less, or seventy-five percent of the take-home pay for any workweek if your gross weekly salary or wage on the date the most recent writ of garnishment was issued exceeded $770, unless the weekly take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.

13. Money, not to exceed $500,000 in present value, held in:

(a) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(b) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(c) A cash or deferred arrangement that is a qualified plan pursuant to the Internal Revenue Code;

(d) A trust forming part of a stock bonus, pension or profit-sharing plan that is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

14. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

15. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

16. Regardless of whether a trust contains a spendthrift provision:

(a) A present or future interest in the income or principal of a trust that is a contingent interest, if the interest has not been satisfied or removed;

(b) A present or future interest in the income or principal of a trust for which discretionary power is held by a trustee to determine whether to make a distribution from the trust, if the interest has not been distributed from the trust;

(c) The power to direct dispositions of property in the trust, other than such a power held by a trustee to distribute property to a beneficiary of the trust;

(d) Certain powers held by a trust protector or certain other persons; and

(e) Any power held by the person who created the trust.

17. If a trust contains a spendthrift provision:

(a) A present or future interest in the income or principal of a trust that is a mandatory interest in which the trustee does not have discretion concerning whether to make the distribution from the trust, if the interest has not been distributed from the trust; and

(b) A present or future interest in the income or principal of a trust that is a support interest in which the standard for distribution may be interpreted by the trustee or a court, if the interest has not been distributed from the trust.

18. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

19. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

20. Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

21. Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

22. Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

23. Payments received as restitution for a criminal act.

24. Personal property, not to exceed $1,000 in total value, if the property is not otherwise exempt from execution.

25. A tax refund received from the earned income credit provided by federal law or a similar state law.

26. Stock of a corporation described in subsection 2 of NRS 78.746 except as set forth in that section.

➥ These exemptions may not apply in certain cases such as proceedings to enforce a judgment for support of a child or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through ..... (name of organization in county providing legal services to the indigent or elderly persons). If you do not

wish to consult an attorney or receive legal services from an organization that provides assistance to persons who qualify, you may obtain the form to be used to claim an exemption from the clerk of the court.

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt or necessary for the support of you or your family, you must file with the clerk of the court on a form provided by the clerk an executed claim of exemption. A copy of the claim of exemption must be served upon the sheriff, the garnishee and the judgment creditor within 10 days after the notice of execution or garnishment is served on you by mail pursuant to NRS 21.076 which identifies the specific property that is being levied on. The property must be released by the garnishee or the sheriff within 9 judicial days after you serve the claim of exemption upon the sheriff, garnishee and judgment creditor, unless the sheriff or garnishee receives a copy of an objection to the claim of exemption and a notice for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The objection to the claim of exemption and notice for the hearing to determine the issue of exemption must be filed within 8 judicial days after the claim of exemption is served on the judgment creditor by mail or in person and served on the judgment debtor, the sheriff and any garnishee not less than 5 judicial days before the date set for the hearing. The hearing must be held within 7 judicial days after the objection to the claim of exemption and notice for a hearing is filed. You may be able to have your property released more quickly if you mail to the judgment creditor or the attorney of the judgment creditor written proof that the property is exempt. Such proof may include, without limitation, a letter from the government, an annual statement from a pension fund, receipts for payment, copies of checks, records from financial institutions or any other document which demonstrates that the money in your account is exempt.

IF YOU DO NOT FILE THE EXECUTED CLAIM OF EXEMPTION WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

If you received this notice with a notice of a hearing for attachment and you believe that the money or property which would be taken from you by a writ of attachment is exempt or necessary for the support of you or your family, you are entitled to describe to the court at the hearing why you believe your property is exempt. You may also file a motion with the court for a discharge of the writ of attachment. You may make that motion any time before trial. A hearing will be held on that motion.

IF YOU DO NOT FILE THE MOTION BEFORE THE TRIAL, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE PLAINTIFF, EVEN IF THE PROPERTY OR MONEY IS EXEMPT OR NECESSARY FOR THE SUPPORT OF YOU OR YOUR FAMILY.

Sec. 4. NRS 111.1031 is hereby amended to read as follows:

111.1031 1. A nonvested property interest is invalid unless:

(a) When the interest is created, it is certain to vest or terminate no later than 21 years after the death of a natural person then alive; or

(b) The interest either vests or terminates within 365 years after its creation.

2. A general power of appointment not presently exercisable because of a condition precedent is invalid unless:

(a) When the power is created, the condition precedent is certain to be satisfied or become impossible to satisfy no later than 21 years after the death of a natural person then alive; or

(b) The condition precedent either is satisfied or becomes impossible to satisfy within 365 years after its creation.

3. A nongeneral power of appointment or a general testamentary power of appointment is invalid unless:

(a) When the power is created, it is certain to be irrevocably exercised or otherwise to terminate no later than 21 years after the death of a natural person then alive; or

(b) The power is irrevocably exercised or otherwise terminates within 365 years after its creation.

4. In determining whether a nonvested property interest or a power of appointment is valid under paragraph (a) of subsection 1, paragraph (a) of subsection 2 or paragraph (a) of subsection 3, the possibility that a child will be born to a person after his or her death is disregarded.

~~[5. If, in measuring a period from the creation of a trust or other property arrangement, language in a governing instrument seeks to disallow the vesting or termination of any interest or trust beyond, seeks to postpone the vesting or termination of any interest or trust until, or seeks to operate in effect in any similar fashion upon, the later of:~~

~~(a) The expiration of a period of time not exceeding 21 years after the death of the survivor of specified lives in being at the creation of the trust or other property arrangement; or~~

~~(b) The expiration of a period of time that exceeds or might exceed 21 years after the death of the survivor of lives in being at the creation of the trust or other property arrangement,~~

~~→ that language is inoperative to the extent it produces a period of time that exceeds 21 years after the death of the survivor of the specified lives.]~~

Sec. 5. NRS 111.1037 is hereby amended to read as follows:

111.1037 NRS 111.1031 does not apply to:

1. A nonvested property interest or a power of appointment arising out of a nondonative transfer, except a nonvested property interest or a power of appointment arising out of:

(a) A premarital or postmarital agreement;

(b) A separation or divorce settlement;

(c) A spouse's election;

(d) A similar arrangement arising out of a prospective, existing or previous marital relationship between the parties;

(e) A contract to make or not to revoke a will or trust;

(f) A contract to exercise or not to exercise a power of appointment;

(g) A transfer in satisfaction of a duty of support; or

(h) A reciprocal transfer;

2. A fiduciary's power relating to the administration or management of assets, including the power of a fiduciary to sell, lease or mortgage property, and the power of a fiduciary to determine principal and income;

3. A power to appoint a fiduciary;

4. A discretionary power of a trustee to distribute principal before termination of a trust to a beneficiary having an indefeasibly vested interest in the income and principal;

5. A nonvested property interest held by a charity, government, or governmental agency or subdivision, if the nonvested property interest is preceded by an interest held by another charity, government, or governmental agency or subdivision;

6. ***A property interest in or a power of appointment with respect to a trust or other property arrangement if such a trust or other property arrangement:***

(a) Was established for eleemosynary purposes; and

(b) As set forth in the terms of such trust or other property arrangement, is to continue for an indefinite or unlimited period;

7. A nonvested property interest in or a power of appointment with respect to a trust or other property arrangement forming part of a pension, profit-sharing, stock bonus, health, disability, death benefit, income deferral, or other current or deferred benefit plan for one or more employees, independent contractors, or their beneficiaries or spouses, to which contributions are made for the purpose of distributing to or for the benefit of the participants or their beneficiaries or spouses the property, income or principal in the trust or other property arrangement, except a nonvested property interest or a power of appointment that is created by an election of a participant or a beneficiary or spouse; or

~~[7.]~~ ***8.*** A property interest, power of appointment or arrangement that was not subject to the common-law rule against perpetuities or is expressly excluded by another statute of this state.

Sec. 6. NRS 111.779 is hereby amended to read as follows:

111.779 1. Except as otherwise provided in NRS 21.090 and other applicable law, a transferee of a nonprobate transfer is liable to the probate estate of the decedent for allowed claims against that decedent's probate estate to the extent the estate is insufficient to satisfy those claims.

2. The liability of a nonprobate transferee may not exceed the value of nonprobate transfers received or controlled by that transferee.

3. Nonprobate transferees are liable for the insufficiency described in subsection 1 in the following order of priority:

(a) A transferee specified in the decedent's will or any other governing instrument as being liable for such an insufficiency, in the order of priority provided in the will or other governing instrument;

(b) The trustee of a trust serving as the principal nonprobate instrument in the decedent's estate plan as shown by its designation as devisee of the decedent's residuary estate or by other facts or circumstances, to the extent of the value of the nonprobate transfer received or controlled; and

(c) Other nonprobate transferees, in proportion to the values received.

4. Unless otherwise provided by the trust instrument, interests of beneficiaries in all trusts incurring liabilities under this section abate as necessary to satisfy the liability, as if all the trust instruments were a single will and the interests were devises under it.

5. If a nonprobate transferee is a spouse or a minor child, the nonprobate transferee may petition the court to be excluded from the liability imposed by this section as if the nonprobate property received by the spouse or minor child were part of the decedent's estate. Such a petition may be made pursuant to the applicable provisions of chapter 146 of NRS, including, without limitation, the provisions of NRS 146.010 ~~[, NRS]~~ ***and*** 146.020 ~~[without regard to the filing of an inventory]~~ and subsection 2 of NRS 146.070.

6. A provision made in one instrument may direct the apportionment of the liability among the nonprobate transferees taking under that or any other governing instrument. If a provision in one instrument conflicts with a provision in another, the later one prevails.

7. Upon due notice to a nonprobate transferee, the liability imposed by this section is enforceable in probate proceedings in this State, whether or not the transferee is located in this State.

8. If a probate proceeding is pending at the time of filing and it has been determined by a final order issued by the probate court that there are insufficient assets to pay a valid creditor, a proceeding under this section may be commenced by one of the following persons:

(a) The personal representative of the decedent's estate. A personal representative who declines in good faith to commence a proceeding incurs no personal liability for declining.

(b) A creditor of the estate, if the personal representative has declined or refused to commence an action within 30 days after receiving a written demand by a creditor. Such demand must identify the nonprobate transfers known to the creditor. If the creditor is unaware of any nonprobate transfers, in the probate proceeding, the creditor may, pursuant to NRS 155.170, obtain discovery, perpetuate testimony or conduct examinations in any manner authorized by law or by the Nevada Rules of Civil Procedure to ascertain whether any nonprobate transfers exist. If the creditor is unable to identify any nonprobate transfers within a reasonable time after conducting discovery, the

creditor may not proceed under this section. If a creditor commences an action under this section:

(1) The creditor must proceed at the expense of the creditor and not of the estate.

(2) If a creditor successfully establishes an entitlement to payment under this section and collects nonprobate transfers, the court must order the reimbursement of the costs reasonably incurred by the creditor, including attorney's fees, from the transferee from whom the payment is to be made, subject to the limitations of subsection 2, or from the estate as a cost of administration, or partially from each, as the court deems just.

9. If a probate proceeding is not pending, a proceeding under this section may be commenced as a civil action by a creditor at the expense of the creditor.

10. If a proceeding is commenced pursuant to this section, it must be commenced:

(a) If a probate proceeding is pending in which notice to creditors has been given at the time of filing a proceeding under this section:

(1) As to a creditor whose claim was properly and timely filed, allowed by the personal representative or partially allowed by the personal representative, and accepted by the creditor pursuant to NRS 147.160, within 60 days after the probate court enters an order confirming the amount of payment of the approved claim that is final and no longer subject to reconsideration or appeal or within 1 year after the decedent's death, whichever is later.

(2) As to a creditor:

(I) Whose claim was rejected by the personal representative, partially allowed by the personal representative and rejected by the creditor pursuant to NRS 147.160, or deemed rejected by the personal representative pursuant to NRS 147.110;

(II) Who adjudicated the creditor's claims in the proper court or by a summary adjudication; and

(III) Who obtained a favorable final judgment on its claim from the proper court,

➥ within 60 days after the probate court enters an order confirming the amount of payment of the approved claim that is final and no longer subject to reconsideration or appeal or within 1 year after the decedent's death, whichever is later.

(b) If an action had been commenced against the decedent before the decedent's death, the creditor receives a judgment against the decedent's estate and the creditor has filed a proper and timely creditor's claim against the estate, within 60 days after the probate court enters an order confirming the amount of payment of the adjudicated claim that is final and no longer subject to reconsideration or appeal or within 1 year after the decedent's death, whichever is later.

(c) As to the recovery of benefits paid for Medicaid, within 3 years after the decedent's death.

(d) As to all other creditors, within 1 year after the decedent's death.

11. Unless a written notice asserting that a decedent's probate estate is nonexistent or insufficient to pay allowed claims and statutory allowances has been received from the decedent's personal representative, the following rules apply:

(a) Payment or delivery of assets by a financial institution, registrar or other obligor to a nonprobate transferee in accordance with the terms of the governing instrument controlling the transfer releases the obligor from all claims for amounts paid or assets delivered.

(b) A trustee receiving or controlling a nonprobate transfer is released from liability under this section with respect to any assets distributed to the trust's beneficiaries. Each beneficiary to the extent of the distribution received becomes liable for the amount of the trustee's liability attributable to assets received by the beneficiary.

12. Except as otherwise provided in subsection 13, notwithstanding any provision of this section to the contrary:

(a) A creditor has no claim against:

(1) Property transferred pursuant to a power of appointment exercised by a decedent unless ~~[it]~~ ***the power of appointment*** was ~~[exercisable]~~ ***actually exercised*** in favor of the decedent or the decedent's estate.

(2) Property transferred pursuant to a beneficiary designation by a decedent which transfers money held by any of the following:

(I) An individual retirement arrangement which conforms with or is maintained pursuant to the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A, including, without limitation, an inherited individual retirement arrangement;

(II) A written simplified employee pension plan which conforms with or is maintained pursuant to the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408, including, without limitation, an inherited simplified employee pension plan;

(III) A cash or deferred arrangement plan which is qualified and maintained pursuant to the Internal Revenue Code, including, without limitation, an inherited cash or deferred arrangement plan;

(IV) A trust forming part of a stock bonus, pension or profit-sharing plan which is qualified and maintained pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(V) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

(3) Property transferred pursuant to a beneficiary designation by a decedent which transfers money, benefits or privileges that accrue in any manner out of life insurance.

(4) Proceeds of any wages of the decedent which were exempt from execution during the decedent's lifetime pursuant to paragraph (g) of subsection 1 of NRS 21.090.

(5) A trust, a beneficial interest of the decedent under a trust or amount payable from a trust if the trust was created by someone other than the decedent, except to enforce a valid assignment of the decedent's beneficial interest under a trust that is not a spendthrift trust.

(6) An irrevocable trust or amounts payable from a trust if the trust was properly created as a valid spendthrift trust under chapter 166 of NRS, except with respect to property transferred to the trust by the decedent to the extent permitted under subsections 1, 2 and 3 of NRS 166.170.

(b) A purchaser for value of property or a lender who acquires a security interest in the property from a beneficiary of a nonprobate transfer after the death of the owner, in good faith:

(1) Takes the property free of any claims or of liability to the owner's estate, creditors of the owner's estate, persons claiming rights as beneficiaries under the nonprobate transfer or heirs of the owner's estate, in absence of actual knowledge that the transfer was improper; and

(2) Has no duty to verify sworn information relating to the nonprobate transfer. The protection provided by this subparagraph applies to information that relates to the ownership interest of the beneficiary in the property and the beneficiary's right to sell, encumber and transfer good title to a purchaser or lender and does not relieve a purchaser or lender from the notice imparted by instruments of record respecting the property.

13. Nothing in this section exempts any real or personal property from any statute of this State that authorizes the recovery of money owed to the Department of Health and Human Services as a result of the payment of benefits from Medicaid.

14. As used in this section, "devise" has the meaning ascribed to it in NRS 132.095.

Sec. 6.5. **Chapter 115 of NRS is hereby amended by adding thereto a new section to read as follows:**

Notwithstanding any other provision of law, the proceeds of $550,000 from the sale of a homestead pursuant to subsection 2 or 3 of NRS 115.050 are only exempt from execution if:

1. Such proceeds are reinvested in another property of like kind for which the declaration of a homestead will be made; and

2. The other property is:

(a) Identified not later than 45 days after the sale of the homestead; and

(b) Taken possession of not later than 180 days after the sale of the homestead.

Sec. 7. NRS 115.050 is hereby amended to read as follows:

115.050 1. Whenever execution has been issued against the property of a party claiming the property as a homestead, and the creditor in the judgment makes an oath before the judge of the district court of the county in which the

property is situated that the amount of equity held by the claimant in the property exceeds, to the best of the creditor's information and belief, the sum of $550,000, the judge shall, upon notice to the debtor, appoint three disinterested and competent persons as appraisers to estimate and report as to the amount of equity held by the claimant in the property and, if the amount of equity exceeds the sum of $550,000, determine whether the property can be divided so as to leave the property subject to the homestead exemption without material injury.

2. If it appears, upon the report, to the satisfaction of the judge that the property can be thus divided, the judge shall order the excess to be sold under execution. If it appears that the property cannot be thus divided, and the amount of equity held by the claimant in the property exceeds the exemption allowed by this chapter, the judge shall order the entire property to be sold, and out of the proceeds the sum of $550,000 to be paid to the defendant in execution, and the excess to be applied to the satisfaction on the execution. No bid under $550,000 may be received by the officer making the sale.

3. When the execution is against a spouse, the judge may direct the $550,000 to be deposited in court, to be paid out only upon the joint receipt of both spouses, and ***, except as otherwise provided in section 6.5 of this act,*** the deposit possesses all the protection against legal process and voluntary disposition by either spouse as did the original homestead.

4. ~~If~~ Except as otherwise provided in section 6.5 of this act, if the sum of $550,000 is paid to the defendant in execution pursuant to subsection 2 or to a spouse pursuant to subsection 3, such sum of $550,000 possesses all the protection against legal process and voluntary disposition by the defendant or spouse as did the original homestead.

Sec. 8. NRS 123.125 is hereby amended to read as follows:

123.125 1. A trust instrument may provide that community property or separate property transferred into an irrevocable trust of which both spouses are ~~[current permissible]~~ ***distribution*** beneficiaries ***, as defined in NRS 163.415,*** remains community property or separate property, as applicable, during the marriage. Any community property or separate property, including, without limitation, any income, appreciation and proceeds thereof, that is distributed or withdrawn from a trust instrument containing such a provision remains community property or separate property, as applicable.

2. ***A spouse or other party in a case must establish by clear and convincing evidence the transmutation of community property or separate property that is transferred into a trust from, as applicable:***

(a) Community property to separate property; or

(b) Separate property to community property.

3. The provisions of this section do not affect the character of community property or separate property that is transferred into a trust in any manner other than as described in this section.

Sec. 9. (Deleted by amendment.)

Sec. 10. NRS 134.160 is hereby amended to read as follows:

134.160 Kindred of the half blood inherit equally with those of the whole blood in the same degree **.** ~~[, unless the inheritance comes to the decedent by descent or devise from an ancestor, in which case all those who are not of the blood of the ancestor are excluded from the inheritance.]~~

Sec. 11. NRS 136.010 is hereby amended to read as follows:

136.010 1. ~~[Wills may be proved and letters granted in the county where the decedent was a resident at the time of death, whether death occurred in that county or elsewhere, and the district court of that county has exclusive jurisdiction of the settlement of such estates, whether the estate is in one or more counties.~~

~~2.]~~ The estate of a ~~[nonresident]~~ decedent may be settled by the district court of any county in ***this State:***

(a) In which any part of the estate is located ~~[. The]~~ ***; or***

(b) Where the decedent was a resident at the time of death.

2. If the decedent was a resident of this State at the time of death, the district court of any county in this State, whether death occurred in that county or elsewhere, may assume jurisdiction of the settlement of the estate of the decedent only after taking into consideration the convenience of the forum to:

(a) The person named as personal representative or trustee in the will; and

(b) The heirs, devisees, interested persons or beneficiaries to the decedent or estate and their legal counsel.

3. After a properly noticed hearing is held, the district court ~~[to which application is first made]~~ ***that first assumes jurisdiction of the settlement of an estate*** has exclusive jurisdiction of the settlement of ~~[estates of nonresidents.]~~ ***that estate, including, without limitation:***

(a) The proving of wills;

(b) The granting of letters; and

(c) The administration of the estate.

Sec. 12. NRS 136.090 is hereby amended to read as follows:

136.090 1. A petition for the probate of a will and issuance of letters must state:

(a) The jurisdictional facts;

(b) Whether the person named as personal representative consents to act or renounces the right to letters;

(c) The names and residences of the heirs, next of kin and devisees of the decedent, the age of any heir, next of kin or devisee who is a minor, and the relationship of the heirs and next of kin to the decedent, so far as known to the petitioner;

(d) The character and estimated value of the property of the estate;

(e) The name of the person for whom letters are requested, and whether the person has been convicted of a felony; ~~[and]~~

(f) The name of any devisee who is deceased ~~[.]~~ ***; and***

(g) How the district court in which the petition is being filed a convenient forum to:

(1) The person named as personal representative or trustee in the will; and

(2) The heirs, devisees, interested persons or beneficiaries to the decedent or estate and their legal counsel.

2. No defect of form or in the statement of jurisdictional facts actually existing voids the probate of a will.

Sec. 13. NRS 136.240 is hereby amended to read as follows:

136.240 1. The petition for the probate of a lost or destroyed will must include a copy of the will, or if no copy is available state, or be accompanied by a written statement of, the testamentary words, or the substance thereof.

2. If offered for probate, a lost or destroyed will must be proved in the same manner as other wills are proved under this chapter.

3. In addition, no will may be proved as a lost or destroyed will unless its provisions are clearly and distinctly proved by two or more credible witnesses and it is:

(a) Proved to have been in legal existence at the death of the person whose will it is claimed to be and has not otherwise been revoked or destroyed without the knowledge, consent or ratification of such person; or

(b) Shown to have been fraudulently destroyed in the lifetime of that person.

4. The testimony of each witness must be reduced to writing, signed by the witness and filed, and is admissible in evidence in any contest of the will if the witness has died or permanently moved from the State.

5. Notwithstanding any provision of this section to the contrary:

(a) The production of a person's lost or destroyed will, whose primary beneficiary is a nontestamentary trust established by the person and in existence at his or her death, creates a rebuttable presumption that the will had not been revoked.

(b) ~~[If]~~ ***The production of a copy of a person's lost or destroyed will, whose provisions are clearly and distinctly proved by two or more credible witnesses, creates a rebuttable presumption that the will had not been revoked.***

(c) A person may overcome the presumption set forth in paragraph (a) or (b) only by proving by a preponderance of the evidence that the person whose will it is claimed to be destroyed the will with the intent to revoke the will before his or her death. In the absence of such evidence:

(1) The lost or destroyed will must be admitted to probate; and

(2) The court shall accept a copy of such a will as sufficient proof of the terms thereof without requiring further evidence.

(d) For a lost or destroyed will to which the presumption set forth in paragraph (a) or (b) does not apply, if the proponent of a lost or destroyed will makes a prima facie showing that it was more likely than not left unrevoked by the person whose will it is claimed to be before his or her death,

then the will must be admitted to probate in absence of an objection. If such prima facie showing has been made, the court shall accept a copy of such a will as sufficient proof of the terms thereof without requiring further evidence in the absence of any objection.

6. If the will is established, its provisions must be set forth specifically in the order admitting it to probate, or a copy of the will must be attached to the order.

Sec. 14. NRS 137.005 is hereby amended to read as follows:

137.005 1. Except as otherwise provided in ~~[subsections 3 and]~~ ***subsection*** 4, a no-contest clause ***in a will must be enforced, to the greatest extent possible, by the court according to the terms expressly stated in the no-contest clause without regard to the presence or absence of probable cause for, or the good faith or bad faith of the devisee in, taking the action prohibited by the no-contest clause. A no-contest clause*** in a will must be enforced by the court because public policy favors enforcing the intent of the testator. ~~[However, because public policy does not favor forfeitures, a no-contest clause must be strictly construed by the court and must not be extended beyond the plain meaning of the express provisions of the will.]~~

2. ~~[A no-contest clause must be construed to carry out the testator's intent to the extent such intent is clear and unambiguous.]~~ No extrinsic evidence is admissible to establish the testator's intent concerning the no-contest clause ~~[.]~~ ***to the extent such intent is clear and unambiguous.*** The provisions of this subsection do not prohibit extrinsic evidence from being admitted for any other purpose authorized by law.

3. Except as otherwise provided in ~~[subsections 3 and]~~ ***subsection*** 4, a devisee's share may be reduced or eliminated under a no-contest clause based upon conduct that is set forth by the testator in the will, including, without limitation, any testamentary trust established in the will. Such conduct may include, without limitation:

(a) Conduct other than formal court action; and

(b) Conduct which is unrelated to the will itself, including, without limitation:

(1) The commencement of civil litigation against the testator's probate estate or family members;

(2) Interference with the administration of a trust or a business entity;

(3) Efforts to frustrate the intent of the testator's power of attorney; and

(4) Efforts to frustrate the designation of beneficiaries related to a nonprobate transfer by the testator.

~~[3.]~~ ***4.*** Notwithstanding any provision to the contrary in the will, ***a no-contest clause in a will must not be enforced by a court and*** a devisee's share must not be reduced or eliminated ***under a no-contest clause in a will*** because ***:*** ~~[of any action taken by the devisee seeking only to:]~~

(a) ***A devisee acts to:***

(1) Enforce the ***clear and unambiguous*** terms of the will or any document referenced in or affected by the will;

~~[(b)]~~ ***(2)*** Enforce the ~~[devisee's]~~ legal rights ***of the devisee that provide the devisee standing*** in the probate proceeding;

~~[(c)]~~ ***(3)*** Obtain court instruction with respect to the proper administration of the estate or the construction or legal effect of the will or the provisions thereof; or

~~[(d)]~~ ***(4)*** Enforce the fiduciary duties of the personal representative.

~~[4. Notwithstanding any provision to the contrary in the will, a devisee's share must not be reduced or eliminated under a no-contest clause because the devisee institutes legal action seeking to invalidate a will if the legal action is instituted and maintained in good faith and based on probable cause that would have led a reasonable person, properly informed and advised, to]~~

(b) The court determines by clear and convincing evidence that the conduct of the devisee was:

(1) A product of coercion or undue influence; or

(2) Caused by the lack of sufficient mental capacity to knowingly engage in the conduct.

(c) A devisee or any other interested person enters into an agreement to settle a dispute or resolve any other matter relating to the will.

(d) A devisee institutes legal action seeking to invalidate a will if the legal action is instituted and maintained in good faith and based on probable cause. For the purposes of this paragraph, legal action is based on probable cause where, based upon the facts and circumstances available to the devisee who commences such legal action, a reasonable person, properly informed and advised, would conclude that the will is invalid.

5. As to any testamentary trust, the testator is the settlor. Unless the will expressly provides otherwise, a no-contest clause in a will applies to a testamentary trust created under that will and the provisions of NRS 163.00195 apply to that trust.

6. ***Where a devisee takes action, asserts a cause of action or asserts a request for relief and such action or assertion violates a no-contest clause in a will, this section must not prevent the enforcement of the no-contest clause unless the action, cause of action or request for relief claims one of the exceptions to enforcement set forth in subsection 4.***

7. Except as otherwise provided in subsection 4, subject to the discretion of the personal representative, as applicable:

(a) A personal representative may suspend distributions to a devisee to the extent that, under a no-contest provision, the conduct of the devisee may cause the reduction or elimination of the interest of the devisee in the trust.

(b) Until a court determines whether the interest of the devisee in the will has been reduced or eliminated, a personal representative may:

(1) Resume distributions that were suspended pursuant to paragraph (a) at any time; or

(2) Continue to suspend those distributions.

(c) To the extent that a devisee has received distributions prior to engaging in conduct that potentially would have caused the reduction or

elimination of the interest of the devisee in the will under a no-contest clause, a personal representative may seek reimbursement from the devisee or may offset those distributions.

8. A no-contest clause in a will applies to a codicil even if the no-contest clause was not expressly incorporated in the codicil.

9. As used in this section, "no-contest clause" means one or more provisions in a will that express a directive to reduce or eliminate the share allocated to a devisee or to reduce or eliminate the distributions to be made to a devisee if the devisee takes action to frustrate or defeat the testator's intent as expressed in the will. ***The term does not include:***

(a) Provisions in a will that shift or apportion attorney's fees and costs incurred by the estate against the share allocated to a devisee who has asserted an unsuccessful claim, defense or objection;

(b) Provisions in a will that permit a personal representative to delay distributions to a devisee;

(c) Provisions in a will that require the arbitration of disputes involving the will; or

(d) A forum selection clause in the will.

Sec. 15. NRS 143.165 is hereby amended to read as follows:

143.165 1. On petition or ex parte application of an interested person, the court ***,*** ~~[by temporary order,]~~ with or without bond, may ~~[restrain]~~ ***enter an ex parte order restraining*** a personal representative from performing specified acts of administration, disbursement or distribution, or exercising any powers or discharging any duties of the office, or enter any other order to secure proper performance of the duties of the office ~~[.]~~ ***to be effective until further order of the court.*** Notwithstanding any other provision of law, if it appears to the court that the personal representative otherwise may take ~~[some]~~ action that would jeopardize unreasonably the interest of the petitioner ***,*** ~~[or]~~ of some other interested person or the estate, the court may enter the ~~[temporary]~~ ***ex parte*** order. A person with whom the personal representative may transact business may be made a party to the ~~[temporary]~~ ***ex parte*** order.

2. ~~[The matter]~~ ***Any ex parte orders entered pursuant to subsection 1*** must be set for hearing within 10 days after entry of the ~~[temporary]~~ ***ex parte*** order, unless the parties otherwise agree, or on a date the court otherwise determines is in the best interest of the estate.

3. Notice ~~[as the court directs]~~ ***of entry of the ex parte order entered pursuant to subsection 1*** must be given by the petitioner ***or applicant*** to the personal representative and the attorney of record of the personal representative, if any, ~~[and]~~ to any other party named as a party in the ~~[temporary]~~ ***ex parte*** order ~~[.]~~ ***and as otherwise directed by the court.***

4. The court may impose a fine on an interested person who obtains an ex parte order pursuant to this section without probable cause.

5. The court may, at any time, terminate an ex parte order entered pursuant to subsection 1 on its own motion or upon petition of the personal representative if it no longer appears to the court that the personal

representative otherwise may take action that would jeopardize unreasonably the interest of the petitioner, of some other interested person or the estate.

Sec. 16. NRS 146.020 is hereby amended to read as follows:

146.020 ~~[Upon the filing of the inventory or at any time thereafter during the administration of the estate, the]~~

1. The court, on its own motion or upon petition by an interested person, may, if deemed advisable considering the needs and resources of the surviving spouse, minor child or minor children, set apart for the use of the surviving spouse, minor child or minor children of the decedent all of the personal property which is exempt by law from execution, and shall, in accordance with NRS 146.050, set apart the homestead, as designated by the general homestead law then in force, whether the homestead has theretofore previously been selected as required by law or not, and the property thus set apart is not subject to administration.

2. If, after setting apart the property pursuant to subsection 1, the remaining assets of the estate do not exceed $100,000 and may be set aside without administration pursuant to NRS 146.070, the court shall set aside the remaining assets of the estate without administration pursuant to the procedure set forth in NRS 146.070. The court may consider at the same time a petition made pursuant to subsection 1 and a petition to set aside the remaining assets of the estate without administration pursuant to NRS 146.070.

3. If, after setting apart the property pursuant to subsection 1, the remaining assets of the estate exceed $100,000 and may not be set aside without administration pursuant to NRS 146.070, the court shall administer the remaining assets of the estate pursuant to this title as if the remaining assets of the estate are the only assets of the estate. If the petition to set apart property pursuant to subsection 1 is made in the initial petition, the court shall consider only the value of the remaining assets of the estate not set apart pursuant to subsection 1 for the purpose of ordering summary administration pursuant to chapter 145 of NRS.

Sec. 17. NRS 162B.105 is hereby amended to read as follows:

162B.105 Unless the terms of the instrument creating a power of appointment manifest a contrary intent:

1. The creation, revocation or amendment of the power is ~~[governed by the]~~ ***valid if permitted under any of:***

(a) The governing law adopted by the instrument creating the power; or

(b) The law of the donor's domicile at the relevant time; and

2. The exercise, release or disclaimer of the power, or the revocation or amendment of the exercise, release or disclaimer of the power, is ~~[governed by the]~~ ***valid if permitted under any of:***

(a) The governing law adopted by the instrument creating the power;

(b) The governing law adopted by the instrument exercising, releasing or disclaiming the power, or revoking or amending the exercise, release or disclaimer of the power; or

(c) The law of the powerholder's domicile at the relevant time.

Sec. 18. NRS 162B.200 is hereby amended to read as follows:

162B.200 1. A power of appointment is created only if:

(a) The instrument creating the power ~~[:~~

~~(1) Is]~~ ***is*** valid under applicable law; and

~~[(2) Except as otherwise provided in subsection 2, transfers the appointive property; and]~~

(b) The terms of the instrument creating the power manifest the donor's intent to create in a powerholder a power of appointment over the appointive property exercisable in favor of a permissible appointee.

2. ~~[Subparagraph (2) of paragraph (a) of subsection 1 does not apply to the creation of a power of appointment by the exercise of a power of appointment.~~

~~3.]~~ A power of appointment may not be created in a deceased individual.

~~[4.]~~ ***3.*** Subject to an applicable rule against perpetuities, a power of appointment may be created in an unborn or unascertained powerholder.

Sec. 19. NRS 162B.320 is hereby amended to read as follows:

162B.320 1. A powerholder of a general power of appointment that permits appointment to the powerholder or the powerholder's estate may make any appointment, including an appointment in trust or creating a new power of appointment, that the powerholder could make in disposing of the powerholder's own property.

2. A powerholder of a general power of appointment that permits appointment only to the creditors of the powerholder or of the powerholder's estate may appoint only to those creditors.

3. Unless the terms of the instrument creating a power of appointment manifest a contrary intent, the powerholder of a nongeneral power may:

(a) Make an appointment in any form, including an appointment in trust, in favor of a permissible appointee;

(b) Create a general power ***or a nongeneral power*** in a permissible appointee; or

(c) Create a nongeneral power in any person to appoint to one or more of the permissible appointees of the original nongeneral power.

Sec. 20. NRS 162B.365 is hereby amended to read as follows:

162B.365 A powerholder may revoke or amend an exercise of a power of appointment ~~[only to the extent that:]~~ ***unless:***

1. The ~~[powerholder reserves a power of revocation or amendment in]~~ ***terms of*** the instrument exercising the power of appointment ~~[and, if the power is nongeneral, the terms of the instrument creating the power of appointment do not prohibit the reservation; or]~~ ***expressly state that the exercise is irrevocable or unamendable;***

2. The terms of the instrument creating the power of appointment ~~[provide]~~ ***expressly state*** that the exercise is ~~[revocable or amendable.]~~ ***irrevocable or unamendable; or***

3. The property is subject to a present exercisable power of appointment that has been delivered to the permissible appointee in whose favor the power was exercised, regardless of whether such delivery was made outright, in trust or as custodial property pursuant to chapter 167 of NRS.

Sec. 21. NRS 162B.510 is hereby amended to read as follows:

162B.510 1. ~~[Except as otherwise provided in subsection 2, appointive]~~ ***Appointive*** property subject to a general power of appointment created by a person other than the powerholder is ***not*** subject to a claim of ~~[a]~~ ***any*** creditor ~~[of:~~

~~(a) The powerholder, to the extent the powerholder's property is insufficient, if the power is presently exercisable; and~~

~~(b) The powerholder's estate, to the extent the estate is insufficient, subject to the right of a decedent to direct the source from which liabilities are paid.]~~ ***, unless the power of appointment was actually exercised in favor of the decedent or the decedent's estate pursuant to subparagraph (1) of paragraph (a) of subsection 12 of NRS 111.779.***

2. Subject to subsection 3 of NRS 162B.530, a power of appointment created by a person other than the powerholder which is subject to an ascertainable standard relating to an individual's health, education, support or maintenance within the meaning of 26 U.S.C. § 2041(b)(1)(A) or 26 U.S.C. § 2514(c)(1), as those provisions existed on October 1, 2017, is treated for purposes of NRS 162B.500 to 162B.530, inclusive, as a nongeneral power.

Sec. 22. Chapter 163 of NRS is hereby amended by adding thereto a new section to read as follows:

1. On petition or ex parte application of a beneficiary or trustee, the court, with or without bond, may enter an ex parte order restraining a trustee from performing specified acts of administration, disbursement or distribution, or exercising any powers or discharging any duties of the office, or enter any other order to secure proper performance of the duties of the office to be effective until further order of the court. Notwithstanding any other provision of law, if it appears to the court that the trustee otherwise may take action that would jeopardize unreasonably the interest of the petitioner, another beneficiary or the trust, the court may enter the ex parte order. A person with whom the personal representative may transact business may be made a party to the ex parte order.

2. An ex parte order entered pursuant to subsection 1 must be set for hearing within 10 days after entry of the ex parte order, unless the parties otherwise agree, or on a date the court otherwise determines is in the best interest of the trust.

3. Notice of entry of the ex parte order entered pursuant to subsection 1 must be given by the petitioner or applicant to the trustee and the attorney of

record of the trustee, if any, to any other party named as a party in the ex parte order and as otherwise directed by the court.

4. The court may impose a fine on a beneficiary or trustee who obtains an ex parte order pursuant to this section without probable cause.

5. The court may, at any time, terminate an ex parte order entered pursuant to subsection 1 on its own motion or upon petition of the trustee if it no longer appears to the court that the trustee otherwise may take action that would jeopardize unreasonably the interest of the petitioner, another beneficiary or the trust.

Sec. 23. NRS 163.00195 is hereby amended to read as follows:

163.00195 1. Except as otherwise provided in ~~[subsections 3 and]~~ ***subsection*** 4, a no-contest clause ***in a trust must be enforced, to the greatest extent possible, by the court according to the terms expressly stated in the no-contest clause without regard to the presence or absence of probable cause for, or the good faith or bad faith of the beneficiary in, taking the action prohibited by the no-contest clause. A no-contest clause*** in a trust must be enforced by the court because public policy favors enforcing the intent of the settlor. ~~[However, because public policy does not favor forfeitures, a no-contest clause must be strictly construed by the court and must not be extended beyond the plain meaning of the express provisions of the trust.]~~

2. ~~[A no-contest clause must be construed to carry out the settlor's intent to the extent such intent is clear and unambiguous.]~~ No extrinsic evidence is admissible to establish the settlor's intent concerning the no-contest clause ~~[.]~~ ***to the extent such intent is clear and unambiguous.*** The provisions of this subsection do not prohibit extrinsic evidence from being admitted for any other purpose authorized by law.

3. Except as otherwise provided in ~~[subsections 3 and]~~ ***subsection*** 4, a beneficiary's share may be reduced or eliminated under a no-contest clause based upon conduct that is set forth by the settlor in the trust. Such conduct may include, without limitation:

(a) Conduct other than formal court action; and

(b) Conduct which is unrelated to the trust itself, including, without limitation:

(1) The commencement of civil litigation against the settlor's probate estate or family members;

(2) Interference with the administration of another trust or a business entity;

(3) Efforts to frustrate the intent of the settlor's power of attorney; and

(4) Efforts to frustrate the designation of beneficiaries related to a nonprobate transfer by the settlor.

~~[3.]~~ ***4.*** Notwithstanding any provision to the contrary in the trust, ***a no-contest clause in a trust must not be enforced by a court and*** a beneficiary's share must not be reduced or eliminated ***under a no-contest clause in a trust*** because ***:*** ~~[of any action taken by the beneficiary seeking only to:]~~

(a) ***A beneficiary acts to:***

(1) Enforce the ***clear and unambiguous*** terms of the trust, ***a transfer of property into the trust,*** any document referenced in or affected by the trust, or any other trust-related instrument;

~~[(b)]~~ ***(2)*** Enforce the ~~[beneficiary's]~~ legal rights ***of the beneficiary that provide the beneficiary standing as*** related to ~~[the]~~ ***:***

(I) The trust ~~[, any]~~ ***;***

(II) A transfer of property into the trust;

(III) Any document referenced in or affected by the trust ***;*** ~~[,]~~ or ~~[any]~~

(IV) Any other trust-related instrument;

~~[(c)]~~ ***(3)*** Obtain court instruction with respect to the proper administration of the trust or the construction or legal effect of the trust, ~~[the provisions thereof or]~~ ***a transfer of property into the trust,*** any document referenced in or affected by the trust, or any other trust-related instrument; or

~~[(d)]~~ ***(4)*** Enforce the fiduciary duties of the trustee.

~~[4. Notwithstanding any provision to the contrary in the trust, a beneficiary's share must not be reduced or eliminated under a no-contest clause in a trust because the beneficiary institutes legal action seeking to invalidate a trust, any document referenced in or affected by the trust, or any other trust-related instrument if the legal action is instituted and maintained in good faith and based on probable cause that would have led a reasonable person, properly informed and advised, to conclude that the trust, any document referenced in or affected by the trust, or other trust-related instrument is invalid.~~

~~5. Unless the trust expressly provides otherwise, a no-contest clause must not be applied to a settlor who is also a beneficiary of the trust.~~

~~6.]~~ ***(b) The court determines by clear and convincing evidence that the conduct of the beneficiary was:***

(1) A product of coercion or undue influence; or

(2) Caused by the lack of sufficient mental capacity to knowingly engage in the conduct.

(c) A beneficiary acts as a trustee or a protector of the trust to exercise a power set forth in the trust, including, without limitation:

(1) Reforming, modifying or decanting the trust;

(2) Removing or replacing a trustee;

(3) Making or withholding distributions from the trust; or

(4) Exercising any other discretionary power.

(d) A beneficiary or any other interested person enters into an agreement to settle a dispute or resolve any other matter relating to the trust.

(e) A beneficiary institutes legal action seeking to invalidate a trust, the transfer of property into a trust, any document referenced in or affected by the trust, or any other trust-related instrument if the legal action is instituted and maintained in good faith and based on probable cause. For the purposes of this paragraph, legal action is based on probable cause where, based upon the facts and circumstances available to the beneficiary who commences such legal action, a reasonable person, properly informed and advised,

would conclude that the trust, the transfer of property into the trust, any document referenced in or affected by the trust or any other trust-related instrument is invalid.

(f) Unless the trust expressly provides otherwise, a settlor is also a beneficiary of the trust.

5. Where a beneficiary takes action, asserts a cause of action or asserts a request for relief and such action or assertion violates a no-contest clause in a trust, this section must not prevent the enforcement of the no-contest clause unless the action, cause of action or request for relief claims one of the exceptions to enforcement set forth in subsection 4.

6. Except as otherwise provided in subsection 4, subject to the discretion of the trustee:

(a) A trustee may suspend distributions to a beneficiary to the extent that, under a no-contest provision, the conduct of the beneficiary may cause the reduction or elimination of the interest of the beneficiary in the trust.

(b) Until a court determines whether the interest of the beneficiary in the trust has been reduced or eliminated, a trustee may:

(1) Resume distributions that were suspended pursuant to paragraph (a) at any time; or

(2) Continue to suspend those distributions.

(c) To the extent that a beneficiary has received distributions before engaging in conduct that potentially would have caused the reduction or elimination of the interest of the beneficiary in the trust under a no-contest clause, a trustee may seek reimbursement from the beneficiary or may offset those distributions.

7. A no-contest clause applies to an amendment to the trust or trust-related document even if the no-contest clause was not expressly incorporated in such an amendment.

8. As used in this section:

(a) "No-contest clause" means one or more provisions in a trust that express a directive to reduce or eliminate the share allocated to a beneficiary or to reduce or eliminate the distributions to be made to a beneficiary if the beneficiary takes action to frustrate or defeat the settlor's intent as expressed in the trust or in a trust-related instrument. ***The term does not include:***

(1) Provisions in a trust that shift or apportion attorney's fees and costs incurred by the trust against the share allocated to a beneficiary who has asserted an unsuccessful claim, defense or objection;

(2) Provisions in a trust that permit a trustee to delay distributions to a beneficiary;

(3) Provisions in a trust that require the arbitration of disputes involving the trust;

(4) A forum selection clause in the trust; or

(5) Provisions in a trust that make a devise conditional or specify conditions or actions pursuant to NRS 163.558.

(b) "Trust" means the original trust instrument and each amendment made pursuant to the terms of the original trust instrument.

(c) "Trust-related instrument" means any document purporting to transfer property to or from the trust or any document made pursuant to the terms of the trust purporting to direct the distribution of trust assets or to affect the management of trust assets, including, without limitation, documents that attempt to exercise a power of appointment.

Sec. 24. NRS 163.004 is hereby amended to read as follows:

163.004 1. Except as otherwise provided by law, the terms of a trust instrument may expand, restrict, eliminate or otherwise vary the rights and interests of beneficiaries in any manner that is not illegal or against public policy, including, without limitation:

(a) The right to be informed of the beneficiary's interest for a period of time;

(b) The grounds for the removal of a fiduciary;

(c) The circumstances, if any, in which the fiduciary must diversify investments;

(d) A fiduciary's powers, duties, standards of care, rights of indemnification and liability to persons whose interests arise from the trust instrument; and

(e) The provisions of general applicability to trusts and trust administration.

2. A trust is irrevocable ~~[by the settlor]~~ except to the extent that a right to amend the trust or a right to revoke the trust is expressly reserved by the settlor ~~[.]~~ ***or is granted to one or more other persons under the terms of the trust instrument. Notwithstanding the provisions of this subsection, the following powers do not make a trust revocable:***

(a) Power of appointment;

(b) Power to add or remove beneficiaries;

(c) Power to appoint, remove or replace the trustee; or

(d) Power to make administrative amendments.

3. Nothing in this section shall be construed to:

(a) Authorize the exculpation or indemnification of a fiduciary for the fiduciary's own willful misconduct or gross negligence; or

(b) Preclude a court of competent jurisdiction from removing a fiduciary because of the fiduciary's willful misconduct or gross negligence.

4. The rule that statutes in derogation of the common law are to be strictly construed has no application to this section. This section must be liberally construed to give maximum effect to the principle of freedom of disposition and to the enforceability of trust instruments.

Sec. 25. NRS 163.020 is hereby amended to read as follows:

163.020 As used in NRS 163.010 to 163.200, inclusive, ***and section 22 of this act,*** unless the context or subject matter otherwise requires:

1. "Affiliate" means any person directly or indirectly controlling or controlled by another person, or any person under direct or indirect common control with another person. It includes any person with whom a trustee has an express or implied agreement regarding the purchase of trust investments by each from the other, directly or indirectly, except a broker or stock exchange.

2. "Relative" means a spouse, ancestor, descendant, brother or sister.

3. "Trust" means an express trust only.

4. "Trustee" means the person holding property in trust and includes trustees, a corporate as well as a natural person and a successor or substitute trustee.

Sec. 26. NRS 163.115 is hereby amended to read as follows:

163.115 1. ***A settlor, cotrustee or beneficiary of the trust may request the court to remove a trustee, or a trustee may be removed by the court on its own motion pursuant to subsection 2.***

2. The court may remove a trustee if:

(a) The trustee commits or threatens to commit a breach of trust;

(b) Lack of cooperation between cotrustees substantially impairs the administration of the trust; or

(c) Because of unfitness, unwillingness or persistent failure of the trustee to administer the trust effectively, the court determines that removal of the trustee best serves the interests of the settlor or beneficiaries.

3. If a trustee commits or threatens to commit a breach of trust, a beneficiary or cotrustee of the trust may maintain a proceeding for any of the following purposes that is appropriate:

(a) To compel the trustee to perform his or her duties.

(b) To enjoin the trustee from committing the breach of trust.

(c) To compel the trustee to redress the breach of trust by payment of money or otherwise.

(d) To appoint a receiver or temporary trustee to take possession of the trust property and administer the trust.

(e) To remove the trustee.

(f) To set aside acts of the trustee.

(g) To reduce or deny compensation of the trustee.

(h) To impose an equitable lien or a constructive trust on trust property.

(i) To trace trust property that has been wrongfully disposed of and recover the property or its proceeds.

~~[2. On petition or ex parte application of a beneficiary or trustee, the court by temporary order, with or without bond, may restrain a trustee from performing specified acts of administration, disbursement or distribution, or exercising any powers or discharging any duties of the office, or enter any other order to secure proper performance of the duties of the office. Notwithstanding any other provision of law governing temporary injunctions, if it appears to the court that the trustee otherwise may take some action that would jeopardize unreasonably the interest of the petitioner, another beneficiary or the trust, the court may enter the temporary order. A person with whom the trustee may transact business may be made a party to the temporary order.~~

~~3. Any temporary order entered pursuant to subsection 2 must be set for hearing within 10 days after entry of the temporary order, unless the parties otherwise agree, or on a date the court otherwise determines is in the best~~

~~interests of the trust. Notice of entry of the temporary order must be given by the petitioner to the trustee and the attorney of record of the trustee, if any, to any other party named as a party in the temporary order and as otherwise directed by the court.]~~

4. ***If the court determines that a proceeding instituted pursuant to subsection 1 by a settlor, cotrustee or beneficiary of the trust against a trustee was not instituted in good faith and based on probable cause, the court may order that the settlor, cotrustee or beneficiary who is maintaining the proceeding against a trustee pay all or part of the costs of the proceeding, including, without limitation, reasonable attorney's fees. The provisions of this subsection do not preclude any other remedy available.***

5. The ~~[provision]~~ ***provisions*** of ~~[remedies in this section does]~~ ***subsections 2 and 3 do*** not preclude resort to any other appropriate ***ground or*** remedy provided by statute or common law.

~~[5.]~~ ***6.*** A proceeding under this section must be commenced by filing or bringing in conjunction with the filing of a petition under NRS 164.010 and 164.015.

Sec. 27. NRS 163.160 is hereby amended to read as follows:

163.160 1. The settlor of a trust affected by NRS 163.010 to 163.200, inclusive, ***and section 22 of this act*** may, by provision in the instrument creating the trust if the trust was created by a writing, or by oral statement to the trustee at the time of the creation of the trust if the trust was created orally, or by an amendment of the trust if the settlor reserved the power to amend the trust, relieve his or her trustee from any or all of the duties, restrictions and liabilities which would otherwise be imposed upon the trustee by NRS 163.010 to 163.200, inclusive, ***and section 22 of this act,*** or alter or deny to his or her trustee any or all of the privileges and powers conferred upon the trustee by NRS 163.010 to 163.200, inclusive, ***and section 22 of this act,*** or add duties, restrictions, liabilities, privileges or powers to those imposed or granted by NRS 163.010 to 163.200, inclusive, ***and section 22 of this act,*** but no act of the settlor relieves a trustee from the duties, restrictions and liabilities imposed upon the trustee by NRS 163.030, 163.040 and 163.050.

2. Except as otherwise provided in subsections 1 and 3, a trustee may be relieved of liability for breach of trust by provisions of the trust instrument.

3. A provision of the trust instrument is not effective to relieve a trustee of liability:

(a) For breach of trust committed intentionally, with gross negligence, in bad faith, or with reckless indifference to the interest of a beneficiary; or

(b) For any profit that the trustee derives from a breach of trust.

Sec. 28. NRS 163.170 is hereby amended to read as follows:

163.170 A beneficiary of a trust affected by NRS 163.010 to 163.200, inclusive, ***and section 22 of this act*** may, if of full legal capacity and acting upon full information, by written instrument delivered to the trustee, relieve the trustee as to that beneficiary from any or all of the duties, restrictions and liabilities which would otherwise be imposed on the trustee by NRS 163.010

to 163.200, inclusive, ***and section 22 of this act,*** except as to the duties, restrictions and liabilities imposed by NRS 163.030, 163.040 and 163.050. The beneficiary may release the trustee from liability to him or her for past violations of any of the provisions of NRS 163.010 to 163.200, inclusive ~~[.]~~ ***, and section 22 of this act.***

Sec. 29. NRS 163.180 is hereby amended to read as follows:

163.180 A court may, for cause shown and upon notice to the beneficiaries, relieve a trustee from any or all of the duties and restrictions which would otherwise be placed upon the trustee by NRS 163.010 to 163.200, inclusive, ***and section 22 of this act,*** or wholly or partly excuse a trustee who has acted honestly and reasonably from liability for violation of the provisions of NRS 163.010 to 163.200, inclusive ~~[.]~~ ***, and section 22 of this act.***

Sec. 30. NRS 163.190 is hereby amended to read as follows:

163.190 If a trustee violates any of the provisions of NRS 163.010 to 163.200, inclusive, ***and section 22 of this act,*** the trustee may be removed and denied compensation in whole or in part, and any beneficiary, cotrustee or successor trustee may treat the violation as a breach of trust.

Sec. 31. NRS 163.200 is hereby amended to read as follows:

163.200 NRS 163.010 to 163.200, inclusive, ***and section 22 of this act*** must be so interpreted and construed as to effectuate their general purpose to make uniform the law of those states which enact them.

Sec. 32. NRS 163.556 is hereby amended to read as follows:

163.556 1. Except as otherwise provided in this section, unless the terms of a testamentary instrument or irrevocable trust provide otherwise, a trustee with discretion or authority to distribute trust income or principal to or for a beneficiary of the trust may exercise such discretion or authority by appointing the property subject to such discretion or authority in favor of a second trust as provided in this section.

2. The second trust to which a trustee appoints property of the ~~[first]~~ ***original*** trust may only have as beneficiaries one or more of the beneficiaries of the original trust:

(a) To or for whom a distribution of income or principal may be made from the original trust;

(b) To or for whom a distribution of income or principal may be made in the future from the original trust at a time or upon the happening of an event specified under the ~~[first]~~ ***original*** trust; or

(c) Both paragraphs (a) and (b).

➥ For purposes of this subsection, a permissible appointee of a power of appointment exercised by a beneficiary of the second trust is not considered a beneficiary of the second trust.

3. A trustee may not appoint property of the original trust to a second trust if:

(a) Appointing the property will reduce any income interest of any income beneficiary of the original trust if the original trust is:

(1) A trust for which a marital deduction has been taken for federal or state income, gift or estate tax purposes;

(2) A trust for which a charitable deduction has been taken for federal or state income, gift or estate tax purposes; or

(3) A grantor-retained annuity trust or unitrust under 26 C.F.R. § 25.2702-3(b) and (c).

➥ As used in this paragraph, "unitrust" has the meaning ascribed to it in NRS 164.700.

(b) The property to be appointed is subject to a power of withdrawal which is held by a beneficiary of the original trust and may be executed at the time of the proposed appointment, unless after the exercise of such appointment, the beneficiary of the original trust's power of withdrawal is unchanged with respect to the trust property.

(c) Property specifically allocated for one beneficiary of the original trust is no longer allocated for that beneficiary under either or both trusts, unless the beneficiary consents in writing.

(d) ~~[Property held for the benefit of one or more beneficiaries under both the original and the second trust has a lower value than the value of the property held for the benefit of the same beneficiaries under only the original trust, unless:~~

~~(1) The benefit provided is limited to a specific amount or periodic payments of a specific amount; and~~

~~(2) The value of the property held in either or both trusts for the benefit of one or more beneficiaries is actuarially adequate to provide the benefit.~~

~~(e)]~~ A contribution made to the original trust qualified for a gift tax exclusion as described in section 2503(b) of the Internal Revenue Code, 26 U.S.C. § 2503(b), by reason of the application of section 2503(c) of the Internal Revenue Code, 26 U.S.C. § 2503(c), unless the second trust provides that the beneficiary's remainder interest must vest not later than the date upon which such interest would have vested under the terms of the original trust.

4. A trustee who is a beneficiary of the original trust may not exercise the authority to appoint property of the original trust to a second trust if:

(a) Under the terms of the original trust or pursuant to law governing the administration of the original trust:

(1) The trustee does not have discretion to make distributions to himself or herself;

(2) The trustee's discretion to make distributions to himself or herself is limited by an ascertainable standard, and under the terms of the second trust, the trustee's discretion to make distributions to himself or herself is not limited by the same ascertainable standard; or

(3) The trustee's discretion to make distributions to himself or herself can only be exercised with the consent of a cotrustee or a person holding an adverse interest and under the terms of the second trust the trustee's discretion to make distributions to himself or herself is not limited by an ascertainable standard and may be exercised without consent; or

(b) Under the terms of the original trust or pursuant to law governing the administration of the original trust, the trustee of the original trust does not have discretion to make distributions that will discharge the trustee's legal support obligations but under the second trust the trustee's discretion is not limited.

5. Notwithstanding the provisions of subsection 1, a trustee who may be removed by the beneficiary or beneficiaries of the original trust and replaced with a trustee that is related to or subordinate, as described in section 672 of the Internal Revenue Code, 26 U.S.C. § 672(c), to a beneficiary, may not exercise the authority to appoint property of the original trust to a second trust to the extent that the exercise of the authority by such trustee would have the effect of increasing the distributions that can be made from the second trust to such beneficiary or group of beneficiaries that held the power to remove the trustee of the original trust and replace such trustee with a related or subordinate person, unless the distributions that may be made from the second trust to such beneficiary or group of beneficiaries described in paragraph (a) of subsection 4 are limited by an ascertainable standard.

6. The provisions of subsections 4 and 5 do not prohibit a trustee who is not a beneficiary of the original trust or who may not be removed by the beneficiary or beneficiaries and replaced with a trustee that is related to or subordinate to a beneficiary from exercising the authority to appoint property of the original trust to a second trust pursuant to the provisions of subsection 1.

7. Before appointing property pursuant to subsection 1, a trustee may give notice of a proposed action pursuant to NRS 164.725 or may petition a court for approval pursuant to NRS 153.031, 164.015 or 164.725. Any notice of a proposed action or a petition for a court's approval must include the trustee's opinion of how the appointment of property will affect the trustee's compensation and the administration of other trust expenses.

8. The trust instrument of the second trust may:

(a) Grant a general or limited power of appointment to one or more of the beneficiaries of the second trust who are beneficiaries of the original trust.

(b) Provide that, at a time or occurrence of an event specified in the trust instrument, the remaining trust assets in the second trust must be held for the beneficiaries of the original trust upon terms and conditions that are substantially identical to the terms and conditions of the original trust.

9. The power to appoint the property of the original trust pursuant to subsection 1 must be exercised by a writing, signed by the trustee and filed with the records of the trust.

10. The exercise of the power to invade principal of the original trust pursuant to subsection 1 is considered the exercise of a power of appointment, other than power to appoint the property to the trustee, the trustee's creditors, the trustee's estate or the creditors of the trustee's estate and the provisions of NRS 111.1031 apply to such power of appointment.

11. The provisions of this section do not abridge the right of any trustee who has the power to appoint property which arises under any other law.

12. The provisions of this section do not impose upon a trustee a duty to exercise the power to appoint property pursuant to subsection 1.

13. The power to appoint property to another trust pursuant to subsection 1 is not a power to amend the trust and a trustee is not prohibited from appointing property to another trust pursuant to subsection 1 if the original trust is irrevocable or provides that it may not be amended.

14. A trustee's power to appoint property to another trust pursuant to subsection 1 is not limited by the existence of a spendthrift provision in the original trust.

15. A trustee exercising any power granted pursuant to this section may designate himself or herself or any other person permitted to act as a trustee as the trustee of the second trust.

16. The trustee of a second trust, resulting from the exercise of the power to appoint property to another trust pursuant to subsection 1, may also exercise the powers granted pursuant to this section with respect to the second trust.

17. This section applies to a trust that is governed by, sitused in or administered under the laws of this State, whether the trust is initially governed by, sitused in or administered under the laws of this State pursuant to the terms of the trust instrument or whether the governing law, situs or administration of the trust is moved to this State from another state or foreign jurisdiction.

18. The power to appoint to a second trust pursuant to this section may be exercised to appoint to a second trust that is a special needs trust, pooled trust or third-party trust.

19. As used in this section:

(a) "Ascertainable standard" means a standard relating to a person's health, education, support or maintenance within the meaning of section 2041(b)(1)(A) or 2514(c)(1) of the Internal Revenue Code, 26 U.S.C. § 2041(b)(1)(A) or 2514(c)(1), and any regulations of the United States Treasury promulgated thereunder.

(b) "Pooled trust" means a trust described in 42 U.S.C. § 1396p(d)(4)(C) that meets the requirements for such a trust under any law or regulation of this State relating to the treatment of trusts for purposes of eligibility for Medicaid or other needs-based public assistance.

(c) "Second trust" means an irrevocable trust that receives trust income or principal appointed by the trustee of the original trust, and may be established by any person, including, without limitation, a new trust created by the trustee, acting in that capacity, of the original trust. If the trustee of the original trust establishes the second trust, then for purposes of creating the new second trust, the requirement of NRS 163.008 that the instrument be signed by the settlor shall be deemed to be satisfied by the signature of the trustee of the ~~[second]~~ original trust. The second trust may be a trust created under ~~[the same]~~ ***:***

(1) The original trust instrument ~~[as the original trust]~~ ***, as modified after an appointment of property made pursuant to this section;*** or ~~[under a]~~

(2) A different trust instrument.

(d) "Special needs trust" means a trust under 42 U.S.C. § 1396p(d)(4)(A) that meets the requirements for such a trust under any law or regulation of this State relating to the treatment of trusts for purposes of eligibility for Medicaid or other needs-based public assistance.

(e) "Third-party trust" means a trust that is:

(1) Established by a third party with the assets of the third party to provide for the supplemental needs of a person who is eligible for needs-based public assistance at or after the time of the creation of the trust; and

(2) Exempt from the provisions of any law or regulation of this State relating to the treatment of trusts for purposes of eligibility for Medicaid.

Sec. 33. NRS 163.590 is hereby amended to read as follows:

163.590 1. Whether or not the provisions relating to electronic trusts apply, a trust may refer to a written statement or list, including, without limitation, a written statement or list contained in an electronic record, to dispose of items of ~~[tangible personal]~~ ***trust*** property not otherwise specifically disposed of by the trust **.** ~~[, other than money, evidences of indebtedness, documents of title, securities and property used in a trade or business.]~~

2. To be admissible as evidence of the intended disposition, the statement or list must contain:

(a) The date of its execution.

(b) A title indicating its purpose.

(c) A reference to the trust to which it relates.

(d) A reasonably certain description of the items to be disposed of and the beneficiaries.

(e) The handwritten signature or electronic signature of the settlor.

3. The statement or list may be:

(a) Referred to as a writing to be in existence at the death of the settlor.

(b) Prepared before or after the execution of the trust instrument.

(c) Altered by the settlor after its preparation.

(d) A writing which has no significance apart from its effect upon the dispositions made by the trust.

4. Except as otherwise provided in this subsection, the statement or list may be used to dispose of all items of trust property, regardless of whether the trust property is real or personal property or tangible or intangible property. The trust instrument may limit the use of the statement or list so that the statement or list:

(a) Is expressly limited to tangible personal property;

(b) Cannot be used to direct the disposition of trust property that is above a value specified by the trust instrument; or

(c) Is not applicable to certain types of property, including, without limitation:

(1) Money;

(2) Evidences of indebtedness;

(3) Documents of title;

(4) Securities; and

(5) Property used in a trade or business.

Sec. 34. Chapter 164 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The expenses and compensation of a trustee of a nontestamentary trust must initially be governed by the terms of the nontestamentary trust. Thereafter, subject to any contrary terms of the nontestamentary trust, the court shall allow the trustee his or her proper expenses and such compensation for services as are just and reasonable.

2. Where there are several trustees, compensation must be apportioned among the trustees according to the respective services rendered, and such compensation may be:

(a) A fixed yearly compensation for each trustee;

(b) A set amount for the term of service;

(c) An hourly rate for services rendered; or

(d) Pursuant to a standard schedule of fees.

3. The provisions of this section must not be interpreted to abridge the authority of a court having jurisdiction over a testamentary trust pursuant to NRS 153.020 or 164.010 to review and settle the expenses and compensation of the trustee of a testamentary trust upon the petition of any interested person.

4. As used in this section, "nontestamentary trust" has the meaning ascribed to it in NRS 163.0016.

Sec. 35. NRS 164.025 is hereby amended to read as follows:

164.025 1. The trustee of a nontestamentary trust may after the death of the settlor of the trust cause to be published a notice in the manner specified in paragraph (b) of subsection 1 of NRS 155.020 and mail a copy of the notice to known or readily ascertainable creditors.

2. The notice must be in substantially the following form:

(a) For a claim against the settlor:

NOTICE TO CREDITORS

Notice is hereby given that the undersigned is the duly appointed and qualified trustee of the ..... trust. ....., the settlor of that trust died on ..... A creditor having a claim against the settlor must file a claim with the undersigned at the address given below within 90 days after the first publication of this notice.

Dated.....

.....
Trustee

.....
Address

(b) For a claim against the trust:

NOTICE TO CREDITORS

Notice is hereby given that the undersigned is the duly appointed and qualified trustee of the ..... trust. ....., the settlor of that trust died on ..... A creditor having a claim against the trust estate must file a claim with the undersigned at the address given below within 90 days after the first publication of this notice.

Dated .....

.....
Trustee

.....
Address

3. A person having a claim, due or to become due, against a settlor or the trust ***, as applicable,*** must file the claim with the trustee within 90 days after the mailing, for those required to be mailed, or 90 days after publication of the first notice to creditors. Any claim against ***a settlor or*** the trust estate ***, as applicable,*** not filed within that time is forever barred. After the expiration of the time ~~[,]~~ ***to file a claim as provided in this section,*** the trustee may distribute the assets of the trust to its beneficiaries without personal liability ~~[to any creditor who has failed to file a]~~ ***for any*** claim ***which has not been timely filed*** with the trustee.

4. If the trustee knows or has reason to believe that the settlor received public assistance during the lifetime of the settlor, the trustee shall, whether or not the trustee gives notice to other creditors, give notice within 30 days after the death to the Department of Health and Human Services in the manner provided in NRS 155.010. If notice to the Department is required by this subsection but is not given, the trust estate and any assets transferred to a beneficiary remain subject to the right of the Department to recover public assistance received.

5. If a claim is rejected by the trustee, in whole or in part, the trustee must, within 10 days after the rejection, notify the claimant of the rejection by written notice forwarded by registered or certified mail to the mailing address of the claimant. The claimant must bring suit in the proper court against the trustee within 60 days after the notice is given, whether the claim is due or not, or the claim is barred forever and the trustee may distribute the assets of the trust to its beneficiaries without personal liability to any creditor whose claim is barred forever.

6. As used in this section, "nontestamentary trust" has the meaning ascribed to it in NRS 163.0016.

Sec. 36. NRS 164.038 is hereby amended to read as follows:

164.038 1. Unless otherwise represented by counsel, a minor, incapacitated person, unborn person or person whose identity or location is unknown and not reasonably ascertainable may be represented by another

person who has a substantially similar interest with respect to the question or dispute.

2. A person may only be represented by another person pursuant to subsection 1 if there is no material conflict of interest between the person and the representative with respect to the question or dispute for which the person is being represented. If a person is represented pursuant to subsection 1, the results of that representation in the question or dispute will be binding on the person.

3. A presumptive remainder beneficiary may represent and bind a beneficiary with a contingent remainder for the same purpose, in the same circumstance and to the same extent as an ascertainable beneficiary may bind a minor, incapacitated person, unborn person or person who cannot be ascertained.

4. ***A powerholder may represent and bind a person who is a permissible appointee or taker in default of appointment.***

5. If a trust has a minor or incapacitated beneficiary who may not be represented by another person pursuant to this section, the custodial parent or guardian of the estate of the minor or incapacitated beneficiary may represent the minor or incapacitated beneficiary in any judicial proceeding or nonjudicial matter pertaining to the trust. A minor or incapacitated beneficiary may only be represented by a parent or guardian if there is no material conflict of interest between the minor or incapacitated beneficiary and the parent or guardian with respect to the question or dispute. If a minor or incapacitated beneficiary is represented pursuant to this subsection, the results of that representation will be binding on the minor or incapacitated beneficiary. The representation of a minor or incapacitated beneficiary pursuant to this subsection is binding on an unborn person or a person who cannot be ascertained if:

(a) The unborn person or a person who cannot be ascertained has an interest substantially similar to the minor or incapacitated person; and

(b) There is no material conflict of interest between the unborn person or a person who cannot be ascertained and the minor or incapacitated person with respect to the question or dispute.

~~[5.]~~ ***6.*** As used in this section ~~[, "presumptive]~~ ***:***

(a) "Permissible appointee" has the meaning ascribed to it in NRS 162B.065.

(b) "Powerholder" has the meaning ascribed to it in NRS 162B.080.

(c) "Presumptive remainder beneficiary" means:

~~[(a)]~~ ***(1)*** A beneficiary who would receive income or principal of the trust if the trust were to terminate as of that date, regardless of the exercise of a power of appointment; or

~~[(b)]~~ ***(2)*** A beneficiary who, if the trust does not provide for termination, would receive or be eligible to receive distributions of income or principal of the trust if all beneficiaries of the trust who were receiving or eligible to receive distributions were deceased.

(d) "Taker in default of appointment" has the meaning ascribed to it in NRS 162B.095.

Sec. 37. NRS 164.045 is hereby amended to read as follows:

164.045 1. The laws of this State govern the validity and construction of a trust if:

(a) The trust instrument so provides;

(b) Designated by a person who, under the terms of the trust instrument, has the right to designate the laws that govern the validity and construction of the trust, at the time the designation is made; or

(c) The trust instrument does not provide for the law that governs the validity and construction of the trust, a person designated under the terms of the trust instrument to designate the law that governs the validity and construction of the trust, if any, has not made such a designation and the settlor or the trustee of the trust was a resident of this State at the time the trust was created or at the time the trust became irrevocable.

~~[➥ A trust instrument or designation cannot extend the duration of the trust beyond the rule against perpetuities otherwise applicable to the trust at the time of its creation.]~~

2. A person not domiciled in this State may have the right to designate the laws that govern the validity and construction of a trust if properly designated under the trust instrument.

3. A trust, the situs of which is outside this State, that moves its situs to this State is valid whether or not the trust complies with the laws of this State at the time of its creation or after its creation.

Sec. 38. NRS 164.930 is hereby amended to read as follows:

164.930 1. A provision in a will or trust instrument requiring the arbitration of disputes other than disputes of the validity of all or a part of a will or trust, between or among ~~[the]~~ ***one or more*** beneficiaries ~~[and a fiduciary]~~ ***or fiduciaries*** under the will or trust, ***a settlor of a nontestamentary trust,*** or any combination of such persons or entities, is enforceable. ***Such a provision in a will or trust instrument is not subject to the requirements of NRS 597.995.***

2. Unless otherwise specified in the will or trust, a will or trust provision requiring arbitration shall be presumed to require binding arbitration under NRS 38.206 to 38.248, inclusive. If an arbitration enforceable under this section is governed under NRS 38.206 to 38.248, inclusive, the arbitration provision in the will or trust shall be treated as an agreement for the purposes of applying the provisions of NRS 38.206 to 38.248, inclusive.

3. The court is authorized to appoint a guardian ad litem at any time during the arbitration procedure to represent the interests of a minor or a person who is incapacitated, unborn, unknown or unascertained, or a designated class of persons who are not ascertained or are not in being. If not precluded by a conflict of interest, a guardian ad litem may be appointed to represent several persons or interests. The guardian ad litem is entitled to reasonable compensation for services with such compensation to be paid from the

principal of the estate or trust whose beneficiaries are represented. The provisions of NRS 164.038 and the common law relating to the doctrine of virtual representation apply to the dispute resolution procedure unless the common law rule or doctrine is inconsistent with the provisions of NRS 164.038, and any action taken by a court enforcing the judgment is conclusive and binding upon each person receiving actual or constructive notice or who is otherwise virtually represented.

4. Such arbitration in a provision in a will or trust may include, without limitation:

(a) The number, method of selection and minimum qualifications of arbitrators;

(b) The selection and establishment of arbitration procedures, including, without limitation, the incorporation of the arbitration rules for wills and trusts adopted by the American Arbitration Association;

(c) The county in which the dispute resolution will take place;

(d) The scope of discovery;

(e) The burden of proof;

(f) Confidentiality of the arbitration process and the evidence produced during arbitration and discovery;

(g) The awarding of attorney's fees, expert fees and costs;

(h) The time period in which the arbitration must be conducted and deciding an award;

(i) The method of allocating the appointed person's fees and expenses among the parties;

(j) The required appointment of guardians ad litem;

(k) The consequences to a party who fails to act in accordance with such provisions or contests such provisions; and

(l) Other matters which are not inconsistent with NRS 38.206 to 38.248, inclusive.

Sec. 39. Chapter 166 of NRS is hereby amended by adding thereto the provisions set forth as sections 40 and 41 of this act.

Sec. 40. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 166.020 and section 41 of this act have the meanings ascribed to them in those sections.***

Sec. 41. ***"Settlor" means:***

1. The person who creates a spendthrift trust however described in the trust instrument; or

2. Any person who contributes assets to the spendthrift trust as to the assets he or she contributed to the spendthrift trust except to the extent of consideration received therefor by that person.

Sec. 42. NRS 166.020 is hereby amended to read as follows:

166.020 ~~[For the purposes of this chapter, a spendthrift trust is defined to be]~~ ***"Spendthrift trust" means*** a trust in which by the terms thereof a valid restraint on the voluntary and involuntary transfer of the interest of the

beneficiary is imposed. It is an active trust not governed or executed by any use or rule of law of uses.

Sec. 43. (Deleted by amendment.)

Sec. 44. (Deleted by amendment.)

Sec. 45. NRS 597.995 is hereby amended to read as follows:

597.995 1. Except as otherwise provided in subsection 3, an agreement which includes a provision which requires a person to submit to arbitration any dispute arising between the parties to the agreement must include specific authorization for the provision which indicates that the person has affirmatively agreed to the provision.

2. If an agreement includes a provision which requires a person to submit to arbitration any dispute arising between the parties to the agreement and the agreement fails to include the specific authorization required pursuant to subsection 1, the provision is void and unenforceable.

3. The provisions of this section do not apply to an agreement that is a collective bargaining agreement. As used in this subsection, "collective bargaining" has the meaning ascribed to it in NRS 288.033.

4. The provisions of this section do not apply to a provision in a will or trust instrument that requires the arbitration of disputes which is enforceable pursuant to NRS 164.930.

Sec. 46. NRS 669A.082 is hereby amended to read as follows:

669A.082 "Fiduciary" means:

1. A person described in NRS 132.145;

2. A person described in NRS 163.554;

3. ~~[An excluded]~~ ***A directed*** fiduciary as ~~[defined]~~ ***provided*** in NRS ~~[163.5539;]~~ ***163.5548;*** and

4. A trust protector as defined in NRS 163.5547,

➥ who may not be acting as a fiduciary under the terms of the trust instrument or will.

Sec. 47. NRS 163.5539 and 165.160 are hereby repealed.

TEXT OF REPEALED SECTIONS

163.5539 "Excluded fiduciary" defined. "Excluded fiduciary" means any fiduciary excluded from exercising certain powers under the instrument and those powers may be exercised by the settlor, custodial account owner, investment trust adviser, trust protector, trust committee or other person designated in the instrument.

165.160 Trust instrument.

1. Except as otherwise provided by a specific statute, federal law or common law, the terms of a trust instrument may expand, restrict, eliminate or otherwise vary the rights and interests of beneficiaries in any manner that is not illegal or against public policy, including, without limitation, specifying:

(a) The right to be informed of the beneficiary's interest for a period of time;

(b) The grounds for removing a fiduciary;

(c) The circumstances, if any, in which the fiduciary must diversify investments; and

(d) A fiduciary's powers, duties, standard of care, rights of indemnification and liability to persons whose interests arise from the trust instrument.

2. Nothing in this section shall be construed to:

(a) Authorize the exculpation or indemnification of a fiduciary for the fiduciary's own willful misconduct or gross negligence; or

(b) Preclude a court of competent jurisdiction from removing a fiduciary because of the fiduciary's willful misconduct or gross negligence.

3. The rule that statutes in derogation of the common law are to be strictly construed has no application to this section. This section must be liberally construed to give maximum effect to the principle of freedom of disposition and to the enforceability of trust instruments.

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 728 to Assembly Bill No. 286.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

This amendment revises section 6.5 of the bill to provide that, notwithstanding any other provision of law, the proceeds of $550,000 from the sale of a homestead are only exempt from execution if they are reinvested in another property of like kind. In addition, Mr. Speaker, I should note that the $550,000 will be adjusted to $605,000 when the bill is actually enrolled to conform with the provisions of Assembly Bill 481.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 299.

The following Senate amendment was read:

Amendment No. 892.

AN ACT relating to powers of attorney; defining the term "nondurable" for certain purposes relating to powers of attorney; revising provisions relating to powers of attorney for certain financial matters and health care; revising provisions relating to the Nevada Lockbox; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the Uniform Power of Attorney Act which authorizes a person to grant authority to an agent to act for the person in certain matters relating to financial decisions. (NRS 162A.200-162A.660) Existing law also sets forth provisions governing durable powers of attorney for health care decisions. (NRS 162A.700-162A.865) Existing law provides that "durable" means a power of attorney is not terminated by the incapacity of a principal. (NRS 162A.040) Additionally, existing law sets forth the circumstances under which a guardian may be appointed after a power of attorney has been executed. (NRS 162A.250, 162A.800)

Section 1 of this bill defines the term "nondurable" as a power of attorney that terminates upon the incapacity of a principal. **Section 2.5** of this bill

revises the term "incapacity" to provide that such incapacity must be ~~[judicially]~~ determined ~~[.]~~ **by a court of competent jurisdiction or, if an instrument executed pursuant to chapter 162A of NRS specifically provides a different method for determining incapacity, by the method set forth in that instrument.** **Sections 3 and 4** of this bill set forth the circumstances under which a guardian is appointed after the proper execution of a: (1) durable power of attorney for both financial matters and health care; and (2) nondurable power of attorney for both financial matters and health care.

Existing law establishes provisions relating to the Nevada Lockbox, which is a registry authorized to be established and maintained on the Secretary of State's Internet website in which a person may register a will or certain other documents. (NRS 225.300-225.440) Existing law specifically provides a form for a power of attorney for health care. (NRS 162A.860) **Section 5** of this bill revises the form by informing the principal that the principal may request a power of attorney for health care be electronically stored in the Nevada Lockbox to allow access by authorized providers of health care. **Section 5** also provides additional desires specific to possible health care decisions.

Section 7 of this bill provides that a durable power of attorney for health care, executed pursuant to existing law, constitutes a valid declaration governing the withholding or withdrawal of life-sustaining treatment.

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

Section 1. Chapter 162A of NRS is hereby amended by adding thereto a new section to read as follows:

"Nondurable," with respect to a power of attorney, means terminated by the principal's incapacity.

Sec. 2. NRS 162A.010 is hereby amended to read as follows:

162A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 162A.020 to 162A.160, inclusive, ***and section 1 of this act*** have the meanings ascribed to them in those sections.

Sec. 2.5. NRS 162A.070 is hereby amended to read as follows:

162A.070 "Incapacity" means the ***~~[judicially determined]~~*** inability of an individual to manage property or business affairs because the individual:

1. Has an impairment in the ability to receive and evaluate information or make or communicate decisions even with the use of technological assistance; or
2. Is:
   (a) Missing;
   (b) Detained, including incarcerated in a penal system; or
   (c) Outside the United States and unable to return ~~[.]~~ ,

➥ as determined by a court of competent jurisdiction or, if an instrument executed pursuant to this chapter specifically provides a different method for

determining the incapacity of an individual for the purposes of this chapter, as determined by the method set forth in that instrument.

Sec. 3. NRS 162A.250 is hereby amended to read as follows:

162A.250 1. In a power of attorney, a principal may nominate a guardian of the principal's estate for consideration by the court if guardianship proceedings for the principal's estate or person are begun after the principal executes the power of attorney.

2. If, after a principal ***properly*** executes a ***nondurable*** power of attorney ~~[,]~~ ***pursuant to NRS 162A.220,*** a court appoints a guardian of the principal's estate, the ***nondurable*** power of attorney is terminated ***.*** ~~[, unless the]~~

3. If, after a principal properly executes a durable power of attorney pursuant to NRS 162A.220, a court appoints a guardian of the principal's estate, the durable power of attorney is suspended and the agent's authority is not exercisable unless the court orders the termination of the guardianship, and the power of attorney has not otherwise been terminated pursuant to NRS 162A.270. Upon the court ordering such a termination of the guardianship, the durable power of attorney is effective and no longer suspended pursuant to this subsection and the agent's authority is exercisable.

4. Except as otherwise provided in subsection 3, the court ~~[allows]~~ ***may issue an order allowing*** the agent to retain specific powers conferred by the power of attorney. In the event the court allows the agent to retain specific powers, the agent shall file an accounting with the court and the guardian on a quarterly basis or such other period as the court may designate.

Sec. 4. NRS 162A.800 is hereby amended to read as follows:

162A.800 1. In a power of attorney for health care, a principal may nominate a guardian of the principal's person for consideration by the court if guardianship proceedings for the principal's person are begun after the principal executes the power of attorney.

2. If, after a principal ***properly*** executes a ***nondurable*** power of attorney for health care ~~[,]~~ ***pursuant to NRS 162A.790,*** a court appoints a guardian of the principal's person, the ***nondurable*** power of attorney is terminated. The guardian shall follow any provisions contained in the ***nondurable*** power of attorney for health care delineating the principal's wishes for medical and end-of-life care.

3. If, after a principal properly executes a durable power of attorney for health care pursuant to NRS 162A.790, a court appoints a guardian of the principal's person, the durable power of attorney for health care is suspended and the agent's authority is not exercisable unless the court orders the termination of the guardianship, and the power of attorney has not otherwise been terminated pursuant to NRS 162A.270. Upon the court ordering such a termination of the guardianship, the durable power of attorney for health care is effective and no longer suspended pursuant to this subsection and the agent's authority is exercisable.

Sec. 5. NRS 162A.860 is hereby amended to read as follows:

162A.860 Except as otherwise provided in NRS 162A.865, the form of a power of attorney for health care may be substantially in the following form, and must be witnessed or executed in the same manner as the following form:

DURABLE POWER OF ATTORNEY
FOR HEALTH CARE DECISIONS

WARNING TO PERSON EXECUTING THIS DOCUMENT

THIS IS AN IMPORTANT LEGAL DOCUMENT. IT CREATES A DURABLE POWER OF ATTORNEY FOR HEALTH CARE. BEFORE EXECUTING THIS DOCUMENT, YOU SHOULD KNOW THESE IMPORTANT FACTS:

1. THIS DOCUMENT GIVES THE PERSON YOU DESIGNATE AS YOUR AGENT THE POWER TO MAKE HEALTH CARE DECISIONS FOR YOU. THIS POWER IS SUBJECT TO ANY LIMITATIONS OR STATEMENT OF YOUR DESIRES THAT YOU INCLUDE IN THIS DOCUMENT. THE POWER TO MAKE HEALTH CARE DECISIONS FOR YOU MAY INCLUDE CONSENT, REFUSAL OF CONSENT OR WITHDRAWAL OF CONSENT TO ANY CARE, TREATMENT, SERVICE OR PROCEDURE TO MAINTAIN, DIAGNOSE OR TREAT A PHYSICAL OR MENTAL CONDITION. YOU MAY STATE IN THIS DOCUMENT ANY TYPES OF TREATMENT OR PLACEMENTS THAT YOU DO NOT DESIRE.

2. THE PERSON YOU DESIGNATE IN THIS DOCUMENT HAS A DUTY TO ACT CONSISTENT WITH YOUR DESIRES AS STATED IN THIS DOCUMENT OR OTHERWISE MADE KNOWN OR, IF YOUR DESIRES ARE UNKNOWN, TO ACT IN YOUR BEST INTERESTS.

3. EXCEPT AS YOU OTHERWISE SPECIFY IN THIS DOCUMENT, THE POWER OF THE PERSON YOU DESIGNATE TO MAKE HEALTH CARE DECISIONS FOR YOU MAY INCLUDE THE POWER TO CONSENT TO YOUR DOCTOR NOT GIVING TREATMENT OR STOPPING TREATMENT WHICH WOULD KEEP YOU ALIVE.

4. UNLESS YOU SPECIFY A SHORTER PERIOD IN THIS DOCUMENT, THIS POWER WILL EXIST INDEFINITELY FROM THE DATE YOU EXECUTE THIS DOCUMENT AND, IF YOU ARE UNABLE TO MAKE HEALTH CARE DECISIONS FOR YOURSELF, THIS POWER WILL CONTINUE TO EXIST UNTIL THE TIME WHEN YOU BECOME ABLE TO MAKE HEALTH CARE DECISIONS FOR YOURSELF.

5. NOTWITHSTANDING THIS DOCUMENT, YOU HAVE THE RIGHT TO MAKE MEDICAL AND OTHER HEALTH CARE DECISIONS FOR YOURSELF SO LONG AS YOU CAN GIVE

INFORMED CONSENT WITH RESPECT TO THE PARTICULAR DECISION. IN ADDITION, NO TREATMENT MAY BE GIVEN TO YOU OVER YOUR OBJECTION, AND HEALTH CARE NECESSARY TO KEEP YOU ALIVE MAY NOT BE STOPPED IF YOU OBJECT.

6. YOU HAVE THE RIGHT TO REVOKE THE APPOINTMENT OF THE PERSON DESIGNATED IN THIS DOCUMENT TO MAKE HEALTH CARE DECISIONS FOR YOU BY NOTIFYING THAT PERSON OF THE REVOCATION ORALLY OR IN WRITING.

7. YOU HAVE THE RIGHT TO REVOKE THE AUTHORITY GRANTED TO THE PERSON DESIGNATED IN THIS DOCUMENT TO MAKE HEALTH CARE DECISIONS FOR YOU BY NOTIFYING THE TREATING PHYSICIAN, HOSPITAL OR OTHER PROVIDER OF HEALTH CARE ORALLY OR IN WRITING.

8. THE PERSON DESIGNATED IN THIS DOCUMENT TO MAKE HEALTH CARE DECISIONS FOR YOU HAS THE RIGHT TO EXAMINE YOUR MEDICAL RECORDS AND TO CONSENT TO THEIR DISCLOSURE UNLESS YOU LIMIT THIS RIGHT IN THIS DOCUMENT.

9. THIS DOCUMENT REVOKES ANY PRIOR DURABLE POWER OF ATTORNEY FOR HEALTH CARE.

10. IF THERE IS ANYTHING IN THIS DOCUMENT THAT YOU DO NOT UNDERSTAND, YOU SHOULD ASK A LAWYER TO EXPLAIN IT TO YOU.

11. YOU MAY REQUEST THAT THE NEVADA SECRETARY OF STATE ELECTRONICALLY STORE WITH THE NEVADA LOCKBOX A COPY OF THIS DOCUMENT TO ALLOW ACCESS BY AN AUTHORIZED PROVIDER OF HEALTH CARE AS DEFINED IN NRS 629.031.

1. DESIGNATION OF HEALTH CARE AGENT.

I, ...
(insert your name) do hereby designate and appoint:

Name: .....
Address: .....
Telephone Number: .....

as my agent to make health care decisions for me as authorized in this document.

(Insert the name and address of the person you wish to designate as your agent to make health care decisions for you. Unless the person is also your spouse, legal guardian or the person most closely related to you by blood, none of the following may be designated as your agent: (1) your treating provider of health care; (2) an employee of your treating provider of

health care; (3) an operator of a health care facility; or (4) an employee of an operator of a health care facility.)

2. CREATION OF DURABLE POWER OF ATTORNEY FOR HEALTH CARE.

By this document I intend to create a durable power of attorney by appointing the person designated above to make health care decisions for me. This power of attorney shall not be affected by my subsequent incapacity.

3. GENERAL STATEMENT OF AUTHORITY GRANTED.

In the event that I am incapable of giving informed consent with respect to health care decisions, I hereby grant to the agent named above full power and authority: to make health care decisions for me before or after my death, including consent, refusal of consent or withdrawal of consent to any care, treatment, service or procedure to maintain, diagnose or treat a physical or mental condition; to request, review and receive any information, verbal or written, regarding my physical or mental health, including, without limitation, medical and hospital records; to execute on my behalf any releases or other documents that may be required to obtain medical care and/or medical and hospital records, EXCEPT any power to enter into any arbitration agreements or execute any arbitration clauses in connection with admission to any health care facility including any skilled nursing facility; and subject only to the limitations and special provisions, if any, set forth in paragraph 4 or 6.

4. SPECIAL PROVISIONS AND LIMITATIONS.

(Your agent is not permitted to consent to any of the following: commitment to or placement in a mental health treatment facility, convulsive treatment, psychosurgery, sterilization or abortion. If there are any other types of treatment or placement that you do not want your agent's authority to give consent for or other restrictions you wish to place on his or her agent's authority, you should list them in the space below. If you do not write any limitations, your agent will have the broad powers to make health care decisions on your behalf which are set forth in paragraph 3, except to the extent that there are limits provided by law.)

In exercising the authority under this durable power of attorney for health care, the authority of my agent is subject to the following special provisions and limitations:

.....

.....

.....

.....

5. DURATION.

I understand that this power of attorney will exist indefinitely from the date I execute this document unless I establish a shorter time. If I am unable to make health care decisions for myself when this power of

attorney expires, the authority I have granted my agent will continue to exist until the time when I become able to make health care decisions for myself.

(IF APPLICABLE)

I wish to have this power of attorney end on the following date:

6. STATEMENT OF DESIRES.

(With respect to decisions to withhold or withdraw life-sustaining treatment, your agent must make health care decisions that are consistent with your known desires. You can, but are not required to, indicate your desires below. If your desires are unknown, your agent has the duty to act in your best interests; and, under some circumstances, a judicial proceeding may be necessary so that a court can determine the health care decision that is in your best interests. If you wish to indicate your desires, you may INITIAL the statement or statements that reflect your desires and/or write your own statements in the space below.)

(If the statement reflects your desires, initial the box next to the statement.)

1. I desire that my life be prolonged to the greatest extent possible, without regard to my condition, the chances I have for recovery or long-term survival, or the cost of the procedures. [.....]

2. If I am in a coma which my doctors have reasonably concluded is irreversible, I desire that life-sustaining or prolonging treatments not be used. ~~[(Also should utilize provisions of NRS 449A.400 to 449A.481, inclusive, if this subparagraph is initialed.)]~~ [.....]

3. If I have an incurable or terminal condition or illness and no reasonable hope of long-term recovery or survival, I desire that life-sustaining or prolonging treatments not be used. ~~[(Also should utilize provisions of NRS 449A.400 to 449A.481, inclusive, if this subparagraph is initialed.)]~~ [.....]

4. Withholding or withdrawal of artificial nutrition and hydration may result in death by starvation or dehydration. I want to receive or continue receiving artificial nutrition and

hydration by way of the gastrointestinal tract after all other treatment is withheld. [.....]

5. I do not desire treatment to be provided and/or continued if the burdens of the treatment outweigh the expected benefits. My agent is to consider the relief of suffering, the preservation or restoration of functioning, and the quality as well as the extent of the possible extension of my life. [.....]

6. If I have an incurable or terminal condition, including late stage dementia, or illness and no reasonable hope of long-term recovery or survival, I desire my attending physician to administer any medication to alleviate suffering without regard that the medication is likely to cause addiction or reduce the extension of my life. [.....]

(If you wish to change your answer, you may do so by drawing an "X" through the answer you do not want, and circling the answer you prefer.)

Other or Additional Statements of Desires:

.....
.....
.....
.....
.....

7. DESIGNATION OF ALTERNATE AGENT.

(You are not required to designate any alternative agent but you may do so. Any alternative agent you designate will be able to make the same health care decisions as the agent designated in paragraph 1, page 2, in the event that he or she is unable or unwilling to act as your agent. Also, if the agent designated in paragraph 1 is your spouse, his or her designation as your agent is automatically revoked by law if your marriage is dissolved.)

If the person designated in paragraph 1 as my agent is unable to make health care decisions for me, then I designate the following persons to serve as my agent to make health care decisions for me as authorized in this document, such persons to serve in the order listed below:

A. First Alternative Agent

Name: .....
Address: .....
Telephone Number: .....

B. Second Alternative Agent

Name: .....
Address: .....
Telephone Number: .....

8. PRIOR DESIGNATIONS REVOKED.

I revoke any prior durable power of attorney for health care.

9. WAIVER OF CONFLICT OF INTEREST.

If my designated agent is my spouse or is one of my children, then I waive any conflict of interest in carrying out the provisions of this Durable Power of Attorney for Health Care that said spouse or child may have by reason of the fact that he or she may be a beneficiary of my estate.

10. CHALLENGES.

If the legality of any provision of this Durable Power of Attorney for Health Care is questioned by my physician, my agent or a third party, then my agent is authorized to commence an action for declaratory judgment as to the legality of the provision in question. The cost of any such action is to be paid from my estate. This Durable Power of Attorney for Health Care must be construed and interpreted in accordance with the laws of the State of Nevada.

11. NOMINATION OF GUARDIAN.

If, after execution of this Durable Power of Attorney for Health Care, proceedings seeking an adjudication of incapacity are initiated either for my estate or my person, I hereby nominate as my guardian or conservator for consideration by the court my agent herein named, in the order named.

12. RELEASE OF INFORMATION.

I agree to, authorize and allow full release of information by any government agency, medical provider, business, creditor or third party who may have information pertaining to my health care, to my agent named herein, pursuant to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, as amended, and applicable regulations.

(YOU MUST DATE AND SIGN THIS POWER OF ATTORNEY)

I sign my name to this Durable Power of Attorney for Health Care on ..... (date) at ..... (city), ... (state)

.....
(Signature)

(THIS POWER OF ATTORNEY WILL NOT BE VALID FOR MAKING HEALTH CARE DECISIONS UNLESS IT IS EITHER (1) SIGNED BY AT LEAST TWO QUALIFIED WITNESSES WHO ARE PERSONALLY KNOWN TO YOU AND WHO ARE PRESENT WHEN YOU SIGN OR ACKNOWLEDGE YOUR SIGNATURE OR (2) ACKNOWLEDGED BEFORE A NOTARY PUBLIC.)

CERTIFICATE OF ACKNOWLEDGMENT
OF NOTARY PUBLIC

(You may use acknowledgment before a notary public instead of the statement of witnesses.)

State of Nevada }
}ss.
County of..... }

On this..... day of....., in the year..., before me,..... (here insert name of notary public) personally appeared..... (here insert name of principal) personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to this instrument, and acknowledged that he or she executed it. I declare under penalty of perjury that the person whose name is ascribed to this instrument appears to be of sound mind and under no duress, fraud or undue influence.

NOTARY SEAL .....
(Signature of Notary Public)

STATEMENT OF WITNESSES

(You should carefully read and follow this witnessing procedure. This document will not be valid unless you comply with the witnessing procedure. If you elect to use witnesses instead of having this document notarized, you must use two qualified adult witnesses. None of the following may be used as a witness: (1) a person you designate as the agent; (2) a provider of health care; (3) an employee of a provider of health care; (4) the operator of a health care facility; or (5) an employee of an operator of a health care facility. At least one of the witnesses must make the additional declaration set out following the place where the witnesses sign.)

I declare under penalty of perjury that the principal is personally known to me, that the principal signed or acknowledged this durable power of attorney in my presence, that the principal appears to be of sound mind and under no duress, fraud or undue influence, that I am not the person appointed as agent by this document and that I am not a provider of health care, an employee of a provider of health care, the operator of a health care facility or an employee of an operator of a health care facility.

Signature: ..... Residence Address: .....
Print Name: ....
Date: ....

Signature: ..... Residence Address: .....
Print Name: ....

Date: ....

(AT LEAST ONE OF THE ABOVE WITNESSES MUST ALSO SIGN THE FOLLOWING DECLARATION.)

I declare under penalty of perjury that I am not related to the principal by blood, marriage or adoption and that to the best of my knowledge, I am not entitled to any part of the estate of the principal upon the death of the principal under a will now existing or by operation of law.

Signature: .....

Signature: .....

---------- --

Names: ..... Address:.....
Print Name: ....
Date: ....

COPIES: You should retain an executed copy of this document and give one to your agent. The power of attorney should be available so a copy may be given to your providers of health care. ***This includes requesting the Nevada Secretary of State to electronically store this document with the Nevada Lockbox to allow access by authorized providers of health care.***

Sec. 6. NRS 225.330 is hereby amended to read as follows:

225.330 "Other document" means a document registered with the Secretary of State pursuant to NRS 225.370 and may include, without limitation, a passport, a birth certificate, a marriage license **,** ~~[or]~~ a form requesting to nominate a guardian that is executed in accordance with NRS 159.0753 ~~[.]~~ ***or a power of attorney for health care that is properly executed pursuant to NRS 162A.790.***

Sec. 7. NRS 449A.433 is hereby amended to read as follows:

449A.433 1. A person of sound mind and 18 or more years of age may execute at any time a declaration governing the withholding or withdrawal of life-sustaining treatment. The declarant may designate another natural person of sound mind and 18 or more years of age to make decisions governing the withholding or withdrawal of life-sustaining treatment. The declaration must be signed by the declarant, or another at the declarant's direction, and attested by two witnesses.

2. A physician or other provider of health care who is furnished a copy of the declaration shall make it a part of the declarant's medical record and, if unwilling to comply with the declaration, promptly so advise the declarant and any person designated to act for the declarant.

3. A durable power of attorney for health care properly executed pursuant to NRS 162A.790 regarding the withholding or withdrawal of life-sustaining treatment constitutes for the purposes of NRS 449A.400 to 449A.481, inclusive, a properly executed declaration pursuant to this section.

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 892 to Assembly Bill No. 299.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:
The amendment revises the definition of "incapacity."

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 301.

The following Senate amendment was read:

Amendment No. 696.

AN ACT relating to jails; requiring the person appointed to administer a city jail and the sheriff of a county to report, as applicable, certain information concerning deaths in the city jail or county jail to the governing body of the city or the board of county commissioners; requiring the person appointed to administer a city jail and the sheriff to investigate certain deaths in the city jail or county jail, as applicable; requiring each governing body of a city and board of county commissioners to take certain actions relating to reports regarding deaths in the city jail or county jail, as applicable; **revising provisions relating to the coordination of care for mental health and substance abuse treatment provided to a prisoner under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each board of county commissioners to: (1) at least once every 3 months, inquire into the security of the county jail and the treatment and condition of the prisoners; and (2) take all necessary precautions against escape, sickness and infection in the county jail. (NRS 211.020) Existing law also gives the sheriff the responsibility for the daily operation of the county jail. (NRS 211.030) **Section 6** of this bill requires the sheriff to: (1) report each death of a prisoner in the county jail or any branch county jail to the board; and (2) submit to the board a biannual report that contains aggregate data concerning deaths of prisoners in the county jail and any branch county jail. **Section 5** of this bill requires the board to review all available information concerning deaths of prisoners in the county jail and any branch county jail. At least twice each year, **section 5** also requires the board to include as an item on the agenda of a public meeting of the board consideration of the conditions of the county jail and any branch county jail and the number of deaths of prisoners in the county jail or any branch county jail during the immediately preceding 6 months and the known circumstances surrounding any such

deaths. **Section 5** additionally requires the board to take necessary precautions against suicide and death in the county jail and any branch county jail.

Sections 3 and 4 of this bill apply the amendatory provisions of **sections 5 and 6**, respectively, to city jails and impose conforming requirements on the person appointed to administer a city jail and the governing body of a city, as applicable.

In a county whose population is 700,000 or more, existing law: (1) requires a sheriff, chief of police or town marshal, in collaboration with the Department of Health and Human Services, to arrange for the coordination of care for mental health and substance abuse treatment provided to a prisoner in the custody of certain jails or detention facilities; (2) requires the Department to arrange for the coordination of such care after the prisoner is released from custody; and (3) provides that the sheriff, chief of police or town marshal is not responsible for arranging the coordination of such care after the prisoner is released from custody. (NRS 211.140) Section 6.5 of this bill removes the 700,000 or more population reference, thereby making the provisions of existing law concerning the coordination of care applicable to all counties in this State.

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

Section 1. Chapter 211 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***As used in this chapter, unless the context otherwise requires, "basic demographics" includes, without limitation:***

1. A prisoner's:

(a) Name;

(b) Inmate number;

(c) Age at the time of his or her death; and

(d) Gender;

2. The date of the admission of a prisoner to a county or city jail;

3. The date of the death of a prisoner;

4. The location of a prisoner at the time of his or her death; and

5. The probable cause of the death of a prisoner.

Sec. 3. ***The governing body of a city:***

1. Shall take all necessary precautions against escape from the city jail and sickness, infection, suicide and death in the city jail.

2. Shall review all available information concerning deaths of prisoners in the city jail, including, without limitation, information received from the person appointed to administer the city jail pursuant to section 4 of this act. At least twice each year, the governing body shall include as an item on the agenda of a public meeting of the governing body consideration of the conditions of the city jail and the number of deaths of prisoners in the city jail and the known circumstances surrounding any such deaths, including, without limitation, basic demographics and information submitted pursuant

to the Death in Custody Reporting Act of 2013, Public Law 113-242, during the immediately preceding 6 months.

Sec. 4. ***1. Not later than 48 hours after the death of a prisoner in a city jail, the person appointed to administer the city jail shall report the death to the governing body of the city. The report must include, without limitation, basic demographics.***

2. The person appointed to administer the city jail shall submit to the governing body of the city a biannual report that contains aggregated data similar to the information submitted pursuant to the Death in Custody Reporting Act of 2013, Public Law 113-242, concerning the deaths of prisoners in the city jail during the immediately preceding 6 months and the circumstances surrounding any such deaths.

Sec. 5. NRS 211.020 is hereby amended to read as follows:

211.020 The board of county commissioners:

1. Is responsible for building, inspecting and repairing any county or branch county jail located in its county.

2. Once every 3 months, shall inquire into the security of the jail and the treatment and condition of the prisoners.

3. Shall take all necessary precautions against escape, sickness ~~[or]~~ **,** infection ~~[.]~~ ***, suicide and death.***

4. Shall review all available information concerning deaths of prisoners in the county jail and any branch county jail, including, without limitation, information received from the sheriff pursuant to NRS 211.030. At least twice each year, the board shall include as an item on the agenda of a public meeting of the board, consideration of the conditions of the county jail and any branch county jail and the number of deaths of prisoners in the county jail and any branch county jail and the known circumstances surrounding any such deaths, including, without limitation, basic demographics and information submitted pursuant to the Death in Custody Reporting Act of 2013, Public Law 113-242, during the immediately preceding 6 months.

Sec. 6. NRS 211.030 is hereby amended to read as follows:

211.030 1. The sheriff is the custodian of the jail in his or her county, and of the prisoners therein, and shall keep the jail personally, or by his or her deputy, or by a jailer or jailers appointed by the sheriff for that purpose, for whose acts the sheriff is responsible.

2. All jailers employed or appointed by the sheriff are entitled to receive a fair and adequate monthly compensation, to be paid out of the county treasury, for their services.

3. Not later than 48 hours after the death of a prisoner in the county jail or any branch county jail in his or her county, the sheriff shall report the death to the board of county commissioners. The report must include, without limitation, basic demographics.

4. The sheriff shall submit to the board a biannual report that contains aggregated data similar to the information submitted pursuant to the Death in Custody Reporting Act of 2013, Public Law 113-242, concerning the

deaths of prisoners in the county jail and any branch county jail in his or her county during the immediately preceding 6 months and the circumstances surrounding any such deaths.

Sec. 6.5. **NRS 211.140 is hereby amended to read as follows:**

211.140 1. The sheriff of each county has charge and control over all prisoners committed to his or her care in the respective county jails, and the chiefs of police and town marshals in the several cities and towns throughout this State have charge and control over all prisoners committed to their respective city and town jails and detention facilities.

2. A court shall not, at the request of any prisoner in a county, city or town jail, issue an order which affects the conditions of confinement of the prisoner unless, except as otherwise provided in this subsection, the court provides the sheriff, chief of police or town marshal having control over the prisoner with:

(a) Sufficient prior notice of the court's intention to enter the order. Notice by the court is not necessary if the prisoner has filed an action with the court challenging his or her conditions of confinement and has served a copy of the action on the sheriff, chief of police or town marshal.

(b) An opportunity to be heard on the issue.

➥ As used in this subsection, "conditions of confinement" includes, but is not limited to, a prisoner's access to the law library, privileges regarding visitation and the use of the telephone, the type of meals provided to the prisoner and the provision of medical care in situations which are not emergencies.

3. The sheriffs, chiefs of police and town marshals shall see that the prisoners under their care are kept at labor for reasonable amounts of time within the jail or detention facility, on public works in the county, city or town, or as part of a program of release for work established pursuant to NRS 211.120 or 211.171 to 211.200, inclusive.

4. The sheriff, chief of police or town marshal shall arrange for the administration of medical care required by prisoners while in his or her custody. The county, city or town shall pay the cost of appropriate medical:

(a) Treatment provided to a prisoner while in custody for injuries incurred by a prisoner while the prisoner is in custody and for injuries incurred during the prisoner's arrest for commission of a public offense if the prisoner is not convicted of that offense;

(b) Treatment provided to a prisoner while in custody for any infectious, contagious or communicable disease which the prisoner contracts while the prisoner is in custody; and

(c) Examinations required by law or by court order conducted while the prisoner is in custody unless the order otherwise provides.

5. A prisoner shall pay the cost of medical treatment for:

(a) Injuries incurred by the prisoner during his or her commission of a public offense or for injuries incurred during his or her arrest for commission of a public offense if the prisoner is convicted of that offense;

(b) Injuries or illnesses which existed before the prisoner was taken into custody;

(c) Self-inflicted injuries; and

(d) Except treatment provided pursuant to subsection 4, any other injury or illness incurred by the prisoner.

6. A medical facility furnishing treatment pursuant to subsection 5 shall attempt to collect the cost of the treatment from the prisoner or the prisoner's insurance carrier. If the facility is unable to collect the cost and certifies to the appropriate board of county commissioners that it is unable to collect the cost of the medical treatment, the board of county commissioners shall pay the cost of the medical treatment.

7. A sheriff, chief of police or town marshal who arranges for the administration of medical care pursuant to this section may attempt to collect from the prisoner or the insurance carrier of the prisoner the cost of arranging for the administration of medical care including the cost of any transportation of the prisoner for the purpose of medical care. The prisoner shall obey the requests of, and fully cooperate with the sheriff, chief of police or town marshal in collecting the costs from the prisoner or the prisoner's insurance carrier.

8. ~~[In a county whose population is 700,000 or more:~~

~~(a)]~~ While a prisoner is in custody, a sheriff, chief of police or town marshal, in collaboration with the Department of Health and Human Services and the various divisions thereof, for the purpose of maintaining continuity of care, shall arrange for the coordination of the care for mental health and substance abuse treatment provided to the prisoner by all providers of such care in the county, city or town jail or detention facility.

~~[(b)]~~ After a prisoner is released from custody:

~~[(1)]~~ ***(a)*** The Department and the various divisions thereof shall arrange for the coordination of the care for mental health and substance abuse treatment provided to the prisoner.

~~[(2)]~~ ***(b)*** The sheriff, chief of police or town marshal is no longer responsible for arranging the coordination of such care.

9. Each sheriff described in subsection 8, or his or her representative, and the Director of the Department of Health and Human Services, or his or her representative, shall, at the request of the Legislative Committee on Health Care, appear before the Committee during the legislative interim to report on the collaboration and coordination provided pursuant to subsection 8.

10. Mental health and substance abuse treatment provided pursuant to subsection 8 may include any medication that has been:

(a) Approved by the United States Food and Drug Administration; and

(b) Prescribed by a treating physician as medically necessary for use by the prisoner to address mental health or substance abuse issues.

Sec. 7. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 696 to Assembly Bill No. 301.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

This amendment removes the 700,000 person population reference in current statute, thereby making the provisions of existing law applicable to all counties in the state.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 307.

The following Senate amendment was read:

Amendment No. 826.

AN ACT relating to criminal gangs; establishing provisions governing the use of a gang database by a local law enforcement agency; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill establishes provisions governing the use of a gang database by a local law enforcement agency. This bill provides that if a local law enforcement agency uses a gang database: (1) ~~[the database must be the database used by the largest local law enforcement agency in Nevada; (2)]~~ if a person is registered in the database, written notice and an opportunity to contest the registration must be provided to the person; ~~[(3)]~~ **(2)** a person registered in the database must be allowed to request removal of his or her registration in the database; and ~~[(4)]~~ **(3)** any file relating to a person must be deleted from the database not later than 5 years after the date on which the person last had contact with the local law enforcement agency.

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

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

1. If a local law enforcement agency uses a gang database for the purposes of identifying suspected members and affiliates of a criminal gang, the local law enforcement agency must comply with the following requirements:

(a) ~~[The database used by the local law enforcement agency must be the database used by the largest local law enforcement agency in this State.~~

~~(b)]~~ If a person is registered in the database, the local law enforcement agency must provide to the person written notice of his or her registration. Such written notice must include, without limitation, detailed instructions on the process for contesting registration as provided in this section.

~~[(c)]~~ (b) A person who wishes to contest registration in the database must be given the following period after receiving notification pursuant to paragraph ~~[(b)]~~ (a) to contest registration in the database:

(1) For a person who is confined in a state or local correctional or detention facility, 10 calendar days.

(2) For a person who is not confined in a state or local correctional or detention facility, 30 calendar days.

~~[(d)]~~ (c) To contest registration in the database, a person must be allowed:

(1) To submit to the local law enforcement agency a written statement or other evidence; or

(2) To request, in writing, an in-person interview with a representative of the local law enforcement agency. The in-person interview must be conducted as soon as reasonably practicable at a date and time convenient to the person who is contesting his or her registration.

~~[(e)]~~ (d) A person who is registered in the database must be allowed to request removal of his or her registration in the database:

(1) By submitting to the local law enforcement agency a written statement or other evidence; or

(2) By requesting, in writing, an in-person interview with a representative of the local law enforcement agency. The in-person interview must be conducted as soon as reasonably practicable at a date and time convenient to the person who is requesting removal of his or registration from the database.

~~[(f)]~~ (e) The file relating to any person who is registered in the database must be deleted from the database not later than 5 years after the date on which the person last had contact with the local law enforcement agency.

2. As used in this section:

(a) "Contact" means contact with a local law enforcement agency during the investigation of a crime or report of an alleged crime.

(b) "Criminal gang" means any combination of persons, organized formally or informally, so constructed that the organization will continue its operation even if individual members enter or leave the organization, which:

(1) Has a common name or identifying symbol;

(2) Has particular conduct, status and customs indicative of it; and

(3) Has as one of its common activities engaging in criminal activity punishable as a felony.

(c) "Local law enforcement agency" means:

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

(2) A metropolitan police department; or

(3) A police department of an incorporated city.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 13.5. **The provisions of this act apply to a person whose registration is added to a gang database on or after July 1, 2019.**

Sec. 14. This act becomes effective on July 1, 2019.

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 826 to Assembly Bill No. 307.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

This amendment removes the requirement that the database used by a law enforcement agency must be the one used by the largest law enforcement agency in the state and makes the provisions of this act applicable to a person whose registration is added to a gang database on or after July 1, 2019.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 492.

The following Senate amendment was read:

Amendment No. 704.

CONTAINS UNFUNDED MANDATE ~~[(§ 1)]~~ **(§ 2)**

(Not Requested by Affected Local Government)

AN ACT relating to industrial insurance; ~~[authorizing]~~ **revising the circumstances in which a first responder or an employee of the State or a local government is authorized to receive** compensation under industrial insurance for ~~[posttraumatic stress disorder suffered by a first responder under certain circumstances; exempting a claim for posttraumatic stress disorder suffered by a first responder from certain provisions governing certain other]~~ **certain** stress-related claims; **requiring an agency which employs a first responder or a volunteer first responder to provide certain educational training concerning mental health issues to the first responder;** exempting a claim for ~~[posttraumatic stress disorder]~~ **certain stress-related injuries** suffered by a first responder **or an employee of the State or any of its agencies or political subdivisions** from certain prohibitions on compensation for an injury and temporary disability; ~~[exempting a claim for posttraumatic stress disorder suffered by a first responder from certain provisions governing the calculation of compensation for a permanent partial disability;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section 1 of this bill provides that, under certain circumstances, posttraumatic stress disorder suffered by a first responder is an occupational disease compensable under industrial insurance. Section 1: (1) sets forth the circumstances under which such a claim is compensable; (2) sets forth provisions governing the notice of such an injury and the claim for~~

~~compensation; (3) exempts such benefits from apportionment due to preexisting posttraumatic stress disorder and limitations on the duration of temporary benefits; (4) requires an agency which employs a first responder to provide educational training on mental health issues; and (5) requires the Division of Industrial Relations of the Department of Business and Industry to adopt certain regulations.]~~

Existing law provides that ~~[a certain injury or disease sustained by an employee that is caused by stress is compensable under industrial insurance if it arose out of and in the course of his or her employment and sets forth the requirements for such a claim.]~~ **, for the purposes of determining whether an injury or disease caused by stress is compensable under industrial insurance, such an injury is deemed to arise out of and in the course of employment only if the employee can prove by clear and convincing medical or psychiatric evidence that the employee has a mental injury caused by extreme stress in time of danger and that the primary cause of the mental injury was an event that arose out of and during the course of his or her employment.** (NRS 616C.180) **Section 2** of this bill ~~[exempts a claim for posttraumatic stress disorder suffered by a first responder from these requirements.]~~ **provides that a first responder may additionally prove by clear and convincing medical or psychiatric evidence that the mental injury was primarily caused by extreme stress due to the first responder directly witnessing a death or grievous injury, or the aftermath of a death or grievous injury, under certain circumstances during the course of his or her employment. Section 2 of this bill also provides that an employee of the State or any of its agencies or political subdivisions may additionally prove by clear and convincing medical or psychiatric evidence that the mental injury was caused primarily by extreme stress due to the employee responding to a mass casualty incident during the course of his or her employment. Finally, section 2 requires an agency which employs a first responder, including, without limitation, a first responder who is a volunteer, to provide educational training to the first responder on the awareness, prevention, mitigation and treatment of mental health issues.**

Existing law prohibits the payment of temporary compensation benefits for an injury or temporary total disability which does not incapacitate the employee for a minimum number of days. (NRS 616C.400, 617.420) **Sections 3 and 5** of this bill exempt ~~[a claim for posttraumatic stress disorder suffered by a first responder from these prohibitions.~~

~~Existing law prohibits the consideration of factors other than the degree of physical impairment of the whole person in calculating the entitlement to compensation for a permanent partial disability except in the case of certain claims for stress. (NRS 616C.490) Section 4 of this bill exempts a claim for compensation for posttraumatic stress disorder suffered by a first responder from this prohibition.]~~ **claims for mental injury caused by extreme stress under the circumstances described by the amendatory provisions of section 2 from these prohibitions.**

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

Section 1. ~~[Chapter 616C of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. Posttraumatic stress disorder, as described in the Fifth Edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association, suffered by a first responder is compensable pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS if:*~~

~~*(a) The posttraumatic stress disorder is demonstrated by clear and convincing evidence;*~~

~~*(b) The posttraumatic stress disorder resulted from the first responder acting within the course of his or her employment, except as otherwise provided in subsection 3; and*~~

~~*(c) The first responder is examined and subsequently diagnosed with such disorder by a licensed psychiatrist who is authorized as a treating physician pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS, or a psychologist who is licensed pursuant to chapter 641 of NRS, due to one or more traumatic events, including, without limitation:*~~

~~*(1) Seeing for oneself a deceased minor;*~~

~~*(2) Directly witnessing the death of a minor;*~~

~~*(3) Directly witnessing an injury to a minor who subsequently died before or upon arrival at a hospital emergency department;*~~

~~*(4) Participating in the physical treatment of an injured minor who subsequently died before or upon arrival at a hospital emergency department;*~~

~~*(5) Manually transporting an injured minor who subsequently died before or upon arrival at a hospital emergency department;*~~

~~*(6) Seeing for oneself a decedent whose death involved grievous bodily harm of a nature that shocks the conscience;*~~

~~*(7) Directly witnessing a death, including, without limitation, suicide, that involved grievous bodily harm of a nature that shocks the conscience;*~~

~~*(8) Directly witnessing a homicide, regardless of whether the homicide was criminal or excusable, including, without limitation, murder, mass killing as defined in 28 U.S.C. § 530C(b)(1)(m), manslaughter, self-defense, misadventure and negligence;*~~

~~*(9) Directly witnessing an injury, including, without limitation, an attempted suicide, to a person who subsequently died before or upon arrival at a hospital emergency department if the person was injured by grievous bodily harm of a nature that shocks the conscience;*~~

~~*(10) Participating in the physical treatment of an injury, including, without limitation, an attempted suicide, to a person who subsequently died before or upon arrival at a hospital emergency department if the person was injured by grievous bodily harm of a nature that shocks the conscience; or*~~

~~(11) Manually transporting a person who was injured, including, without limitation, by attempted suicide, and who subsequently died before or upon arrival at a hospital emergency department if the person was injured by grievous bodily harm of a nature that shocks the conscience.~~

~~2. Eligibility for benefits for a first responder pursuant to this section does not require a physical injury to the first responder.~~

~~3. For the purposes of paragraph (b) of subsection 1, a first responder is deemed not to be acting in the course of his or her employment if the first responder:~~

~~(a) Is off duty; or~~

~~(b) Is outside the jurisdiction of his or her employer.~~

~~4. The time for notice of injury or death in the case of a claim for compensation for posttraumatic stress disorder pursuant to this section is the same as that set forth in NRS 616C.015 or 617.342, as applicable, and is measured from one of the qualifying events listed in paragraph (c) of subsection 1 or the manifestation of the disorder, whichever is later.~~

~~5. A claim for compensation pursuant to this section must be properly filed pursuant to NRS 616C.020 or 617.344 not later than 52 weeks after the qualifying event or manifestation of the disorder.~~

~~6. Benefits for a first responder pursuant to this section are not subject to:~~

~~(a) Apportionment due to a preexisting posttraumatic stress disorder pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS; or~~

~~(b) Any limitation on the duration of temporary benefits pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS.~~

~~7. An agency which employs a first responder, including without limitation, a first responder who serves as a volunteer, shall provide educational training related to the awareness, prevention, mitigation and treatment of mental health issues.~~

~~8. The Division shall adopt regulations which specify the injuries that qualify as grievous bodily harm of a nature that shocks the conscience for the purposes of this section.~~

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

~~(a) "Directly witnessing" means to see or hear for oneself.~~

~~(b) "Emergency medical attendant" means a person licensed as an attendant or certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS, whose primary duties of employment are the provision of emergency medical services.~~

~~(c) "First responder" means:~~

~~(1) A salaried or volunteer firefighter;~~

~~(2) A police officer;~~

~~(3) An emergency medical attendant;~~

~~(4) An emergency dispatcher or call taker who is employed by a law enforcement or public safety agency in this State;~~

~~*(5) A crime scene investigator who is employed by a law enforcement or public safety agency in this State;*~~

~~*(6) A forensic investigator who is employed by a law enforcement or public safety agency in this State; or*~~

~~*(7) A county coroner or medical examiner.*~~

~~*(d) "Manually transporting" means to perform physical labor to move the body of a wounded person for his or her safety or medical treatment.]*~~ **(Deleted by amendment.)**

Sec. 2. NRS 616C.180 is hereby amended to read as follows:

616C.180 1. Except as otherwise provided in this section, an injury or disease sustained by an employee that is caused by stress is compensable pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS if it arose out of and in the course of his or her employment.

2. Any ailment or disorder caused by any gradual mental stimulus, and any death or disability ensuing therefrom, shall be deemed not to be an injury or disease arising out of and in the course of employment.

3. [~~An~~] ***Except as otherwise provided by subsections 4 and 5, an*** injury or disease caused by stress shall be deemed to arise out of and in the course of employment only if the employee proves by clear and convincing medical or psychiatric evidence that:

(a) The employee has a mental injury caused by extreme stress in time of danger;

(b) The primary cause of the injury was an event that arose out of and during the course of his or her employment; and

(c) The stress was not caused by his or her layoff, the termination of his or her employment or any disciplinary action taken against him or her.

4. ***An injury or disease caused by stress shall be deemed to arise out of and in the course of employment, and shall not be deemed the result of gradual mental stimulus, if the employee is a first responder and proves by clear and convincing medical or psychiatric evidence that:***

(a) The employee has a mental injury caused by extreme stress due to the employee directly witnessing:

(1) The death, or the aftermath of the death, of a person as a result of a violent event, including, without limitation, a homicide, suicide or mass casualty incident; or

(2) An injury, or the aftermath of an injury, that involves grievous bodily harm of a nature that shocks the conscience; and

(b) The primary cause of the mental injury was the employee witnessing an event described in paragraph (a) during the course of his or her employment.

5. An injury or disease caused by stress shall be deemed to arise out of and in the course of employment, and shall not be deemed the result of gradual mental stimulus, if the employee is employed by the State or any of its agencies or political subdivisions and proves by clear and convincing medical or psychiatric evidence that:

(a) The employee has a mental injury caused by extreme stress due to the employee responding to a mass casualty incident; and

(b) The primary cause of the injury was the employee responding to the mass casualty incident during the course of his or her employment.

6. An agency which employs a first responder, including, without limitation, a first responder who serves as a volunteer, shall provide educational training to the first responder related to the awareness, prevention, mitigation and treatment of mental health issues.

7. The provisions of this section do not apply to a person who is claiming compensation pursuant to NRS 617.457 ***. [or section 1 of this act.]***

8. As used in this section:

(a) "Directly witness" means to see or hear for oneself.

(b) "First responder" means:

(1) A salaried or volunteer firefighter;

(2) A police officer;

(3) An emergency dispatcher or call taker who is employed by a law enforcement or public safety agency in this State; or

(4) An emergency medical technician or paramedic who is employed by a public safety agency in this State.

(c) "Mass casualty incident" means an event that, for the purposes of emergency response or operations, is designated as a mass casualty incident by one or more governmental agencies that are responsible for public safety or for emergency response.

Sec. 3. NRS 616C.400 is hereby amended to read as follows:

616C.400 1. Temporary compensation benefits must not be paid under chapters 616A to 616D, inclusive, of NRS for an injury which does not incapacitate the employee for at least 5 consecutive days, or 5 cumulative days within a 20-day period, from earning full wages, but if the incapacity extends for 5 or more consecutive days, or 5 cumulative days within a 20-day period, compensation must then be computed from the date of the injury.

2. The period prescribed in this section does not apply to:

(a) Accident benefits, whether they are furnished pursuant to NRS 616C.255 or 616C.265, if the injured employee is otherwise covered by the provisions of chapters 616A to 616D, inclusive, of NRS and entitled to those benefits.

(b) Compensation paid to the injured employee pursuant to subsection 1 of NRS 616C.477.

(c) A claim which is filed pursuant to NRS 617.453, 617.455 or 617.457 ***. [or section 1 of this act.]***

(d) A claim to which subsection 4 or 5 of NRS 616C.180 applies.

Sec. 4. ~~[NRS 616C.490 is hereby amended to read as follows:~~

~~616C.490 1. Except as otherwise provided in NRS 616C.175, every employee, in the employ of an employer within the provisions of chapters 616A to 616D, inclusive, of NRS, who is injured by an accident arising out of and in the course of employment is entitled to receive the compensation~~

~~provided for permanent partial disability. As used in this section, "disability" and "impairment of the whole person" are equivalent terms.~~

~~2. Within 30 days after receiving from a physician or chiropractor a report indicating that the injured employee may have suffered a permanent disability and is stable and ratable, the insurer shall schedule an appointment with the rating physician or chiropractor selected pursuant to this subsection to determine the extent of the employee's disability. Unless the insurer and the injured employee otherwise agree to a rating physician or chiropractor:~~

~~(a) The insurer shall select the rating physician or chiropractor from the list of qualified rating physicians and chiropractors designated by the Administrator, to determine the percentage of disability in accordance with the American Medical Association's Guides to the Evaluation of Permanent Impairment as adopted and supplemented by the Division pursuant to NRS 616C.110.~~

~~(b) Rating physicians and chiropractors must be selected in rotation from the list of qualified physicians and chiropractors designated by the Administrator, according to their area of specialization and the order in which their names appear on the list unless the next physician or chiropractor is currently an employee of the insurer making the selection, in which case the insurer must select the physician or chiropractor who is next on the list and who is not currently an employee of the insurer.~~

~~3. If an insurer contacts the treating physician or chiropractor to determine whether an injured employee has suffered a permanent disability, the insurer shall deliver to the treating physician or chiropractor that portion or a summary of that portion of the American Medical Association's Guides to the Evaluation of Permanent Impairment as adopted by the Division pursuant to NRS 616C.110 that is relevant to the type of injury incurred by the employee.~~

~~4. At the request of the insurer, the injured employee shall, before an evaluation by a rating physician or chiropractor is performed, notify the insurer of:~~

~~(a) Any previous evaluations performed to determine the extent of any of the employee's disabilities; and~~

~~(b) Any previous injury, disease or condition sustained by the employee which is relevant to the evaluation performed pursuant to this section.~~

~~The notice must be on a form approved by the Administrator and provided to the injured employee by the insurer at the time of the insurer's request.~~

~~5. Unless the regulations adopted pursuant to NRS 616C.110 provide otherwise, a rating evaluation must include an evaluation of the loss of motion, sensation and strength of an injured employee if the injury is of a type that might have caused such a loss. Except in the case of claims accepted pursuant to NRS 616C.180 [,] *or section 1 of this act,* no factors other than the degree of physical impairment of the whole person may be considered in calculating the entitlement to compensation for a permanent partial disability.~~

~~6. The rating physician or chiropractor shall provide the insurer with his or her evaluation of the injured employee. After receiving the evaluation, the~~

~~insurer shall, within 14 days, provide the employee with a copy of the evaluation and notify the employee:~~

~~(a) Of the compensation to which the employee is entitled pursuant to this section; or~~

~~(b) That the employee is not entitled to benefits for permanent partial disability.~~

~~7. Each 1 percent of impairment of the whole person must be compensated by a monthly payment:~~

~~(a) Of 0.5 percent of the claimant's average monthly wage for injuries sustained before July 1, 1981;~~

~~(b) Of 0.6 percent of the claimant's average monthly wage for injuries sustained on or after July 1, 1981, and before June 18, 1993;~~

~~(c) Of 0.54 percent of the claimant's average monthly wage for injuries sustained on or after June 18, 1993, and before January 1, 2000; and~~

~~(d) Of 0.6 percent of the claimant's average monthly wage for injuries sustained on or after January 1, 2000.~~

~~→ Compensation must commence on the date of the injury or the day following the termination of temporary disability compensation, if any, whichever is later, and must continue on a monthly basis for 5 years or until the claimant is 70 years of age, whichever is later.~~

~~8. Compensation benefits may be paid annually to claimants who will be receiving less than $100 a month.~~

~~9. Except as otherwise provided in subsection 10, if there is a previous disability, as the loss of one eye, one hand, one foot, or any other previous permanent disability, the percentage of disability for a subsequent injury must be determined by computing the percentage of the entire disability and deducting therefrom the percentage of the previous disability as it existed at the time of the subsequent injury.~~

~~10. If a rating evaluation was completed for a previous disability involving a condition, organ or anatomical structure that is identical to the condition, organ or anatomical structure being evaluated for the present disability, the percentage of disability for a subsequent injury must be determined by deducting the percentage of the previous disability from the percentage of the present disability, regardless of the edition of the American Medical Association's Guides to the Evaluation of Permanent Impairment as adopted by the Division pursuant to NRS 616C.110 used to determine the percentage of the previous disability. The compensation awarded for a permanent disability on a subsequent injury must be reduced only by the awarded or agreed upon percentage of disability actually received by the injured employee for the previous injury regardless of the percentage of the previous disability.~~

~~11. The Division may adopt schedules for rating permanent disabilities resulting from injuries sustained before July 1, 1973, and reasonable regulations to carry out the provisions of this section.~~

~~12. The increase in compensation and benefits effected by the amendment of this section is not retroactive for accidents which occurred before July 1, 1973.~~

~~13. This section does not entitle any person to double payments for the death of an employee and a continuation of payments for a permanent partial disability, or to a greater sum in the aggregate than if the injury had been fatal.]~~ **(Deleted by amendment.)**

Sec. 5. NRS 617.420 is hereby amended to read as follows:

617.420 1. No compensation may be paid under this chapter for temporary total disability which does not incapacitate the employee for at least 5 cumulative days within a 20-day period from earning full wages, but if the incapacity extends for 5 or more days within a 20-day period, the compensation must then be computed from the date of disability.

2. The limitations in this section do not apply to medical benefits, including, without limitation, medical benefits pursuant to NRS 617.453, 617.455 or 617.457, ***or*** ~~***[section 1 of this act,]***~~ ***a claim to which subsection 4 or 5 of NRS 616C.180 applies,*** which must be paid from the date of application for payment of medical benefits.

Sec. 6. 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. 7. This act becomes effective upon passage and approval.

Assemblywoman Spiegel moved that the Assembly concur in the Senate Amendment No. 704 to Assembly Bill No. 492.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 896.

AN ACT relating to industrial insurance; revising the circumstances in which a first responder or an employee of the State or a local government is authorized to receive compensation under industrial insurance for certain stress-related claims; requiring an agency which employs a first responder or a volunteer first responder to provide certain educational training concerning mental health issues to the first responder; exempting a claim for certain stress-related injuries suffered by a first responder or an employee of the State or any of its agencies or political subdivisions from certain prohibitions on compensation for an injury and temporary disability; **requiring the Administrator of the Division of Industrial Relations of the Department of Business and Industry to include concurrent wages of an injured employee in the calculation of average monthly wage under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that, for the purposes of determining whether an injury or disease caused by stress is compensable under industrial insurance, such an injury is deemed to arise out of and in the course of employment only if the employee can prove by clear and convincing medical or psychiatric

evidence that the employee has a mental injury caused by extreme stress in time of danger and that the primary cause of the mental injury was an event that arose out of and during the course of his or her employment. (NRS 616C.180) **Section 2** of this bill provides that a first responder may additionally prove by clear and convincing medical or psychiatric evidence that the mental injury was primarily caused by extreme stress due to the first responder directly witnessing a death or grievous injury, or the aftermath of a death or grievous injury, under certain circumstances during the course of his or her employment. **Section 2** of this bill also provides that an employee of the State or any of its agencies or political subdivisions may additionally prove by clear and convincing medical or psychiatric evidence that the mental injury was caused primarily by extreme stress due to the employee responding to a mass casualty incident during the course of his or her employment. Finally, **section 2** requires an agency which employs a first responder, including, without limitation, a first responder who is a volunteer, to provide educational training to the first responder on the awareness, prevention, mitigation and treatment of mental health issues.

Existing law prohibits the payment of temporary compensation benefits for an injury or temporary total disability which does not incapacitate the employee for a minimum number of days. (NRS 616C.400, 617.420) **Sections 3 and 5** of this bill exempt claims for mental injury caused by extreme stress under the circumstances described by the amendatory provisions of **section 2** from these prohibitions.

Existing law provides that the amount of compensation for certain industrial injuries or death is based, in part, on the average monthly wage of the injured or deceased employee. (NRS 616C.440, 616C.475, 616C.490, 616C.505). Existing law requires the Administrator of the Division of Industrial Relations of the Department of Business and Industry to provide by regulation for a method of determining average monthly wage. (NRS 616C.420) Section 3.5 of this bill requires the method for determining average monthly wage to include concurrent wages of the employee under certain circumstances.

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

Section 1. (Deleted by amendment.)

Sec. 2. NRS 616C.180 is hereby amended to read as follows:

616C.180 1. Except as otherwise provided in this section, an injury or disease sustained by an employee that is caused by stress is compensable pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS if it arose out of and in the course of his or her employment.

2. Any ailment or disorder caused by any gradual mental stimulus, and any death or disability ensuing therefrom, shall be deemed not to be an injury or disease arising out of and in the course of employment.

3. ~~[An]~~ ***Except as otherwise provided by subsections 4 and 5, an*** injury or disease caused by stress shall be deemed to arise out of and in the course of employment only if the employee proves by clear and convincing medical or psychiatric evidence that:

(a) The employee has a mental injury caused by extreme stress in time of danger;

(b) The primary cause of the injury was an event that arose out of and during the course of his or her employment; and

(c) The stress was not caused by his or her layoff, the termination of his or her employment or any disciplinary action taken against him or her.

4. ***An injury or disease caused by stress shall be deemed to arise out of and in the course of employment, and shall not be deemed the result of gradual mental stimulus, if the employee is a first responder and proves by clear and convincing medical or psychiatric evidence that:***

(a) The employee has a mental injury caused by extreme stress due to the employee directly witnessing:

(1) The death, or the aftermath of the death, of a person as a result of a violent event, including, without limitation, a homicide, suicide or mass casualty incident; or

(2) An injury, or the aftermath of an injury, that involves grievous bodily harm of a nature that shocks the conscience; and

(b) The primary cause of the mental injury was the employee witnessing an event described in paragraph (a) during the course of his or her employment.

5. An injury or disease caused by stress shall be deemed to arise out of and in the course of employment, and shall not be deemed the result of gradual mental stimulus, if the employee is employed by the State or any of its agencies or political subdivisions and proves by clear and convincing medical or psychiatric evidence that:

(a) The employee has a mental injury caused by extreme stress due to the employee responding to a mass casualty incident; and

(b) The primary cause of the injury was the employee responding to the mass casualty incident during the course of his or her employment.

6. An agency which employs a first responder, including, without limitation, a first responder who serves as a volunteer, shall provide educational training to the first responder related to the awareness, prevention, mitigation and treatment of mental health issues.

7. The provisions of this section do not apply to a person who is claiming compensation pursuant to NRS 617.457.

8. As used in this section:

(a) "Directly witness" means to see or hear for oneself.

(b) "First responder" means:

(1) A salaried or volunteer firefighter;

(2) A police officer;

(3) An emergency dispatcher or call taker who is employed by a law enforcement or public safety agency in this State; or

(4) An emergency medical technician or paramedic who is employed by a public safety agency in this State.

(c) "Mass casualty incident" means an event that, for the purposes of emergency response or operations, is designated as a mass casualty incident by one or more governmental agencies that are responsible for public safety or for emergency response.

Sec. 3. NRS 616C.400 is hereby amended to read as follows:

616C.400 1. Temporary compensation benefits must not be paid under chapters 616A to 616D, inclusive, of NRS for an injury which does not incapacitate the employee for at least 5 consecutive days, or 5 cumulative days within a 20-day period, from earning full wages, but if the incapacity extends for 5 or more consecutive days, or 5 cumulative days within a 20-day period, compensation must then be computed from the date of the injury.

2. The period prescribed in this section does not apply to:

(a) Accident benefits, whether they are furnished pursuant to NRS 616C.255 or 616C.265, if the injured employee is otherwise covered by the provisions of chapters 616A to 616D, inclusive, of NRS and entitled to those benefits.

(b) Compensation paid to the injured employee pursuant to subsection 1 of NRS 616C.477.

(c) A claim which is filed pursuant to NRS 617.453, 617.455 or 617.457.

(d) A claim to which subsection 4 or 5 of NRS 616C.180 applies.

Sec. 3.5. **NRS 616C.420 is hereby amended to read as follows:**

616C.420 ***1.*** The Administrator shall provide by regulation for a method of determining average monthly wage.

2. In determining average monthly wage pursuant to subsection 1, the method must include concurrent wages of the injured employee only if the concurrent wages are earned from one or more employers who are insured for workers' compensation or government disability benefits by:

(a) A private carrier;

(b) A plan of self-insurance;

(c) A workers' compensation insurance system operating under the laws of any other state or territory of the United States; or

(d) A workers' compensation or disability benefit plan provided for and administered by the Federal Government or any agency thereof.

3. Except as otherwise provided by subsection 2, concurrent wages include, without limitation, wages earned from:

(a) Active or reserve duty with or in:

(1) The Army, Navy, Air Force, Marine Corps or Coast Guard of the United States;

(2) The Merchant Marine; or

(3) The National Guard; or

(b) Employment by:

(1) The Federal Government or any branch or agency thereof;

(2) A state, territorial, county, municipal or local government of any state or territory of the United States; or

(3) A private employer, whether that employment is full-time, part-time, temporary, periodic, seasonal or otherwise limited in term, or pursuant to contract.

4. As used in this section, "concurrent wages" means the sum of wages earned or deemed to have been earned at each place of employment, including, without limitation, the sum of any and all money earned for work of any kind or nature performed by an employee for two or more employers during the one-year period immediately preceding the date of injury or the onset of occupational disease, whether measured by an hourly rate, salary, piecework, commissions, gratuities, bonuses, per diem, value of meals, value of housing or any other employment benefit that can be fairly calculated to a monetary value expressed in an average monthly amount.

Sec. 4. (Deleted by amendment.)

Sec. 5. NRS 617.420 is hereby amended to read as follows:

617.420 1. No compensation may be paid under this chapter for temporary total disability which does not incapacitate the employee for at least 5 cumulative days within a 20-day period from earning full wages, but if the incapacity extends for 5 or more days within a 20-day period, the compensation must then be computed from the date of disability.

2. The limitations in this section do not apply to medical benefits, including, without limitation, medical benefits pursuant to NRS 617.453, 617.455 or 617.457, ***or a claim to which subsection 4 or 5 of NRS 616C.180 applies,*** which must be paid from the date of application for payment of medical benefits.

Sec. 5.5. **The amendatory provisions of section 3.5 of this act apply prospectively with regard to any claim pursuant to chapters 616A to 616D, inclusive, or 617 of NRS which is open on or filed on or after July 1, 2019.**

Sec. 6. 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. 7. **1.** This **section and sections 1 to 5, inclusive, and 6 of this** act ~~[becomes]~~ **become** effective upon passage and approval.

2. Sections 3.5 and 5.5 of this act become effective on July 1, 2019.

Assemblywoman Spiegel moved that the Assembly concur in the Senate Amendment No. 896 to Assembly Bill No. 492.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Amendment 704 deletes language that posttraumatic stress disorder [PTSD] suffered by a first responder is an occupational disease compensable under industrial insurance; provides that an injury of disease sustained by certain employees that is caused by extreme stress after directly witnessing certain violent events is considered a compensable injury or disease if it arose out of his or her employment; requires certain agencies to provide educational training on various mental

health issues; provides the definitions of "directly witness," "first responder," and "mass casualty incident"; exempts certain employees suffering from a mental injury caused by extreme stress from provisions that prohibit the payment of temporary compensation benefits; and revises language related to claims for mental injury caused by extreme stress.

Amendment 896 to Assembly Bill 492 requires the Administrator of the Division of Industrial Relations to include concurrent wages of an injured employee in the calculation of average monthly wage.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 288.

The following Senate amendment was read:

Amendment No. 769.

SUMMARY—Makes various changes relating to ~~[motor vehicles.]~~ **services provided by the Department of Motor Vehicles.** (BDR 43-938)

AN ACT relating to motor vehicles; requiring the Department of Motor Vehicles to make certain efforts to provide employees who are fluent in certain languages at offices of the Department in certain circumstances; ~~[revising provisions related to towing certain vehicles from a residential complex;]~~ **requiring the Department to provide certain services to document preparation services and the clients of document preparation services in certain circumstances; requiring the Secretary of State, the Attorney General or the district attorney to notify the Department of certain actions taken regarding a document preparation service;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under federal law, certain voting materials must be provided in a language other than English in certain political subdivisions if more than 5 percent of the citizens of voting age in the subdivision are members of a single language minority and are limited-English proficient. (52 U.S.C. § 10503) **Section** ~~[1]~~ **1.3** of this bill requires the Department of Motor Vehicles, in any office of the Department located in a county where federal law requires voting materials in a language other than English, to make every effort to provide at least one employee who is fluent in the language of the relevant single language minority.

~~[Existing law imposes certain requirements on the towing of a vehicle from a residential complex when the tow is at the request of a person other than the owner of the vehicle. (NRS 706.4477) Section 76 of this bill newly requires a tow operator who has been requested by the owner of the real property where the residential complex is located, or an authorized agent of the owner, to tow a vehicle from the residential complex based on an expired registration of the vehicle to independently verify the registration status of the vehicle before towing the vehicle. A tow operator who fails to comply with that requirement is responsible for the cost of the towing and storage of the vehicle.]~~ **Existing law requires a person who wishes to conduct business as a document preparation service to register with the Secretary of State and meet**

certain requirements. (NRS 240A.100) A person who alleges certain violations against the document preparation service may file a complaint with the Secretary of State, who may investigate the complaint to determine if a violation has occurred. (NRS 240A.260) Upon making such a determination, the Secretary of State is authorized to deny, suspend, revoke or refuse to renew the registration of the document preparation service, and may refer the violation to the Attorney General or a district attorney to commence a civil action against the document preparation service, with available remedies including injunctive relief, civil penalties and restitution. (NRS 240A.270, 240A.280)

Section 1.5 of this bill authorizes the Department of Motor Vehicles to maintain service windows or locations in an office of the Department that are dedicated to serving document preparation services conducting transactions on behalf of clients if the Department determines that enough such transactions are conducted to warrant it, and requires the Department to maintain such windows or locations in certain counties. Such windows or locations may be used to provide services to the general public during times when no document preparation services are in the office seeking to conduct transactions. Section 1.5 also authorizes a client of a document preparation service who alleges a violation by the document preparation service that involves a transaction with the Department of Motor Vehicles to file the complaint with the Department. If the Department determines that the alleged violation or violations more likely than not occurred, the Department must forward the complaint to the Secretary of State for further action under existing laws. Section 1.5 also provides that, if the registration of a document preparation service is suspended or revoked, the Department must not allow the document preparation service to conduct transactions with the Department on behalf of clients. If some penalty other than suspension or revocation of registration is imposed on a document preparation service, the Department may suspend, for a reasonable time, the privilege of the document preparation service to: (1) conduct transactions with the Department on behalf of clients; or (2) use a service window or location dedicated to document preparation services at any office of the Department where such a window or location is provided. Sections 1.7 and 1.9 of this bill make conforming changes.

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

Section 1. Chapter 481 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 1.3 and 1.5 of this act.**

Sec. 1.3. At each office of the Department in which voting materials are required pursuant to NRS 293.2699 to be provided in the language or languages of a minority group, the Department shall make every effort to

ensure that not less than one employee who is fluent in each such language is available to provide services in the office in the language or languages of the minority group. Such efforts must include, without limitation, including fluency in any such language as a consideration when hiring employees for or transferring employees to an office that lacks such an employee.

Sec. 1.5. 1. At each office of the Department where the Department determines that document preparation services conduct a sufficient number of transactions on behalf of clients to warrant it, the Department may maintain public service windows or locations dedicated to serving document preparation services conducting transactions on behalf of clients, except that the Department must maintain:

(a) In a county where motor vehicle owners are required to participate in a program for the control of emissions pursuant to NRS 445B.795 and where four or more offices of the Department are located, not less than two such public service windows or locations at each office in the county;

(b) Except as otherwise provided in paragraph (a), in a county where motor vehicle owners are required to participate in a program for the control of emissions pursuant to NRS 445B.795, not less than one such public service window or location in each office in the county; and

(c) At the main office of the Department, not less than one such public service window or location.

➥ Such public service windows or locations may be used to provide services to the general public during times when no document preparation service is in the office seeking to conduct transactions on behalf of clients.

2. A person who is a client of a document preparation service may file with the Department a complaint alleging a violation of chapter 240A of NRS by the document preparation service in lieu of notifying the Secretary of State pursuant to chapter 240A of NRS if at least one allegation in the complaint involves a transaction with the Department by the document preparation service on behalf of the client.

3. Upon receipt of a complaint filed pursuant to subsection 2 and evidence satisfactory to the Department that a violation of chapter 240A of NRS is more likely than not to have occurred, the Department shall forward the complaint to the Secretary of State or his or her designee for investigation pursuant to NRS 240A.260. Such evidence may include, without limitation, a written receipt for payment to the document preparation service by the client, as required pursuant to NRS 240A.230, for the transaction or transactions that are the subject of the complaint.

4. Upon receipt by the Department of a notice from the Secretary of State pursuant to NRS 240A.270 or from the Attorney General or a district attorney pursuant to NRS 240A.280 that a violation of the provisions of chapter 240A of NRS has been committed by a document preparation service concerning a transaction with the Department that resulted in:

(a) A suspension or revocation of or the refusal to renew the registration of the document preparation service, the Department shall not allow the

document preparation service to conduct transactions with the Department on behalf of a client.

(b) The imposition of any civil remedy authorized by chapter 240A of NRS other than the suspension or revocation of the registration of the document preparation service, the Department may suspend, for an amount of time determined to be reasonable by the Department, the privilege of the document preparation service to:

(1) Conduct transactions with the Department on behalf of clients; or

(2) Use a service window or location dedicated to document preparation services at any office of the Department where such a window or location is provided.

Sec. 1.7. **NRS 240A.270 is hereby amended to read as follows:**

240A.270 1. The Secretary of State may deny, suspend, revoke or refuse to renew the registration of any person who violates a provision of this chapter or a regulation or order adopted or issued pursuant thereto. Except as otherwise provided in subsection 2, a suspension or revocation may be imposed only after a hearing.

2. The Secretary of State shall immediately revoke the registration of a registrant upon the receipt of an official document or record showing:

(a) The entry of a judgment or conviction; or

(b) The occurrence of any other event,

➥ that would disqualify the registrant from registration pursuant to subsection 2 of NRS 240A.100.

3. Upon the suspension or revocation of or refusal to renew the registration of a document preparation service pursuant to this section, the Secretary of State shall notify the Department of Motor Vehicles of the name of the document preparation service for the purposes of section 1.5 of this act.

Sec. 1.9. **NRS 240A.280 is hereby amended to read as follows:**

240A.280 1. Upon referral by the Secretary of State, the Attorney General or the district attorney of the county in which the defendant resides or maintains a place of business may bring an action in the name of the State of Nevada in a court of competent jurisdiction:

(a) For injunctive relief against any person who violates or threatens to violate a provision of this chapter or a regulation or order adopted or issued pursuant thereto;

(b) For the recovery of a civil penalty against the defendant of not less than $100 or more than $5,000 for each such violation;

(c) For an order directing restitution to be made by the defendant to any person who suffers pecuniary loss as a result of such a violation; or

(d) For any combination of the remedies described in this subsection.

2. Any civil penalty recovered pursuant to this section must be paid to the Secretary of State and deposited in the State General Fund.

3. If the court determines that the State of Nevada is the prevailing party in an action brought pursuant to this section, the court shall award the State the costs of suit and reasonable attorney's fees incurred in the action.

4. Upon the imposition of any remedy pursuant to this section against a document preparation service, the Attorney General or district attorney shall notify the Department of Motor Vehicles of the name of the document preparation service and the remedy imposed for the purposes of section 1.5 of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. (Deleted by amendment.)

Sec. 25. (Deleted by amendment.)

Sec. 26. (Deleted by amendment.)

Sec. 27. (Deleted by amendment.)

Sec. 28. (Deleted by amendment.)

Sec. 29. (Deleted by amendment.)

Sec. 30. (Deleted by amendment.)

Sec. 31. (Deleted by amendment.)

Sec. 32. (Deleted by amendment.)

Sec. 33. (Deleted by amendment.)

Sec. 34. (Deleted by amendment.)

Sec. 35. (Deleted by amendment.)

Sec. 36. (Deleted by amendment.)

Sec. 37. (Deleted by amendment.)

Sec. 38. (Deleted by amendment.)

Sec. 39. (Deleted by amendment.)
Sec. 40. (Deleted by amendment.)
Sec. 41. (Deleted by amendment.)
Sec. 42. (Deleted by amendment.)
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Sec. 51. (Deleted by amendment.)
Sec. 52. (Deleted by amendment.)
Sec. 53. (Deleted by amendment.)
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Sec. 66. (Deleted by amendment.)
Sec. 67. (Deleted by amendment.)
Sec. 68. (Deleted by amendment.)
Sec. 69. (Deleted by amendment.)
Sec. 70. (Deleted by amendment.)
Sec. 71. (Deleted by amendment.)
Sec. 72. (Deleted by amendment.)
Sec. 73. (Deleted by amendment.)
Sec. 74. (Deleted by amendment.)
Sec. 75. (Deleted by amendment.)
Sec. 76. ~~[~~NRS 706.4477 is hereby amended to read as follows:

~~706.4477 1. If towing is requested by a person other than the owner, or an agent of the owner, of the motor vehicle or a law enforcement officer:~~

~~(a) The person requesting the towing must be the owner of the real property from which the vehicle is towed or an authorized agent of the owner of the real property and must sign a specific request for the towing. For the purposes of this section, the operator is not an authorized agent of the owner of the real property.~~

~~(b) The area from which the vehicle is to be towed must be appropriately posted in accordance with state or local requirements.~~

~~(c) Notice must be given to the appropriate law enforcement agency pursuant to state and local requirements.~~

~~(d) The operator may be directed to terminate the towing by a law enforcement officer.~~

~~2. If, pursuant to subsection 1, the owner of the real property or authorized agent of the owner of the real property requests that a vehicle be towed from a residential complex at which the vehicle is located, the owner of the real property or authorized agent of the owner:~~

~~(a) Must:~~

~~(1) Meet the requirements of subsection 1.~~

~~(2) If the vehicle is being towed pursuant to subparagraph (1), (2) or (3) of paragraph (b), notify the owner or operator of the vehicle of the tow not less than 48 hours before the tow by affixing to the vehicle a sticker which provides the date and time after which the vehicle will be towed.~~

~~(b) May only have a vehicle towed:~~

~~(1) Because of a parking violation;~~

~~(2) If the vehicle is not registered pursuant to this chapter or chapter 482 of NRS or in any other state;~~

~~(3) If the registration of the vehicle:~~

~~(I) Has been expired for not less than 60 days, if the vehicle is owned or operated by a resident of the residential complex or does not meet the requirements of sub-subparagraph (II); or~~

~~(II) Is expired, if the owner of real property or authorized agent of the owner verifies that the vehicle is not owned or operated by a resident of the residential complex; or~~

~~(4) If the vehicle is:~~

~~(I) Blocking a fire hydrant, fire lane or parking space designated for the handicapped; or~~

~~(II) Posing an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the residents of the residential complex.~~

~~3. If towing is requested by a county or city pursuant to NRS 244.3605 or 268.4122, as applicable:~~

~~(a) Notice must be given to the appropriate law enforcement agency pursuant to state and local requirements.~~

~~(b) The operator may be directed to terminate the towing by a law enforcement officer.~~

~~4. *If towing is requested based on subparagraph (2) or (3) of paragraph (b) of subsection 2, the operator shall independently verify the registration status of the vehicle before towing the vehicle. If, upon accessing the Internet website of the Department for such verification the operator encounters a failure of the verification system or receives an error message, the operator shall be considered to have met the requirements of this subsection. The operator shall retain evidence of such verification, system failure or error*~~

~~*message for not less than 1 year. An operator who fails to comply with this subsection is responsible for the cost of removal and storage of the vehicle.*~~

~~*5.* The registered owner of a motor vehicle towed pursuant to the provisions of subsection 1, 2 or 3:~~

~~(a) Is presumed to have left the motor vehicle on the real property from which the vehicle is towed; and~~

~~(b) [Is] *Except as otherwise provided in subsection 4, is* responsible for the cost of removal and storage of the motor vehicle.~~

~~[5.] *6.* The registered owner may rebut the presumption in subsection [4] *5* by showing that:~~

~~(a) The registered owner transferred the registered owner's interest in the motor vehicle:~~

~~(1) Pursuant to the provisions set forth in NRS 482.399 to 482.420, inclusive; or~~

~~(2) As indicated by a bill of sale for the vehicle that is signed by the registered owner; or~~

~~(b) The vehicle is stolen, if the registered owner submits evidence that, before the discovery of the vehicle, the registered owner filed an affidavit with the Department or a written report with an appropriate law enforcement agency alleging the theft of the vehicle.~~

~~[6.] *7.* As used in this section:~~

~~(a) "Parking violation" means a violation of any:~~

~~(1) State or local law or ordinance governing parking; or~~

~~(2) Parking rule promulgated by the owner or manager of the residential complex that applies to vehicles on the property of the residential complex.~~

~~(b) "Residential complex" means a group of apartments, condominiums or townhomes intended for use as residential units and for which a common parking area is provided, regardless of whether each resident or unit has been assigned a specific parking space in the common parking area.~~ **(Deleted by amendment.)**

Sec. 77. (Deleted by amendment.)

Sec. 78. This act becomes effective:

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

2. On ~~[July 1, 2020,]~~ **October 1, 2019,** for all other purposes.

Assemblywoman Monroe-Moreno moved that the Assembly concur in the Senate Amendment No. 769 to Assembly Bill No. 288.

Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:

The amendment requires the Department of Motor Vehicles to maintain a public service window or location dedicated to serve a document preparation service with multiple transactions for its clients in each office in certain counties. It also allows a client to make complaint to the Department if the document preparation service did not conduct a transaction on his or her behalf and the Department may forward such a complaint to the Secretary of State, who may suspend or

revoke a document preparation service's license. It deletes provisions related to towing certain vehicles from a residential complex and it changes the effective of the bill to October 1, 2019.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that the Assembly dispense with the reprinting of Assembly Bills Nos. 68, 223, 319, and 506; Senate Bill No. 502.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 235, 262, 289, 524, and 533 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 235.

Bill read third time.

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

Amendment No. 974.

AN ACT relating to education; revising provisions governing the membership of the Nevada Advisory Commission on Mentoring; **requiring the Department of Education to provide the Commission with administrative support;** eliminating the requirement for the appointment of a Mentorship Advisory Council; requiring the Commission and the Department of Education to work in consultation to provide direction to the coordinator for mentorship programs in this State; making appropriations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Nevada Advisory Commission on Mentoring for the purpose of supporting and facilitating mentorship programs in this State. (NRS 385.760, 385.780) Under existing law, the membership of the Commission consists of superintendents of certain school districts in this State and members appointed by the Governor, the Commission, the Speaker and Minority Leader of the Assembly and the Majority Leader and Minority Leader of the Senate. (NRS 385.760) **Section 1** of this bill requires all members appointed by the Speaker or Minority Leader of the Assembly or the Majority Leader or Minority Leader of the Senate to not be legislators. **Section 1** also reduces the term of office for a member of the Commission from 4 years to 2 years and prohibits a member from serving more than two consecutive terms. **Section 1** requires the removal of a member who fails to attend two consecutive meetings. **Section 4** of this bill provides that the terms of office for members serving on the Commission as of July 1, 2019, expire on that date

and requires that new members be appointed with initial terms of 1 or 2 years to provide for staggered terms of the 13 members of the Commission.

Section 1 requires the Department of Education to provide the Commission with administrative support to assist the Commission in carrying out its duties.

Section 2 of this bill eliminates the requirement that the Commission appoint a Mentorship Advisory Council consisting of members who represent organizations which provide mentorship programs in this State.

Existing law requires the Commission to employ a coordinator for mentorship programs in this State. (NRS 385.780) **Section 3** of this bill requires the Commission to work in consultation with the Department of Education to provide direction and guidance for such coordinator.

Sections 3.3-3.8 of this bill make appropriations to the Commission to: (1) initiate an affiliate process; (2) award certain grants of money to mentorship programs; and (3) plan and host a statewide mentorship conference.

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

Section 1. NRS 385.760 is hereby amended to read as follows:

385.760 1. The Nevada Advisory Commission on Mentoring is hereby created. The Commission consists of the following 13 members:

(a) One member appointed by the Governor who is a representative of business and industry with a vested interest in supporting mentorship programs in this State.

(b) One member appointed by the Governor who represents an employment and training organization located in this State.

(c) One member appointed by the Governor who is a resident of a county whose population is less than 100,000.

(d) One member who is the superintendent of a school district in a county whose population is 700,000 or more.

(e) One member who is the superintendent of a school district in a county whose population is 100,000 or more but less than 700,000.

(f) One member ***, who is not a Legislator,*** appointed by the Majority Leader of the Senate.

(g) One member ***, who is not a Legislator,*** appointed by the Speaker of the Assembly.

(h) One member ***, who is not a Legislator,*** appointed by the Minority Leader of the Senate.

(i) One member ***, who is not a Legislator,*** appointed by the Minority Leader of the Assembly.

(j) Four members appointed to the Commission pursuant to subsection 2.

2. The members of the Commission appointed pursuant to paragraphs (a) to (i), inclusive, of subsection 1 shall, at the first meeting of the Commission, appoint to the Commission four additional voting members:

(a) One of whom must be a member of the state advisory group appointed by the Governor pursuant to 34 U.S.C. § 11133 and operating in this State as the Juvenile Justice Commission under the Division of Child and Family Services of the Department of Health and Human Services;

(b) One of whom must be a representative of business and industry with a vested interest in supporting mentorship programs in this State; and

(c) Two members between the ages of 16 years and 24 years who have a vested interest in supporting mentorship programs in this State.

3. After the initial terms, each member of the Commission appointed pursuant to subsections 1 and 2 serves a term of ~~[4]~~ ***2*** years. A member of the Commission may be reappointed ~~[.]~~ ***, except that no member may serve more than two consecutive terms.***

4. Any vacancy occurring in the membership of the Commission must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs. A member appointed to fill a vacancy shall serve as a member of the Commission for the remainder of the original term of appointment.

5. ***If a member of the Commission fails to attend two consecutive meetings of the Commission, the Commission shall, within 5 days after the second consecutive meeting that the member fails to attend, provide notice of that fact, in writing, to the appointing authority who appointed that member. Upon receipt of the notice, the appointing authority shall appoint a person to replace the member in the same manner as filling a vacancy on the Commission pursuant to subsection 4.***

6. Each member of the Commission:

(a) Serves without compensation; and

(b) While engaged in the business of the Commission, is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

7. The Department shall provide the Commission with such administrative support as is necessary to assist the Commission in carrying out its duties pursuant to NRS 385.780.

Sec. 2. NRS 385.770 is hereby amended to read as follows:

385.770 1. At the first meeting of each calendar year, the Commission shall elect from its members a Chair, a Vice Chair and a Secretary and shall adopt the rules and procedures of the Commission.

2. The Commission shall meet at least once each calendar quarter and at other times at the call of the Chair or a majority of its members.

3. A majority of the members of the Commission constitutes a quorum for the transaction of business, and a quorum may exercise any power or authority conferred on the Commission.

4. Except as otherwise provided in NRS 385.780, the Commission may, for the purpose of carrying out the duties of the Commission prescribed by that section:

(a) Appoint committees from its members.

(b) Engage the services of volunteer workers and consultants without compensation.

(c) Enter into a public-private partnership with any business, for-profit organization or nonprofit organization.

(d) Apply for and receive gifts, grants, donations, contributions or other money from any source.

5. ~~[The Commission shall appoint a Mentorship Advisory Council consisting of five members who represent organizations which provide mentorship programs in this State. The members of the Council serve at the pleasure of the Commission. If a member of the Council is removed or if the position of a member otherwise becomes vacant, the Commission shall appoint a new member to fill the vacancy at the next regularly scheduled meeting of the Commission. The Council shall advise the Commission on matters of importance relating to mentoring and mentorship programs in this State.~~

~~6.]~~ The Commission shall, on or before February 1 of each year, prepare and submit a report outlining the activities and recommendations of the Commission to:

(a) The Governor; and

(b) The Director of the Legislative Counsel Bureau for transmittal to the Legislature or to the Legislative Commission if the Legislature is not in regular session.

Sec. 3. NRS 385.780 is hereby amended to read as follows:

385.780 1. The Commission shall, within the scope of its duties, support and facilitate mentorship programs in this State for the purpose of addressing issues relating to education, health, criminal justice and employment with respect to children who reside in this State. The Commission shall:

(a) Establish model guidelines and parameters for existing mentorship programs, including, without limitation:

(1) The development of a model management plan setting forth guidelines for the operation of mentorship programs and strategic goals and benchmarks to measure the success of a mentorship program.

(2) The process for identifying children in need of mentorship and geographic areas of need within this State. Such a process must include, without limitation, consideration of children who:

(I) Are disproportionately at risk of being deprived of the opportunity to develop and maintain a competitive position in the economy.

(II) Are disproportionately at risk of failing to make adequate yearly progress in a school in this State.

(III) Have been involved with the system of juvenile justice in this State, either as a victim or as an offender.

(IV) Have been involved with the criminal justice system, either as a victim or as an offender.

(V) Are in the child welfare system.

(b) Develop a model financial plan that provides for the sustainability and financial stability of mentorship programs, including, without limitation:

(1) The development of a resource plan to provide for diversified fundraising.

(2) The identification of potential sources of revenue to fund the hiring of the coordinator for mentorship programs in this State, as required by paragraph (e).

(3) The identification of potential sources of revenue to fund the hiring of administrative support staff for mentorship programs in this State.

(4) The development, in coordination with the Office of Grant Procurement, Coordination and Management of the Department of Administration of a plan for seeking gifts, grants, donations and contributions from any source for the purpose of carrying out a mentorship program.

(5) The identification of potential strategic private partners to assist in the implementation and continuation of mentorship programs.

(6) The development of public relations and marketing campaigns for the purpose of increasing public awareness regarding existing mentorship programs and the value of mentorship programs.

(c) Develop model protocols for the recruitment, screening, training, matching, monitoring and support of mentors.

(d) Develop model protocols for the effective management of mentors, mentees and matches under mentorship programs, including, without limitation, protocols for the introduction of a mentor to a mentee and closure of the relationship between a mentor and a mentee.

(e) Within the limits of legislative appropriations, employ a coordinator for mentorship programs in this State. ***The Commission shall work in consultation with the Department of Education to provide direction and guidance for the coordinator.***

(f) Within the limits of legislative appropriations, develop a competitive grants program to award grants of money to mentorship programs in this State. In coordination with the Office of Grant Procurement, Coordination and Management of the Department of Administration, the Commission shall:

(1) Administer the grants program;

(2) Establish guidelines for the submission and review of applications to receive grants from the program; and

(3) Consider and approve or disapprove applications for grants from the program.

2. As used in this section, "child" means a person 24 years of age or younger.

Sec. 3.3. 1. There is hereby appropriated from the State General Fund to the Nevada Commission on Mentoring created by NRS 385.760, as amended by section 1 of this act, the sum of ~~[$125,000]~~ **$101,000** for the purpose of initiating an affiliate process to support the work of the Commission.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2021, by the entity to which the appropriation is made or any entity to which money from the appropriation

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

Sec. 3.6. 1. There is hereby appropriated from the State General Fund to the Nevada Commission on Mentoring created by NRS 385.760, as amended by section 1 of this act, the sum of ~~[$10,000]~~ **$5,000** for expenses related to planning and hosting a statewide conference on mentoring.

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

Sec. 3.8. 1. There is hereby appropriated from the State General Fund to the Nevada Commission on Mentoring created by NRS 385.760, as amended by section 1 of this act, for the purpose of awarding grants of money to mentorship programs in accordance with the provisions of NRS 385.780, as amended by section 3 of this act, the following sums:

For the Fiscal Year 2019-2020 ..... $25,000

For the Fiscal Year 2020-2021 ..... $25,000

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

Sec. 4. 1. Notwithstanding the provisions of NRS 385.760, the terms of all members of the Nevada Advisory Commission on Mentoring created by NRS 385.760 who are serving on July 1, 2019, expire on that date.

2. As soon as practicable after July 1, 2019, but not later than October 1, 2019, the appointing authorities set forth in paragraphs (a) to (k), inclusive, of subsection 1 of NRS 385.760, as amended by section 1 of this act, shall appoint members to the Commission.

3. At the first meeting of the Commission on or after October 1, 2019, and after the appointment of 4 voting members to the Commission pursuant to subsection 2 of NRS 385.760, as amended by section 1 of this act, the members shall choose their term of office by lot, in the following manner:

(a) Five members for terms of 1 year; and
(b) Four members for terms of 2 years.

Sec. 5. This act becomes effective on July 1, 2019.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 262.

Bill read third time.

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

Amendment No. 977.

SUMMARY—Revises provisions relating to **the custody of** children. (BDR 11-131)

AN ACT relating to children; revising provisions relating to the ~~[support and]~~ custody of children; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law imposes a duty on a parent of a child to provide the child with the necessary maintenance, health care, education and support and authorizes certain persons or public agencies to recover from a parent without physical custody a reasonable portion of the cost of the necessary maintenance, health care, education and support. (NRS 125B.020, 125B.030, 125B.040) Under existing law, an obligation for support may be enforced while the child is: (1) under the age of 18 years; (2) under the age of 19 years, if the child is enrolled in high school; (3) under a legal disability; or (4) not declared emancipated. (NRS 125B.200) Section 1 of this bill requires every court order for the support of a child issued or modified on or after October 1, 2019, to include a provision that one or both parents are required to provide support until the child: (1) reaches the age of 24 years, if the child is enrolled in a college or university; or (2) graduates from a college or university, whichever occurs earlier. Sections 2-4 and 6 of this bill make conforming changes.]~~

Existing law requires a court in a child custody proceeding to determine the physical custody of a child based on the best interest of the child. Existing law requires the court to consider several factors in determining the best interest of the child, including ~~[,]~~ the ~~[opinion]~~ **wishes** of the child if he or she is of sufficient age and capacity to form an intelligent ~~[opinion]~~ **preference** concerning his or her physical custody. (NRS 125C.0035) **Section 5** of this bill **: (1)** requires a court to consider the ~~[opinion]~~ **wishes** of the child if he or she is 11 years of age or older ~~[, as]~~ **; and provides that the wishes of the child must be** determined by the court through an interview with the child.

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

Section 1. ~~[Chapter 125B of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. Every court order for the support of a child issued or modified in this State on or after October 1, 2019, must include a provision specifying that one or both parents are required to provide support for the child until the earlier of the child for whom support was ordered:*~~

~~*(a) Reaches 24 years of age, if the child is enrolled in a college or university; or*~~

~~*(b) Graduates from a college or university.*~~

~~*2. Nothing in this section shall be construed to prohibit a court from issuing a new order pursuant to subsection 1 for the support of a child who enrolls in a college or university after such a time that a parent would otherwise not be required to provide support for a child as a matter of law.]*~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 125B.002 is hereby amended to read as follows:~~

~~125B.002 As used in NRS 125B.002 to 125B.180, inclusive, *and section 1 of this act,* unless the context otherwise requires, the words and terms defined in NRS 125B.004 and 125B.008 have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[NRS 125B.200 is hereby amended to read as follows:~~

~~125B.200 As used in NRS 125B.200 to 125B.300, inclusive, unless the context otherwise requires:~~

~~1. "Court" includes a referee or master appointed by the court.~~

~~2. [~~"Minor child"~~]~~ ***"Child"*** means a person who is:

~~(a) Under the age of 18 years;~~

~~(b) Under the age of 19 years, if the person is enrolled in high school;~~

~~(c) Under a legal disability; [~~or~~]~~

~~(d) Not declared emancipated pursuant to NRS 129.080 to 129.140, inclusive [.] ; or~~

~~*(e) The subject for whom support was ordered pursuant to section 1 of this act.*~~

~~3. "Obligor parent" means a parent who has been ordered by a court to pay for the support of a [~~minor~~] child.]~~ **(Deleted by amendment.)**

Sec. 4. ~~[NRS 125B.210 is hereby amended to read as follows:~~

~~125B.210 1. Except as otherwise provided in NRS 125B.230, if, in any proceeding where the court has ordered a parent to pay for the support of a [~~minor~~] child:~~

~~(a) A declaration is signed under penalty of perjury by the person to whom support has been ordered to have been paid stating that the obligor parent is in arrears in payment in a sum equal to or greater than the amount of 30 days of payments;~~

~~(b) Notice and opportunity for hearing on an application to the court, an order to show cause, or a notice of motion has been given to the obligor parent; and~~

~~(c) The court makes a finding that good cause has been shown and that there exists one or more of the conditions set forth in NRS 125B.240,~~

~~↵ the court shall issue to the obligor parent an order requiring the obligor parent to deposit assets to secure future payments of support with a trustee designated by the court and to pay reasonable attorney's fees and costs to the person to whom support has been ordered. The court may designate the district attorney, another county officer or any other person as trustee.~~

~~2. Upon receipt of the assets, the trustee designated by the court to receive the assets shall use the money or sell or otherwise generate income from the deposited assets for an amount sufficient to pay the arrearage, administrative costs, any amount currently due pursuant to an order of the court for the care, support, education and maintenance of the [minor] child, interest upon the arrearage, and attorney's fees, if:~~

~~(a) The obligor parent fails, within the time specified by the court, to cure the default in the payment of the support of a child due at the time the trustee receives the deposited assets, or fails to comply with a plan for payment approved by the court;~~

~~(b) Further arrears in payments accrue after the trustee receives the deposited assets, or the arrearage specified in the declaration is not paid current within any 30-day period following the trustee's receipt of the assets;~~

~~(c) No fewer than 25 days before the sale or use of the assets, written notice of the trustee's intent to sell or use the assets is served personally on the obligor parent or is mailed to the obligor parent by certified mail, return receipt requested; and~~

~~(d) A motion or order to show cause has not been filed to stop the use or sale, or if filed, has been denied by the court.~~

~~↵ The sale of assets must be conducted in accordance with the provisions set forth in NRS 21.130 to 21.260, inclusive, governing the sale of property under execution.~~

~~3. To cover the administrative costs of the trustee, the trustee may deduct from the deposited money all actual costs incurred in a sale and 5 percent of each payment made pursuant to subsection 2.~~] **(Deleted by amendment.)**

Sec. 5. NRS 125C.0035 is hereby amended to read as follows:

125C.0035 1. In any action for determining physical custody of a minor child, the sole consideration of the court is the best interest of the child. If it appears to the court that joint physical custody would be in the best interest of the child, the court may grant physical custody to the parties jointly.

2. Preference must not be given to either parent for the sole reason that the parent is the mother or the father of the child.

3. The court shall award physical custody in the following order of preference unless in a particular case the best interest of the child requires otherwise:

(a) To both parents jointly pursuant to NRS 125C.0025 or to either parent pursuant to NRS 125C.003. If the court does not enter an order awarding joint physical custody of a child after either parent has applied for joint physical

custody, the court shall state in its decision the reason for its denial of the parent's application.

(b) To a person or persons in whose home the child has been living and where the child has had a wholesome and stable environment.

(c) To any person related within the fifth degree of consanguinity to the child whom the court finds suitable and able to provide proper care and guidance for the child, regardless of whether the relative resides within this State.

(d) To any other person or persons whom the court finds suitable and able to provide proper care and guidance for the child.

4. In determining the best interest of the child, the court shall consider and set forth its specific findings concerning, among other things:

(a) The wishes of the child if the child is ~~[of sufficient age and capacity to form an intelligent preference as to his or her physical custody.]~~ ***11 years of age or older. The wishes of the child must be determined by the court through an interview with the child.***

(b) Any nomination of a guardian for the child by a parent.

(c) Which parent is more likely to allow the child to have frequent associations and a continuing relationship with the noncustodial parent.

(d) The level of conflict between the parents.

(e) The ability of the parents to cooperate to meet the needs of the child.

(f) The mental and physical health of the parents.

(g) The physical, developmental and emotional needs of the child.

(h) The nature of the relationship of the child with each parent.

(i) The ability of the child to maintain a relationship with any sibling.

(j) Any history of parental abuse or neglect of the child or a sibling of the child.

(k) Whether either parent or any other person seeking physical custody has engaged in an act of domestic violence against the child, a parent of the child or any other person residing with the child.

(l) Whether either parent or any other person seeking physical custody has committed any act of abduction against the child or any other child.

5. Except as otherwise provided in subsection 6 or NRS 125C.210, a determination by the court after an evidentiary hearing and finding by clear and convincing evidence that either parent or any other person seeking physical custody has engaged in one or more acts of domestic violence against the child, a parent of the child or any other person residing with the child creates a rebuttable presumption that sole or joint physical custody of the child by the perpetrator of the domestic violence is not in the best interest of the child. Upon making such a determination, the court shall set forth:

(a) Findings of fact that support the determination that one or more acts of domestic violence occurred; and

(b) Findings that the custody or visitation arrangement ordered by the court adequately protects the child and the parent or other victim of domestic violence who resided with the child.

6. If after an evidentiary hearing held pursuant to subsection 5 the court determines that each party has engaged in acts of domestic violence, it shall, if possible, then determine which person was the primary physical aggressor. In determining which party was the primary physical aggressor for the purposes of this section, the court shall consider:

(a) All prior acts of domestic violence involving either party;

(b) The relative severity of the injuries, if any, inflicted upon the persons involved in those prior acts of domestic violence;

(c) The likelihood of future injury;

(d) Whether, during the prior acts, one of the parties acted in self-defense; and

(e) Any other factors which the court deems relevant to the determination.

➥ In such a case, if it is not possible for the court to determine which party is the primary physical aggressor, the presumption created pursuant to subsection 5 applies to both parties. If it is possible for the court to determine which party is the primary physical aggressor, the presumption created pursuant to subsection 5 applies only to the party determined by the court to be the primary physical aggressor.

7. A determination by the court after an evidentiary hearing and finding by clear and convincing evidence that either parent or any other person seeking physical custody has committed any act of abduction against the child or any other child creates a rebuttable presumption that sole or joint physical custody or unsupervised visitation of the child by the perpetrator of the abduction is not in the best interest of the child. If the parent or other person seeking physical custody does not rebut the presumption, the court shall not enter an order for sole or joint physical custody or unsupervised visitation of the child by the perpetrator and the court shall set forth:

(a) Findings of fact that support the determination that one or more acts of abduction occurred; and

(b) Findings that the custody or visitation arrangement ordered by the court adequately protects the child and the parent or other person from whom the child was abducted.

8. For the purposes of subsection 7, any of the following acts constitute conclusive evidence that an act of abduction occurred:

(a) A conviction of the defendant of any violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct;

(b) A plea of guilty or nolo contendere by the defendant to any violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct; or

(c) An admission by the defendant to the court of the facts contained in the charging document alleging a violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct.

9. If, after a court enters a final order concerning physical custody of the child, a magistrate determines there is probable cause to believe that an act of abduction has been committed against the child or any other child and that a person who has been awarded sole or joint physical custody or unsupervised visitation of the child has committed the act, the court shall, upon a motion to modify the order concerning physical custody, reconsider the previous order concerning physical custody pursuant to subsections 7 and 8.

10. As used in this section:

(a) "Abduction" means the commission of an act described in NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct.

(b) "Domestic violence" means the commission of any act described in NRS 33.018.

Sec. 6. ~~[NRS 125C.0045 is hereby amended to read as follows:~~

~~"125C.0045 1. In any action for determining the custody of a minor child, the court may, except as otherwise provided in this section and NRS 125C.0601 to 125C.0693, inclusive, and chapter 130 of NRS:~~

~~(a) During the pendency of the action, at the final hearing or at any time thereafter during the minority of the child, make such an order for the custody, care, education, maintenance and support of the minor child as appears in his or her best interest; and~~

~~(b) At any time modify or vacate its order, even if custody was determined pursuant to an action for divorce and the divorce was obtained by default without an appearance in the action by one of the parties.~~

~~→ The party seeking such an order shall submit to the jurisdiction of the court for the purposes of this subsection. The court may make such an order upon the application of one of the parties or the legal guardian of the minor.~~

~~2. Any order for joint custody may be modified or terminated by the court upon the petition of one or both parents or on the court's own motion if it is shown that the best interest of the child requires the modification or termination. The court shall state in its decision the reasons for the order of modification or termination if either parent opposes it.~~

~~3. Any order for custody of a minor child entered by a court of another state may, subject to the provisions of NRS 125C.0601 to 125C.0693, inclusive, and to the jurisdictional requirements in chapter 125A of NRS, be modified at any time to an order of joint custody.~~

~~4. A party may proceed pursuant to this section without counsel.~~

~~5. Any order awarding a party a limited right of custody to a child must define that right with sufficient particularity to ensure that the rights of the parties can be properly enforced and that the best interest of the child is achieved. The order must include all specific times and other terms of the limited right of custody. As used in this subsection, "sufficient particularity" means a statement of the rights in absolute terms and not by the use of the term "reasonable" or other similar term which is susceptible to different interpretations by the parties.~~

~~6. All orders authorized by this section must be made in accordance with the provisions of chapter 125A of NRS and NRS 125C.0601 to 125C.0693, inclusive, and must contain the following language:~~

~~PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION, CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS 200.359 provides that every person having a limited right of custody to a child or any parent having no right of custody to the child who willfully detains, conceals or removes the child from a parent, guardian or other person having lawful custody or a right of visitation of the child in violation of an order of this court, or removes the child from the jurisdiction of the court without the consent of either the court or all persons who have the right to custody or visitation is subject to being punished for a category D felony as provided in NRS 193.130.~~

~~7. In addition to the language required pursuant to subsection 6, all orders authorized by this section must specify that the terms of the Hague Convention of October 25, 1980, adopted by the 14th Session of the Hague Conference on Private International Law, apply if a parent abducts or wrongfully retains a child in a foreign country.~~

~~8. If a parent of the child lives in a foreign country or has significant commitments in a foreign country:~~

~~(a) The parties may agree, and the court shall include in the order for custody of the child, that the United States is the country of habitual residence of the child for the purposes of applying the terms of the Hague Convention as set forth in subsection 7.~~

~~(b) Upon motion of one of the parties, the court may order the parent to post a bond if the court determines that the parent poses an imminent risk of wrongfully removing or concealing the child outside the country of habitual residence. The bond must be in an amount determined by the court and may be used only to pay for the cost of locating the child and returning the child to his or her habitual residence if the child is wrongfully removed from or concealed outside the country of habitual residence. The fact that a parent has significant commitments in a foreign country does not create a presumption that the parent poses an imminent risk of wrongfully removing or concealing the child.~~

~~9. Except where a contract providing otherwise has been executed pursuant to NRS 123.080,~~ ***~~and except as otherwise provided in section 1 of this act,~~*** ~~the obligation for care, education, maintenance and support of any minor child created by any order entered pursuant to this section ceases:~~

~~(a) Upon the death of the person to whom the order was directed; or~~

~~(b) When the child reaches 18 years of age if the child is no longer enrolled in high school, otherwise, when the child reaches 19 years of age.~~

~~10. As used in this section, a parent has "significant commitments in a foreign country" if the parent:~~

~~(a) Is a citizen of a foreign country;~~

~~(b) Possesses a passport in his or her name from a foreign country;~~

~~(c) Became a citizen of the United States after marrying the other parent of the child; or~~

~~(d) Frequently travels to a foreign country.~~] **(Deleted by amendment.)**

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. 289.

Bill read third time.

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

Amendment No. 950.

AN ACT relating to education; revising provisions relating to the retention of certain pupils enrolled in grade 3 to require the provision of certain services and instruction; revising provisions relating to plans to improve the literacy of pupils; revising provisions relating to teachers who teach in a public elementary school; revising provisions relating to reports concerning pupil performance in the subject area of reading; revising provisions relating to notices concerning pupils who exhibit a deficiency in the subject area of reading; requiring certain interventions and services for pupils who exhibit a deficiency in the subject area of reading and **for** the parent or legal guardian of such a pupil; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law to become effective on July 1, 2019, provides that, unless a pupil receives a good-cause exemption, a pupil enrolled in grade 3 must be retained in grade 3 rather than promoted to grade 4 if the pupil does not obtain the score prescribed by the State Board of Education on the criterion-referenced examination in reading. (NRS 388A.487, 392.760) **Section 7** of this bill removes this requirement and instead provides that a pupil must be provided intervention services and intensive instruction if the pupil does not obtain the score prescribed by the State Board on the criterion-referenced examination in reading**.** ~~[and his or her parent or legal guardian provides informed written consent, in consultation with the teacher of the pupil and the principal of the school.]~~ **Sections 4, 5 and 8 of this bill make conforming changes. Section 5 also revises requirements concerning the notice that must be provided to the parent or legal guardian of a pupil who exhibits a deficiency in the subject area of reading.**

Existing law requires the board of trustees of each school district or the governing body of a charter school to prepare a plan to improve the literacy of pupils enrolled in kindergarten and grades 1, 2 and 3. (NRS 388.157) **Section**

1 of this bill instead requires this plan to address pupils enrolled in all grades of an elementary school.

Existing law requires that a plan to improve the literacy of pupils include a program to provide intensive instruction to pupils who have been identified as deficient in the subject area of reading to ensure that those pupils achieve adequate proficiency in that subject area. (NRS 388.157) **Section 1** provides that in order to achieve adequate proficiency in reading, a pupil must perform at a level determined by a statewide assessment to be within the level established by the State Board for a pupil enrolled in the same grade in which the pupil is enrolled.

Under existing law, the principal of a public elementary school, including, without limitation, a charter school, is required to designate a licensed teacher employed by the school who has demonstrated leadership abilities to serve as a learning strategist to train and assist teachers in providing intensive instruction to pupils who have been identified as deficient in the subject area of reading. (NRS 388.159) **Section 2** of this bill instead requires the principal to designate a licensed teacher to serve as a literacy specialist and prescribes the qualifications and duties of the literary specialist. Existing law authorizes a school district or charter school to provide additional compensation to: (1) a licensed teacher designated as a learning strategist or to a teacher who teaches kindergarten; or (2) a licensed teacher who teaches grade 1, 2, 3 or 4 whose overall performance is determined to be highly effective. (NRS 388.159) **Section 2** revises the list of licensed teachers who are eligible for additional compensation to include any teacher who teaches in an elementary school who provides instruction in reading.

Existing law, which becomes effective on July 1, 2019, requires the board of trustees of each school district and the governing body of a charter school to prepare a report concerning the number and percentage of pupils who are retained in grade 3 for deficiency in reading. (NRS 388A.487, 392.775) **Sections** ~~[3]~~ **4** and **10** of this bill additionally require the board of trustees of each school district and the governing body of a charter school to include in a report certain information concerning pupils who received educational programs or services in the subject area of reading.

Section 6 of this bill requires that the plan to assess the proficiency of a pupil who is deficient in the subject area of reading be established by a licensed teacher. **Section 6** also removes the requirement that a school assess the proficiency of a pupil who is receiving services to correct a deficiency in the subject area of reading at the beginning of the school year and instead requires the school regularly assess the growth of the pupil in any areas of deficiency in the subject area of reading.

Existing law requires the principal of a school to offer the parent or legal guardian of a pupil who is retained in grade 3 certain additional instructional options. (NRS 392.770) **Section 9** of this bill instead requires the principal of a school to offer these options to the parent or legal guardian of a pupil who exhibits a deficiency in the subject area of reading.

Existing law requires the Department of Education to distribute money that is appropriated to the Other State Education Programs Account through a competitive grants program. (Section 15 of chapter 334, Statutes of Nevada 2015, p. 1867) **Section 11** of this bill revises the program to: (1) distribute the money through a noncompetitive grants program using a weighted formula; and (2) authorize schools that receive a grant of money to use the money for literacy programs, additional staff or both, to support school-based efforts to ensure that all pupils are proficient in reading by the end of elementary school. **Section 11** also prohibits schools that receive a grant of money from using the money to supplant other budgets of the school.

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

Section 1. NRS 388.157 is hereby amended to read as follows:

388.157 1. The board of trustees of each school district and the governing body of each charter school shall prepare a plan to improve the literacy of pupils enrolled in ~~[~~~kindergarten and grades 1, 2 and 3.~~]~~ ***an elementary school.*** Such a plan must include, without limitation:

(a) A program to provide ***intervention services and*** intensive instruction to pupils who have been identified as deficient in the subject area of reading to ensure that those pupils achieve adequate proficiency in ~~[~~~that subject area.~~]~~ ***the requisite reading skills and reading comprehension skills necessary to perform at a level determined by a statewide assessment to be within a level determined by the State Board for a pupil enrolled in the same grade in which the pupil is enrolled.*** Such a program must include, without limitation, regularly scheduled reading sessions in small groups and specific instruction ~~[~~~on~~]~~ ***designed to target any area of reading in which the pupil demonstrates a deficiency, including, without limitation,*** phonological and phonemic awareness, decoding skills ***,*** ~~[~~~and~~]~~ reading fluency ~~[~~~,~~]~~ ***and vocabulary and reading comprehension strategies;***

(b) Procedures for assessing a pupil's proficiency in the subject area of reading using valid and reliable ***curriculum-based*** assessments that have been approved by the State Board by regulation:

(1) Within the first 30 days of school after the pupil enters kindergarten or upon enrollment in kindergarten if the pupil enrolls after that period; and

(2) During ~~[~~~grades 1, 2 and 3;~~]~~ ***each grade level in elementary school;***

(c) A program to improve the proficiency in reading of pupils who are English learners; and

(d) Procedures for facilitating collaboration between ~~[~~~learning strategists~~]~~ ***licensed teachers designated as literacy specialists*** and classroom teachers.

2. The board of trustees of each school district or the governing body of a charter school, as applicable, shall:

(a) Submit its plan to the Department for approval on or before the date prescribed by the Department on a form prescribed by the Department; and

(b) Make such revisions to the plan as the Department determines are necessary.

Sec. 2. NRS 388.159 is hereby amended to read as follows:

388.159 1. The principal of a public elementary school, including, without limitation, a charter school, shall designate a licensed teacher employed by the school ~~[who has demonstrated leadership abilities]~~ to serve as a ~~[learning strategist]~~ ***literacy specialist.*** ~~[to train]~~ ***The licensed teacher so designated must:***

(a) Demonstrate the ability to improve the literacy of pupils;

(b) Demonstrate competency in effective instruction in literacy and the administration of assessments;

(c) Demonstrate an understanding of building relationships with teachers and other adults;

(d) Collaborate with the principal of the public elementary school to develop a schedule of professional development and assist ***in providing such professional development; and***

(e) Assist teachers at the school ~~[to]~~ ***by implementing a system of support which includes various methods to*** provide ***intervention services and*** intensive instruction ~~[to]~~ ***for*** pupils who have been identified as deficient in the subject area of reading.

2. A school district or charter school may provide additional compensation to:

(a) A licensed teacher designated as a ~~[learning strategist]~~ ***literacy specialist*** pursuant to this section; or

(b) A ***licensed*** teacher who is employed by a school district or charter school ~~[to teach kindergarten or grade 1, 2, 3 or 4]~~ ***in an elementary school*** ~~[whose overall performance is determined to be highly effective under the statewide performance evaluation system established by the State Board pursuant to NRS 391.465.]~~ ***and provides instruction in reading.***

3. Each ***licensed*** teacher employed by a school district or charter school to teach ~~[kindergarten or grade 1, 2, 3 or 4]~~ ***in an elementary school and is responsible for providing instruction in reading*** shall complete professional development ~~[provided]~~ ***developed*** by a ~~[learning strategist designated]~~ ***licensed teacher designated as a literacy specialist*** pursuant to subsection 1 in the subject area of reading.

4. The State Board shall prescribe by regulation:

(a) Any training or professional development that a ~~[learning strategist]~~ ***licensed teacher designated as a literacy specialist*** is required to successfully complete;

(b) Any professional development that a teacher employed by a school district or charter school to teach ~~[kindergarten or grade 1, 2, 3 or 4]~~ ***in an elementary school*** is required to receive ~~[from]~~ ***as developed by*** a ~~[learning strategist]~~ ***licensed teacher designated as a literacy specialist*** in the subject area of reading; and

(c) The duties and responsibilities of a ~~[learning strategist.]~~ ***licensed teacher designated as a literacy specialist.***

Sec. 3. ~~[Chapter 388A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*On or before October 15 of each year, the governing body of a charter school that operates as an elementary school shall:*~~

~~*1. Prepare a report concerning the number and percentage of pupils at each grade level at the charter school who received educational programs and services identified pursuant to subsection 1 of NRS 392.750 and whose proficiency in the subject area of reading:*~~

~~*(a) Did not improve at a rate prescribed by the governing body of the charter school, indicating a need for more intensive or different interventions;*~~

~~*(b) Improved at a rate prescribed by the governing body of the charter school, indicating progress toward performing at a level determined by a statewide assessment to be within a level established by the State Board for pupils enrolled in the same grade level in which the pupils are enrolled; and*~~

~~*(c) Is considered by the charter school to be within the level established by the State Board for pupils in the same grade level in which the pupils are enrolled.*~~

~~*2. Submit a copy of the report to the Department, the Legislature and the sponsor of the charter school.*~~

~~*3. Post the report on the Internet website maintained by the charter school and otherwise make the report available to the parents and legal guardians of pupils enrolled in the charter school and the general public.]*~~

(Deleted by amendment.)

Sec. 4. NRS 388A.487 is hereby amended to read as follows:

388A.487 1. The governing body of a charter school shall adopt rules for ~~[the academic retention of]~~ ***the provision of intervention services and intensive instruction to*** pupils who are enrolled in the charter school that are consistent with NRS 392.750, 392.760 and 392.765. The rules must:

(a) Prescribe the ~~[conditions under]~~ ***programs and instruction*** which ***will be provided to*** a pupil ***.*** ~~[may be retained in the same grade rather than promoted to the next higher grade for the immediately succeeding school year.]~~

(b) Require a pupil enrolled in grade 3 ~~*[an elementary school]*~~ to be ~~[retained in the same grade rather than promoted to grade 4 when required]~~ ***provided intervention services and intensive instruction while the pupil is enrolled in an elementary school*** pursuant to NRS 392.760.

2. On or before ~~[September 1]~~ ***October 15*** of each year, the governing body of each charter school shall:

(a) Prepare a report concerning the number and percentage of pupils at the charter school who were:

(1) ~~[Retained]~~ ***Designated*** in grade 3 ***to be provided intervention services and intensive instruction while enrolled in an elementary school of a charter***

school pursuant to NRS 392.760 for a deficiency in the subject area of reading, including whether or not any such pupils were previously ~~[retained in kindergarten or grade 1 or 2;]~~ ***provided intervention services and intensive instruction while enrolled in an elementary school of a charter school;*** and

(2) ~~[Not retained in grade 3 because a good cause exemption was approved pursuant to NRS 392.760 but who were previously retained in kindergarten or grade 1 or 2 for a total of 2 years;]~~ ***Received educational programs or services identified pursuant to subsection 1 of NRS 392.750 at each grade level and whose proficiency in the subject area of reading:***

(I) Did not improve at a rate prescribed by the governing body of a charter school, indicating a need for more intensive or different interventions;

(II) Improved at a rate prescribed by the governing body of a charter school, indicating growth toward performing at a level determined by a statewide assessment to be within the level established by the State Board for pupils enrolled in the same grade in which the pupils are enrolled; and

(b) Submit a copy of the report to the Department ~~[.]~~ ***, the Legislature and the sponsor of the charter school;*** and

(c) Post the report on the Internet website maintained by the charter school and otherwise make the report available to the parents and legal guardians of pupils enrolled in the charter school and the general public.

Sec. 5. NRS 392.750 is hereby amended to read as follows:

392.750 If a pupil enrolled at a public elementary school in kindergarten or grade 1, 2 or 3 exhibits a deficiency in the subject area of reading based upon state or local assessments and the observations of the pupil's teacher, the principal of the school must provide written notice of the deficiency to the parent or legal guardian of the pupil within 30 days after the date on which the deficiency is discovered. The written notice must, without limitation:

1. Identify the educational programs and services that the pupil will receive to improve the pupil's proficiency in the subject area of reading, including, without limitation, the programs and services included in the plan to improve the literacy of pupils enrolled in ~~[kindergarten and grades 1, 2 and 3]~~ ***elementary school*** that has been approved by the Department pursuant to NRS 388.157;

2. Explain that if the pupil does not achieve adequate proficiency in the subject area of reading before the completion of grade 3, the pupil will be ~~[retained in grade 3 rather than promoted to grade 4, unless the pupil receives a good cause exemption pursuant to NRS 392.760;]~~ ***provided intervention services and intensive instruction while the pupil is enrolled in an elementary school;***

3. Describe, explain and, if appropriate, demonstrate the strategies which the parent or legal guardian may use at home to help improve the proficiency of the pupil in the subject area of reading;

4. Explain that the criterion-referenced examination in ***only*** the subject area of reading administered pursuant to NRS 390.105 is not the only factor

used to determine whether the pupil will be ~~[retained in grade 3 and that other options are available for the pupil to demonstrate proficiency if the pupil is eligible for a good cause exemption pursuant to NRS 392.760;]~~ ***provided intervention services and intensive instruction while the pupil is enrolled in an elementary school;***

5. Describe the policy and specific criteria adopted by the board of trustees of the school district or governing body of a charter school, as applicable, pursuant to NRS 392.765 regarding the ~~[promotion]~~ ***provision*** of ***intervention services and intensive instruction to*** a pupil ~~[to grade 4 at any time during the school year if the pupil is retained in grade 3 pursuant to NRS 392.760;]~~ ***enrolled in an elementary school;***

6. Include information regarding the English literacy development of a pupil who is an English learner; ~~[and]~~

7. Describe, explain and, if appropriate, demonstrate the strategies which the parent or legal guardian may use at home to help improve the English literacy of a pupil who is an English learner ~~[.]~~ ***;***

8. To the extent practicable, be provided in a language that the parent or legal guardian can understand;

9. Explain that a plan to monitor the growth of the pupil in the subject area of reading will regularly assess the pupil and the elementary school will provide notice to the parent or legal guardian the status of the growth of the pupil; and

10. Explain that services and the programs provided to the pupil will be adjusted to improve the deficiency in the subject area of reading.

Sec. 6. NRS 392.755 is hereby amended to read as follows:

392.755 1. A public elementary school that has notified the parent or legal guardian of a pupil that, based upon the results of state or local assessments, it has been determined that the pupil has a deficiency in the subject area of reading pursuant to NRS 392.750 shall, within 30 days after providing such notice, establish a plan to monitor the ~~[progress]~~ ***growth*** of the pupil in the subject area of reading.

2. A plan to monitor the ~~[progress]~~ ***growth*** of a pupil in the subject area of reading must be established by ~~[the]~~ ***a licensed*** teacher ~~[of the pupil]~~ and any other relevant ***licensed*** school personnel and approved by the principal of the school and the parent or legal guardian of the pupil. The plan must include a description of any intervention services ***and intensive instruction*** that will be provided to the pupil to correct the ***area of*** deficiency and must include that the pupil will receive intensive instruction in reading ~~[to ensure]~~ ***until*** the pupil achieves adequate proficiency in ***the requisite*** reading ~~[.]~~ ***skills and reading comprehension skills necessary to perform at a level determined by a statewide assessment to be within a level established by the State Board of Education for a pupil enrolled in the same grade in which the pupil is enrolled.*** Such instruction must include, without limitation, the programs and services included in the plan to improve the literacy of pupils enrolled in

~~[kindergarten and grades 1, 2 and 3]~~ ***elementary school*** approved by the Department pursuant to NRS 388.157.

3. A school that establishes a plan to monitor the ~~[progress]~~ ***growth*** of a pupil in the subject area of reading shall ***regularly*** assess the ~~[proficiency]~~ ***growth*** of the pupil in ~~[the subject]~~ ***any*** area of ***deficiency in the subject area of*** reading ~~[at the beginning of the next school year after the plan is established pursuant to this section.]~~ ***to ensure that the programs and services provided to the pupil pursuant to subsection 1 of NRS 392.750 continue to increase the proficiency of the pupil in the subject area of reading until the pupil performs at a level determined by a statewide assessment to be within a level established by the State Board for a pupil enrolled in the same grade in which the pupil is enrolled.***

Sec. 7. NRS 392.760 is hereby amended to read as follows:

392.760 1. Except as otherwise provided in this section, a pupil enrolled in grade 3 must ~~[be retained in grade 3 rather than promoted to grade 4 if the pupil]~~ ***be provided intervention services and intensive instruction if the*** ~~***[:***~~

~~***(a) Pupil]***~~ ***pupil*** does not obtain a score in ***only*** the subject area of reading on the criterion-referenced examination administered pursuant to NRS 390.105 that meets the passing score prescribed by the State Board. ~~[pursuant to subsection 7.~~***~~; and~~***

~~***(b) Parent or legal guardian of the pupil provides informed written consent, in consultation with the teacher of the pupil and principal of the school, that the pupil must be provided intervention services and intensive instruction while the pupil is enrolled in an elementary school.]***~~

2. ~~[The superintendent of schools of a school district or the governing body of a charter school, as applicable, may authorize the promotion of a pupil to grade 4 who would otherwise be retained in grade 3 only if the superintendent or governing body, as applicable, approves a good cause exemption for the pupil upon a determination by the principal of the school pursuant to subsection 4 that the pupil is eligible for such an exemption.~~

~~3. A good cause exemption must be approved for a pupil who previously was retained in grade 3. Any other pupil is eligible for a good cause exemption if the pupil:~~

~~(a) Demonstrates an acceptable level of proficiency in reading on an alternative standardized reading assessment approved by the State Board;~~

~~(b) Demonstrates, through a portfolio of the pupil's work, proficiency in reading at grade level, as evidenced by demonstration of mastery of the academic standards in reading beyond the retention level;~~

~~(c) Is an English learner and has received less than 2 years of instruction in a program of instruction that teaches English as a second language;~~

~~(d) Received intensive remediation in the subject area of reading for 2 or more years but still demonstrates a deficiency in reading and was previously retained in kindergarten or grade 1 or 2 for a total of 2 years;~~

~~(e) Is a pupil with a disability and his or her individualized education program indicates that the pupil's participation in the criterion-referenced examinations administered pursuant to NRS 390.105 is not appropriate; or~~

~~(f) Is a pupil with a disability and:~~

~~(1) He or she participates in the criterion-referenced examinations administered pursuant to NRS 390.105;~~

~~(2) His or her individualized education program or plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, documents that the pupil has received intensive remediation in reading for more than 2 years, but he or she still demonstrates a deficiency in reading; and~~

~~(3) He or she was previously retained in kindergarten or grade 1, 2 or 3.~~

~~4. The principal of a school in which a pupil who may be retained in grade 3 pursuant to subsection 1 is enrolled shall consider the factors set forth in subsection 3 and determine whether the pupil is eligible for a good cause exemption. In making the determination, the principal must consider documentation provided by the pupil's teacher indicating whether the promotion of the pupil is appropriate based upon the record of the pupil. Such documentation must only consist of the existing plan for monitoring the progress of the pupil, the pupil's individualized education program, if applicable, and the pupil's plan in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, if applicable. If the principal determines that promotion of the pupil to grade 4 is appropriate, the principal must submit a written recommendation to the superintendent of schools of the school district or to the governing body of the charter school, as applicable. The superintendent of schools or the governing body of the charter school, as applicable, shall approve or deny the recommendation of the principal and provide written notice of the approval or denial to the principal.~~

~~5. A principal who determines that a pupil is eligible for a good cause exemption shall notify the parent or legal guardian of the pupil whether the superintendent of schools of the school district or the governing body of the charter school, as applicable, approves the good cause exemption.~~

~~6.~~ The principal of a school ~~[~~in which a pupil for whom a good cause exemption is approved and who is promoted to grade 4 must~~:]~~ ***, in consultation with the literacy specialist designated pursuant to NRS 388.159 and any teacher or other person with knowledge and expertise related to providing intervention services and intensive instruction to the pupil:***

(a) ~~***[Must]***~~ ***Shall*** ensure that the pupil continues to ~~[~~receive~~]~~ ***be provided intervention services and*** intensive instruction in the subject area of reading ~~[.]~~ ***while the pupil is enrolled in an elementary school.*** Such instruction must include, without limitation, strategies based upon evidence-based research that will improve proficiency in the subject area of reading.

~~[~~7. The State Board shall prescribe by regulation:

~~(a) The score which a pupil enrolled in grade 3 must obtain in the subject area of reading on the criterion-referenced examination administered pursuant~~

~~to NRS 390.105 to be promoted to grade 4 without a good cause exemption; and~~

~~(b) An alternate examination for administration to pupils enrolled in grade 3 who do not obtain the passing score in the subject area of reading on the criterion-referenced examination administered pursuant to NRS 390.105 and the passing score such a pupil must obtain on the alternate examination to be promoted to grade 4 without a good cause exemption.~~

~~8. As used in this section, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).]~~

(b) May retain ~~[a]~~ the pupil in grade 3 rather than promote the pupil to grade 4 ~~[if a parent or guardian does not provide informed written consent pursuant to paragraph (b) of subsection 1.]~~ when authorized pursuant to NRS 392.125.

Sec. 8. NRS 392.765 is hereby amended to read as follows:

392.765 1. If a pupil will be ~~[retained in grade 3]~~ ***provided intervention services and intensive instruction*** pursuant to NRS 392.760, the principal of the school must:

(a) Provide written notice to the parent or legal guardian of the pupil ***confirming*** that the pupil will be ~~[retained in grade 3.]~~ ***provided intervention services and intensive instruction while the pupil is enrolled in an elementary school.*** The written notice must include, without limitation, a description of the ***intervention services and*** intensive ~~[instructional services]~~ ***instruction*** in the subject area of reading that the pupil will ~~[receive]~~ ***be provided*** to improve the proficiency of the pupil in that subject area.

(b) Develop a plan to monitor the ~~[progress]~~ ***growth*** of the pupil in the subject area of reading.

(c) Require the teacher of the pupil to develop a portfolio of the pupil's work in the subject area of reading, which must be updated as necessary to reflect ~~[progress]~~ ***growth*** made by the pupil.

(d) Ensure that the pupil receives ***intervention services and*** intensive ~~[instructional services]~~ ***instruction*** in the subject area of reading that are designed to improve the pupil's proficiency in the subject area of reading, including, without limitation:

(1) Programs and services included in the plan to improve the literacy of pupils enrolled in ~~[kindergarten and grades 1, 2 and 3]~~ ***elementary school*** approved by the Department pursuant to NRS 388.157;

(2) Instruction for at least 90 minutes each school day based upon evidence-based research concerning reading instruction; and

(3) Intensive instructional services prescribed by the board of trustees of the school district pursuant to subsection 2, as determined appropriate for the pupil.

2. The board of trustees of each school district or the governing body of a charter school, as applicable, shall:

(a) Review and evaluate the plans for monitoring the progress of pupils developed pursuant to subsection 1.

(b) Prescribe the intensive instructional services in the subject area of reading which the principal of a school must implement as determined appropriate for a pupil who ~~[is retained in grade 3]~~ ***will be provided intervention services and intensive instruction*** pursuant to NRS 392.760, which may include, without limitation:

(1) Instruction that is provided in small groups;

(2) Instruction provided in classes with reduced pupil-teacher ratios;

(3) A timeline for frequently monitoring the progress of the pupil;

(4) Tutoring and mentoring;

(5) Classes which are designed to increase the ability of pupils to transition from grade 3 to grade 4;

(6) Instruction provided through an extended school day, school week or school year;

(7) Programs to improve a pupil's proficiency in reading which are offered during the summer; or

(8) Any combination of the services set forth in subparagraphs (1) to (7), inclusive.

3. Except as otherwise provided in subsection 4, the intensive instructional services in the subject area of reading required by this section must be provided to the pupil by a teacher:

(a) Who is different than the teacher who provided instructional services to the pupil during the immediately preceding school year; and

(b) Who has been determined to be highly effective, as demonstrated by pupil performance data and performance evaluations.

4. The intensive instructional services in the subject area of reading required by this section may be provided to the pupil by the same teacher who provided instructional services to the pupil during the immediately preceding school year if a different teacher who meets the requirements of paragraph (b) of subsection 3 is not reasonably available and the pupil:

(a) Has an individualized education program; or

(b) Is enrolled in a school district in a county whose population is less than 100,000.

5. ~~[The board of trustees of each school district and the governing body of a charter school, as applicable, shall develop a policy by which the principal of a school may promote a pupil who is retained in grade 3 pursuant to NRS 392.760 to grade 4 at any time during the school year if the pupil demonstrates adequate proficiency in the subject area of reading. The policy must include the specific criteria a pupil must satisfy to be eligible for promotion, including, without limitation, a reasonable expectation that the pupil's progress will allow him or her to sufficiently master the requirements for a fourth grade reading level. If a pupil is promoted after November 1 of a school year, he or she must demonstrate proficiency in reading at a level prescribed by the State Board.~~

~~6. If a principal of a school determines that a pupil is not academically ready for promotion to grade 4 after being retained in grade 3 and the pupil received intensive instructional services pursuant to this section, the school~~

~~district in which the pupil is enrolled must allow the parent or legal guardian of the pupil to decide, in consultation with the principal of the school, whether to place the pupil in a transitional instructional setting which is designed to produce learning gains sufficient for the pupil to meet the performance standards required for grade 4 while continuing to receive remediation in the subject area of reading.~~

~~7.~~] As used in this section, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

Sec. 9. NRS 392.770 is hereby amended to read as follows:

392.770 In addition to the ***intervention services and*** intensive [~~instructional services~~] ***instruction*** provided to a pupil who ***demonstrates a deficiency in the subject area of reading identified pursuant to subsection 1 of NRS 392.750 or a pupil who*** [~~is retained in grade 3~~] ***will be provided intervention services and intensive instruction while the pupil is enrolled in an elementary school*** pursuant to NRS 392.760, the principal of the school must offer the parent or legal guardian of the pupil***, to the extent practicable, in a language that the parent or legal guardian can understand,*** at least one of the following instructional options:

1. Supplemental tutoring which is based upon evidence-based research concerning reading instruction;

2. Providing the parent or legal guardian with a plan for reading with the pupil at home and participating in any workshops that may be available in the school district to assist the parent or legal guardian with reading with his or her child at home, as set forth in an agreement with the parent or legal guardian; or

3. Providing the pupil with a mentor or tutor who has received specialized training in teaching pupils how to read.

Sec. 10. NRS 392.775 is hereby amended to read as follows:

392.775 On or before [~~September 1~~] ***October 15*** of each year, the board of trustees of each school district shall:

1. Prepare a report concerning the number and percentage of pupils at each public ***elementary*** school within the school district who ***:*** [~~were:~~]

(a) [~~Retained~~] ***Were designated*** in grade 3 ***to be provided intervention services and intensive instruction while enrolled in an elementary school*** pursuant to NRS 392.760 for a deficiency in the subject area of reading, including whether or not any such pupils were previously [~~retained in kindergarten or grade 1 or 2;~~] ***provided intervention services and intensive instruction;*** and

(b) [~~Not retained in grade 3 because a good-cause exemption was approved pursuant to NRS 392.760 but who were previously retained in kindergarten or grade 1 or 2 for a total of 2 years.~~] ***Received educational programs or services identified pursuant to subsection 1 of NRS 392.750 at each grade level and whose proficiency in the subject area of reading:***

(1) Did not improve at a rate prescribed by the board of trustees of the school district, indicating a need for more intensive or different interventions; and

(2) Improved at a rate prescribed by the board of trustees of the school district, indicating progress toward performing at a level determined by a statewide assessment to be within the level established by the State Board for pupils enrolled in the same grade in which the pupils are enrolled. [; and

(3) Is considered by the school district to be within the level established by the State Board for pupils enrolled in the same grade in which the pupils are enrolled.]

2. Submit a copy of the report to the Department [.] ***, the Legislature and sponsor of the charter school.***

3. Post the report on the Internet website maintained by the school district and otherwise make the report available to the parents and legal guardians of pupils enrolled in the school district and the general public.

Sec. 11. Section 15 of chapter 334, Statutes of Nevada 2015, at page 1867, is hereby amended to read as follows:

Sec. 15. 1. The Department of Education shall distribute the money that is appropriated to the Other State Education Programs Account in the State General Fund to carry out the purposes of sections 1 to 14, inclusive, of this act through a [competitive] ***noncompetitive*** grants program. Grants must be awarded by the Department based [on the demonstrated needs of] ***upon a weighted formula which will allocate funds based on need and the pupil population of the school district, and improving the literacy of pupils enrolled in elementary schools in*** the school districts and charter schools and will be awarded to school districts ***, to school districts approved to sponsor charter schools*** and to charter schools that have been approved by the State Public Charter School Authority. Grants must be used for literacy programs for pupils enrolled in [kindergarten and grades 1, 2 and 3] ***elementary school*** established pursuant to [section 5 of this act] ***NRS 388.157*** and to support other school-based efforts to ensure that all pupils are [proficient in the subject area of reading by the end of the third grade.] ***performing at a level considered by the school district or charter school to be within the average range for pupils enrolled in each grade level.*** Such school-based efforts may include, without limitation:

(a) Hiring [or training learning strategists;] ***literacy specialists;***

(b) ***Training literacy specialists;***

(c) Entering into contracts with vendors for the purchase of ***evidence-based*** reading assessments, textbooks, computer software or other materials;

[(c)] ***(d)*** Providing professional development for school personnel;

[(d)] ***(e)*** Providing ***evidence-based*** programs to pupils before and after school and during intercessions or summer school; and

[(e)] ***(f)*** Providing other evidence-based literacy initiatives for pupils enrolled in [kindergarten and grades 1, 2 and 3.] ***elementary school.***

2. The board of trustees of a school district or the governing body of a charter school that receives a grant of money pursuant to subsection 1 shall:

(a) Set measurable performance objectives based on aggregated pupil achievement data; ~~[and]~~

(b) Prepare and submit to the Department of Education, on or before July 1, ~~[2016,]~~ ***2020,*** a report that includes, without limitation:

(1) A description of the programs or services for which the money was used by each school; and

(2) The number of pupils who participated in a program or received services ~~[.]~~ ***; and***

(c) Not use the money to supplant other budgets in the school.

3. The Department of Education shall, to the extent that money is available for that purpose, hire an independent consultant to evaluate the programs or services paid for by a grant of money received by a school district or charter school pursuant to subsection 1.

4. The Department of Education shall prepare a report that includes, without limitation:

(a) Identification of the schools that received an allocation of money by the school district or grant of money from the Department, as applicable;

(b) The amount of money received by each school;

(c) A description of the programs or services for which the money was used by each school;

(d) The number of pupils who participated in a program or received services;

(e) The average expenditure per pupil for each program or service;

(f) An evaluation of the effectiveness of the program or service, including, without limitation, data regarding the academic and linguistic achievement and proficiency of pupils who participated in such a program or received such services; and

(g) Any recommendations for legislation, including, without limitation, legislation to continue or expand programs or services that are identified as effective in improving the reading proficiency of pupils in kindergarten through grade ~~[3.]~~ ***5.***

5. On or before August 31, ~~[2016,]~~ ***2020,*** the Department of Education shall submit a preliminary report prepared pursuant to subsection 4 to the State Board of Education and the Legislative Committee on Education. On or before November 15, ~~[2016,]~~ ***2020,*** the Department shall submit the final report prepared pursuant to subsection 4 and any recommendations made by the State Board or the Legislative Committee on Education to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the ~~[79th]~~ ***81st*** Session of the Nevada Legislature.

6. Any money awarded to a school district or charter school from the money appropriated to the Other State Education Programs Account in the State General Fund pursuant to subsection 1:

(a) Must be accounted for separately from any other money received by the school districts or charter school, as applicable, and used only for the purposes specified in this section.

(b) May not be used to settle or arbitrate disputes between a recognized organization representing employees of a school district and the school district, or to settle any negotiations.

(c) May not be used to adjust the district-wide schedules of salaries and benefits of the employees of a school district.

Sec. 12. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 13. ~~[1.]~~ This ~~[section]~~ **act** becomes effective ~~[upon passage and approval.~~

~~2. Sections 1, 2, 3, 6, 8, 9, 11 and 12 of this act become effective:~~

~~(a)]~~ **:**

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

~~[(b)]~~ **2.** On July 1, 2019, for all other purposes.

~~[3. Sections 4, 5, 7 and 10 of this act become effective on July 1, 2021.]~~

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. 524.

Bill read third time.

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

Amendment No. 1000.

AN ACT making a supplemental appropriation to the Office of the Director of the Department of Corrections for an unanticipated shortfall in utilities costs, inmate-driven costs **,** ~~[and]~~ food costs ~~[,]~~ **and medical costs;** 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 Office of the Director of the Department of Corrections the sum of ~~[$1,479,223]~~ **$5,169,127** for an unanticipated shortfall in utilities costs, inmate-driven costs**,** ~~[and]~~ food costs ~~[.]~~ **and medical costs.** This

appropriation is supplemental to that made by section 20 of chapter 396, Statutes of Nevada 2017, at page 2638.

Sec. 2. This act becomes effective upon passage and approval.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 533.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 942.

AN ACT relating to cannabis; creating the Cannabis Advisory Commission; prescribing the membership and duties of the Commission; creating the Cannabis Compliance Board; prescribing the membership and duties of the Board; transferring the authority to license and regulate persons and establishments engaged in certain activities relating to cannabis from the Department of Taxation to the Board; repealing, reenacting, revising and reorganizing certain provisions related to cannabis; ~~[establishing requirements for the licensure and operation of cannabis consumption lounges;]~~ establishing requirements relating to the delivery of cannabis and cannabis products to a consumer; revising provisions relating to inventory control systems; ~~[authorizing]~~ **prohibiting a local government from licensing a business that allows consumption of cannabis on its premises; requiring** the ~~[Board]~~ **Department of Health and Human Services** to adopt regulations relating to certain commodities or products made using industrial hemp and certain similar products; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) exempts a person who holds a valid registry identification card or letter of approval from state prosecution for possession, delivery and production of marijuana; and (2) generally decriminalizes the purchase, possession and use of marijuana and marijuana paraphernalia for persons who are 21 years of age or older. Existing law also generally exempts a person who holds a valid medical marijuana establishment registration certification or license to operate a marijuana establishment from state prosecution for possession, delivery and production of marijuana and provides for the licensing and regulation of such establishments by the Department of Taxation. (Chapters 453A and 453D of NRS) **Section 245** of this bill repeals the provisions of existing law governing the medical use of marijuana and the use of marijuana by persons 21 years of age or older in this State. **Sections 2-187** of this bill generally: (1) reenact, revise and reorganize these provisions into a new title of NRS; and (2) transfer the authority to license and regulate persons and establishments involved in the marijuana industry in this State to the Cannabis Compliance Board created by **section 54** of this bill.

Under the provisions of this bill, the term "marijuana," as used under the provisions of existing law governing the marijuana industry in this State, is replaced with the term "cannabis."

Section 16 of this bill designates the use of cannabis by a person 21 years of age or older as the "adult use of cannabis." **Section 8** of this bill designates certain establishments that engage in certain business related to the adult use of cannabis as "adult-use cannabis establishments." Similarly, **section 46** of this bill designates the use of cannabis by a person to mitigate the symptoms or effects of a chronic or debilitating medical condition, as defined in **section 128** of this bill, as the "medical use of cannabis." **Section 39** of this bill designates certain establishments that engage in certain business related to the medical use of cannabis as "medical cannabis establishments."

Section 52 of this bill creates the Cannabis Advisory Commission, which includes ex officio members and members appointed by the Governor, for the purposes of studying issues and making recommendations to the Cannabis Compliance Board related to the regulation of cannabis in this State. **Section 54** of this bill creates the Cannabis Compliance Board, consisting of five members appointed by the Governor and generally modeled after the Nevada Gaming Control Board.

Section 58 of this bill sets the annual salaries for each member of the Board.

Sections 59-82 of this bill set forth the powers and duties of the Board, which generally consist of the regulation, licensing and registration of establishments and persons engaged in the production and sale of cannabis and cannabis products in this State. **Section 65** of this bill sets forth procedures by which the Board is authorized to adopt regulations **~~.~~ ~~[~~.~~]~~ and provides a procedure for the Legislative Commission to review and object to such regulations. Section 66** of this bill provides that certain records, information and data relating to certain licensees or registrants are confidential. **Section 67** of this bill **: (1)** requires the Board to perform certain audits of the accounts, programs, funds, activities and functions of licensees **~~.~~ ~~[~~.~~]~~ ; and (2) authorizes the Board to require the Department of Taxation to perform a tax audit of licensees. Sections 68-82** of this bill set forth the procedures by which the Board may take disciplinary action against a licensee or registrant.

Sections 84-123 of this bill reenact and revise provisions of existing law governing the licensure of marijuana establishments, medical marijuana establishments and medical marijuana establishment agents, and reorganize these provisions into a new chapter of NRS governing the licensure of cannabis establishments and registration of cannabis establishment agents. **Section 104** of this bill requires each person who holds an ownership interest of more than 5 percent in a cannabis establishment to obtain a cannabis establishment agent registration card for a cannabis executive. **Section 106** of this bill authorizes the Board to impose certain requirements and standards on a licensee that is a business entity under certain circumstances.

~~[Section 100 of this bill authorizes the Board to decide whether to accept applications for and issue licenses to operate cannabis consumption lounges.~~

~~If the Board decides to accept applications for and issue such licenses, section 100 sets forth requirements for a person to obtain such a license. Sections 119-121 of this bill set forth requirements for the operation of a cannabis consumption lounge.~~

~~Existing law prohibits a person from opening or maintaining a place for the purpose of unlawfully selling, giving away or using any controlled substance. (NRS 453.316) Section 215 of this bill exempts a licensed cannabis consumption lounge that does not sell or give away a controlled substance from the application of this provision.]~~

Section 116 of this bill prohibits a person who does not hold a license issued pursuant to the provisions of this bill from: (1) engaging in certain advertising relating to cannabis; (2) selling, offering to sell or appearing to sell cannabis or cannabis products; or (3) allowing the submission of an order for cannabis or cannabis products.

Sections 125-171 of this bill reenact and revise provisions of existing law governing the medical use of marijuana and reorganize such provisions into a new chapter of NRS governing the medical use of cannabis.

Sections 139-144 and 166-169 of this bill reenact provisions of existing law governing the issuance of registry identification cards and letters of approval and the regulation of the holders of such cards and letters by the Division of Public and Behavioral Health of the Department of Health and Human Services. The reenactment of those provisions is not intended to substantively change those provisions, but merely to recodify the existing law alongside the other provisions of this bill.

Sections 173-187 of this bill reenact and revise provisions of existing law governing the use of marijuana by persons 21 years of age or older and reorganize such provisions into a new chapter of NRS governing the adult use of cannabis.

Existing law provides that it is lawful, and must not be the basis for prosecution or penalty by the State or a political subdivision of this State and must not in this State be a basis for seizure or forfeiture of assets, for a person 21 years of age or older to engage in certain actions relating to marijuana. (NRS 453D.110, 453D.130) Existing law similarly provides that it is lawful for certain marijuana establishments to engage in certain actions relating to marijuana. (NRS 453D.120) **Section 178** of this bill provides for similar protections for persons and establishments engaged in certain actions relating to the adult use of cannabis. However, **section 178** is modeled after the provisions of **section 137** of this bill and provides an exemption from State prosecution for persons 21 years of age or older and cannabis establishments from certain actions relating to the adult use of cannabis.

Sections 150 and 185 of this bill allow a dual licensee to combine the inventory of its medical cannabis establishments and adult-use cannabis establishments for the purpose of maintaining its inventory control system and require a dual licensee to designate a sale to be pursuant to either the provisions

of this bill relating to the medical use of cannabis or the provisions of this bill relating to the adult use of cannabis.

Sections 151 and 185 of this bill authorize a medical cannabis dispensary and an adult-use cannabis retail store to contract with a third party or intermediary business to deliver cannabis or cannabis products under certain circumstances.

Section 196 of this bill exempts the Cannabis Compliance Board from the requirements of the Nevada Administrative Procedure Act. (NRS 233B.039)

Sections 197.5, 198.5 and 199.5 of this bill prohibit a local government from licensing a business which allows the consumption of cannabis on its premises or allowing such a business to operate. Section 239.5 of this bill requires the Cannabis Compliance Board to conduct a study relating to such businesses.

Existing law authorizes the State Department of Agriculture to adopt certain regulations relating to the testing of crops of industrial hemp and commodities and products made using industrial hemp by an independent testing laboratory. (NRS 557.270) **Sections ~~[223]~~ 213.5 and 227** of this bill divide the responsibility for the adoption of regulations relating to industrial hemp and commodities and products made using hemp between the State Department of Agriculture and the ~~[Cannabis Compliance Board.]~~ **Department of Health and Human Services. Section ~~[223]~~ 213.5** of this bill ~~[authorizes]~~ **requires** the ~~[Board]~~ **Department of Health and Human Services** to adopt regulations ~~[: (1) setting forth quality standards for]~~ **governing the testing and labeling of** commodities and products made using industrial hemp and certain similar products containing cannabidiol which are intended for human ~~[or animal]~~ consumption**. [**~~; (2) governing the testing and labeling of such commodities and products; and (3) governing the conduct of persons who produce such commodities and products.]~~ **Section 227** of this bill authorizes the State Department of Agriculture to adopt regulations governing all other industrial hemp and all other commodities and products made using industrial hemp.

Sections 188-195, ~~[197-222, 224-226]~~ 197, 198, 199, 201-213, 214, 216-222, 224, 226, 227 and 229-237 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 is hereby amended by adding thereto a new title, designated title 60 of NRS, to consist of the provisions set forth as sections 3 to 82, inclusive, 84 to 123, inclusive, 125 to 171, inclusive, and 173 to 187, inclusive, of this act.

Sec. 2. The title of NRS created by section 1 of this act is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 3 to 82, inclusive, of this act.

Sec. 3. ***The Legislature hereby finds, and declares to be the public policy of this State, that:***

1. The cannabis industry is beneficial to the economy of the State and the general welfare of its residents.

2. The continued growth and success of the cannabis industry is dependent upon public confidence and trust that:

(a) Residents who suffer from chronic or debilitating medical conditions will be able to obtain medical cannabis safely and conveniently;

(b) Residents who choose to engage in the adult use of cannabis may also obtain adult-use cannabis in a safe and efficient manner;

(c) Cannabis establishments do not unduly impact the quality of life enjoyed by residents of the surrounding neighborhoods;

(d) Cannabis licenses and registration cards are issued in a fair and equitable manner;

(e) The holders of cannabis licenses and registration cards are representative of their communities; and

(f) The cannabis industry is free from criminal and corruptive elements.

3. Public confidence and trust can only be maintained by strict regulation of all persons, locations, practices, associations and activities related to the operation of cannabis establishments.

4. All cannabis establishments and cannabis establishment agents must therefore be licensed, controlled and assisted to protect the public health, safety, morals, good order and general welfare of the inhabitants of the State, to foster the stability and success of the cannabis industry and to preserve the competitive economy and policies of free competition of the State of Nevada.

Sec. 4. *As used in this title, unless the context otherwise requires, the words and terms defined in sections 5 to 51, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 5. *"Administer" has the meaning ascribed to it in NRS 453.021.*

Sec. 6. *"Adult-use cannabis cultivation facility" means a business that:*

1. Is licensed by the Board pursuant to section 96 of this act; and

2. Acquires, possesses, cultivates, delivers, transfers, supplies or sells cannabis and related supplies to:

(a) Adult-use cannabis retail stores;

(b) Adult-use cannabis production facilities; or

(c) Other adult-use cannabis cultivation facilities.

Sec. 7. *"Adult-use cannabis distributor" means a business that:*

1. Is licensed by the Board pursuant to section 96 of this act; and

2. Transports cannabis or adult-use cannabis products from an adult-use cannabis establishment to another adult-use cannabis establishment.

Sec. 8. *"Adult-use cannabis establishment" means:*

1. An adult-use cannabis independent testing laboratory;

2. An adult-use cannabis cultivation facility;

3. An adult-use cannabis production facility;

4. An adult-use cannabis retail store; or

5. An adult-use cannabis distributor.

Sec. 9. *"Adult-use cannabis establishment license" means a license that is issued by the Board pursuant to section 96 of this act to authorize the operation of an adult-use cannabis establishment.*

Sec. 10. *"Adult-use cannabis independent testing laboratory" means a facility described in section 117 of this act that:*

1. Is licensed by the Board pursuant to section 96 of this act; and

2. Tests:

(a) Cannabis intended for the adult use of cannabis.

(b) Adult-use cannabis products.

Sec. 11. *1. "Adult-use cannabis-infused product" means a product intended for the adult use of cannabis that:*

(a) Is infused with cannabis or an extract thereof; and

(b) Is intended for use or consumption by humans through means other than inhalation or oral ingestion.

2. The term includes, without limitation, topical products, ointments, oils and tinctures.

Sec. 12. *"Adult-use cannabis product" means:*

1. An adult-use edible cannabis product; or

2. An adult-use cannabis-infused product.

Sec. 13. *"Adult-use cannabis production facility" means a business that:*

1. Is licensed by the Board pursuant to section 96 of this act; and

2. Acquires, possesses, manufactures, delivers, transfers, supplies or sells adult-use cannabis products to adult-use cannabis retail stores.

Sec. 14. *"Adult-use cannabis retail store" means a business that:*

1. Is licensed by the Board pursuant to section 96 of this act; and

2. Acquires, possesses, delivers, transfers, supplies, sells or dispenses cannabis or related supplies to a consumer or to another adult-use cannabis retail store.

Sec. 15. *"Adult-use edible cannabis product" means a product intended for the adult use of cannabis that:*

1. Contains cannabis or an extract thereof;

2. Is intended for human consumption by oral ingestion; and

3. Is presented in the form of a foodstuff, extract, oil, tincture or other similar product.

Sec. 16. *"Adult use of cannabis" means:*

1. The possession, delivery, production or use of cannabis;

2. The possession, delivery or use of paraphernalia used to administer cannabis; or

3. Any combination of the acts described in subsections 1 and 2,

↪ by a person 21 years of age or older.

Sec. 17. *"Board" means the Cannabis Compliance Board created by section 54 of this act.*

Sec. 18. *"Cannabis" has the meaning ascribed to the term "marijuana" in NRS 453.096.*

Sec. 19. ~~*[“Cannabis consumption lounge” means a business that:*~~

~~*1. Is licensed by the Board pursuant to section 100 of this act; and*~~

~~*2. Allows cannabis or cannabis products to be consumed on the premises of the business.]*~~ **(Deleted by amendment.)**

Sec. 20. ~~*[“Cannabis consumption lounge license” means a license that is issued by the Board pursuant to section 100 of this act to authorize the operation of a cannabis consumption lounge.]*~~ **(Deleted by amendment.)**

Sec. 21. ***“Cannabis cultivation facility” means:***

1. A medical cannabis cultivation facility; or

2. An adult-use cannabis cultivation facility.

Sec. 22. ***“Cannabis establishment” means:***

1. An adult-use cannabis establishment; or

2. A medical cannabis establishment . ~~*[; or*~~

~~*3. A cannabis consumption lounge.]*~~

Sec. 23. ***“Cannabis establishment agent” means an owner, officer, board member, employee or volunteer of a cannabis establishment, an independent contractor who provides labor relating to the cultivation or processing of cannabis or the production of usable cannabis or cannabis products for a cannabis establishment or an employee of such an independent contractor.***

Sec. 24. ***“Cannabis establishment agent registration card” means a registration card that is issued by the Board pursuant to section 103 of this act to authorize a person:***

1. To be an owner, officer or board member of a cannabis establishment; or

2. To volunteer or work at or contract to provide labor for a cannabis establishment.

Sec. 25. ***“Cannabis establishment agent registration card for a cannabis executive” means a registration card issued by the Board pursuant to section 104 of this act.***

Sec. 26. ***“Cannabis independent testing laboratory” means:***

1. An adult-use cannabis independent testing laboratory; or

2. A medical cannabis independent testing laboratory.

Sec. 27. ***“Cannabis product” means:***

1. An adult-use cannabis product; or

2. A medical cannabis product.

Sec. 28. ***“Cannabis production facility” means:***

1. An adult-use cannabis production facility; or

2. A medical cannabis production facility.

Sec. 29. ***“Cannabis sales facility” means:***

1. An adult-use cannabis retail store; or

2. A medical cannabis dispensary.

Sec. 30. ***“Commission” means the Cannabis Advisory Commission created by section 52 of this act.***

Sec. 31. *"Deliver" or "delivery" has the meaning ascribed to it in NRS 453.051.*

Sec. 32. *"Dual licensee" means a person or group of persons who possess a current, valid medical cannabis establishment license and a current, valid adult-use cannabis establishment license ~~[.]~~ of the same type.*

Sec. 33. *"Electronic verification system" means an electronic database that:*

1. Keeps track of data in real time; and

2. Is accessible by the Board and by the cannabis establishment.

Sec. 34. *"Executive Director" means the Executive Director of the Cannabis Compliance Board appointed pursuant to section 61 of this act.*

Sec. 35. *"License" means:*

1. An adult-use cannabis establishment license; or

2. A medical cannabis establishment license . ~~[; or~~

~~3. A cannabis consumption lounge license.]~~

Sec. 36. *"Licensee" means the holder of a license.*

Sec. 37. *"Medical cannabis cultivation facility" means a business that:*

1. Is licensed by the Board pursuant to section 91 of this act; and

2. Acquires, possesses, cultivates, delivers, transfers, transports, supplies or sells cannabis and related supplies to:

(a) Medical cannabis dispensaries;

(b) Medical cannabis production facilities; or

(c) Other medical cannabis cultivation facilities.

Sec. 38. *"Medical cannabis dispensary" means a business that:*

1. Is licensed by the Board pursuant to section 91 of this act; and

2. Acquires, possesses, delivers, transfers, transports, supplies, sells or dispenses cannabis or related supplies and educational materials to the holder of a valid registry identification card, as defined in section 133 of this act, or to another medical cannabis dispensary.

Sec. 39. *"Medical cannabis establishment" means:*

1. A medical cannabis independent testing laboratory;

2. A medical cannabis cultivation facility;

3. A medical cannabis production facility; or

4. A medical cannabis dispensary.

Sec. 40. *"Medical cannabis establishment license" means a license that is issued by the Board pursuant to section 91 of this act to authorize the operation of a medical cannabis establishment.*

Sec. 41. *"Medical cannabis independent testing laboratory" means a facility described in section 117 of this act that:*

1. Is licensed by the Board pursuant to section 91 of this act; and

2. Tests:

(a) Cannabis intended for the medical use of cannabis.

(b) Medical cannabis products.

Sec. 42. *1. "Medical cannabis-infused product" means a product intended for the medical use of cannabis that:*

(a) Is infused with cannabis or an extract thereof; and

(b) Is intended for use or consumption by humans through means other than inhalation or oral ingestion.

2. The term includes, without limitation, topical products, ointments, oils and tinctures.

Sec. 43. *"Medical cannabis product" means:*

1. A medical edible-cannabis product; or

2. A medical cannabis-infused product.

Sec. 44. *"Medical cannabis production facility" means a business that:*

1. Is licensed by the Board pursuant to section 91 of this act; and

2. Acquires, possesses, manufactures, delivers, transfers, transports, supplies or sells medical cannabis products to medical cannabis dispensaries.

Sec. 45. *"Medical edible cannabis product" means a product intended for the medical use of cannabis that:*

1. Contains cannabis or an extract thereof;

2. Is intended for human consumption by oral ingestion; and

3. Is presented in the form of a foodstuff, extract, oil, tincture or other similar product.

Sec. 46. *"Medical use of cannabis" means:*

1. The possession, delivery, production or use of cannabis;

2. The possession, delivery or use of paraphernalia used to administer cannabis; or

3. Any combination of the acts described in subsections 1 and 2,

as necessary for the exclusive benefit of a person to mitigate the symptoms or effects of his or her chronic or debilitating medical condition, as defined in section 128 of this act.

Sec. 47. *"Paraphernalia" means accessories, devices and other equipment that is necessary or useful for a person to engage in the medical use of cannabis or the adult use of cannabis.*

Sec. 48. *"Production" has the meaning ascribed to it in NRS 453.131.*

Sec. 49. *"Registrant" means the holder of a registration card.*

Sec. 50. *"Registration card" means:*

1. A cannabis establishment agent registration card; or

2. A cannabis establishment agent registration card for a cannabis executive.

Sec. 51. *"THC" ~~[means delta-9-tetrahydrocannabinol, which is the primary active ingredient in cannabis.]~~ has the meaning ascribed to it in NRS 453.139.*

Sec. 52. *1. The Cannabis Advisory Commission is hereby created for the purposes of studying issues related to, and making recommendations to the Cannabis Compliance Board regarding the regulation of, cannabis and any activity related to cannabis. The Commission consists of:*

(a) The Executive Director of the Board, who shall serve as Chair of the Commission;

(b) The Director of the Department of Public Safety;

(c) The Attorney General;

(d) The Executive Director of the Department of Taxation;

(e) Eight members appointed by the Governor as follows:

(1) One member who possesses knowledge, skill and experience in the cultivation of cannabis;

(2) One member who possesses knowledge, skill and experience in the business of retailing cannabis;

(3) One member who possesses knowledge, skill and experience in laboratory sciences and toxicology;

(4) One member who possesses knowledge, skill and experience in the manufacturing of cannabis products;

(5) One member who ~~[is]~~ :

(I) Is a physician licensed pursuant to chapter 630 or 633 of NRS and ~~[who]~~ has knowledge, skill and experience in the medical use of cannabis through clinical practice or medical research; or

(II) Has knowledge, skill and experience in public health or food safety;

(6) One member who is a representative of an organization that advocates on behalf of patients who engage in the medical use of cannabis;

(7) One member who possesses knowledge, skill and experience in the field of criminal justice reform dealing specifically with the mitigation of the disproportionate impact of drug prosecutions on communities of color; and

(8) One member who is an attorney licensed to practice in this State and experienced in providing legal services to cannabis establishments or patients who engage in the medical use of cannabis in this State or another jurisdiction.

2. Each appointed member of the Commission serves a term of 2 years.

3. An appointed member of the Commission:

(a) May be reappointed.

(b) Shall not serve more than 8 years.

4. Any vacancy occurring in the appointed membership of the Commission must be filled by the Governor not later than 90 days after the vacancy. A member appointed to fill a vacancy shall serve as a member of the Commission for the remainder of the original term of appointment.

5. ~~[Members]~~ Each member of the Commission ~~[serve without compensation.]~~ is entitled to receive a salary of not more than $80, as fixed by the Cannabis Compliance Board, for each day or portion thereof during which the member is in attendance at a regularly called meeting of the Commission.

6. The members of the Commission may meet throughout each year at the times and places specified by a call of the Chair or a majority of its members. A majority of the members of the Commission constitutes a quorum, and a quorum may exercise all the powers conferred on the Commission.

7. The Cannabis Compliance Board shall provide the Commission with such staff as is necessary to carry out the duties of the Commission.

Sec. 53. ***1. The Commission shall:***

(a) Consider all matters submitted to it by the Board, the Governor or the Legislature;

(b) On its own initiative, recommend to the Board any guidelines, rules or regulations or any changes to existing guidelines, rules or regulations that the Commission considers important or necessary for the review and consideration of the Board; ~~***[and]***~~

(c) Advise the Board on the preparation of any regulations adopted pursuant to this title ~~***[.]***~~ ***;***

(d) Study the distribution of licenses, including, without limitation, the number of licenses authorized to be issued to cannabis establishments within the territory of each local government in this State, and recommend to the Board any statutory changes that the Commission determines to be appropriate; and

(e) Study the feasibility of the use of emerging technologies, including, without limitation, blockchain and systems that use a single source of truth, as a means of collecting data or efficiently and effectively handling transactions electronically to reduce or eliminate the handling of cash.

2. The Chair of the Commission may appoint:

(a) A subcommittee on public health to review and make recommendations on matters related to the labeling, packaging, marketing and advertising of cannabis and cannabis products, the potency of cannabis and cannabis products and any other issue related to the effect of cannabis and cannabis products on public health. Such recommendations may include, without limitation, maximum limits for individual servings of cannabis and cannabis products.

(b) A subcommittee on public safety and community mitigation to review and make recommendations on matters relating to the effects of cannabis on law enforcement, property, businesses and consumers.

(c) A subcommittee on the cannabis industry to review and make recommendations on matters relating to the stability of the market for and the cultivation, processing, manufacturing, transportation, distribution and seed-to-sale tracking of cannabis and cannabis products.

(d) A subcommittee on market participation to review and make recommendations on matters relating to the participation of women-owned businesses, minority-owned businesses, veteran-owned businesses and local agriculture in the cannabis industry in this State.

(e) A subcommittee on the prevention of unlicensed cannabis sales in this State to:

(1) Review the legal authority of state agencies and local governments to curtail the unlicensed sale of cannabis and cannabis products, including, without limitation, by use of Internet websites, sales centers or other

buildings to evade the laws of this State relating to the licensing of cannabis establishments;

(2) Review the resources available to state agencies and local governments to prevent the unlicensed sale of cannabis and cannabis products;

(3) Examine gaps in the enforcement of the laws of this State, including, without limitation, the importation of cannabis and cannabis products from other states;

(4) Identify the extent of the unlicensed sale of cannabis and cannabis products in this State, including, without limitation, the number of operations engaging in the unlicensed sale of cannabis and cannabis products and the most common methods used to engage in such sales;

(5) Examine any other issues relating to the unlicensed sale of cannabis or cannabis products that the Commission determines to be appropriate; and

(6) Make recommendations for efficiently and effectively closing any gaps in legal authority or enforcement identified by the subcommittee.

(f) A subcommittee on local governments to review and make recommendations on matters relating to the role of local governments in the regulation of the cannabis industry. In addition to any member of the Commission appointed to a subcommittee created pursuant to this paragraph, the Chair of the Commission shall appoint to the subcommittee:

(1) One member recommended by the governing body of the Nevada League of Cities; and

(2) One member recommended by the Nevada Association of Counties.

(g) A subcommittee on testing and laboratories to review and make recommendations on matters relating to the testing of cannabis and cannabis products and the efficient and effective operations of independent testing laboratories. In addition to any member of the Commission appointed to a subcommittee created pursuant to this paragraph, the Chair of the Commission shall appoint to the subcommittee one member who serves on an advisory committee for laboratories established by the Board to provide recommendations regarding the testing of cannabis.

(h) Any other subcommittee the Chair deems necessary to expedite the work of the Board.

3. If the Chair appoints a subcommittee pursuant to subsection 2, the subcommittee must:

(a) Contain not more than five members, who serve at the pleasure of the Chair; and

(b) Be chaired by the person selected as chair of the subcommittee by the Chair.

Sec. 54. *The Cannabis Compliance Board, consisting of five members appointed by the Governor, is hereby created.*

Sec. 55. *1. Each member of the Board must be* ~~*[, or within 6 months after appointment become and remain,]*~~ *a resident of the State of Nevada.*

2. No member of the Legislature, no person holding any elective office in the State Government, nor any officer or official of any political party is eligible for appointment to the Board.

3. Not more than three of the five members of the Board may be of the same political party.

4. It is the intention of the Legislature that the Board be composed of the most qualified persons available.

5. One member of the Board must:

(a) Be a certified public accountant certified or licensed by this State or another state of the United States or a public accountant qualified to practice public accounting under the provisions of chapter 628 of NRS, have 5 years of progressively responsible experience in general accounting and have a comprehensive knowledge of the principles and practices of corporate finance; or

(b) Possess the qualifications of an expert in the fields of corporate finance and auditing, general finance or economics.

6. One member of the Board must be selected with special reference to his or her training and experience in the fields of investigation or law enforcement.

7. One member of the Board must be an attorney licensed to practice in this State and selected with special reference to his or her knowledge, skill and experience in regulatory compliance.

8. One member of the Board must be selected with special reference to his or her knowledge, skill and experience in the cannabis industry.

9. One member of the Board must be a physician licensed pursuant to chapter 630 or 633 of NRS and ~~[who has]~~ have knowledge, skill and experience in the area of public health ~~[,]~~ or be a psychologist, clinical professional counselor, alcohol and drug abuse counselor or social worker with knowledge, skill and experience in the area of education and prevention of abuse relating to cannabis.

10. In addition to any other requirements imposed by this section, the member who is designated as Chair of the Board must have at least 5 years of leadership experience in his or her field.

Sec. 56. *1. The term of office of each member of the Board is 4 years, commencing on the last Monday in January.*

2. The Governor shall appoint the members of the Board and designate one member to serve as Chair, who shall preside over all official activities of the Board.

3. The Governor may remove any member for misfeasance, malfeasance or nonfeasance in office. Removal may be made after:

(a) The member has been served with a copy of the charges against the member; and

(b) A public hearing before the Governor is held upon the charges, if requested by the member charged.

➥ The request for a public hearing must be made within 10 days after service upon such member of the charges. If a hearing is not requested, a member is removed effective 10 days after service of charges upon the member. A record of the proceedings at the public hearing must be filed with the Secretary of State.

Sec. 57. *1. A member of the Board must not be:*

(a) A member of any political convention.

(b) A member of any committee of any political party, or engage in any party activities.

2. A member shall not be pecuniarily interested in any business or organization holding a license under this title or doing business with any person or organization holding a license or registration card under this title.

3. Before entering upon the duties of office, each member shall subscribe to the constitutional oath of office and, in addition, swear that the member is not pecuniarily interested in any person, business or organization holding a license or registration card under this title or doing business with any such person, business or organization. The oath of office must be filed in the Office of the Secretary of State.

Sec. 58. *1. The Chair of the Board is entitled to receive an annual salary of ~~[$46,000.]~~ $27,500.*

2. Each of the other members of the Board is entitled to receive an annual salary of ~~[$40,000.]~~ $20,000.

Sec. 59. *1. The Board may employ the services of such persons as it considers necessary for the purposes of consultation or investigation.*

2. The Board may consult with the State Department of Agriculture on any matters relating to industrial hemp, as defined in NRS 557.160.

Sec. 60. *1. The Board may hold regular and special meetings at such times and places as it may deem convenient, and it may hold at least one regular meeting each month.*

2. All meetings of the Board are open to the public ~~.~~ and must be conducted in accordance with the provisions of chapter 241 of NRS.

3. A majority of the members constitutes a quorum of the Board, and a majority of members present at any meeting determines the action of the Board.

Sec. 61. *1. The position of Executive Director of the Cannabis Compliance Board is hereby created.*

2. The Executive Director:

(a) Is appointed by the Board and may be removed by the Board;

(b) Is responsible for the conduct of the administrative matters of the Board; and

(c) Shall, except as otherwise provided in NRS 284.143, devote his or her entire time and attention to the business of the office of Executive Director and shall not pursue any other business or occupation or hold any other office for profit.

3. The Executive Director is entitled to an annual salary in the amount specified by the Board within the limits of legislative appropriations or authorizations.

Sec. 62. *1. The Executive Director may, subject to the approval of the Board:*

(a) Establish, and from time to time alter, such a plan of organization as he or she may deem expedient.

(b) Acquire such furnishings, equipment, supplies, stationery, books, motor vehicles and other things as he or she may deem necessary or desirable in carrying out his or her functions and the functions of the Board.

(c) Incur such other expenses, within the limit of money available to the Board, as he or she may deem necessary.

2. Except as otherwise provided in this title, all costs of administration incurred by the Board must be paid out on claims from the State General Fund in the same manner as other claims against the State are paid.

3. The ~~[Board shall, within the limits of legislative appropriations or authorizations, employ and fix the salaries of or contract for the services of such professional, technical and operational personnel and consultants as the execution of its duties and the operation of the Board and Commission may require.]~~ Executive Director shall organize the work of the Board in such a way as to secure maximum efficiency in the conduct of the Board and make possible a definite placing of responsibility. To this end, the Executive Director may establish such organizational units within the Board as he or she deems necessary.

4. The Executive Director may employ such clerical or expert assistance as may be required.

5. Persons employed by the Board may be assigned to stations, offices or locations selected by the Executive Director both within this State and outside this State where, in the judgment of the Executive Director, it is necessary to maintain personnel to protect, investigate and ensure the safe and lawful conduct of the cannabis industry in this State.

6. Any person assigned to a station, office or location as provided in subsection 5 shall be entitled to receive a per diem allowance only when the business of the Board takes the person away from the particular station, office or location to which he or she is assigned.

7. The members of the Board and the Executive Director are exempt from the provisions of chapter 284 of NRS. The Executive Director is entitled to such leaves of absence as the Board prescribes, but such leaves must not be of lesser duration than those provided for other state employees pursuant to chapter 284 of NRS. Employees described in NRS 284.148 are subject to the limitations specified in that section.

Sec. 63. *In addition to any other powers granted by this title, the Board has the power to:*

1. Enter into interlocal agreements pursuant to NRS 277.080 to 277.180, inclusive.

2. ~~[Appoint officers and hire employees.~~

~~3.]~~ Establish and amend a plan of organization for the Board, including, without limitation, organizations of divisions or sections with leaders for such divisions or sections.

~~[4.]~~ 3. Appear on its own behalf before governmental agencies of the State or any of its political subdivisions.

~~[5.]~~ 4. Apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of this title.

~~[6.]~~ 5. Execute all instruments necessary or convenient for carrying out the provisions of this title.

~~[7.]~~ 6. Prepare, publish and distribute such studies, reports, bulletins and other materials as the Board deems appropriate.

~~[8.]~~ 7. Refer cases to the Attorney General for criminal prosecution.

~~[9.]~~ 8. Maintain an official Internet website for the Board.

~~[10.]~~ 9. Monitor federal activity regarding cannabis ~~[.]~~ and report its findings to the Legislature.

Sec. 64. *1. The Board may adopt regulations necessary or convenient to carry out the provisions of this title. Such regulations may include, without limitation:*

~~[1.]~~ (a) Financial requirements for licensees.

~~[2.]~~ (b) Establishing such investigative and enforcement mechanisms as the Board deems necessary to ensure the compliance of a licensee or registrant with the provisions of this title.

~~[3.]~~ (c) Requirements for licensees or registrants relating to the cultivation, processing, manufacture, transport, distribution, testing, study, advertising and sale of cannabis and cannabis products.

~~[4.]~~ (d) Policies and procedures to ensure that the cannabis industry in this State is economically competitive, inclusive of racial minorities, women and persons and communities that have been adversely affected by cannabis prohibition and accessible to persons of low-income seeking to start a business.

(e) Policies and procedures governing the circumstances under which the Board may waive the requirement to obtain a registration card pursuant to this title for any person who holds an ownership interest of less than 5 percent in any one cannabis establishment or an ownership interest in more than one cannabis establishment of the same type that, when added together, is less than 5 percent.

(f) Reasonable restrictions on the signage, marketing, display and advertising of cannabis establishments. Such a restriction must not require a cannabis establishment to obtain the approval of the Board before using a logo, sign or advertisement.

(g) Provisions governing the sales of products and commodities made from industrial hemp, as defined in NRS 557.160, or containing cannabidiol by cannabis establishments.

2. The Board shall adopt regulations providing for the gathering and maintenance of comprehensive demographic information, including, without limitation, information regarding race, ethnicity, age and gender, concerning each:

(a) Owner and manager of a cannabis establishment.

(b) Holder of a cannabis establishment agent registration card.

3. The Board shall transmit the information gathered and maintained pursuant to subsection 2 to the Director of the Legislative Counsel Bureau for transmission to the Legislature on or before January 1 of each odd-numbered year.

4. The Board shall, by regulation, establish a pilot program for identifying opportunities for an emerging small cannabis business to participate in the cannabis industry. As used in this subsection, "emerging small cannabis business" means a cannabis-related business that:

(a) Is in existence, operational and operated for a profit;

(b) Maintains its principal place of business in this State; and

(c) Satisfies requirements for the number of employees and annual gross revenue established by the Board by regulation.

Sec. 65. ***1. The Board shall adopt, amend and repeal regulations in accordance with the following procedures:***

(a) At least 30 days before a meeting of the Board at which the adoption, amendment or repeal of a regulation is considered, notice of the proposed action must be:

(1) Posted on the Internet website of the Board;

(2) Mailed to every person who has filed a request therefor with the Board; and

(3) When the Board deems advisable, mailed to any person whom the Board believes would be interested in the proposed action, and published in such additional form and manner as the Board prescribes.

(b) The notice of proposed adoption, amendment or repeal must include:

(1) A statement of the time, place and nature of the proceedings for adoption, amendment or repeal;

(2) Reference to the authority under which the action is proposed; and

(3) Either the express terms or an informative summary of the proposed action.

(c) On the date and at the time and place designated in the notice, the Board shall afford any interested person or his or her authorized representative, or both, the opportunity to present statements, arguments or contentions in writing, with or without opportunity to present them orally. The Board shall consider all relevant matter presented to it before adopting, amending or repealing any regulation.

(d) Any interested person may file a petition with the Board requesting the adoption, amendment or repeal of a regulation. The petition must state, clearly and concisely:

(1) The substance or nature of the regulation, amendment or repeal requested;

(2) The reasons for the request; and

(3) Reference to the authority of the Board to take the action requested.

➥ Upon receipt of the petition, the Board shall within 45 days deny the request in writing or schedule the matter for action pursuant to this subsection.

2. In emergencies, the Board may summarily adopt, amend or repeal any regulation if:

(a) The Board submits to the Governor:

(1) A written finding that such action is necessary for the immediate preservation of the public peace, health, safety, morals, good order or general welfare; and

(2) A written statement of the facts constituting an emergency;

(b) The Governor endorses the written finding and written statement described in paragraph (a) by written endorsement at the end of the full text of the written statement and written finding; and

(c) The Board files the written statement and written finding endorsed by the Governor at the same time it adopts, amends or repeals the regulation.

3. In any hearing held pursuant to this section, the Board or its authorized representative may administer oaths or affirmations, and may continue or postpone the hearing from time to time and at such places as it prescribes.

4. The Board shall file a copy of any regulation adopted, amended or repealed by the Board with the Legislative Counsel as soon as practicable after adoption, amendment or repeal. The adoption, amendment or repeal of a regulation by the Board becomes effective upon filing with the Secretary of State. The Board shall not file a regulation with the Secretary of State until 15 days after the date on which the regulation was adopted, amended or repealed by the Board.

5. Upon the request of a Legislator, the Legislative Commission may examine a regulation adopted, amended or repealed by the Board that is not yet effective pursuant to subsection 4 to determine whether the regulation conforms to the statutory authority pursuant to which it was adopted and whether the regulation carries out the intent of the Legislature in granting that authority.

6. Except as otherwise provided in subsection 7, the Legislative Commission shall:

(a) Review the regulation at its next regularly scheduled meeting if the request for examination of the regulation is received more than 10 working days before the meeting; or

(b) Refer the regulation for review to the Subcommittee to Review Regulations appointed pursuant to subsection 6 of NRS 233B.067.

7. If the Board determines that an emergency exists which requires a regulation of the Board for which a Legislator requested an examination

pursuant to subsection 5 to become effective before the next meeting of the Legislative Commission is scheduled to be held, the Board may notify the Legislative Counsel in writing of the emergency. Upon receipt of such a notice, the Legislative Counsel shall refer the regulation for review by the Subcommittee to Review Regulations as soon as practicable.

8. If the Legislative Commission, or the Subcommittee to Review Regulations if the regulation was referred to the Subcommittee, approves the regulation, the Legislative Counsel shall notify the Board that the Board may file the regulation with the Secretary of State. If the Commission or the Subcommittee objects to the regulation after determining that:

(a) The regulation does not conform to statutory authority; or

(b) The regulation does not carry out legislative intent,

the Legislative Counsel shall attach to the regulation a written notice of the objection, including, if practicable, a statement of the reasons for the objection, and shall promptly return the regulation to the Board.

9. If the Legislative Commission or the Subcommittee to Review Regulations has objected to a regulation, the Board shall revise the regulation to conform to the statutory authority pursuant to which it was adopted and to carry out the intent of the Legislature in granting that authority and return it to the Legislative Counsel within 60 days after the Board received the written notice of the objection to the regulation pursuant to subsection 8. Upon receipt of the revised regulation, the Legislative Counsel shall resubmit the regulation to the Legislative Commission or the Subcommittee for review. If the Legislative Commission or the Subcommittee approves the revised regulation, the Legislative Counsel shall notify the Board that the Board may file the revised regulation with the Secretary of State.

10. If the Legislative Commission or the Subcommittee to Review Regulations objects to the revised regulation, the Legislative Counsel shall attach to the revised regulation a written notice of the objection, including, if practicable, a statement of the reasons for the objection, and shall promptly return the revised regulation to the Board. The Board shall continue to revise the regulation and resubmit it to the Legislative Commission or the Subcommittee within 30 days after the Board receives a written notice of the objection to the revised regulation.

Sec. 66. *1. The Board shall cause to be made and kept a record of all proceedings at regular and special meetings of the Board. These records are open to public inspection.*

2. Any and all information and data prepared or obtained by the Board or by an agent or employee of the Board relating to a holder of or an applicant for a medical cannabis establishment license pursuant to section 91 of this act , other than the name of a licensee and each owner, officer and board member of the licensee and information relating to the scoring and ranking of applications and the imposition of disciplinary action, are confidential and may be revealed in whole or in part only in the course of

the necessary administration of this title or upon the lawful order of a court of competent jurisdiction. The Board may reveal such information and data to an authorized agent of any agency of the United States Government, any state or any political subdivision of a state or the government of any foreign country. Notwithstanding any other provision of state law, such information and data may not be otherwise revealed without specific authorization by the Board pursuant to the regulations of the Board.

3. ~~[Any]~~ Except as otherwise provided in this subsection, any information and data included in an application for an adult-use cannabis establishment license ~~[, a cannabis consumption lounge license]~~ or a registration card is confidential and may be revealed in whole or in part only in the course of the necessary administration of this title or upon the lawful order of a court of competent jurisdiction. The name of the holder of an adult-use cannabis establishment license and each owner, officer and board member of the licensee and information relating to the scoring and ranking of applications and the imposition of disciplinary action are not confidential. The Board may reveal such information and data to an authorized agent of any agency of the United States Government, any state or any political subdivision of a state or the government of any foreign country. Notwithstanding any other provision of state law, such information and data may not be otherwise revealed without specific authorization by the Board pursuant to the regulations of the Board.

4. All files, records, reports and other information and data pertaining to matters related to cannabis in the possession of the Nevada Tax Commission or the Department of Taxation must be made available to the Board as is necessary to the administration of this title.

5. As used in this section, "information and data" means all information and data in any form, including, without limitation, any oral, written, audio, visual, digital or electronic form, and the term includes, without limitation, any account, book, correspondence, file, message, paper, record, report or other type of document, including, without limitation, any document containing self-evaluative assessments, self-critical analysis or self-appraisals of an applicant's or licensee's compliance with statutory or regulatory requirements.

Sec. 67. *1. As often as the Board deems necessary, the Board shall conduct a financial or operational audit of the accounts, funds, programs, activities and functions of all licensees. As often as the Department deems necessary, the Department of Taxation shall conduct a tax audit of all licensees.*

2. A licensee shall make available to the Board or Department of Taxation, as applicable, all books, accounts, claims, reports, vouchers and other records requested by the Board or Department in connection with an audit conducted pursuant to subsection 1.

3. If a licensee refuses to produce any of the records described in subsection 2, the Board or Department of Taxation, as applicable, may

petition the district court to order the licensee to produce the requested records. The court shall order the production of all such records upon a finding that the requested records are within the scope of the audit.

4. ~~[All audits conducted pursuant to this section must be conducted with generally accepted auditing standards established by the American Institute of Certified Public Accountants.~~

~~5.]~~ If any audit report of the accounts, funds, programs, activities and functions of a licensee contains adverse or critical audit results, the Board or Department of Taxation, as applicable, may require the licensee subject to the audit to respond, in writing, to the results of the audit. A licensee shall provide such response to the Board or Department not more than 15 days after receiving a request from the Board ~~[.~~

~~6.]~~ or Department.

5. On or before April 1 of each year, the Board and the Department of Taxation shall submit to the Director of the Legislative Counsel Bureau a report concerning the audits conducted pursuant to this section for the preceding year. The report must include, without limitation:

(a) The number of audits performed pursuant to this section in the preceding year;

(b) A summary of the findings of the audits; and

(c) The cost of each audit.

Sec. 68. *1. If the Executive Director becomes aware that a licensee or registrant has violated, is violating or is about to violate any provision of this title or any regulation adopted pursuant thereto, the Executive Director may transmit the details of the suspected violation, along with any further facts or information related to the violation which are known to the Executive Director, to the Attorney General.*

2. If any person other than the Executive Director becomes aware that a licensee or registrant has violated, is violating or is about to violate any provision of this title or any regulation adopted pursuant thereto, the person may file a written complaint with the Executive Director specifying the relevant facts. The Executive Director shall review each such complaint and, if the Executive Director finds the complaint not to be frivolous, may transmit the details of the suspected violation, along with any further facts or information derived from the review of the complaint to the Attorney General.

3. The employees of the Board who are certified by the Peace Officers' Standards and Training Commission created pursuant to NRS 289.500 shall cooperate with the Attorney General in the performance of any criminal investigation.

Sec. 69. *1. If the Executive Director transmits the details of a suspected violation to the Attorney General pursuant to section 68 of this act, the Attorney General shall conduct an investigation of the suspected violation to determine whether it warrants proceedings for disciplinary action of the licensee or registrant. If the Attorney General determines that*

further proceedings are warranted, he or she shall report the results of the investigation together with a recommendation to the Executive Director in a manner which does not violate the right of the person charged in the complaint to due process in any later hearing on the complaint. The Executive Director shall transmit the recommendation and other information received from the Attorney General to the Board.

2. The Board shall promptly make a determination with respect to each complaint resulting in an investigation by the Attorney General. The Board shall:

(a) Dismiss the complaint; or

(b) Proceed with appropriate disciplinary action in accordance with sections 70 to 78, inclusive, of this act [.] and the regulations adopted by the Board.

Sec. 70. ***1. If the Board proceeds with disciplinary action pursuant to section 69 of this act, the Board shall serve a complaint upon the respondent either personally, or by registered or certified mail at the address of the respondent that is on file with the Board. Such complaint must be a written statement of charges and must set forth in ordinary and concise language the acts or omissions with which the respondent is charged. The complaint must specify the statutes and regulations which the respondent is alleged to have violated, but must not consist merely of charges raised in the language of the statutes or regulations. The complaint must provide notice of the right of the respondent to request a hearing. The Chair of the Board may grant an extension to respond to the complaint for good cause.***

2. [The] Unless granted an extension, the respondent must answer within 20 days after the service of the complaint. In the answer the respondent:

(a) Must state in short and plain terms the defenses to each claim asserted.

(b) Must admit or deny the facts alleged in the complaint.

(c) Must state which allegations the respondent is without knowledge or information to form a belief as to their truth. Such allegations shall be deemed denied.

(d) Must affirmatively set forth any matter which constitutes an avoidance or affirmative defense.

(e) May demand a hearing. Failure to demand a hearing constitutes a waiver of the right to a hearing and to judicial review of any decision or order of the Board, but the Board may order a hearing even if the respondent so waives his or her right.

3. Failure to answer or to appear at the hearing constitutes an admission by the respondent of all facts alleged in the complaint. The Board may take action based on such an admission and on other evidence without further notice to the respondent. If the Board takes action based on such an admission, the Board shall include in the record which evidence was the basis for the action.

4. The Board shall determine the time and place of the hearing as soon as is reasonably practical after receiving the respondent's answer. The Board shall deliver or send by registered or certified mail a notice of hearing to all parties at least 10 days before the hearing. The hearing must be held within 45 days after receiving the respondent's answer unless an expedited hearing is determined to be appropriate by the Board, in which event the hearing must be held as soon as practicable.

Sec. 71. ***1. Before a hearing before the Board, and during a hearing upon reasonable cause shown, the Board shall issue subpoenas and subpoenas duces tecum at the request of a party. All witnesses appearing pursuant to subpoena, other than parties, officers or employees of the State of Nevada or any political subdivision thereof, are entitled to receive fees and mileage in the same amounts and under the same circumstances as provided by law for witnesses in civil actions in the district courts. Witnesses entitled to fees or mileage who attend hearings at points so far removed from their residences as to prohibit return thereto from day to day are entitled, in addition to witness fees and in lieu of mileage, to the per diem compensation for subsistence and transportation authorized for state officers and employees for each day of actual attendance and for each day necessarily occupied in traveling to and from the hearings. Fees, subsistence and transportation expenses must be paid by the party at whose request the witness is subpoenaed. The Board may award as costs the amount of all such expenses to the prevailing party.***

2. The testimony of any material witness residing within or without the State of Nevada may be taken by deposition in the manner provided by the Nevada Rules of Civil Procedure.

Sec. 72. ***1. At all hearings before the Board:***

(a) Oral evidence may be taken only upon oath or affirmation administered by the Board.

(b) Every party has the right to:

(1) Call and examine witnesses;

(2) Introduce exhibits relevant to the issues of the case;

(3) Cross-examine opposing witnesses on any matters relevant to the issues of the case, even though the matter was not covered in a direct examination;

(4) Impeach any witness regardless of which party first called the witness to testify; and

(5) Offer rebuttal evidence.

(c) If the respondent does not testify in his or her own behalf, the respondent may be called and examined as if under cross-examination.

(d) The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence may be admitted and is sufficient in itself to support a finding if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule

which might make improper the admission of such evidence over objection in a civil action.

(e) The parties or their counsel may by written stipulation agree that certain specified evidence may be admitted even though such evidence might otherwise be subject to objection.

2. The Board may take official notice of any generally accepted information or technical or scientific matter within the field of cannabis, and of any other fact which may be judicially noticed by the courts of this State. The parties must be informed of any information, matters or facts so noticed, and must be given a reasonable opportunity, on request, to refute such information, matters or facts by evidence or by written or oral presentation of authorities, the manner of such refutation to be determined by the Board.

3. Affidavits may be received in evidence at any hearing of the Board in accordance with the following:

(a) The party wishing to use an affidavit must, not less than 10 days before the day set for hearing, serve upon the opposing party or counsel, either personally or by registered or certified mail, a copy of the affidavit which the party proposes to introduce in evidence together with a notice as provided in paragraph (c).

(b) Unless the opposing party, within 7 days after such service, mails or delivers to the proponent a request to cross-examine the affiant, the opposing party's right to cross-examine the affiant is waived and the affidavit, if introduced in evidence, must be given the same effect as if the affiant had testified orally. If an opportunity to cross-examine an affiant is not afforded after request therefor is made in accordance with this paragraph, the affidavit may be introduced in evidence, but must be given only the same effect as other hearsay evidence.

(c) The notice referred to in paragraph (a) must be substantially in the following form:

> ***The accompanying affidavit of (here insert name of affiant) will be introduced as evidence at the hearing set for the ..... day of the month of ……. of the year …… (Here insert name of affiant) will not be called to testify orally and you will not be entitled to question (here insert name of affiant) unless you notify the undersigned that you wish to cross-examine (here insert name of affiant). To be effective your request must be mailed or delivered to the undersigned on or before 7 days from the date this notice and the enclosed affidavit are served upon you.***
>
> .....
> ***(Party or Counsel)***
>
> .....
> ***(Address)***

Sec. 73. ***The following procedures apply at all hearings of the Board:***

1. At least three members of the Board shall be present at every hearing, and they shall exercise all powers relating to the conduct of the hearing and shall enforce all decisions with respect thereto.

2. The proceedings at the hearing must be reported either stenographically or by a phonographic reporter.

Sec. 74. *After the Board has initiated a hearing pursuant to section 70 of this act, the members of the Board shall not communicate, directly or indirectly, in connection with any issue of fact, with any person or party, nor, in connection with any issue of law, with any party or the party's representative, except upon notice and opportunity to all parties to participate.*

Sec. 75. *The Board may, before submission of the case for decision, permit the filing of amended or supplemental pleadings and shall notify all parties thereof, and provide a reasonable opportunity for objections thereto.*

Sec. 76. *If any person in proceedings before the Board disobeys or resists any lawful order or refuses to respond to a subpoena, or refuses to take the oath or affirmation as a witness or thereafter refuses to be examined, or is guilty of misconduct during the hearing or so near the place thereof as to obstruct the proceeding, the Board may certify the facts to the district court in and for the county where the proceedings are held. The court shall thereupon issue an order directing the person to appear before the court and show cause why the person should not be punished as for contempt. The court order and a copy of the statement of the Board must be served on the person cited to appear. Thereafter the court has jurisdiction of the matter, and the same proceedings must be had, the same penalties may be imposed and the person charged may purge himself or herself of the contempt in the same way as in the case of a person who has committed a contempt in the trial of a civil action before a district court.*

Sec. 77. *1.* ~~*[After]*~~ *Within 60 days after the hearing of a contested matter, the Board shall render a written decision on the merits which must contain findings of fact, a determination of the issues presented and the penalty to be imposed, if any. The Board shall thereafter make and enter its written order in conformity to its decision. No member of the Board who did not hear the evidence may vote on the decision. The affirmative votes of a majority of the whole Board are required to impose any penalty. Copies of the decision and order must be served on the parties personally or sent to them by registered or certified mail. The decision is effective upon such service, unless the Board orders otherwise.*

2. The Board may, upon motion made within 10 days after service of a decision and order, order a rehearing before the Board upon such terms and conditions as it may deem just and proper if a petition for judicial review of the decision and order has not been filed. The motion must not be granted except upon a showing that there is additional evidence which is material and necessary and reasonably calculated to change the decision of the Board, and that sufficient reason existed for failure to present the evidence

at the hearing of the Board. The motion must be supported by an affidavit of the moving party or his or her counsel showing with particularity the materiality and necessity of the additional evidence and the reason why it was not introduced at the hearing. Upon rehearing, rebuttal evidence to the additional evidence must be permitted. After rehearing, the Board may modify its decision and order as the additional evidence may warrant.

Sec. 78. *If the Board finds that a licensee or registrant has violated a provision of this title or any regulation adopted pursuant thereto, the Board may take any or all of the following actions:*

1. Limit, condition, suspend or revoke the license or registration card of the licensee or registrant.

2. Impose a civil penalty ~~[of not more than $10,000]~~ in an amount established by regulation for each violation.

Sec. 79. *1. Any person aggrieved by a final decision or order of the Board made after hearing or rehearing by the Board pursuant to sections 70 to 78, inclusive, of this act and whether or not a motion for rehearing was filed, may obtain a judicial review thereof in the district court of the county in which the petitioner resides or has his, her or its principal place of business.*

2. The judicial review must be instituted by filing a petition within 20 days after the effective date of the final decision or order. A petition may not be filed while a motion for rehearing or a rehearing is pending before the Board. The petition must set forth the order or decision appealed from and the grounds or reasons why petitioner contends a reversal or modification should be ordered.

3. Copies of the petition must be served upon the Board and all other parties of record, or their counsel of record, either personally or by certified mail.

4. The court, upon a proper showing, may permit other interested persons to intervene as parties to the appeal or as friends of the court.

5. The filing of the petition does not stay enforcement of the decision or order of the Board, but the Board itself may grant a stay upon such terms and conditions as it deems proper.

Sec. 80. *1. Upon written request of the petitioner, the complete record on review, or such parts thereof as are designated by the petitioner, must be prepared by the Board.*

2. The complete record on review must include copies of:

(a) All pleadings in the case;

(b) All notices and interim orders issued by the Board in connection with the case;

(c) All stipulations;

(d) The decision and order appealed from;

(e) A transcript of all testimony, evidence and proceedings at the hearing;

(f) The exhibits admitted or rejected; and

(g) Any other papers in the case.

➥ The original of any document may be used in lieu of a copy thereof. The record on review may be shortened by stipulation of all parties to the review proceedings.

3. The record on review must be filed with the reviewing court within 30 days after service of the petition for review, but the court may allow the Board additional time to prepare and transmit the record on review.

Sec. 81. *1. The reviewing court may, upon motion therefor, order that additional evidence in the case be taken by the Board upon such terms and conditions as the court deems just and proper. The motion must not be granted except upon a showing that the additional evidence is material and necessary and that sufficient reason existed for failure to present the evidence at the hearing of the Board. The motion must be supported by an affidavit of the moving party or his or her counsel showing with particularity the materiality and necessity of the additional evidence and the reason why it was not introduced in the administrative hearing. Rebuttal evidence to the additional evidence must be permitted. In cases in which additional evidence is presented to the Board, the Board may modify its decisions and orders as the additional evidence may warrant and shall file with the reviewing court a transcript of the additional evidence together with any modifications of the decision and order, all of which become a part of the record on review.*

2. The review must be conducted by the court sitting without a jury, and must not be a trial de novo but is confined to the record on review. The filing of briefs and oral argument must be made in accordance with the rules governing appeals in civil cases unless the local rules of practice adopted in the judicial district provide a different procedure.

3. The reviewing court may affirm the decision and order of the Board, or it may remand the case for further proceedings or reverse the decision if the substantial rights of the petitioner have been prejudiced because the decision is:

(a) In violation of constitutional provisions;

(b) In excess of the statutory authority or jurisdiction of the Board;

(c) Made upon unlawful procedure;

(d) Unsupported by any evidence; or

(e) Arbitrary or capricious or otherwise not in accordance with law.

Sec. 82. *1. Any party aggrieved by the final decision in the district court after a review of the decision and order of the Board may appeal to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to Section 4 of Article 6 of the Nevada Constitution in the manner and within the time provided by law for appeals in civil cases. The appellate court of competent jurisdiction shall follow the same procedure thereafter as in appeals in civil actions, and may affirm, reverse or modify the decision as the record and law warrant.*

2. The judicial review by the district court and the appellate court of competent jurisdiction afforded in this chapter is the exclusive method of review of the Board's actions, decisions and orders in disciplinary hearings

against a licensee held pursuant to sections 70 to 78, inclusive, of this act. Judicial review is not available for actions, decisions and orders of the Board relating to the denial of a license or registration card. Extraordinary common-law writs or equitable proceedings are available except where statutory judicial review is made exclusive or is precluded, or the use of those writs or proceedings is precluded by specific statute.

Sec. 83. The title of NRS created by section 1 of this act is hereby amended by adding thereto a new chapter to consist of the provisions set forth in sections 84 to 123, inclusive, of this act.

Sec. 84. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 85 to 89, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 85. ***"Concentrated cannabis" has the meaning ascribed to it in NRS 453.042.***

Sec. 86. ***"Enclosed, locked facility" means a closet, display case, room, greenhouse or other enclosed area that meets the requirements of section 153 of this act and is equipped with locks or other security devices which allow access only by a registrant.***

Sec. 87. ***1. "Excluded felony offense" means a conviction of an offense that would constitute a category A felony if committed in this State or convictions for two or more offenses that would constitute felonies if committed in this State.***

2. The term does not include:

(a) A criminal offense for which the sentence, including any term of probation, incarceration or supervised release, was completed more than 10 years ago; or

(b) An offense involving conduct that would be immune from arrest, prosecution, or penalty pursuant to this title, except that the conduct occurred before October 1, 2001, or was prosecuted by an authority other than the State of Nevada.

Sec. 88. ***"Inventory control system" means a process, device or other contrivance that may be used to monitor the chain of custody of cannabis from the point of cultivation to the end consumer.***

Sec. 89. ***"Unreasonably impracticable" means the measures necessary to comply with the law or regulation require such a high investment of risk, money, time or any other resource or asset that the operation of a cannabis establishment is not worthy of being carried out in practice by a reasonably prudent businessperson.***

Sec. 90. ***The Legislature hereby finds and declares that:***

1. The purpose for licensing cannabis establishments and registering cannabis establishment agents is to protect the public health and safety and the general welfare of the people of this State.

2. Any:

(a) Medical cannabis establishment license issued pursuant to section 91 of this act;

(b) Adult-use cannabis establishment license issued pursuant to section 96 of this act;

(c) ~~[Cannabis consumption lounge license issued pursuant to section 100 of this act;~~

~~(d)]~~ Cannabis establishment agent registration card issued pursuant to section 103 of this act; and

~~[(e)]~~ (d) Cannabis establishment agent registration card for a cannabis executive issued pursuant to section 104 of this act,

➥ *is a revocable privilege and the holder of such a license or card, as applicable, does not acquire thereby any vested right.*

Sec. 91. *1. A person shall not engage in the business of a medical cannabis establishment unless the person holds a medical cannabis establishment license issued by the Board pursuant to this section.*

2. A person who wishes to engage in the business of a medical cannabis establishment must submit to the Board an application on a form prescribed by the Board.

3. Except as otherwise provided in sections 92, 93 and 94 of this act, not later than 90 days after receiving an application to engage in the business of a medical cannabis establishment, the Board shall register the medical cannabis establishment and issue a medical cannabis establishment license and a random 20-digit alphanumeric identification number if:

(a) The person who wishes to operate the proposed medical cannabis establishment has submitted to the Board all of the following:

(1) The application fee, as set forth in section 107 of this act;

(2) An application, which must include:

(I) The legal name of the proposed medical cannabis establishment;

(II) The physical address where the proposed medical cannabis establishment will be located and the physical address of any co-owned additional or otherwise associated medical cannabis establishments, the locations of which may not be within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the proposed medical cannabis establishment was submitted to the Board, ~~[or]~~ within 300 feet of a community facility that existed on the date on which the application for the proposed medical cannabis establishment was submitted to the Board ~~[,]~~ or, if the proposed medical cannabis establishment will be located in a county whose population is 100,000 or more, within 1,500 feet of an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177 and that existed on the date on which the application for the proposed medical cannabis establishment was submitted to the Board;

(III) Evidence that the applicant controls not less than $250,000 in liquid assets to cover the initial expenses of opening the proposed medical cannabis establishment and complying with the provisions of this title;

(IV) Evidence that the applicant owns the property on which the proposed medical cannabis establishment will be located or has the written permission of the property owner to operate the proposed medical cannabis establishment on that property;

(V) For the applicant and each person who is proposed to be an owner, officer or board member of the proposed medical cannabis establishment, a complete set of the person's fingerprints and written permission of the person authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(VI) The name, address and date of birth of each person who is proposed to be an owner, officer or board member of the proposed medical cannabis establishment; ~~[and~~

~~*(VII) The name, address and date of birth of each person who is proposed to be employed by or otherwise provide labor at the proposed medical cannabis establishment as a cannabis establishment agent;]*~~

(3) Operating procedures consistent with rules of the Board for oversight of the proposed medical cannabis establishment, including, without limitation:

(I) Procedures to ensure the use of adequate security measures; and

(II) The use of an electronic verification system and an inventory control system pursuant to sections 149 and 150 of this act;

(4) If the proposed medical cannabis establishment will sell or deliver medical cannabis products, proposed operating procedures for handling such products which must be preapproved by the Board;

(5) If the city ~~[, town]~~ or county in which the proposed medical cannabis establishment will be located has enacted zoning restrictions, proof ~~[of licensure with the applicable local governmental authority or a letter from the applicable local governmental authority certifying]~~ that the proposed ~~[medical cannabis establishment]~~ location is in compliance with those restrictions and satisfies all applicable building requirements; and

(6) Such other information as the Board may require by regulation;

(b) None of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment have been convicted of an excluded felony offense;

(c) None of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment have:

(1) Served as an owner, officer or board member for a cannabis establishment that has had its medical cannabis establishment license ~~[,]~~ or adult-use cannabis establishment license ~~[or cannabis consumption lounge license]~~ revoked;

(2) Previously had a cannabis establishment agent registration card revoked; or

(3) Previously had a cannabis establishment agent registration card for a cannabis executive revoked; and

(d) None of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment are under 21 years of age.

4. For each person who submits an application pursuant to this section, and each person who is proposed to be an owner, officer or board member of a proposed medical cannabis establishment, the Board shall submit the fingerprints of the person to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of that person.

5. Except as otherwise provided in subsection 6, if an application for registration as a medical cannabis establishment satisfies the requirements of this section, is qualified in the determination of the Board pursuant to section 105 of this act and the establishment is not disqualified from being registered as a medical cannabis establishment pursuant to this section or other applicable law, the Board shall issue to the establishment a medical cannabis establishment license. A medical cannabis establishment license expires 1 year after the date of issuance and may be renewed upon:

(a) ~~[Resubmission]~~ Submission of the information ~~[set forth in this section, except that the fingerprints required to be submitted pursuant to subsection 4:~~

~~(1) Of each person who holds an ownership interest of less than 5 percent in any one medical cannabis establishment or an ownership interest in more than one medical cannabis establishment of the same kind that, when added together, is less than 5 percent, must only be submitted once in any 5-year period; and~~

~~(2) Of each person who holds an ownership interest of 5 percent or more in any one medical cannabis establishment or an ownership interest in more than one medical cannabis establishment of the same kind that, when added together, equals 5 percent or more, or is an officer or board member of a medical cannabis establishment, are not required to be submitted;] required by the Board by regulation; and*

(b) ~~[If a person holds an ownership interest as described in subparagraph (2) of paragraph (a), submission of proof that the person holds a valid cannabis establishment agent registration card for a cannabis executive issued by the Board pursuant to section 104 of this act;~~

~~(c)]~~ Payment of the renewal fee set forth in section 107 of this act. ~~[; and~~

~~(d) If the medical cannabis establishment is a medical cannabis independent testing laboratory, submission of proof that the medical cannabis independent testing laboratory is accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization.]~~

6. In determining whether to issue a medical cannabis establishment license pursuant to this section, the Board shall consider the criteria of merit set forth in section 94 of this act.

7. For the purposes of sub-subparagraph (II) of subparagraph (2) of paragraph (a) of subsection 3, the distance must be measured from the front

door of the proposed medical cannabis establishment to the closest point of the property line of a school, community facility or gaming establishment.

8. As used in this section, "community facility" means:

(a) A facility that provides day care to children.

(b) A public park.

(c) A playground.

(d) A public swimming pool.

(e) A center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents.

(f) A church, synagogue or other building, structure or place used for religious worship or other religious purpose.

Sec. 92. ***1. Except as otherwise provided in this section and section 93 of this act, the Board shall issue medical cannabis establishment licenses for medical cannabis dispensaries in the following quantities for applicants who qualify pursuant to section 91 of this act:***

(a) In a county whose population is 700,000 or more, 40 licenses;

(b) In a county whose population is 100,000 or more but less than 700,000, 10 licenses;

(c) In a county whose population is 55,000 or more but less than 100,000, two licenses;

(d) In each other county, one license; and

(e) For each incorporated city in a county whose population is less than 100,000, one license.

2. The Board:

(a) Shall not issue medical cannabis establishment licenses for medical cannabis dispensaries in such a quantity as to cause the existence within the applicable county of more than one medical cannabis dispensary for every 10 pharmacies that have been licensed in the county pursuant to chapter 639 of NRS. The Board may issue medical cannabis establishment licenses for medical cannabis dispensaries in excess of the ratio otherwise allowed pursuant to this paragraph if doing so is necessary to ensure that the Board issues at least one medical cannabis establishment license in each county of this State and, pursuant to paragraph (e) of subsection 1, each incorporated city of this State in which the Board has approved an application for such an establishment to operate.

(b) Shall, for any county for which no applicants qualify pursuant to section 91 of this act, within 2 months after the end of the period during which the Board accepts applications pursuant to section 101 of this act, reallocate the licenses provided for that county pursuant to subsection 1 to the other counties specified in subsection 1 in the same proportion as provided in subsection 1.

3. With respect to medical cannabis establishments that are not medical cannabis dispensaries, the Board shall:

(a) Issue a medical cannabis establishment license to at least one medical cannabis cultivation facility and at least one medical cannabis production facility in each county; and

(b) Determine the appropriate number of additional such establishments in each county as are necessary to serve and supply the medical cannabis dispensaries to which the Board has granted medical cannabis establishment licenses and issue such a number of medical cannabis establishment licenses for such establishments in each county.

Sec. 93. *1. Except as otherwise provided in this subsection, in a county whose population is 100,000 or more, the Board shall ensure that not more than 25 percent of the total number of medical cannabis dispensaries that may be licensed in the county, as set forth in section 92 of this act, are located in any one local governmental jurisdiction within the county. The Board may increase the percentage described in this subsection upon the request of the board of county commissioners of the county. The Board shall adopt regulations setting forth the requirements for granting such a request.*

2. To prevent monopolistic practices, the Board shall ensure, in a county whose population is 100,000 or more, that it does not issue, to any one person, group of persons or entity, the greater of:

(a) One medical cannabis establishment license; or

(b) More than 10 percent of the medical cannabis establishment licenses otherwise allocable in the county.

3. As used in this section, "local governmental jurisdiction" means a city ~~[, town, township]~~ or unincorporated area within a county.

Sec. 94. *1. In determining whether to issue a medical cannabis establishment license pursuant to section 91 of this act, the Board shall, in addition to the factors set forth in that section, consider criteria of merit established by regulation of the Board. Such criteria must include, without limitation:*

(a) Whether the applicant controls liquid assets in an amount determined by the Board to be sufficient to cover the initial expenses of opening the proposed medical cannabis establishment and complying with the provisions of this title;

(b) The previous experience of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment at operating other businesses or nonprofit organizations;

(c) The educational and life experience of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment;

(d) Any demonstrated knowledge or expertise on the part of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment with respect to the compassionate use of cannabis to treat medical conditions;

(e) Whether the proposed location of the proposed medical cannabis establishment would be convenient to serve the needs of persons who are authorized to engage in the medical use of cannabis;

(f) The likely impact of the proposed medical cannabis establishment on the community in which it is proposed to be located;

(g) The adequacy of the size of the proposed medical cannabis establishment to serve the needs of persons who are authorized to engage in the medical use of cannabis;

(h) Whether the applicant has an integrated plan for the care, quality and safekeeping of medical cannabis from seed to sale;

(i) The diversity on the basis of race, ethnicity, gender or veteran status of the applicant or the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment, including, without limitation, the inclusion of persons of backgrounds which are disproportionately underrepresented as owners, officers or board members of medical cannabis establishments; and

(j) Any other criteria of merit that the Board determines to be relevant.

2. The Board shall adopt regulations for determining the relative weight of each criteria of merit established by the Board pursuant to subsection 1.

Sec. 95. ***[1. Each agency of a local government which performs inspections, reviews or other tasks related to ensuring that a medical cannabis establishment is in compliance with all applicable local governmental ordinances or rules pursuant to section 102 of this act shall maintain records of the hours its employees spend performing these inspections, reviews and tasks, the rate of pay of each such employee and the share of any costs for equipment for the agency which is attributable to the establishment.***

2. Each agency of a local government shall provide records maintained pursuant to subsection 1 to the medical cannabis establishment not less than 30 days after the agency performs an inspection, review or other related task.

3. Except as otherwise provided in subsection 5:

(a) A medical cannabis establishment shall pay a fee to an agency of a local government which provides records of its costs to the establishment pursuant to subsection 2 in an amount equal to the actual costs of the agency to perform the inspection, review or other related task.

(b) If a medical cannabis establishment fails to pay the fee imposed by paragraph (a) within 30 days after receipt of the records provided pursuant to subsection 2, the agency may charge a penalty of $500 and assess interest on the fee at a rate of 7 percent per year, commencing 30 days after receipt of the records.

4. Any revenue generated from a fee imposed pursuant to subsection 3:

(a) Must be expended only to pay the costs of the agency of a local government to perform an inspection, review or other task related to ensuring the medical cannabis establishment is in compliance with all applicable local governmental ordinances or rules; and

~~*(b) Must not supplant any other support provided to the agency of a local government by the local government.*~~

~~*5. A medical cannabis establishment may appeal a fee imposed pursuant to subsection 3 to the appropriate local government by submitting a written request to the local government not more than 30 days after the imposition of the fee which includes documentation sufficient to show that the amount of the fee is unsubstantiated or erroneous. The obligation of the medical cannabis establishment to pay the fee is suspended until such an appeal is dismissed or the amount of the fee is redetermined pursuant to subsection 7.*~~

~~*6. A local government which receives a written request pursuant to subsection 5 shall administratively dismiss the request if it is not accompanied by documentation sufficient to show that the amount of the fee is unsubstantiated or erroneous.*~~

~~*7. A local government shall hold a hearing to determine the appropriate amount of a fee imposed pursuant to subsection 3 if the documentation which accompanies a written request submitted pursuant to subsection 5 shows that the amount of the fee was unsubstantiated or erroneous. The local government may revise the amount of the fee only if it determines that the records maintained by the agency of the local government do not support the amount of the fee imposed.]*~~ **(Deleted by amendment.)**

Sec. 95.5. ***The Board may request information from a local government regarding any inspection or review of a cannabis establishment by the local government. A local government that receives a reasonable request from the Board pursuant to this section shall comply with the request as soon as is reasonably practicable after receiving the request.***

Sec. 96. ***1. A person shall not engage in the business of an adult-use cannabis establishment unless the person holds an adult-use cannabis establishment license issued pursuant to this section.***

2. A person who wishes to engage in the business of an adult-use cannabis establishment must submit to the Board an application on a form prescribed by the Board.

3. Except as otherwise provided in sections 97, 98 and 99 of this act, the Board shall issue an adult-use cannabis establishment license to an applicant if:

(a) The person who wishes to operate the proposed adult-use cannabis establishment has submitted to the Board all of the following:

(1) The application fee, as set forth in section 107 of this act;

(2) An application, which must include:

(I) The legal name of the proposed adult-use cannabis establishment;

(II) The physical address where the proposed adult-use cannabis establishment will be located and the physical address of any co-owned additional or otherwise associated adult-use cannabis establishments, the locations of which may not be within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or

kindergarten through grade 12 and that existed on the date on which the application for the proposed adult-use cannabis establishment was submitted to the Board, ~~[or]~~ within 300 feet of a community facility that existed on the date on which the application for the proposed adult-use cannabis establishment was submitted to the Board ~~[.]~~ or, if the proposed adult-use cannabis establishment will be located in a county whose population is 100,000 or more, within 1,500 feet of an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177 and that existed on the date on which the application for the proposed adult-use cannabis establishment was submitted to the Board;

(III) Evidence that the applicant controls liquid assets in an amount determined by the Board to be sufficient to cover the initial expenses of opening the proposed adult-use cannabis establishment and complying with the provisions of this title;

(IV) Evidence that the applicant owns the property on which the proposed adult-use cannabis establishment will be located or has the written permission of the property owner to operate the proposed adult-use cannabis establishment on that property;

(V) For the applicant and each person who is proposed to be an owner, officer or board member of the proposed adult-use cannabis establishment, a complete set of the person's fingerprints and written permission of the person authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(VI) The name, address and date of birth of each person who is proposed to be an owner, officer or board member of the proposed adult-use cannabis establishment; ~~[and~~

~~(VII) The name, address and date of birth of each person who is proposed to be employed by or otherwise provide labor at the proposed adult-use cannabis establishment as a cannabis establishment agent;]~~

(3) Operating procedures consistent with rules of the Board for oversight of the proposed adult-use cannabis establishment, including, without limitation:

(I) Procedures to ensure the use of adequate security measures; and

(II) The use of an inventory control system;

(4) If the proposed adult-use cannabis establishment will sell or deliver adult-use cannabis products, proposed operating procedures for handling such products which must be preapproved by the Board; and

(5) Such other information as the Board may require by regulation;

(b) None of the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment have been convicted of an excluded felony offense;

(c) None of the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment have:

(1) Served as an owner, officer or board member for a cannabis establishment that has had its adult-use cannabis establishment license ~~*[,]*~~ *or medical cannabis establishment license* ~~*[or cannabis consumption lounge license]*~~ *revoked;*

(2) Previously had a cannabis establishment agent registration card revoked; or

(3) Previously had a cannabis establishment agent registration card for a cannabis executive revoked; and

(d) None of the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment are under 21 years of age.

4. For each person who submits an application pursuant to this section, and each person who is proposed to be an owner, officer or board member of a proposed adult-use cannabis establishment, the Board shall submit the fingerprints of the person to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of that person.

5. Except as otherwise provided in subsection 6, if an applicant for licensure to operate an adult-use cannabis establishment satisfies the requirements of this section, is qualified in the determination of the Board pursuant to section 105 of this act and is not disqualified from being licensed pursuant to this section or other applicable law, the Board shall issue to the applicant an adult-use cannabis establishment license. An adult-use cannabis establishment license expires 1 year after the date of issuance and may be renewed upon:

(a) ~~*[Resubmission]*~~ *Submission of the information* ~~*[set forth in this section, except that the fingerprints required to be submitted pursuant to subsection 4:*~~

~~*(1) Of each person who holds an ownership interest of less than 5 percent in any one adult-use cannabis establishment or an ownership interest in more than one adult-use cannabis establishment of the same kind that, when added together, is less than 5 percent, must only be submitted once in any 5-year period; and*~~

~~*(2) Of each person who holds an ownership interest of 5 percent or more in any one adult-use cannabis establishment or an ownership interest in more than one adult-use cannabis establishment of the same kind that, when added together, equals 5 percent or more, or is an officer or board member of a medical cannabis establishment, are not required to be submitted;]*~~ *required by the Board by regulation; and*

(b) ~~*[If a person holds an ownership interest as described in subparagraph (2) of paragraph (a), submission of proof that the person holds a valid cannabis establishment agent registration card for a cannabis executive issued by the Board pursuant to section 104 of this act;*~~

~~*(c)]*~~ *Payment of the renewal fee set forth in section 107 of this act.* ~~*[; and*~~

~~*(d) If the adult-use cannabis establishment is an adult-use cannabis independent testing laboratory, submission of proof that the adult-use cannabis independent testing laboratory is accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization.]*~~

6. In determining whether to issue an adult-use cannabis license pursuant to this section, the Board shall consider the criteria of merit set forth in section 99 of this act.

7. For the purposes of sub-subparagraph (II) of subparagraph (2) of paragraph (a) of subsection 3, the distance must be measured from the front door of the proposed adult-use cannabis establishment to the closest point of the property line of a school, community facility or gaming establishment.

8. As used in this section, "community facility" means:

(a) A facility that provides day care to children.

(b) A public park.

(c) A playground.

(d) A public swimming pool.

(e) A center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents.

(f) A church, synagogue or other building, structure or place used for religious worship or other religious purpose.

Sec. 97. *1. Except as otherwise provided in this section and section 98 of this act, the Board shall issue adult-use cannabis establishment licenses for the operation of adult-use cannabis retail stores in the following quantities for applicants who qualify pursuant to section 96 of this act:*

(a) In a county whose population is 700,000 or more, 80 licenses;

(b) In a county whose population is 100,000 or more but less than 700,000, 20 licenses;

(c) In a county whose population is 55,000 or more but less than 100,000, four licenses; and

(d) In a county whose population is less than 55,000, two licenses.

2. ~~*[If the board of commissioners of a county submits a request to the Board requesting the issuance of additional adult-use cannabis establishment licenses for the operation of adult-use cannabis retail stores in excess of the number of licenses provided for in subsection 1, the Board may issue additional adult-use cannabis establishment licenses for the operation of adult-use cannabis retail stores for that county.]*~~ *The Board shall, for any county for which no applicants qualify pursuant to section 96 of this act, within 2 months after the end of the period during which the Board accepts applications pursuant to section 101 of this act, reallocate the licenses provided for that county pursuant to subsection 1 to the other counties specified in subsection 1 in the same proportion as provided in subsection 1.*

Sec. 98. *Except as otherwise provided in subsection 2, to prevent monopolistic practices, the Board shall ensure, in a county whose population*

is 100,000 or more, that it does not issue, to any one person, group of persons or entity, the greater of:

1. One adult-use cannabis establishment license; or

2. More than 10 percent of the adult-use cannabis establishment licenses otherwise allocable in the county.

Sec. 99. *1. In determining whether to issue an adult-use cannabis establishment license pursuant to section 96 of this act, the Board shall, in addition to the factors set forth in that section, consider criteria of merit established by regulation of the Board. Such criteria must include, without limitation:*

(a) Whether the applicant controls liquid assets in an amount determined by the Board to be sufficient to cover the initial expenses of opening the proposed adult-use cannabis establishment and complying with the provisions of this title;

(b) Whether the owners, officers or board members of the proposed adult-use cannabis establishment have direct experience with the operation of a cannabis establishment in this State and have demonstrated a record of operating such an establishment in compliance with the laws and regulations of this State for an adequate period of time to demonstrate success;

(c) The educational and life experience of the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment;

(d) Whether the applicant has an integrated plan for the care, quality and safekeeping of cannabis from seed to sale;

(e) The experience of key personnel that the applicant intends to employ in operating the type of adult-use cannabis establishment for which the applicant seeks a license;

(f) The diversity on the basis of race, ethnicity or gender of the applicant or the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment, including, without limitation, the inclusion of persons of backgrounds which are disproportionately underrepresented as owners, officers or board members of adult-use cannabis establishments; and

(g) Any other criteria of merit that the Board determines to be relevant.

2. The Board shall adopt regulations for determining the relative weight of each criteria of merit established by the Board pursuant to subsection 1.

Sec. 100. ~~[*1. A person shall not engage in the business of a cannabis consumption lounge unless the person holds a cannabis consumption lounge license issued pursuant to this section.*~~

~~*2. The Board may decide whether it will accept applications for and issue cannabis consumption lounge licenses.*~~

~~*3. If the Board decides to accept applications for and issue cannabis consumption lounge licenses, the Board shall require a person who wishes*~~

~~*to engage in the business of a cannabis consumption lounge to submit to the Board an application on a form prescribed by the Board.*~~

~~*4. If the Board decides to accept applications for and issue cannabis consumption lounge licenses, the Board shall issue a cannabis consumption lounge license to an applicant if:*~~

~~*(a) The person who wishes to operate the proposed cannabis consumption lounge has submitted to the Board all of the following:*~~

~~*(1) The application fee, as established by the Board pursuant to section 107 of this act;*~~

~~*(2) An application, which must include:*~~

~~*(I) The legal name of the proposed cannabis consumption lounge;*~~

~~*(II) The physical address where the proposed cannabis consumption lounge will be located;*~~

~~*(III) Evidence that the applicant controls liquid assets in an amount determined by the Board to be sufficient to cover the initial expenses of opening the proposed cannabis consumption lounge and complying with the provisions of this title;*~~

~~*(IV) Evidence that the applicant owns the property on which the proposed cannabis consumption lounge will be located or has the written permission of the property owner to operate the proposed cannabis consumption lounge on that property;*~~

~~*(V) For the applicant and each person who is proposed to be an owner, officer or board member of the proposed cannabis consumption lounge, a complete set of the person's fingerprints and written permission of the person authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;*~~

~~*(VI) The name, address and date of birth of each person who is proposed to be an owner, officer or board member of the proposed cannabis consumption lounge; and*~~

~~*(VII) The name, address and date of birth of each person who is proposed to be employed by or otherwise provide labor at the proposed cannabis consumption lounge as a cannabis establishment agent;*~~

~~*(3) Operating procedures consistent with rules of the Board for oversight of the proposed cannabis consumption lounge; and*~~

~~*(4) Such other information as the Board may require by regulation;*~~

~~*(b) The physical address of the cannabis consumption lounge is not:*~~

~~*(1) Within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the proposed cannabis consumption lounge was submitted to the Board;*~~

~~*(2) Within 300 feet of a community facility that existed on the date on which the application for the proposed cannabis consumption lounge was submitted to the Board;*~~

~~(3) Within 1,500 feet of an establishment that holds a nonrestricted gaming license issued pursuant to chapter 463 of NRS and that existed on the date on which the application for the proposed cannabis consumption lounge was submitted to the Board; or~~

~~(4) On the property of a public airport;~~

~~(c) None of the persons who are proposed to be owners, officers or board members of the proposed cannabis consumption lounge have been convicted of an excluded felony offense;~~

~~(d) None of the persons who are proposed to be owners, officers or board members of the proposed cannabis consumption lounge have:~~

~~(1) Served as an owner, officer or board member for a cannabis establishment that has had its license revoked;~~

~~(2) Previously had a cannabis establishment agent registration card revoked; or~~

~~(3) Previously had a cannabis establishment agent registration card for a cannabis executive revoked; and~~

~~(e) None of the persons who are proposed to be owners, officers or board members of the proposed cannabis consumption lounge are under 21 years of age.~~

~~5. For each person who submits an application pursuant to this section, and each person who is proposed to be an owner, officer or board member of a proposed cannabis consumption lounge, the Board shall submit the fingerprints of the person to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of that person.~~

~~6. A cannabis consumption lounge license expires 1 year after the date of issuance and may be renewed upon:~~

~~(a) Resubmission of the information set forth in this section, except that the fingerprints required to be submitted pursuant to subsection 5:~~

~~(1) Of each person who holds an ownership interest of less than 5 percent in any one cannabis consumption lounge or an ownership interest in more than one cannabis consumption lounge, when added together, is less than 5 percent, must only be submitted once in any 5 year period; and~~

~~(2) Of each person who holds an ownership interest of 5 percent or more in any one cannabis consumption lounge or an ownership interest in more than one cannabis consumption lounge of the same kind that, when added together, equals 5 percent or more, or is an officer or board member of a cannabis establishment, are not required to be submitted;~~

~~(b) If a person holds an ownership interest as described in subparagraph (2) of paragraph (a), submission of proof that the person holds a valid cannabis establishment agent registration card for a cannabis executive issued by the Board pursuant to 104 of this act; and~~

~~(c) Payment of the renewal fee established by the Board pursuant to section 107 of this act.~~

~~7. As used in this section, "community facility" means:~~

~~*(a) A facility that provides day care to children.*~~
~~*(b) A public park.*~~
~~*(c) A playground.*~~
~~*(d) A public swimming pool.*~~
~~*(e) A center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents.*~~
~~*(f) A church, synagogue or other building, structure or place used for religious worship or other religious purpose.]*~~ **(Deleted by amendment.)**

Sec. 101. *Except as otherwise provided in this section and subsection 3 of section 92 of this act, the Board shall not, for more than a total of 10 business days in any 1 calendar year, accept applications to operate a cannabis establishment. The Board may by regulation prescribe longer periods in which it will accept applications to operate a cannabis establishment.*

Sec. 102. *1. In a local governmental jurisdiction that issues business licenses, the issuance by the Board of license shall be deemed to be* ~~*[provisional]*~~ *conditional until such time as:*

(a) The cannabis establishment is in compliance with all applicable local governmental ordinances or rules; and

(b) The local government has issued a business license for the operation of the establishment.

2. The Board shall adopt regulations:

(a) Requiring the surrender of a conditional license if a cannabis establishment does not satisfy the requirements of subsection 1 within a period of time determined by the Board; and

(b) Authorizing a cannabis establishment to request an extension of the period of time established pursuant to paragraph (a) as a result of factors outside of the control of the cannabis establishment that cause a delay in satisfying the requirements of subsection 1.

3. As used in this section, "local governmental jurisdiction" means a city ~~*[, town, township]*~~ *or unincorporated area within a county.*

Sec. 103. *1. Except as otherwise provided in this section, a person shall not hold an ownership interest in a cannabis establishment of less than 5 percent, volunteer or work at, contract to provide labor to or be employed by an independent contractor to provide labor to a cannabis establishment as a cannabis establishment agent unless the person is registered with the Board pursuant to this section.*

2. A person who wishes to volunteer or work at a cannabis establishment, or a cannabis establishment that wishes to retain as a volunteer or employ such a person, shall submit to the Board an application on a form prescribed by the Board. The application must be accompanied by:

(a) The name, address and date of birth of the prospective cannabis establishment agent;

(b) A statement signed by the prospective cannabis establishment agent pledging not to dispense or otherwise divert cannabis to any person who is not authorized to possess cannabis in accordance with the provisions of this title;

(c) A statement signed by the prospective cannabis establishment agent asserting that he or she has not previously had a cannabis establishment agent registration card revoked;

(d) A complete set of the fingerprints and written permission of the prospective cannabis establishment agent authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(e) The application fee, as set forth in section 107 of this act; and

(f) Such other information as the Board may require by regulation.

3. A person who wishes to contract to provide labor to or be employed by an independent contractor to provide labor to a cannabis establishment, or a cannabis establishment that wishes to contract with such a person, shall submit to the Board an application on a form prescribed by the Board for the registration of the independent contractor and each employee of the independent contractor who will provide labor as a cannabis establishment agent. The application must be accompanied by:

(a) The name, address and, if the prospective cannabis establishment agent has a state business license, the business identification number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;

(b) The name, address and date of birth of each employee of the prospective cannabis establishment agent who will provide labor as a cannabis establishment agent;

(c) A statement signed by the prospective cannabis establishment agent pledging not to dispense or otherwise divert cannabis to, or allow any of its employees to dispense or otherwise divert cannabis to, any person who is not authorized to possess cannabis in accordance with the provisions of this title;

(d) A statement signed by the prospective cannabis establishment agent asserting that it has not previously had a cannabis establishment agent registration card revoked and that none of its employees who will provide labor as a cannabis establishment agent have previously had a cannabis establishment agent registration card revoked;

(e) A complete set of the fingerprints of each employee of the prospective cannabis establishment agent who will provide labor as a cannabis establishment agent and written permission of the prospective cannabis establishment agent and each employee of the prospective cannabis establishment agent authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(f) The application fee, as set forth in section 107 of this act; and

(g) Such other information as the Board may require by regulation.

4. A person who wishes to hold an ownership interest in a cannabis establishment of less than 5 percent shall submit to the Board an application on a form prescribed by the Board. The application must be accompanied by:

(a) The name, address and date of birth of the prospective cannabis establishment agent;

(b) A statement signed by the prospective cannabis establishment agent pledging not to dispense or otherwise divert cannabis to any person who is not authorized to possess cannabis in accordance with the provisions of this title;

(c) A statement signed by the prospective cannabis establishment agent asserting that he or she has not previously had a cannabis establishment agent registration card revoked;

(d) A complete set of the fingerprints and written permission of the prospective cannabis establishment agent authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(e) Any information required by the Board to complete an investigation into the background of the prospective cannabis establishment agent, including, without limitation, financial records and other information relating to the business affairs of the prospective cannabis establishment agent;

(f) The application fee, as set forth in section 107 of this act; and

(g) Such other information as the Board may require by regulation.

5. A cannabis establishment shall notify the Board within 10 business days after a cannabis establishment agent ceases to hold an ownership interest in the cannabis establishment of less than 5 percent, be employed by, volunteer at or provide labor as a cannabis establishment agent to the cannabis establishment.

6. A person who:

(a) Has been convicted of an excluded felony offense;

(b) Is less than 21 years of age; or

(c) Is not qualified, in the determination of the Board pursuant to section 105 of this act,

↪ shall not serve as a cannabis establishment agent.

7. The Board shall submit the fingerprints of an applicant for registration as a cannabis establishment agent to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of the applicant.

8. The provisions of this section do not require a person who is an owner, officer or board member of a cannabis establishment to resubmit information already furnished to the Board at the time the establishment was licensed with the Board.

9. If an applicant for registration as a cannabis establishment agent satisfies the requirements of this section, is found to be qualified by the

Board pursuant to section 105 of this act and is not disqualified from serving as such an agent pursuant to this section or any other applicable law, the Board shall issue to the person and, for an independent contractor, to each person identified in the independent contractor's application for registration as an employee who will provide labor as a cannabis establishment agent, a cannabis establishment agent registration card. If the Board does not act upon an application for a cannabis establishment agent registration card within ~~[30]~~ 45 days after the date on which the application is received, the application shall be deemed conditionally approved until such time as the Board acts upon the application. A cannabis establishment agent registration card expires 2 years after the date of issuance and may be renewed upon:

(a) Resubmission of the information set forth in this section; and

(b) Payment of the renewal fee set forth in section 107 of this act.

10. A person to whom a cannabis establishment agent registration card is issued or for whom such a registration card is renewed shall submit to the Board on the date of the first anniversary of the issuance or renewal an affidavit attesting that in the preceding year there has been no change in the information previously provided to the Board which would subject the person to disciplinary action by the Board.

11. A cannabis establishment agent registration card issued pursuant to this section to an independent contractor or an employee of an independent contractor authorizes the independent contractor or employee to provide labor to any cannabis establishment in this State.

12. A cannabis establishment agent registration card issued pursuant to this section to a person who wishes to volunteer or work at a medical cannabis establishment authorizes the person to volunteer or work at any cannabis establishment in this State for which the category of the cannabis establishment agent registration card authorizes the person to volunteer or work.

13. Except as otherwise prescribed by regulation of the Board, an applicant for registration or renewal of registration as a cannabis establishment agent is deemed temporarily registered as a cannabis establishment agent on the date on which a complete application for registration or renewal of registration is submitted to the Board. A temporary registration as a cannabis establishment agent expires 30 days after the date upon which the application is received.

Sec. 104. ***1. In addition to the requirements set forth in section 103 of this act, a person shall not hold an ownership interest in a cannabis establishment of 5 percent or more unless the person first secures a cannabis establishment agent registration card for a cannabis executive issued by the Board.***

2. A person who wishes to hold an ownership interest in a cannabis establishment of 5 percent or more shall submit to the Board an application

on a form prescribed by the Board. The application must be accompanied by:

(a) The name, address and date of birth of the applicant;

(b) A statement signed by the applicant asserting that he or she has not previously had a cannabis establishment agent registration card for a cannabis executive revoked;

(c) A complete set of the fingerprints and written permission of the applicant authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(d) Any information required by the Board to complete an investigation into the background of the applicant, including, without limitation, financial records and other information relating to the business affairs of the applicant;

(e) The application fee, as set forth in section 107 of this act; and

(f) Such other information as the Board may require by regulation.

3. If the Board determines the applicant is qualified to receive a cannabis establishment agent registration card for a cannabis executive pursuant to section 105 of this act, the Board shall issue to the person a cannabis establishment agent registration card for a cannabis executive.

4. A cannabis establishment agent registration card for a cannabis executive expires 2 years after the date of issuance and may be renewed upon:

(a) Resubmission of the information set forth in this section; and

(b) Payment of the renewal fee set forth in section 107 of this act.

5. A person to whom a cannabis establishment agent registration card for a cannabis executive is issued or for whom such a registration card is renewed shall submit to the Board on the date of the first anniversary of the issuance or renewal an affidavit attesting that in the preceding year there has been no change in the information previously provided to the Board which would subject the person to disciplinary action by the Board.

Sec. 105. ***1. Any person who the Board determines is qualified to receive a license or registration card under the provisions of this chapter, having due consideration for the proper protection of the health, safety, morals, good order and general welfare of the inhabitants of the State of Nevada and the declared policy of this State, may be issued a license or registration card. The burden of proving an applicant's qualification to receive any license or registration card under this chapter is on the applicant.***

2. ~~[An]~~ When determining whether to approve an application to receive a license or registration card , ~~[must not be granted unless]~~ the Board ~~[is satisfied that]~~ may consider whether the applicant is:

(a) A person of good character, honesty and integrity;

(b) A person whose prior activities, criminal record, if any, reputation, habits and associations do not pose a threat to the public interest of this State

or to the effective regulation and control of cannabis, or create or enhance the dangers of unsuitable, unfair or illegal practices, methods and activities in the conduct of cannabis-related activities or in the carrying on of the business and financial arrangements incidental thereto; and

(c) In all other respects qualified to be issued a license or registration card consistently with the declared policy of the State.

3. An application to receive a license or registration card constitutes a request for a determination of the applicant's general character, integrity and ability to participate or engage in, or be associated with a cannabis establishment. Any written or oral statement made in the course of an official proceeding of the Board by any member thereof or any witness testifying under oath which is relevant to the purpose of the proceeding is absolutely privileged and does not impose liability for defamation or constitute a ground for recovery in any civil action.

4. The Board may, by regulation establish such other qualifications for a license or registration card as it may, in its discretion, deem to be in the public interest and consistent with the declared policy of the State.

5. Any person granted a license or registration card by the Board must continue to meet the applicable standards and qualifications set forth in this section and any other qualifications established by the Board by regulation. The failure to continue to meet such standards and qualifications constitutes grounds for disciplinary action.

6. The Board shall, to the greatest extent practicable, ensure that persons who have been adversely affected by cannabis prohibition have equal opportunity to obtain licenses and registration cards and to participate in the cannabis industry in this State.

Sec. 106. ***1. The policy of the State of Nevada with respect to the issuance of licenses to business entities is:***

(a) To broaden the opportunity for investment in the cannabis industry through the pooling of capital in the form of a business entity.

(b) To maintain effective control over cannabis establishments operated by licensees that are business entities.

(c) To restrain any speculative promotion of the stock, securities or other interests in cannabis establishments.

2. The Board may adopt regulations prescribing requirements for the issuances of licenses to business entities and standards for licensees that are business entities which are more stringent than the requirements and standards otherwise set forth in this chapter. Such regulations must be consistent with:

(a) The policy of this State set forth in subsection 1 and section 3 of this act.

(b) The provisions of this chapter which provide for more stringent requirements and standards for a registrant that holds an ownership interest of 5 percent or more in a cannabis establishment.

Sec. 107. ***1. Except as otherwise provided in subsection 2, the Board shall collect not more than the following maximum fees:***

For the initial issuance of a medical cannabis establishment license for a medical cannabis dispensary	***$30,000***
For the renewal of a medical cannabis establishment license for a medical cannabis dispensary	***5,000***
For the initial issuance of a medical cannabis establishment license for a medical cannabis cultivation facility	***3,000***
For the renewal of a medical cannabis establishment license for a medical cannabis cultivation facility	***1,000***
For the initial issuance of a medical cannabis establishment license for a medical cannabis production facility	***3,000***
For the renewal of a medical cannabis establishment license for a medical cannabis production facility	***1,000***
For the initial issuance of a medical cannabis establishment license for a medical cannabis independent testing laboratory	***5,000***
For the renewal of a medical cannabis establishment license for a medical cannabis independent testing laboratory	***3,000***
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis retail store	***20,000***
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis retail store	***6,600***
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis cultivation facility	***30,000***
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis cultivation facility	***10,000***
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis production facility	***10,000***
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis production facility	***3,300***
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis independent testing laboratory	***15,000***

For the renewal of an adult-use cannabis establishment license for an adult-use cannabis independent testing laboratory..... 5,000

For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis distributor..... 15,000

For the renewal of an adult-use cannabis establishment license for an adult-use cannabis distributor..... 5,000

For each person identified in an application for the initial issuance of a cannabis establishment agent registration card..... 150

For each person identified in an application for the renewal of a cannabis establishment agent registration card..... 150

2. ~~[The Board shall establish by regulation fees for the issuance and renewal of a cannabis consumption lounge license.~~

~~3.]~~ In addition to the fees described in subsection 1, each applicant for a medical cannabis establishment license or adult-use cannabis establishment license must pay to the Board:

(a) A one-time, nonrefundable application fee of $5,000; and

(b) The actual costs incurred by the Board in processing the application, including, without limitation, conducting background checks.

~~[4.]~~ 3. Any revenue generated from the fees imposed pursuant to this section:

(a) Must be expended first to pay the costs of the Board in carrying out the provisions of this title; and

(b) If any excess revenue remains after paying the costs described in paragraph (a), such excess revenue must be paid over to the State Treasurer to be deposited to the credit of the State Distributive School Account in the State General Fund.

Sec. 108. *1. In addition to any other requirements set forth in this chapter, an applicant for the issuance or renewal of a license or registration card who is a natural person shall:*

(a) Include the social security number of the applicant in the application submitted to the Board.

(b) Submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license or registration card; or

(b) A separate form prescribed by the Board.

3. A license or registration card may not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 109. *1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license or registration card, the Board shall deem the license or registration card issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the license or registration card by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license or registration card has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

2. The Board shall reinstate a license or registration card that has been suspended by a district court pursuant to NRS 425.540 if the Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license or registration card was suspended stating that the person whose license or registration card was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 110. *1. Except as otherwise provided by regulations adopted by the Board pursuant to subsection 2, the following are nontransferable:*

(a) A cannabis establishment agent registration card.

(b) A cannabis establishment agent registration card for a cannabis executive.

(c) A medical cannabis establishment license.

(d) An adult-use cannabis establishment license.

~~*[(e) A cannabis consumption lounge license.]*~~

2. The Board shall adopt regulations which prescribe procedures and requirements by which a holder of a license may transfer the license to

another party who is qualified to hold such a license pursuant to the provisions of this chapter.

Sec. 111. *1. An employee of the State Department of Agriculture who, in the course of his or her duties:*

(a) Possesses, delivers or produces cannabis;

(b) Aids and abets another in the possession, delivery or production of cannabis;

(c) Performs any combination of the acts described in paragraphs (a) and (b); or

(d) Performs any other criminal offense in which the possession, delivery or production of cannabis is an element,

➥ is exempt from state prosecution for the offense. The persons described in this subsection must ensure that the cannabis described in this subsection is safeguarded in an enclosed, secure location.

2. In addition to the provisions of subsection 1, no person may be subject to state prosecution for constructive possession, conspiracy or any other criminal offense solely for being in the presence or vicinity of the cannabis in accordance with the provisions of this title.

3. As used in this section, "cannabis" includes, without limitation, cannabis products.

Sec. 112. *1. Each cannabis establishment must comply with all local ordinances and rules pertaining to zoning, land use and signage.*

2. A cannabis establishment may move to a new location under the jurisdiction of the same local government as its original location and regardless of the distance from its original location if the operation of the cannabis establishment at the new location has been approved by the local government. A local government may approve a new location pursuant to this subsection only in a public hearing for which written notice is given at least 7 working days before the hearing.

Sec. 113. *1. The operating documents of a cannabis establishment must include procedures:*

(a) For the oversight of the cannabis establishment; and

(b) To ensure accurate recordkeeping.

2. Except as otherwise provided in this subsection, a cannabis establishment:

(a) That is a cannabis sales facility ~~[or cannabis consumption lounge]~~ must have a single entrance for patrons, which must be secure, and shall implement strict security measures to deter and prevent the theft of cannabis and unauthorized entrance into areas containing cannabis.

(b) That is not a cannabis sales facility ~~[or cannabis consumption lounge]~~ must have a single secure entrance and shall implement strict security measures to deter and prevent the theft of cannabis and unauthorized entrance into areas containing cannabis.

➥ ***The provisions of this subsection do not supersede any state or local requirements relating to minimum numbers of points of entry or exit, or any state or local requirements relating to fire safety.***

3. Except as otherwise provided in section 182 of this act, all cultivation or production of cannabis that a cannabis cultivation facility carries out or causes to be carried out must take place in an enclosed, locked facility at the physical address provided to the Board during the licensing process for the cannabis cultivation facility. Such an enclosed, locked facility must be accessible only by cannabis establishment agents who are lawfully associated with the cannabis cultivation facility, except that limited access by persons necessary to perform construction or repairs or provide other labor is permissible if such persons are supervised by a cannabis establishment agent.

4. A cannabis establishment ~~[that is not a cannabis consumption lounge]~~ shall not allow any person to consume cannabis on the property or premises of the establishment.

5. Cannabis establishments are subject to reasonable inspection by the Board at any time, and a person who holds a license must make himself or herself, or a designee thereof, available and present for any inspection by the Board of the cannabis establishment.

6. Each medical cannabis establishment and adult-use cannabis establishment shall install a video monitoring system which must, at a minimum:

(a) Allow for the transmission and storage, by digital or analog means, of a video feed which displays the interior and exterior of the medical cannabis establishment or adult-use cannabis establishment; and

(b) Be capable of being accessed remotely by a law enforcement agency in real-time upon request.

7. A cannabis establishment shall not dispense or otherwise sell cannabis or cannabis products from a vending machine or allow such a vending machine to be installed at the interior or exterior of the premises of the cannabis establishment. As used in this subsection, "vending machine" has the meaning ascribed to it in NRS 209.229.

Sec. 114. ~~***[1. A cannabis sales facility may deliver cannabis or cannabis products to a consumer at a cannabis consumption lounge if:***~~

~~***(a) The delivery is made by a cannabis establishment agent who is authorized to make the delivery by the cannabis sales facility by which he or she is employed; or***~~

~~***(b) The delivery is made by a third party or intermediary business that has contracted with the cannabis sales facility pursuant to section 151 or 185 of this act.***~~

~~***2. The Board may adopt regulations prescribing procedures and protocols for deliveries conducted pursuant to subsection 1.]***~~ **(Deleted by amendment.)**

Sec. 115. *1. Each cannabis ~~[sales facility and cannabis production facility]~~ establishment shall, in consultation with the Board, cooperate to ensure that all cannabis products offered for sale:*

(a) Are labeled clearly and unambiguously:

(1) As cannabis or medical cannabis with the words "THIS IS A MEDICAL CANNABIS PRODUCT" or "THIS IS A CANNABIS PRODUCT," as applicable, in bold type; and

(2) As required by the provisions of this chapter, the chapter consisting of sections 125 to 171, inclusive, of this act and the chapter consisting of sections 173 to 187, inclusive, of this act.

(b) Are not presented in packaging that contains an image of a cartoon character, mascot, action figure, balloon or toy, except that such an item may appear in the logo of the cannabis production facility which produced the product.

(c) Are regulated and sold on the basis of the concentration of THC in the products and not by weight.

(d) Are packaged and labeled in such a manner as to allow tracking by way of an inventory control system.

(e) Are not packaged and labeled in a manner which is modeled after a brand of products primarily consumed by or marketed to children.

(f) Are labeled in a manner which indicates the amount of THC in the product, measured in milligrams, and includes a statement that the product contains cannabis and its potency was tested with an allowable variance of the amount determined by the Board by regulation.

(g) Are not labeled or marketed as candy.

2. A cannabis production facility shall not produce cannabis products in any form that:

(a) Is or appears to be a lollipop.

(b) Bears the likeness or contains characteristics of a real or fictional person, animal or fruit, including, without limitation, a caricature, cartoon or artistic rendering.

(c) Is modeled after a brand of products primarily consumed by or marketed to children.

(d) Is made by applying concentrated cannabis, as defined in NRS 453.042, to a commercially available candy or snack food item other than dried fruit, nuts or granola.

3. A cannabis production facility shall:

(a) Seal any cannabis product that consists of cookies or brownies in a bag or other container which is not transparent.

(b) Affix a label to each cannabis product which includes without limitation, in a manner which must not mislead consumers, the following information:

(1) The words "Keep out of reach of children";

(2) A list of all ingredients used in the cannabis product;

(3) A list of all allergens in the cannabis product; and

(4) The total ~~[weight of cannabis contained in the cannabis product or an equivalent measure]~~ content of THC ~~[concentration.]~~ measured in milligrams.

(c) Maintain a hand washing area with hot water, soap and ~~[a hand dryer or]~~ disposable towels which is located away from any area in which cannabis products are cooked or otherwise prepared.

(d) Require each person who handles cannabis products to ~~[wear a]~~ restrain his or her hair ~~[net and]~~ , wear clean clothing and keep his or her fingernails neatly trimmed.

(e) Package all cannabis products produced by the cannabis production facility on the premises of the cannabis production facility.

4. A cannabis ~~[sales facility or cannabis production facility]~~ establishment shall not engage in advertising that in any way makes cannabis or cannabis products appeal to children, including without limitation, advertising which uses an image of a cartoon character, mascot, action figure, balloon, fruit or toy.

5. Each cannabis sales facility shall offer for sale containers for the storage of cannabis and cannabis products which lock and are designed to prohibit children from unlocking and opening the container.

6. A cannabis sales facility shall:

(a) Include a written notification with each sale of cannabis or cannabis products which advises the purchaser:

(1) To keep cannabis and cannabis products out of the reach of children;

(2) That cannabis products can cause severe illness in children;

(3) That allowing children to ingest cannabis or cannabis products or storing cannabis or cannabis products in a location which is accessible to children may result in an investigation by an agency which provides child welfare services or criminal prosecution for child abuse or neglect;

(4) That the intoxicating effects of edible cannabis products may be delayed by 2 hours or more and users of edible cannabis products should initially ingest a small amount of the product, then wait at least 120 minutes before ingesting any additional amount of the product;

(5) That pregnant women should consult with a physician before ingesting cannabis or cannabis products;

(6) That ingesting cannabis or cannabis products with alcohol or other drugs, including prescription medication, may result in unpredictable levels of impairment and that a person should consult with a physician before doing so;

(7) That cannabis or cannabis products can impair concentration, coordination and judgment and a person should not operate a motor vehicle while under the influence of cannabis or cannabis products; and

(8) That ingestion of any amount of cannabis or cannabis products before driving may result in criminal prosecution for driving under the influence.

(b) Enclose all cannabis and cannabis products in opaque, child-resistant packaging upon sale.

7. A cannabis sales facility shall allow any person who is at least 21 years of age to enter the premises of the cannabis sales facility.

8. If the health authority, as defined in NRS 446.050, where a cannabis production facility or cannabis sales facility which sells edible cannabis products is located requires persons who handle food at a food establishment to obtain certification, the cannabis production facility or cannabis sales facility shall ensure that at least one employee maintains such certification.

9. A cannabis production facility may sell a commodity or product made using industrial hemp, as defined in NRS 557.160, or containing cannabidiol to a cannabis sales facility.

10. In addition to any other product authorized by the provisions of this title, a cannabis sales facility may sell:

(a) Any commodity or product made using industrial hemp, as defined in NRS ~~[557.040;]~~ 557.160;

(b) Any commodity or product containing cannabidiol with a THC concentration of not more than 0.3 percent; and

(c) Any other product specified by regulation of the Board.

Sec. 116. 1. A person shall not:

~~[1.]~~ (a) Advertise the sale of cannabis or cannabis products by the person; or

~~[2.]~~ (b) Sell, offer to sell or appear to sell cannabis or cannabis products or allow the submission of an order for cannabis or cannabis products,

➥ unless the person holds an adult-use cannabis establishment license or a medical cannabis establishment license.

2. A local government shall not regulate the content of an advertisement for the sale of cannabis or cannabis products unless the local government adopts an ordinance setting forth such regulations.

Sec. 117. *1. The Board shall establish standards for and certify one or more cannabis independent testing laboratories to:*

(a) Test cannabis for adult use and adult-use cannabis products that are to be sold in this State; ~~[and]~~

(b) Test cannabis for medical use and medical cannabis products that are to be sold in this State ~~[.]~~ ; and

(c) In addition to the testing described in paragraph (a) or (b), test commodities or products containing industrial hemp, as defined in NRS 557.160, or cannabidiol which are intended for human or animal consumption and sold by a cannabis establishment.

2. Such a cannabis independent testing laboratory must be able to:

(a) Determine accurately, with respect to cannabis or cannabis products that are sold or will be sold at cannabis sales facilities in this State:

(1) The concentration therein of THC and cannabidiol.

(2) The presence and identification of microbes, molds and fungus.

(3) The composition of the tested material.

(4) The presence of chemicals in the tested material, including, without limitation, pesticides, heavy metals, herbicides or growth regulators.

(b) Demonstrate the validity and accuracy of the methods used by the cannabis independent testing laboratory to test cannabis and cannabis products.

3. To obtain a license to operate a cannabis independent testing laboratory, an applicant must:

(a) Apply successfully as required pursuant to section 91 or 96 of this act, as applicable.

(b) Pay the fees required pursuant to section 107 of this act.

(c) Agree to become accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization within 1 year after licensure.

Sec. 118. *1. The Board may establish a program to ensure the integrity of all testing performed by a cannabis independent testing laboratory by subjecting each such laboratory to random laboratory assurance checks.*

2. If the Board establishes a program pursuant to subsection 1, each cannabis independent testing laboratory shall participate in the program.

3. If the Board establishes a program pursuant to subsection 1, as part of the program, the Board shall:

(a) Collect samples of cannabis or cannabis products from cannabis establishments that have already been tested by cannabis independent testing laboratories in amounts deemed sufficient by the Board;

(b) Remove identifying characteristics from and randomize such samples; and

(c) Provide each cannabis independent testing laboratory with a sample for analysis.

4. A cannabis independent laboratory that receives a sample from the Board shall perform such quality assurance tests upon the sample as the Board may require. Such tests may include, without limitation:

(a) Screening the sample for pesticides, heavy metals, chemical residues, herbicides, growth regulators and microbial analysis;

(b) A potency analysis to test for and quantify the presence of the following cannabinoids:

(1) THC;

(2) Tetrahydrocannabinolic acid;

(3) Cannabidiol;

(4) Cannabidiolic acid; and

(5) Cannabinol; and

(c) Such other quality assurance tests that the Board may require.

5. If the Board establishes a program pursuant to subsection 1, the Board shall adopt regulations necessary to carry out the program. Such regulations:

(a) Must require each cannabis independent testing laboratory to perform a random laboratory assurance check at least once every 6 months but not more frequently than once every 3 months.

(b) May modify the procedures and requirements set forth in this section if the Board determines that advances in science necessitate such a modification.

6. As used in this section, "random laboratory assurance check" means the evaluation of the performance of a cannabis independent testing laboratory in conducting quality assurance tests upon a sample if required by the Board under the program established pursuant to subsection 1.

Sec. 119. ~~***[A cannabis consumption lounge shall not:***~~

~~***1. Allow the consumption of cannabis or cannabis products at any place which is reasonably viewable from a public place;***~~

~~***2. Allow the entry of any person who is less than 21 years of age to the cannabis consumption lounge;***~~

~~***3. Allow a person to volunteer at the cannabis consumption lounge;***~~

~~***4. Employ at the cannabis consumption lounge any person who has been convicted of an excluded felony offense;***~~

~~***5. Sell alcohol or allow the consumption of alcohol on the premises of the cannabis consumption lounge;***~~

~~***6. Offer gaming, as defined in NRS 463.0153, or allow such gaming to occur on the premises of the cannabis consumption lounge; or***~~

~~***7. Acquire from any source or sell cannabis or cannabis products.]***~~

(Deleted by amendment.)

Sec. 120. ~~***[A cannabis consumption lounge shall:***~~

~~***1. Require any cannabis or cannabis product brought into the cannabis consumption lounge by a customer to be contained in sealed packaging which clearly identifies the cannabis establishment that sold the cannabis or cannabis product;***~~

~~***2. Require any customer of the cannabis consumption lounge who exits the premises of the lounge with cannabis or cannabis products to seal the cannabis or cannabis product in opaque packaging;***~~

~~***3. Submit a security plan to the Board which, without limitation, provides for adequate security and lighting at the cannabis consumption lounge and for each entrance and exit of the cannabis consumption lounge to be adequately secured;***~~

~~***4. Install a ventilation and exhaust system which is capable of absorbing odors sufficiently that any odor generated inside the cannabis consumption lounge cannot be easily detected from outside the lounge;***~~

~~***5. Install a ventilation system in each area inside the cannabis consumption lounge in which cannabis or cannabis products are consumed that substantially removes smoke from the area and segregates each such area from all other areas of the cannabis consumption lounge by enclosing the area on all sides by any combination of solid walls, windows or doors that extend from the floor to the ceiling;***~~

~~*6. Provide information on public transportation, taxis and transportation network companies to all customers of the cannabis consumption lounge;*~~

~~*7. Train each employee of the cannabis consumption lounge concerning paraphernalia, cannabis and cannabis products, including, without limitation, the proper use of paraphernalia, the potency, absorption time and effects of cannabis and cannabis products, the recognition of impairment from and overconsumption of cannabis and the safe handling of a customer who is impaired;*~~

~~*8. Make one or more employees available to customers at all times that the cannabis consumption lounge is open to educate the customers of the lounge on the safe use of cannabis and cannabis products and the proper use of paraphernalia;*~~

~~*9. Prohibit loitering outside of the cannabis consumption lounge at any time;*~~

~~*10. Collaborate with the appropriate local law enforcement agency to properly collect and promptly dispose of any cannabis or cannabis products which are left at the cannabis consumption lounge;*~~

~~*11. Comply with all local ordinances and rules pertaining to zoning, land use and signage; and*~~

~~*12. Comply with any requirements set forth by regulations adopted by the Board.]*~~ **(Deleted by amendment.)**

Sec. 121. ~~*[A cannabis consumption lounge may:*~~

~~*1. Rent paraphernalia to the customers of the cannabis consumption lounge;*~~

~~*2. Sell food and nonalcoholic beverages to the customers of the cannabis consumption lounge; and*~~

~~*3. Sell opaque packaging suitable for cannabis or cannabis products to customers of the cannabis consumption lounge.]*~~ **(Deleted by amendment.)**

Sec. 122. ***It is the public policy of this State that contracts related to the operation of cannabis establishments under this title should be enforceable, and no contract entered into by the licensee or registrant as permitted pursuant to such a license or registration card, or by those who allow property to be used by a licensee or registrant as permitted pursuant to such a license or registration card, shall be deemed unenforceable on the basis that the actions or conduct permitted pursuant to the license or registration card are prohibited by federal law.***

Sec. 122.5. ***The Department of Taxation shall adopt regulations to establish procedures to determine the fair market value at wholesale of cannabis. The Board shall furnish the Department with such information as the Department determines to be necessary to adopt the regulations required by this section.***

Sec. 123. ***The Board shall adopt such regulations as it determines to be necessary or advisable to carry out the provisions of this chapter. Such***

regulations are in addition to any requirements set forth in statute and must, without limitation:

1. Prescribe the form and any additional required content of applications for licenses or registration cards issued pursuant to this chapter;

2. Establish procedures for the suspension or revocation of a license or registration card or other disciplinary action to be taken against a licensee or registrant;

3. Set forth rules pertaining to the safe and healthful operation of cannabis establishments, including, without limitation:

(a) The manner of protecting against diversion and theft without imposing an undue burden on cannabis establishments or compromising the confidentiality of consumers and holders of registry identification cards and letters of approval, as those terms are defined in sections 133 and 132 of this act, respectively;

(b) Minimum requirements for the oversight of cannabis establishments;

(c) Minimum requirements for the keeping of records by cannabis establishments;

(d) Provisions for the security of cannabis establishments, including without limitation, requirements for the protection by a fully operational security alarm system of each cannabis establishment; and

(e) Procedures pursuant to which cannabis establishments must use the services of cannabis independent testing laboratories to ensure that any cannabis or cannabis product or commodity or product made from industrial hemp, as defined in NRS 557.160, sold by a cannabis sales facility to an end user is tested for content, quality and potency in accordance with standards established by the Board;

4. Establish circumstances and procedures pursuant to which the maximum fees set forth in section 107 of this act may be reduced over time to ensure that the fees imposed pursuant to section 107 of this act are, insofar as may be practicable, revenue neutral;

5. Establish different categories of cannabis establishment agent registration cards, including, without limitation, criteria for issuance of a cannabis establishment agent registration card for a cannabis executive and criteria for training and certification, for each of the different types of cannabis establishments at which such an agent may be employed or volunteer or provide labor as a cannabis establishment agent;

6. As far as possible while maintaining accountability, protect the identity and personal identifying information of each person who receives, facilitates or delivers services in accordance with this chapter;

7. Establish procedures and requirements to enable a dual licensee to operate a medical cannabis establishment and an adult-use cannabis establishment at the same location;

8. [Establish procedures to determine the fair market value at wholesale of cannabis;

~~9.~~ ***Determine whether any provision of this chapter, the chapter consisting of sections 125 to 171, inclusive, of this act or the chapter consisting of sections 173 to 187, inclusive, of this act would make the operation of a cannabis establishment by a dual licensee unreasonably impracticable; and***

~~10.~~ ***9. Address such other matters as the Board deems necessary to carry out the provisions of this title.***

Sec. 124. The title of NRS created by section 1 of this act is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 125 to 171, inclusive, of this act.

Sec. 125. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 126 to 136, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 126. ***"Attending provider of health care" means a provider of health care, as defined in NRS 629.031, who:***

1. Is licensed or certified to practice a profession which authorizes the person to write a prescription for a medication to treat a chronic or debilitating medical condition; and

2. Has responsibility for the care and treatment of a person diagnosed with a chronic or debilitating medical condition.

Sec. 127. ***"Cachexia" means general physical wasting and malnutrition associated with chronic disease.***

Sec. 128. ***"Chronic or debilitating medical condition" means:***

1. Acquired immune deficiency syndrome;

2. An anxiety disorder;

3. An autism spectrum disorder;

4. An autoimmune disease;

5. Anorexia nervosa;

6. Cancer;

7. Dependence upon or addiction to opioids;

8. Glaucoma;

9. A medical condition or treatment for a medical condition that produces, for a specific patient, one or more of the following:

(a) Cachexia;

(b) Muscle spasms, including, without limitation, spasms caused by multiple sclerosis;

(c) Seizures, including, without limitation, seizures caused by epilepsy;

(d) Nausea; or

(e) Severe or chronic pain;

10. A medical condition related to the human immunodeficiency virus;

11. A neuropathic condition, whether or not such condition causes seizures; or

12. Any other medical condition or treatment for a medical condition that is:

(a) Classified as a chronic or debilitating medical condition by regulation of the Division; or

(b) Approved as a chronic or debilitating medical condition pursuant to a petition submitted in accordance with section 166 of this act.

Sec. 129. *1. "Designated primary caregiver" means a person who:*

(a) Is 18 years of age or older;

(b) Has significant responsibility for managing the well-being of a person diagnosed with a chronic or debilitating medical condition; and

(c) Is designated as such in the manner required pursuant to section 144 of this act.

2. The term does not include the attending provider of health care of a person diagnosed with a chronic or debilitating medical condition.

Sec. 130. *"Division" means the Division of Public and Behavioral Health of the Department of Health and Human Services.*

Sec. 131. *"Inventory control system" means a process, device or other contrivance that may be used to monitor the chain of custody of cannabis from the point of cultivation to the end consumer.*

Sec. 132. *"Letter of approval" means a document issued by the Division to an applicant who is under 10 years of age pursuant to section 140 of this act which provides that the applicant is exempt from state prosecution for engaging in the medical use of cannabis.*

Sec. 133. *"Registry identification card" means a document issued by the Division or its designee that identifies:*

1. A person who is exempt from state prosecution for engaging in the medical use of cannabis; or

2. The designated primary caregiver, if any, of a person described in subsection 1.

Sec. 134. *"State prosecution" means prosecution initiated or maintained by the State of Nevada or an agency or political subdivision of the State of Nevada.*

Sec. 135. *1. "Usable cannabis" means:*

(a) The dried leaves and flowers of a plant of the genus Cannabis, and any mixture or preparation thereof, that are appropriate for the medical use of cannabis or the adult use of cannabis; and

(b) The seeds of a plant of the genus Cannabis.

2. The term does not include the stalks and roots of the plant.

Sec. 136. *"Written documentation" means:*

1. A statement signed by the attending provider of health care of a person diagnosed with a chronic or debilitating medical condition; or

2. Copies of the relevant medical records of a person diagnosed with a chronic or debilitating medical condition.

Sec. 137. *1. Except as otherwise provided in this section and section 145 of this act, a person who holds a valid registry identification card issued to the person pursuant to section 140 or 144 of this act is exempt from state prosecution for:*

(a) The possession, delivery or production of cannabis;

(b) The possession or delivery of paraphernalia;

(c) Aiding and abetting another in the possession, delivery or production of cannabis;

(d) Aiding and abetting another in the possession or delivery of paraphernalia;

(e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and

(f) Any other criminal offense in which the possession, delivery or production of cannabis or the possession or delivery of paraphernalia is an element.

2. In addition to the provisions of subsections 1 and 5, no person may be subject to state prosecution for constructive possession, conspiracy or any other criminal offense solely for being in the presence or vicinity of the medical use of cannabis in accordance with the provisions of this title.

3. The exemption from state prosecution set forth in subsection 1 applies only to the extent that a person who holds a registry identification card issued to the person pursuant to paragraph (a) of subsection 1 of section 140 of this act and the designated primary caregiver, if any, of such a person:

(a) Engage in or assist in, as applicable, the medical use of cannabis in accordance with the provisions of this title as justified to mitigate the symptoms or effects of a person's chronic or debilitating medical condition; and

(b) Do not, at any one time, collectively possess with another who is authorized to possess, deliver or produce more than:

(1) Two and one-half ounces of usable cannabis ***;*** ~~***[in any one 14-day period;]***~~

(2) Twelve cannabis plants, irrespective of whether the cannabis plants are mature or immature; and

(3) A maximum allowable quantity of cannabis products as established by regulation of the Board.

➥ The persons described in this subsection must ensure that the usable cannabis and cannabis plants described in this subsection are safeguarded in an enclosed, secure location.

4. If the persons described in subsection 3 possess, deliver or produce cannabis in an amount which exceeds the amount described in paragraph (b) of that subsection, those persons:

(a) Are not exempt from state prosecution for the possession, delivery or production of cannabis.

(b) May establish an affirmative defense to charges of the possession, delivery or production of cannabis, or any combination of those acts, in the manner set forth in section 146 of this act.

5. A person who holds a valid medical cannabis establishment license issued to the person pursuant to section 91 of this act or a valid cannabis establishment agent registration card issued to the person pursuant to

section 103 of this act or a valid cannabis establishment agent registration card for a cannabis executive issued pursuant to section 104 of this act and who confines his or her activities to those authorized by this title, and the regulations adopted by the Board pursuant thereto, is exempt from state prosecution for:

(a) The possession, delivery or production of cannabis;

(b) The possession or delivery of paraphernalia;

(c) Aiding and abetting another in the possession, delivery or production of cannabis;

(d) Aiding and abetting another in the possession or delivery of paraphernalia;

(e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and

(f) Any other criminal offense in which the possession, delivery or production of cannabis or the possession or delivery of paraphernalia is an element.

6. Notwithstanding any other provision of law and except as otherwise provided in this subsection, after a medical cannabis dispensary opens in the county of residence of a person who holds a registry identification card, including, without limitation, a designated primary caregiver, such a person is not authorized to cultivate, grow or produce cannabis. The provisions of this subsection do not apply if:

(a) The person who holds the registry identification card was cultivating, growing or producing cannabis in accordance with state law on or before July 1, 2013;

(b) All the medical cannabis dispensaries in the county of residence of the person who holds the registry identification card close or are unable to supply the quantity or strain of cannabis necessary for the medical use of the person to treat his or her specific medical condition;

(c) Because of illness or lack of transportation, the person who holds the registry identification card is unable reasonably to travel to a medical cannabis dispensary; or

(d) No medical cannabis dispensary was operating within 25 miles of the residence of the person who holds the registry identification card at the time the person first applied for his or her registry identification card.

7. As used in this section, "cannabis" includes, without limitation, cannabis products.

Sec. 138. *1. Except as otherwise provided in this section and section 145 of this act, a person who holds a valid letter of approval issued pursuant to section 140 of this act is exempt from state prosecution for:*

(a) The possession of cannabis;

(b) The possession of paraphernalia;

(c) Any combination of the acts described in paragraphs (a) and (b); and

(d) Any other criminal offense in which the possession of cannabis or paraphernalia is an element.

2. The exemption from state prosecution set forth in subsection 1 applies only to the extent that the person who holds a letter of approval:

(a) Engages in the medical use of cannabis in accordance with the provisions of this chapter as justified to mitigate the symptoms or effects of the person's chronic or debilitating medical condition; and

(b) Does not, at any one time, collectively possess with his or her designated primary caregiver an amount of cannabis for medical purposes that exceeds the limits set forth in section 137 of this act.

3. As used in this section, "cannabis" includes, without limitation, cannabis products.

Sec. 139. *1. The Division shall establish and maintain a program for the issuance of registry identification cards and letters of approval to persons who meet the requirements of this section.*

2. Except as otherwise provided in subsections 3 and 5 and section 141 of this act, the Division or its designee shall issue a registry identification card to a person who is a resident of this State and who submits an application on a form prescribed by the Division accompanied by the following:

(a) A signature from the person's attending provider of health care affirming that:

(1) The person has been diagnosed with a chronic or debilitating medical condition;

(2) The medical use of cannabis may mitigate the symptoms or effects of that condition;

(3) The attending provider of health care has explained the possible risks and benefits of the medical use of cannabis; and

(4) The attending provider of health care will keep, in the files maintained by the attending provider of health care for the person, valid, written documentation and make such written documentation available to the Division upon request;

(b) The name, address, telephone number and date of birth of the person;

(c) Proof satisfactory to the Division that the person is a resident of this State;

(d) The name, address and telephone number of the person's attending provider of health care;

(e) If the person elects to designate a primary caregiver at the time of application:

(1) The name, address and telephone number of the designated primary caregiver; and

(2) A signature from the person's attending provider of health care affirming that the attending provider of health care approves of the designation of the primary caregiver; and

(f) If the person elects to designate a medical cannabis dispensary at the time of application, the name of the medical cannabis dispensary.

3. The Division or its designee shall issue a registry identification card to a person who is at least 10 years of age but less than 18 years of age or a letter of approval to a person who is less than 10 years of age if:

(a) The person submits the materials required pursuant to subsection 2; and

(b) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age signs a written statement setting forth that:

(1) The attending provider of health care of the person under 18 years of age is a physician licensed pursuant to chapter 630 or 633 of NRS and has explained to that person and to the custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age the possible risks and benefits of the medical use of cannabis;

(2) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age consents to the use of cannabis by the person under 18 years of age for medical purposes;

(3) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age agrees to serve as the designated primary caregiver for the person under 18 years of age; and

(4) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age agrees to control the acquisition of cannabis and the dosage and frequency of use by the person under 18 years of age.

4. Upon receipt of an application that is completed and submitted pursuant to this section, the Division shall:

(a) Record on the application the date on which it was received;

(b) Retain one copy of the application for the records of the Division; and

(c) Distribute copies of the application in the following manner:

(1) One copy to the person who submitted the application;

(2) One copy to the applicant's designated primary caregiver, if any; and

(3) One copy to the professional licensing board that has issued a license or certification to the attending provider of health care.

➥ The applicable professional licensing board shall report to the Division its findings as to the licensure or certification, as applicable, and standing of the applicant's attending provider of health care within 15 days after receiving a copy of an application pursuant to subparagraph (3) of paragraph (c).

5. The Division shall verify the information contained in an application submitted pursuant to this section and shall approve or deny an application within the period of time specified by the Division by regulation. The Division may contact an applicant, the applicant's attending provider of health care and designated primary caregiver, if any, by telephone to determine that the information provided on or accompanying the application

is accurate. The Division may deny an application only on the following grounds:

(a) The applicant failed to provide the information required pursuant to subsections 2 and 3, if applicable;

(b) The applicant failed to comply with regulations adopted by the Division;

(c) The Division determines that the information provided by the applicant was falsified;

(d) The Division determines that the attending provider of health care of the applicant is not licensed or certified in this State or is not in good standing, as reported by the applicable professional licensing board;

(e) The Division has prohibited the applicant from obtaining or using a registry identification card or letter of approval pursuant to subsection 2 of section 145 of this act;

(f) The Division determines that the applicant, or the applicant's designated primary caregiver, if applicable, has had a registry identification card or letter of approval revoked pursuant to section 141 of this act; or

(g) In the case of a person under 18 years of age, the custodial parent or legal guardian with responsibility for health care decisions for the person has not signed the written statement required pursuant to paragraph (b) of subsection 3.

6. The decision of the Division to deny an application for a registry identification card or letter of approval is a final decision for the purposes of judicial review. Only the person whose application has been denied or, in the case of a person under 18 years of age whose application has been denied, the person's parent or legal guardian, has standing to contest the determination of the Division. A judicial review authorized pursuant to this subsection must be limited to a determination of whether the denial was arbitrary, capricious or otherwise characterized by an abuse of discretion and must be conducted in accordance with the procedures set forth in chapter 233B of NRS for reviewing a final decision of an agency.

7. A person whose application has been denied may not reapply for 6 months after the date of the denial, unless the Division or a court of competent jurisdiction authorizes reapplication in a shorter time.

8. Except as otherwise provided in this subsection, if a person has applied for a registry identification card or letter of approval pursuant to this section and the Division has not yet approved or denied the application, the person, and the person's designated primary caregiver, if any, shall be deemed to hold a registry identification card or letter of approval and may present a copy of the application provided to him or her pursuant to subsection 4 as proof that the person is deemed to hold a registry identification card of letter of approval to any person, including, without limitation, a law enforcement officer or a cannabis establishment agent at a medical cannabis dispensary.

9. An attending provider of health care who signs an application pursuant to subsection 2 for a patient shall maintain valid, written documentation in the file the attending provider of health care maintains for the patient and make such written documentation available to the Division upon request.

10. As used in this section, "resident" has the meaning ascribed to it in NRS 483.141.

Sec. 140. ***1. If the Division approves an application pursuant to subsection 5 of section 139 of this act, the Division or its designee shall, as soon as practicable after the Division approves the application:***

(a) Issue a letter of approval or serially numbered registry identification card, as applicable, to the applicant; and

(b) If the applicant has designated a primary caregiver, issue a serially numbered registry identification card to the designated primary caregiver.

2. A registry identification card issued pursuant to paragraph (a) of subsection 1 must set forth:

(a) The name, address, photograph and date of birth of the applicant;

(b) The date of issuance and date of expiration of the registry identification card;

(c) The name and address of the applicant's designated primary caregiver, if any;

(d) The name of the applicant's designated medical cannabis dispensary, if any;

(e) Whether the applicant is authorized to cultivate, grow or produce cannabis pursuant to subsection 6 of section 137 of this act; and

(f) Any other information prescribed by regulation of the Division.

3. A letter of approval issued pursuant to paragraph (a) of subsection 1 must set forth:

(a) The name, address and date of birth of the applicant;

(b) The date of issuance and date of expiration of the registry identification card of the designated primary caregiver;

(c) The name and address of the applicant's designated primary caregiver;

(d) The name of the applicant's designated medical cannabis dispensary, if any; and

(e) Any other information prescribed by regulation of the Division.

4. A registry identification card issued pursuant to paragraph (b) of subsection 1 must set forth:

(a) The name, address and photograph of the designated primary caregiver;

(b) The date of issuance and date of expiration of the registry identification card;

(c) The name and address of the applicant for whom the person is the designated primary caregiver;

(d) The name of the designated primary caregiver's designated medical cannabis dispensary, if any;

(e) Whether the designated primary caregiver is authorized to cultivate, grow or produce cannabis pursuant to subsection 6 of section 137 of this act; and

(f) Any other information prescribed by regulation of the Division.

5. Except as otherwise provided in section 141 of this act, subsection 3 of section 142 of this act and subsection 2 of section 145 of this act, a registry identification card or letter of approval issued pursuant to this section is valid for a period of either 1 year or 2 years, as specified by the attending provider of health care on the application for the issuance or renewal of the registry identification card or letter of approval, and may be renewed in accordance with regulations adopted by the Division.

Sec. 141. *1. If, at any time after the Division or its designee has issued a registry identification card or letter of approval to a person pursuant to paragraph (a) of subsection 1 of section 140 of this act, the Division determines, on the basis of official documents or records or other credible evidence, that the person provided falsified information on his or her application to the Division or its designee, as described in paragraph (c) of subsection 5 of section 139 of this act, the Division shall immediately revoke the registry identification card or letter of approval issued to that person and shall immediately revoke the registry identification card issued to that person's designated primary caregiver, if any.*

2. Upon the revocation of a registry identification card or letter of approval pursuant to this section:

(a) The Division shall send, by certified mail, return receipt requested, notice to the person whose registry identification card or letter of approval has been revoked, advising the person of the requirements of paragraph (b); and

(b) The person shall return his or her registry identification card or letter of approval to the Division within 7 days after receiving the notice sent pursuant to paragraph (a).

3. The decision of the Division to revoke a registry identification card or letter of approval pursuant to this section is a final decision for the purposes of judicial review.

4. A person whose registry identification card or letter of approval has been revoked pursuant to this section may not reapply for a registry identification card or letter of approval pursuant to section 139 of this act for 12 months after the date of the revocation, unless the Division or a court of competent jurisdiction authorizes reapplication in a shorter time.

Sec. 142. *1. A person to whom the Division or its designee has issued a registry identification card or letter of approval pursuant to paragraph (a) of subsection 1 of section 140 of this act shall, in accordance with regulations adopted by the Division:*

(a) Notify the Division of any change in the person's name, address, telephone number, designated medical cannabis dispensary, if any, attending provider of health care or designated primary caregiver, if any; and

(b) Submit to the Division, on a form prescribed by the Division:

(1) On or before the date specified by the attending provider of health care on the application for the issuance or renewal of the registry identification card or letter of approval pursuant to subsection 5 of section 140 of this act, a signature from the person's attending provider of health care affirming that:

(I) The person continues to suffer from a chronic or debilitating medical condition;

(II) The medical use of cannabis may mitigate the symptoms or effects of that condition; and

(III) The attending provider of health care has explained to the person the possible risks and benefits of the medical use of cannabis; and

(2) If the person elects to designate a primary caregiver for the subsequent year and the primary caregiver so designated was not the person's designated primary caregiver during the previous year:

(I) The name, address and telephone number of the designated primary caregiver; and

(II) A signature from the person's attending provider of health care affirming that the attending provider of health care approves of the designation of the primary caregiver.

2. A person to whom the Division or its designee has issued a registry identification card pursuant to paragraph (b) of subsection 1 of section 140 of this act or pursuant to section 144 of this act shall, in accordance with regulations adopted by the Division, notify the Division of any change in the person's name, address, telephone number, designated medical cannabis dispensary, if any, or the identity of the person for whom he or she acts as designated primary caregiver.

3. If a person fails to comply with the provisions of subsection 1 or 2, the registry identification card or letter of approval issued to the person shall be deemed expired. If the registry identification card or letter of approval of a person to whom the Division or its designee issued the card or letter pursuant to paragraph (a) of subsection 1 of section 140 of this act is deemed expired pursuant to this subsection, the registry identification card issued to the person's designated primary caregiver, if any, shall also be deemed expired. Upon the deemed expiration of a registry identification card or letter of approval pursuant to this subsection:

(a) The Division shall send, by certified mail, return receipt requested, notice to the person whose registry identification card or letter of approval has been deemed expired, advising the person of the requirements of paragraph (b); and

(b) The person shall return his or her registry identification card or letter of approval to the Division within 7 days after receiving the notice sent pursuant to paragraph (a).

Sec. 143. *If a person to whom the Division or its designee has issued a registry identification card or letter of approval pursuant to paragraph (a) of subsection 1 of section 140 of this act is diagnosed by the person's attending provider of health care as no longer having a chronic or debilitating medical condition, the person shall return his or her registry identification card or letter of approval and his or her designated primary caregiver, if any, shall return his or her registry identification card to the Division within 7 days after notification of the diagnosis.*

Sec. 144. *1. If a person who applies to the Division for a registry identification card or letter of approval or to whom the Division or its designee has issued a registry identification card or letter of approval pursuant to paragraph (a) of subsection 1 of section 140 of this act desires or is required to designate a primary caregiver, the person must:*

(a) To designate a primary caregiver at the time of application, submit to the Division, on a form prescribed by the Division, the information required pursuant to paragraph (e) of subsection 2 of section 139 of this act; or

(b) To designate a primary caregiver after the Division or its designee has issued a registry identification card or letter of approval to the person, submit to the Division, on a form prescribed by the Division, the information required pursuant to subparagraph (2) of paragraph (b) of subsection 1 of section 142 of this act.

2. A person may have only one designated primary caregiver at any one time.

3. If a person designates a primary caregiver after the time that the person initially applies for a registry identification card or letter of approval, the Division or its designee shall, except as otherwise provided in subsection 5 of section 139 of this act, issue a registry identification card to the designated primary caregiver as soon as practicable after receiving the information submitted pursuant to paragraph (b) of subsection 1.

4. A person who is the parent or legal guardian of one or more children who are listed in the medical cannabis registry may be the designated primary caregiver for each such child regardless of whether the person is also listed in the medical cannabis registry as a patient.

Sec. 145. *1. A person who holds a registry identification card or letter of approval issued to him or her pursuant to section 140 or 144 of this act is not exempt from state prosecution for, nor may the person establish an affirmative defense to charges arising from, any of the following acts:*

(a) Driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of cannabis.

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420, 488.425 or 493.130.

(c) Possessing a firearm in violation of paragraph (b) of subsection 1 of NRS 202.257.

(d) Possessing cannabis in violation of NRS 453.336 or possessing paraphernalia in violation of NRS 453.560 or 453.566:

(1) If the possession of the cannabis or paraphernalia is discovered because the person engaged or assisted in the medical use of cannabis in:

(I) Any public place or in any place open to the public or exposed to public view; or

(II) Any local detention facility, county jail, state prison, reformatory or other correctional facility, including, without limitation, any facility for the detention of juvenile offenders; or

(2) If the possession of the cannabis or paraphernalia occurs on school property.

(e) Delivering cannabis to another person who he or she knows does not lawfully hold a registry identification card or letter of approval issued by the Division or its designee pursuant to section 140 or 144 of this act.

(f) Delivering cannabis for consideration to any person, regardless of whether the recipient lawfully holds a registry identification card or letter of approval issued by the Division or its designee pursuant to section 140 or 144 of this act.

2. Except as otherwise provided in section 141 of this act and in addition to any other penalty provided by law, if the Division determines that a person has willfully violated a provision of this chapter or any regulation adopted by the Division to carry out the provisions of this chapter, the Division may, at its own discretion, prohibit the person from obtaining or using a registry identification card or letter of approval for a period of up to 6 months.

3. Nothing in the provisions of this chapter shall be construed as in any manner affecting the provisions of the chapter consisting of sections 173 to 187, inclusive, of this act relating to the adult use of cannabis.

4. As used in this section, "school property" means the grounds of any public school described in NRS 388.020 and any private school as defined in NRS 394.103.

Sec. 146. *1. Except as otherwise provided in this section and section 145 of this act, it is an affirmative defense to a criminal charge of possession, delivery or production of cannabis, or any other criminal offense in which possession, delivery or production of cannabis is an element, that the person charged with the offense:*

(a) Is a person who:

(1) Has been diagnosed with a chronic or debilitating medical condition within the 12-month period preceding his or her arrest and has been advised by his or her attending provider of health care that the medical use of cannabis may mitigate the symptoms or effects of that chronic or debilitating medical condition;

(2) Is engaged in the medical use of cannabis; and

(3) Possesses, delivers or produces cannabis only in the amount described in paragraph (b) of subsection 3 of section 137 of this act or in excess of that amount if the person proves by a preponderance of the evidence that the greater amount is medically necessary as determined by the person's attending provider of health care to mitigate the symptoms or effects of the person's chronic or debilitating medical condition; or

(b) Is a person who:

(1) Is assisting a person described in paragraph (a) in the medical use of cannabis; and

(2) Possesses, delivers or produces cannabis only in the amount described in paragraph (b) of subsection 3 of section 137 of this act or in excess of that amount if the person proves by a preponderance of the evidence that the greater amount is medically necessary as determined by the assisted person's attending provider of health care to mitigate the symptoms or effects of the assisted person's chronic or debilitating medical condition.

2. A person need not hold a registry identification card or letter of approval issued to the person by the Division or its designee pursuant to section 140 or 144 of this act to assert an affirmative defense described in this section.

3. Except as otherwise provided in this section and in addition to the affirmative defense described in subsection 1, a person engaged or assisting in the medical use of cannabis who is charged with a crime pertaining to the medical use of cannabis is not precluded from:

(a) Asserting a defense of medical necessity; or

(b) Presenting evidence supporting the necessity of cannabis for treatment of a specific disease or medical condition,

➥ if the amount of cannabis at issue is not greater than the amount described in paragraph (b) of subsection 3 of section 137 of this act and the person has taken steps to comply substantially with the provisions of this chapter.

4. A defendant who intends to offer an affirmative defense described in this section shall, not less than 5 days before trial or at such other time as the court directs, file and serve upon the prosecuting attorney a written notice of the defendant's intent to claim the affirmative defense. The written notice must:

(a) State specifically why the defendant believes he or she is entitled to assert the affirmative defense; and

(b) Set forth the factual basis for the affirmative defense.

➥ A defendant who fails to provide notice of his or her intent to claim an affirmative defense as required pursuant to this subsection may not assert the affirmative defense at trial unless the court, for good cause shown, orders otherwise.

Sec. 147. *1. Each medical cannabis establishment must:*

(a) Be located in a separate building or facility that is located in a commercial or industrial zone or overlay;

(b) Have an appearance, both as to the interior and exterior, that is professional, orderly, dignified and consistent with the traditional style of pharmacies and medical offices; and

(c) Have discreet and professional signage that is consistent with the traditional style of signage for pharmacies and medical offices.

2. If a medical cannabis establishment is operated by a dual licensee, any provision of this section which is determined by the Board to be unreasonably impracticable pursuant to subsection ~~[9]~~ 8 of section 123 of this act does not apply to the medical cannabis establishment.

Sec. 148. ***1. A medical cannabis establishment is prohibited from acquiring, possessing, cultivating, manufacturing, delivering, transferring, transporting, supplying or dispensing cannabis for any purpose except to:***

(a) Directly or indirectly assist patients who possess valid registry identification cards;

(b) Assist patients who possess valid registry identification cards or letters of approval by way of those patients' designated primary caregivers; and

(c) Return for a refund cannabis, medical edible cannabis products or medical cannabis-infused products to the medical cannabis establishment from which the cannabis, medical edible cannabis products or medical cannabis-infused products were acquired.

➥ For the purposes of this subsection, a person shall be deemed to be a patient who possesses a valid registry identification card or letter of approval if he or she qualifies for nonresident reciprocity pursuant to section 154 of this act.

2. A medical cannabis dispensary and a medical cultivation facility may acquire usable cannabis or cannabis plants from a person who holds a valid registry identification card, including, without limitation, a designated primary caregiver. Except as otherwise provided in this subsection, the patient or caregiver, as applicable, must receive no compensation for the cannabis. A patient who holds a valid registry identification card, and the designated primary caregiver of such a patient, or the designated primary caregiver of a person who holds a letter of approval may sell usable cannabis to a medical cannabis dispensary one time and may sell cannabis plants to a cultivation facility one time.

3. A medical cannabis production facility and a medical cannabis dispensary may acquire industrial hemp, as defined in NRS 557.160, from a grower or handler registered by the State Department of Agriculture pursuant to NRS 557.100 to 557.290, inclusive. A medical cannabis production facility may use industrial hemp to manufacture medical cannabis products. A medical cannabis dispensary may dispense industrial hemp and medical edible cannabis products and medical cannabis-infused products manufactured using industrial hemp.

4. A dual licensee:

(a) Shall comply with the regulations adopted by the Board pursuant to subsection 7 of section 123 of this act with respect to the medical cannabis establishment operated by the dual licensee; and

(b) May, to the extent authorized by such regulations, combine the location or operations of the medical cannabis establishment operated by the dual licensee with the adult-use cannabis establishment operated by the dual licensee.

5. If a medical cannabis establishment is operated by a dual licensee, any provision of this section which is determined by the Board to be unreasonably impracticable pursuant to subsection ~~[9]~~ 8 of section 123 of this act does not apply to the medical cannabis establishment.

Sec. 149. ***1. Each medical cannabis establishment, in consultation with the Board, shall maintain an electronic verification system.***

2. The electronic verification system required pursuant to subsection 1 must be able to monitor and report information, including, without limitation:

(a) In the case of a medical cannabis dispensary, for each person who holds a valid registry identification card and who purchased cannabis from the dispensary in the immediately preceding 60-day period:

(1) The number of the card;

(2) The date on which the card was issued; and

(3) The date on which the card will expire.

(b) For each cannabis establishment agent who is employed by or volunteers at the medical cannabis establishment, the number of the person's cannabis establishment agent registration card.

(c) In the case of a medical cannabis dispensary, such information as may be required by the Board by regulation regarding persons who are not residents of this State and who have purchased cannabis from the dispensary.

(d) Verification of the identity of a person to whom cannabis or medical cannabis products are sold or otherwise distributed.

(e) Such other information as the Board may require.

3. Nothing in this section prohibits more than one medical cannabis establishment from co-owning an electronic verification system in cooperation with other medical cannabis establishments, or sharing the information obtained therefrom.

4. A medical cannabis establishment must exercise reasonable care to ensure that the personal identifying information of persons who hold registry identification cards which is contained in an electronic verification system is encrypted, protected and not divulged for any purpose not specifically authorized by law.

Sec. 150. ***1. Each medical cannabis establishment, in consultation with the Board, shall maintain an inventory control system.***

2. The inventory control system required pursuant to subsection 1 must be able to monitor and report information, including, without limitation:

(a) Insofar as is practicable, the chain of custody and current whereabouts, in real time, of cannabis from the point that it is harvested at a cannabis cultivation facility until it is sold at a medical cannabis dispensary and, if applicable, medical cannabis production facility;

(b) The name of each person or other medical cannabis establishment, or both, to which the establishment sold cannabis;

(c) In the case of a medical cannabis dispensary, the date on which it sold cannabis to a person who holds a registry identification card and, if any, the quantity of medical cannabis products sold, measured both by weight and potency; and

(d) Such other information as the Board may require.

3. Nothing in this section prohibits more than one medical cannabis establishment from co-owning an inventory control system in cooperation with other medical cannabis establishments, or sharing the information obtained therefrom.

4. A medical cannabis establishment must exercise reasonable care to ensure that the personal identifying information of persons who hold registry identification cards which is contained in an inventory control system is encrypted, protected and not divulged for any purpose not specifically authorized by law.

5. If a medical cannabis establishment is operated by a dual licensee, the medical cannabis establishment may:

(a) For the purpose of tracking cannabis for medical use, maintain a combined inventory with an adult-use cannabis establishment operated by the dual licensee; and

(b) For the purpose of reporting on the inventory of the medical cannabis establishment operated by the dual licensee, maintain a combined inventory with an adult-use cannabis establishment operated by the dual licensee and report the combined inventory under a single medical cannabis establishment license or adult-use cannabis establishment license.

6. If a medical cannabis establishment is operated by a dual licensee, the medical cannabis establishment shall:

(a) For the purpose of reporting on the sales of any medical cannabis establishment or adult-use cannabis establishment operated by the dual licensee, designate each sale as a sale pursuant to the provisions of this chapter or the chapter consisting of sections 173 to 187, inclusive, of this act in its inventory control system at the point of sale; and

(b) Verify that each person who purchases cannabis or cannabis products in a sale designated as a sale pursuant to the provisions of this chapter holds a valid registry identification card.

Sec. 151. ***1. Each medical cannabis dispensary shall ensure all of the following:***

(a) The weight, concentration and content of THC in all cannabis and cannabis products that the dispensary sells is clearly and accurately stated on the product sold.

(b) That the dispensary does not sell to a person, in any one transaction, more than 1 ounce of cannabis.

(c) That, posted clearly and conspicuously within the dispensary, are the legal limits on the possession of cannabis for medical purposes, as set forth in section 137 of this act.

(d) That, posted clearly and conspicuously within the dispensary, is a sign stating unambiguously the legal limits on the possession of cannabis for medical purposes, as set forth in section 137 of this act.

(e) That only persons who are at least 21 years of age or hold a registry identification card or letter of approval are allowed to enter the premises of the medical cannabis dispensary.

2. A medical cannabis dispensary may, but is not required to, track the purchases of cannabis for medical purposes by any person to ensure that the person does not exceed the legal limits on the possession of cannabis for medical purposes, as set forth in section 137 of this act. The Board shall not adopt a regulation or in any other way require a medical cannabis dispensary to track the purchases of a person or determine whether the person has exceeded the legal limits on the possession of cannabis for medical purposes, as set forth in section 137 of this act.

3. A medical cannabis dispensary which is a dual licensee may, to the extent authorized by the regulations adopted by the Board pursuant to subsection 7 of section 123 of this act, allow any person who is at least 21 years of age to enter the premises of the medical cannabis dispensary, regardless of whether such a person holds a valid registry identification card or letter of approval.

4. A medical cannabis dispensary shall not sell cannabis or cannabis products to a consumer through the use of, or accept a sale of cannabis or cannabis products from, a third party, intermediary business, broker or any other business that does not hold a medical cannabis establishment license for a medical cannabis dispensary.

5. A medical cannabis dispensary may contract with a third party or intermediary business to deliver cannabis or medical cannabis products to consumers only if:

(a) Every sale of cannabis or cannabis products which is delivered by the third party or intermediary business is made directly from the medical cannabis dispensary or an Internet website, digital network or software application service of the medical cannabis dispensary;

(b) The third party or intermediary business does not advertise that it sells, offers to sell or appears to sell cannabis or cannabis products or allows the submission of an order for cannabis or cannabis products; and

(c) The delivery complies with the requirements of section ~~[114 or]~~ 152 of this act.

Sec. 152. ***1. A medical cannabis dispensary may deliver cannabis or cannabis products to a person who holds a valid registry identification card or letter of approval if ~~[:~~***

~~(a) The~~ the delivery is made by a cannabis establishment agent who is authorized to make the delivery by the medical cannabis dispensary ~~[by]~~ which ~~[he or she is employed; or~~

~~(b) The delivery is made by a third party or intermediary business that has contracted with the medical cannabis dispensary pursuant to section 151 of this act,]~~ sold the cannabis or cannabis product.

2. The Board may adopt regulations prescribing procedures and protocols for deliveries conducted pursuant to subsection 1.

Sec. 153. 1. At each medical cannabis establishment, medical cannabis must be stored only in an enclosed, locked facility.

2. Except as otherwise provided in subsection 3, at each medical cannabis dispensary, medical cannabis must be stored in a secure, locked device, display case, cabinet or room within the enclosed, locked facility. The secure, locked device, display case, cabinet or room must be protected by a lock or locking mechanism that meets at least the security rating established by the Underwriters Laboratories for key locks.

3. At a medical cannabis dispensary, medical cannabis may be removed from the secure setting described in subsection 2:

(a) Only for the purpose of dispensing the cannabis;

(b) Only immediately before the cannabis is dispensed; and

(c) Only by a cannabis establishment agent who is employed by or volunteers at the dispensary.

4. A medical cannabis establishment may:

(a) Transport medical cannabis to another medical cannabis establishment or between the buildings of the medical cannabis establishment; and

(b) Enter into a contract with a third party to transport cannabis to another medical cannabis establishment or between the buildings of the medical cannabis establishment.

Sec. 154. 1. A person who is not a resident of this State, but who is authorized to engage in the medical use of cannabis under the laws of his or her state or jurisdiction of residence, is deemed to hold a valid registry identification card for the purpose of the exemption from state prosecution described in subsection 1 of section 137 of this act if the person abides by the legal limits on the possession, delivery and production of cannabis for medical purposes in this State, as set forth in section 137 of this act.

2. A medical cannabis dispensary may dispense cannabis to a person described in subsection 1 if the person presents to the medical cannabis dispensary any document which is valid to prove the authorization of the person to engage in the medical use of cannabis under the laws of his or her state or jurisdiction of residence. Such documentation may include, without limitation, written documentation from a physician or other provider of health care if, under the laws of the person's state or jurisdiction of residence, written documentation from a physician or other provider of

health care is sufficient to exempt the person from prosecution for engaging in the medical use of cannabis.

Sec. 155. *1. A patient who holds a valid registry identification card or letter of approval and his or her designated primary caregiver, if any, may select one medical cannabis dispensary to serve as his or her designated medical cannabis dispensary at any one time.*

2. A patient who designates a medical cannabis dispensary as described in subsection 1:

(a) Shall communicate the designation to the Division within the time specified by the Division.

(b) May change his or her designation not more than once in a 30-day period.

Sec. 156. *The Board shall adopt such regulations as it determines to be necessary or advisable to carry out the provisions of this chapter. Such regulations are in addition to any requirements set forth in statute and must, without limitation:*

1. Establish procedures pursuant to which a medical cannabis dispensary will be notified by the Board if a patient who holds a valid registry identification card or letter of approval has chosen the dispensary as his or her designated medical cannabis dispensary, as described in section 155 of this act.

2. Establish minimum requirements for industrial hemp, as defined in NRS 557.160, which is used by a medical cannabis production facility or dispensed by a medical cannabis dispensary.

3. Set forth the amount of usable cannabis that a medical cannabis dispensary may dispense to a person who holds a valid registry identification card, including, without limitation, a designated primary caregiver . ~~[, in any one 14-day period.]~~ Such an amount must not exceed the limits set forth in section 137 of this act.

4. In cooperation with the applicable professional licensing boards, establish a system to:

(a) Register and track attending providers of health care who advise their patients that the medical use of cannabis may mitigate the symptoms or effects of the patient's medical condition;

(b) Insofar as is possible, track and quantify the number of times an attending provider of health care described in paragraph (a) makes such an advisement; and

(c) Provide for the progressive discipline of attending providers of health care who advise the medical use of cannabis at a rate at which the Board, in consultation with the Division, and the applicable board, determine and agree to be unreasonably high.

5. Provide for the maintenance of a log by the Board, in consultation with the Division, of each person who is authorized to cultivate, grow or produce cannabis pursuant to subsection 6 of section 137 of this act. The

Board shall ensure that the contents of the log are available for verification by law enforcement personnel 24 hours a day.

Sec. 156.5. *The Board may recommend to the Legislature any change to the quantity of usable cannabis that a medical cannabis dispensary may sell to a person who holds a valid registry identification card, including, without limitation, a designated primary caregiver, that the Board determines to be appropriate.*

Sec. 157. *1. The fact that a person possesses a registry identification card or letter of approval issued to the person by the Division or its designee pursuant to section 140 or 144 of this act, a medical cannabis establishment license issued to the person by the Board or its designee pursuant to section 91 of this act or a cannabis establishment agent registration card issued to the person by the Board or its designee pursuant to section 103 of this act or a cannabis establishment agent registration card for a cannabis executive issued to the person by the Board or its designee pursuant to section 104 of this act does not, alone:*

(a) Constitute probable cause to search the person or the person's property; or

(b) Subject the person or the person's property to inspection by any governmental agency.

2. Except as otherwise provided in this subsection, if officers of a state or local law enforcement agency seize cannabis, paraphernalia or other related property from a person engaged in, facilitating or assisting in the medical use of cannabis:

(a) The law enforcement agency shall ensure that the cannabis, paraphernalia or other related property is not destroyed while in the possession of the law enforcement agency.

(b) Any property interest of the person from whom the cannabis, paraphernalia or other related property was seized must not be forfeited pursuant to any provision of law providing for the forfeiture of property, except as part of a sentence imposed after conviction of a criminal offense.

(c) Upon:

(1) A decision not to prosecute;

(2) The dismissal of charges; or

(3) Acquittal,

➥ the law enforcement agency shall, to the extent permitted by law, return to that person any usable cannabis, cannabis plants, paraphernalia or other related property that was seized. The provisions of this subsection do not require a law enforcement agency to care for live cannabis plants.

Sec. 158. *1. If a law enforcement agency legally and justly seizes evidence from a medical cannabis establishment on a basis that, in consideration of due process and viewed in the manner most favorable to the establishment, would lead a reasonable person to believe that a crime has been committed, the relevant provisions of NRS 179.1156 to 179.121,*

inclusive, apply insofar as they do not conflict with the provisions of this chapter.

2. As used in this section, "law enforcement agency" has the meaning ascribed to it in NRS 239C.065.

Sec. 159. *The applicable professional licensing boards shall not take any disciplinary action against an attending provider of health care on the basis that the attending provider of health care:*

1. Regardless of whether the person is a resident of this State, advised a person whom the attending provider of health care has diagnosed as having a chronic or debilitating medical condition, or a person whom the attending provider of health care knows has been so diagnosed by another provider of health care licensed or certified pursuant to the law of this State:

(a) About the possible risks and benefits of the medical use of cannabis; or

(b) That the medical use of cannabis may mitigate the symptoms or effects of the person's chronic or debilitating medical condition,

➥ if the advice is based on the attending provider of health care's personal assessment of the person's medical history and current medical condition.

2. Provided or maintained the written documentation or signature, as applicable, required pursuant to paragraph (a) of subsection 2 of section 139 of this act for the issuance of a registry identification card or letter of approval or pursuant to subparagraph (1) of paragraph (b) of subsection 1 of section 142 of this act for the renewal of a registry identification card or letter of approval, or any similar documentation required for the person to be authorized to engage in the medical use of cannabis pursuant to the laws of another state or jurisdiction, if:

(a) Such documentation is based on the attending provider of health care's personal assessment of the person's medical history and current medical condition; and

(b) The attending provider of health care has advised the person about the possible risks and benefits of the medical use of cannabis.

Sec. 160. *A professional licensing board shall not take any disciplinary action against a person licensed by the board on the basis that:*

1. The person engages in or has engaged in the medical use of cannabis in accordance with the provisions of this chapter; or

2. The person acts as or has acted as the designated primary caregiver of a person who holds a registry identification card or letter of approval issued to him or her pursuant to paragraph (a) of subsection 1 of section 140 of this act.

Sec. 161. *1. The University of Nevada, Reno, School of Medicine shall establish a program for the evaluation and research of the medical use of cannabis in the care and treatment of persons who have been diagnosed with a chronic or debilitating medical condition.*

2. Before the School of Medicine establishes a program pursuant to subsection 1, the School of Medicine shall aggressively seek and must

receive approval of the program by the Federal Government pursuant to 21 U.S.C. § 823 or other applicable provisions of federal law, to allow the creation of a federally approved research program for the use and distribution of cannabis for medical purposes.

3. A research program established pursuant to this section must include residents of this State who volunteer to act as participants and subjects, as determined by the School of Medicine.

4. A resident of this State who wishes to serve as a participant and subject in a research program established pursuant to this section may notify the School of Medicine and may apply to participate by submitting an application on a form prescribed by the Department of Administration of the School of Medicine.

5. The School of Medicine shall, on a quarterly basis, report to the Interim Finance Committee with respect to:

(a) The progress made by the School of Medicine in obtaining federal approval for the research program; and

(b) If the research program receives federal approval, the status of, activities of and information received from the research program.

Sec. 162. ***1. Except as otherwise provided in this section and NRS 239.0115, the University of Nevada, Reno, School of Medicine shall maintain the confidentiality of and shall not disclose:***

(a) The contents of any applications, records or other written materials that the School of Medicine creates or receives pursuant to the research program described in section 161 of this act; or

(b) The name or any other identifying information of a person who has applied to or who participates in the research program described in section 161 of this act.

➥ Except as otherwise provided in NRS 239.0115, the items of information described in this subsection are confidential, not subject to subpoena or discovery and not subject to inspection by the general public.

2. Notwithstanding the provisions of subsection 1, the School of Medicine may release the name and other identifying information of a person who has applied to or who participates in the research program described in section 161 of this act to:

(a) Authorized employees of the State of Nevada as necessary to perform official duties related to the research program; and

(b) Authorized employees of state and local law enforcement agencies, only as necessary to verify that a person is a lawful participant in the research program.

Sec. 163. ***1. The Department of Administration of the University of Nevada, Reno, School of Medicine may apply for or accept any gifts, grants, donations or contributions from any source to carry out the provisions of section 161 of this act.***

2. Any money the Department of Administration receives pursuant to subsection 1 must be deposited in the State Treasury pursuant to section 164 of this act.

Sec. 164. *1. Any money the Department of Administration of the University of Nevada, Reno, School of Medicine receives pursuant to section 163 of this act or that is appropriated to carry out the provisions of section 161 of this act:*

(a) Must be deposited in the State Treasury and accounted for separately in the State General Fund;

(b) May only be used to carry out the provisions of section 161 of this act, including the dissemination of information concerning the provisions of that section and such other information as is determined appropriate by the Department of Administration; and

(c) Does not revert to the State General Fund at the end of any fiscal year.

2. The Department of Administration of the School of Medicine shall administer the account. Any interest or income earned on the money in the account must be credited to the account. Any claims against the account must be paid as other claims against the State are paid.

Sec. 165. *1. Except as otherwise provided in this section, NRS 239.0155 and subsection 4 of section 139 of this act, the Division shall not disclose the name or other identifying information of:*

(a) An attending provider of health care; or

(b) A person who has applied for or to whom the Division or its designee has issued a registry identification card or letter of approval.

➥ *Except as otherwise provided in NRS 239.0115, the items of information described in this subsection are confidential, not subject to subpoena or discovery and not subject to inspection by the general public.*

2. Notwithstanding the provisions of subsection 1, the Division or its designee:

(a) Shall release the name and other identifying information of a person who has applied for a registry identification card to authorized employees of the Division of Parole and Probation of the Department of Public Safety, if notified by the Division of Parole and Probation that the applicant is on parole or probation.

(b) May release the name and other identifying information of a person to whom the Division or its designee has issued a registry identification card or letter of approval to:

(1) Authorized employees of the Division or its designee as necessary to perform official duties of the Division; and

(2) Authorized employees of state and local law enforcement agencies, only as necessary to verify that a person is the lawful holder of a registry identification card or letter of approval issued to him or her pursuant to section 140 or 144 of this act.

Sec. 166. *1. A person may submit to the Division a petition requesting that a particular disease or condition be included among the diseases and*

conditions that qualify as chronic or debilitating medical conditions pursuant to section 128 of this act.

2. The Division shall adopt regulations setting forth the manner in which the Division will accept and evaluate petitions submitted pursuant to this section. The regulations must provide, without limitation, that:

(a) The Division will approve or deny a petition within 180 days after the Division receives the petition; and

(b) The decision of the Division to deny a petition is a final decision for the purposes of judicial review.

Sec. 167. *1. The Administrator of the Division or his or her designee may apply for or accept any gifts, grants, donations or contributions from any source to carry out the provisions of this chapter governing the issuance of registry identification cards and letters of approval and the regulation of the holders of such cards and letters.*

2. Any money the Administrator or his or her designee receives pursuant to subsection 1 must be deposited in the State Treasury pursuant to section 168 of this act.

Sec. 168. *1. Any money the Division receives pursuant to section 167 of this act or that is appropriated to carry out the provisions of this chapter governing the issuance of registry identification cards and letters of approval and the regulation of the holders of such cards and letters:*

(a) Must be deposited in the State Treasury and accounted for separately in the State General Fund;

(b) May only be used to carry out:

(1) The provisions of this chapter governing the issuance of registry identification cards and letters of approval and the regulation of the holders of such cards and letters, including the dissemination of information concerning those provisions and such other information as determined appropriate by the Division;

(2) Alcohol and drug abuse programs pursuant to NRS 458.094; and

(3) Research performed by an institution of the Nevada System of Higher Education on services relating to alcohol and drug abuse; and

(c) Does not revert to the State General Fund at the end of any fiscal year.

2. The Administrator of the Division shall administer the account. Any interest or income earned on the money in the account must be credited to the account. Any claims against the account must be paid as other claims against the State are paid.

Sec. 169. *The Administrator of the Division shall adopt such regulations as the Administrator determines are necessary to carry out the provisions of this chapter governing the issuance of registry identification cards and letters of approval and the regulation of the holders of such cards and letters. The regulations must set forth, without limitation:*

1. Procedures pursuant to which the Division will issue a registry identification card or letter of approval or ***[, in cooperation with the Department of Motor Vehicles,]*** *cause a registry identification card to be*

prepared and issued to a qualified person . ~~[as a type of identification card described in NRS 483.810 to 483.890, inclusive. The procedures described in this subsection must provide that the Division will:~~

~~(a) Issue a registry identification card or letter of approval to a qualified person; or~~

~~(b) Designate the Department of Motor Vehicles to issue a registry identification card to a person if:~~

~~(1) The person presents to the Department of Motor Vehicles valid documentation issued by the Division indicating that the Division has approved the issuance of a registry identification card to the person; and~~

~~(2) The Department of Motor Vehicles, before issuing the registry identification card, confirms by telephone or other reliable means that the Division has approved the issuance of a registry identification card to the person.]~~

2. ~~[That if the Division issues a registry identification card pursuant to subsection 1, the Division may charge and collect any fee authorized for the issuance of an identification card described in NRS 483.810 to 483.890, inclusive.~~

~~3.]~~ Fees for processing and issuing a registry identification card or letter of approval, which must not exceed:

(a) For a registry identification card or letter of approval which is valid for 1 year, $50.

(b) For a registry identification card or letter of approval which is valid for 2 years, $100.

Sec. 170. *The provisions of this chapter do not:*

1. Require an insurer, organization for managed care or any person or entity who provides coverage for a medical or health care service to pay for or reimburse a person for costs associated with the medical use of cannabis.

2. Require any employer to allow the medical use of cannabis in the workplace.

3. Except as otherwise provided in subsection 4, require an employer to modify the job or working conditions of a person who engages in the medical use of cannabis that are based upon the reasonable business purposes of the employer but the employer must attempt to make reasonable accommodations for the medical needs of an employee who engages in the medical use of cannabis if the employee holds a valid registry identification card, provided that such reasonable accommodation would not:

(a) Pose a threat of harm or danger to persons or property or impose an undue hardship on the employer; or

(b) Prohibit the employee from fulfilling any and all of his or her job responsibilities.

4. Prohibit a law enforcement agency from adopting policies and procedures that preclude an employee from engaging in the medical use of cannabis.

5. As used in this section, "law enforcement agency" means:

(a) The Office of the Attorney General, the office of a district attorney within this State or the Nevada Gaming Control Board and any attorney, investigator, special investigator or employee who is acting in his or her professional or occupational capacity for such an office or the Nevada Gaming Control Board; or

(b) Any other law enforcement agency within this State and any peace officer or employee who is acting in his or her professional or occupational capacity for such an agency.

Sec. 171. ***The State must not be held responsible for any deleterious outcomes from the medical use of cannabis by any person.***

Sec. 172. The title of NRS created by section 1 of this act is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 173 to 187, inclusive, of this act.

Sec. 173. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 174 to 177, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 174. ***"Concentrated cannabis" has the meaning ascribed to it in NRS 453.042.***

Sec. 175. ***"Enclosed, locked facility" has the meaning ascribed to it in section 86 of this act.***

Sec. 176. ***"State prosecution" has the meaning ascribed to it in section 134 of this act.***

Sec. 177. ***"Usable cannabis" has the meaning ascribed to it in section 135 of this act.***

Sec. 178. ***1. Except as otherwise provided in section 179 of this act, a person who is 21 years of age or older is exempt from state prosecution for:***

(a) The possession, delivery or production of cannabis;

(b) The possession or delivery of paraphernalia;

(c) Aiding and abetting another in the possession, delivery or production of cannabis;

(d) Aiding and abetting another in the possession or delivery of paraphernalia;

(e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and

(f) Any other criminal offense in which the possession, delivery or production of cannabis or the possession or delivery of paraphernalia is an element.

2. In addition to the provisions of subsections 1 and 5, no person may be subject to state prosecution for constructive possession, conspiracy or any other criminal offense solely for being in the presence or vicinity of the adult use of cannabis in accordance with the provisions of this title.

3. The exemption from state prosecution set forth in subsection 1 applies only to the extent that a person ~~*[who is]*~~ ***:***

(a) Is 21 years of age or older ~~*[.*~~

~~*(a)]*~~ ***:***

(b) Is not employed by any agency or political subdivision of this State in a position which requires the person to be certified by the Peace Officers' Standards and Training Commission;

(c) Engages in the adult use of cannabis in accordance with the provisions of this title;

~~[(b)]~~ *(d) Does not, at any one time, possess, deliver or produce more than:*

(1) One ounce of usable cannabis;

(2) One-eighth of an ounce of concentrated cannabis;

(3) Six cannabis plants, irrespective of whether the cannabis plants are mature or immature; and

(4) A maximum allowable quantity of adult-use cannabis products as established by regulation of the Board ~~[.~~
~~(c)]~~ **;**

(e) Cultivates, grows or produces not more than six cannabis plants:

(1) Within an enclosed area that is not exposed to public view that is equipped with locks or other security devices which allow access only by an authorized person; and

(2) At a residence or upon the grounds of a residence in which not more than 12 cannabis plants are cultivated, grown or produced ~~[.~~
~~(d)]~~ **;**

(f) Delivers 1 ounce or less of usable cannabis or one-eighth of an ounce or less of concentrated cannabis without remuneration to a person who is 21 years of age or older so long as such delivery is not advertised or promoted to the public; and

~~[(c)]~~ *(g) Assists another person who is 21 years of age or older in carrying out any of the acts described in paragraphs (a) to* ~~[(d),]~~ *(f), inclusive.*

4. If a person possesses, uses or produces cannabis in an amount which exceeds the amount set forth in paragraph ~~[(b)]~~ *(d) of subsection 3 or in any manner other than that set forth in subsection 3, the person is not exempt from state prosecution for the possession, delivery or production of cannabis.*

5. A person who holds an adult-use cannabis establishment license issued to the person pursuant to section 91 of this act or a cannabis establishment agent registration card issued to the person pursuant to section 103 of this act or a cannabis establishment agent registration card for a cannabis executive issued to the person pursuant to section 104 of this act, and confines his or her activities to those authorized by this title, and the regulations adopted by the Board pursuant thereto, is exempt from state prosecution for:

(a) The possession, delivery or production of cannabis;

(b) The possession or delivery of paraphernalia;

(c) Aiding and abetting another in the possession, delivery or production of cannabis;

(d) Aiding and abetting another in the possession or delivery of paraphernalia;

(e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and

(f) Any other criminal offense in which the possession, delivery or production of cannabis or the possession or delivery of paraphernalia is an element.

6. The commission of any act by a person for which the person is exempt from state prosecution pursuant to this section must not be used as the basis for the seizure or forfeiture of any property of the person or for the imposition of a civil penalty.

Sec. 179. *1. A person is not exempt from state prosecution for any of the following acts:*

(a) Driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of cannabis.

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420, 488.425 or 493.130.

(c) Possessing a firearm in violation of paragraph (b) of subsection 1 of NRS 202.257.

(d) Possessing cannabis in violation of NRS 453.336 or possessing paraphernalia in violation of NRS 453.560 or 453.566:

(1) If the possession of the cannabis or paraphernalia is discovered because the person engaged in the adult use of cannabis in:

(I) Any public place or in any place open to the public or exposed to public view; or

(II) Any local detention facility, county jail, state prison, reformatory or other correctional facility, including, without limitation, any facility for the detention of juvenile offenders; or

(2) If the possession of the cannabis or paraphernalia occurs on school property.

(e) Knowingly delivering cannabis to another person who is not 21 years of age or older unless:

(1) The recipient holds a valid registry identification card or letter of approval issued to the person by the Board or its designee pursuant to section 140 or 144 of this act.

(2) The person demanded and was shown bona fide documentary evidence of the age and identity of the recipient issued by a federal, state, county or municipal government, or subdivision or agency thereof;

2. As used in this section, "school property" means the grounds of any public school described in NRS 388.020 and any private school as defined in NRS 394.103.

Sec. 180. *1. The provisions of this chapter do not prohibit:*

(a) A public or private employer from maintaining, enacting and enforcing a workplace policy prohibiting or restricting actions or conduct otherwise permitted under this chapter;

(b) A state or local governmental agency that occupies, owns or controls a building from prohibiting or otherwise restricting the consumption, cultivation, processing, manufacture, sale, delivery or transfer of cannabis in that building;

(c) A person who occupies, owns or controls a privately owned property from prohibiting or otherwise restricting the smoking, cultivation, processing, manufacture, sale, delivery or transfer of cannabis on that property; or

(d) A local government from adopting and enforcing local cannabis control measures pertaining to zoning and land use for adult-use cannabis establishments.

2. Nothing in the provisions of this chapter shall be construed as in any manner affecting the provisions of the chapter consisting of sections 125 to 171, inclusive, of this act relating to the medical use of cannabis.

Sec. 181. *1. Except as otherwise provided in the chapter consisting of sections 125 to 171, inclusive, of this act, any person shall not:*

(a) Cultivate cannabis within 25 miles of an adult-use cannabis retail store licensed pursuant to the chapter consisting of sections 84 to 123, inclusive, of this act, unless the person is an adult-use cannabis cultivation facility or is a cannabis establishment agent volunteering at, employed by or providing labor to an adult-use cannabis cultivation facility;

(b) Cultivate cannabis plants where they are visible from a public place by normal unaided vision; or

(c) Cultivate cannabis on property not in the cultivator's lawful possession or without the consent of the person in lawful physical possession of the property.

2. A person who violates the provisions of subsection 1 is guilty of:

(a) For a first violation, a misdemeanor punished by a fine of not more than $600.

(b) For a second violation, a misdemeanor punished by a fine of not more than $1,000.

(c) For a third violation, a gross misdemeanor.

(d) For a fourth or subsequent violation, a category E felony.

3. ~~[Except as otherwise provided in subsection 9, a]~~ A person who smokes or otherwise consumes cannabis or a cannabis product in a public place, in an adult-use cannabis retail store or in a ~~[moving]~~ vehicle is guilty of a misdemeanor punished by a fine of not more than $600.

4. A person under 21 years of age who falsely represents himself or herself to be 21 years of age or older to obtain cannabis is guilty of a misdemeanor.

5. A person under 21 years of age who knowingly enters, loiters or remains on the premises of an adult-use cannabis establishment shall be punished by a fine of not more than $500 unless the person is authorized to possess cannabis pursuant to the chapter consisting of sections 125 to 171,

inclusive, of this act and the adult-use cannabis establishment is a dual licensee.

6. A person who manufactures cannabis by chemical extraction or chemical synthesis, unless done pursuant to an adult-use cannabis establishment license for an adult-use cannabis production facility issued by the Board or authorized by this title, is guilty of a category E felony.

7. A person who knowingly gives cannabis or a cannabis product to any person under 21 years of age or who knowingly leaves or deposits any cannabis or cannabis product in any place with the intent that it will be procured by any person under 21 years of age is guilty of a misdemeanor.

8. A person who knowingly gives cannabis to any person under 18 years of age or who knowingly leaves or deposits any cannabis in any place with the intent that it will be procured by any person under 18 years of age is guilty of a gross misdemeanor.

~~***[9. A person may smoke or otherwise consume cannabis or a cannabis product in a cannabis consumption lounge that is licensed pursuant to section 100 of this act,]***~~

Sec. 182. ***An adult-use cultivation facility may cultivate cannabis outdoors if the outdoor cultivation is sufficiently hidden from public view and adequately isolated. The Board shall adopt regulations establishing requirements for the outdoor cultivation of cannabis.***

Sec. 183. ***An adult-use cannabis establishment shall not transport cannabis or adult-use edible cannabis products or adult-use cannabis-infused products to an adult-use cannabis retail store unless the adult-use cannabis establishment:***

1. Holds a license for an adult-use cannabis distributor;

2. Holds a medical cannabis establishment license and is only transporting cannabis or medical edible cannabis products or medical cannabis-infused products for the medical use of cannabis;

3. Is an adult-use cannabis independent testing laboratory transporting samples for testing; or

4. Is a dual licensee and is only transporting cannabis or medical edible cannabis products or medical cannabis-infused products for the medical use of cannabis to a medical cannabis dispensary or a dual licensee.

Sec. 184. ***1. An adult-use edible cannabis product or an adult-use cannabis-infused product must be labeled in a manner which indicates the number of servings of THC in the product, measured in servings of a maximum of 10 milligrams per serving.***

2. An adult-use ~~***[edible]***~~ ***cannabis product*** ~~***[or an adult-use cannabis-infused product]***~~ ***must be sold in a single package. A single package must not contain:***

(a) ***More than 1 ounce of usable cannabis or one-eighth of an ounce of concentrated cannabis.***

(b) For an adult-use ~~[edible]~~ cannabis product ~~[or an adult-use cannabis-infused product]~~ sold as a capsule, more than 100 milligrams of THC per capsule or more than 800 milligrams of THC per package.

~~[(b)]~~ (c) For an adult-use ~~[edible]~~ cannabis product ~~[or an adult-use cannabis-infused product]~~ sold as a tincture, more than 800 milligrams of THC.

~~[(c)]~~ (d) For an adult-use edible cannabis product , ~~[or an adult-use cannabis-infused product sold as a food product,]~~ more than 100 milligrams of THC.

~~[(d)]~~ (e) For an adult-use ~~[edible]~~ cannabis product ~~[or an adult-use cannabis-infused product]~~ sold as a topical product, a concentration of more than 6 percent THC or more than 800 milligrams of THC per package.

~~[(e)]~~ (f) For an adult-use ~~[edible]~~ cannabis product ~~[or an adult-use cannabis-infused product]~~ sold as a suppository or transdermal patch, more than 100 milligrams of THC per suppository or transdermal patch or more than 800 milligrams of THC per package.

~~[(f)]~~ (g) For any other adult-use ~~[edible]~~ cannabis product , ~~[or an adult-use cannabis-infused product,]~~ more than 800 milligrams of THC.

Sec. 185. *1. An adult-use cannabis establishment:*

(a) Shall not engage in advertising which contains any statement or illustration that:

(1) Is false or misleading;

(2) Promotes overconsumption of cannabis or cannabis products;

(3) Depicts the actual consumption of cannabis or cannabis products; or

(4) Depicts a child or other person who is less than 21 years of age consuming cannabis or cannabis products or objects suggesting the presence of a child, including, without limitation, toys, characters or cartoons, or contains any other depiction which is designed in any manner to be appealing to or encourage consumption of cannabis or cannabis products by a person who is less than 21 years of age.

(b) Shall not advertise in any publication or on radio, television or any other medium if 30 percent or more of the audience of that medium is reasonably expected to be persons who are less than 21 years of age.

(c) Shall not place an advertisement:

(1) Within 1,000 feet of a public or private school, playground, public park or library, but may maintain such an advertisement if it was initially placed before the school, playground, public park or library was located within 1,000 feet of the location of the advertisement;

(2) On or inside of a motor vehicle used for public transportation or any shelter for public transportation; or

(3) At a sports or entertainment event to which persons who are less than 21 years of age are allowed entry.

(d) Shall not advertise or offer any cannabis or cannabis product as "free" or "donated" without a purchase.

(e) Shall ensure that all advertising by the adult-use cannabis establishment contains such warnings as may be prescribed by the Board, which must include, without limitation, the following words:

(1) "Keep out of reach of children"; and

(2) "For use only by adults 21 years of age and older."

2. Nothing in subsection 1 shall be construed to prohibit a local government, pursuant to chapter 244, 268 or 278 of NRS, from adopting an ordinance for the regulation of advertising relating to cannabis which is more restrictive than the provisions of subsection 1 relating to:

(a) The number, location and size of signs, including, without limitation, any signs carried or displayed by a natural person;

(b) Handbills, pamphlets, cards or other types of advertisements that are distributed, excluding an advertisement placed in a newspaper of general circulation, trade publication or other form of print media; and

(c) Any stationary or moving display that is located on or near the premises of an adult-use cannabis establishment.

3. If an adult-use cannabis establishment is operated by a dual licensee, the adult-use cannabis establishment may:

(a) For the purpose of tracking cannabis, maintain a combined inventory with a medical cannabis establishment operated by the dual licensee; and

(b) For the purpose of reporting on the inventory of the adult-use cannabis establishment, maintain a combined inventory with a medical cannabis establishment operated by the dual licensee and report the combined inventory under a single medical cannabis license or adult-use cannabis license.

4. If a cannabis establishment is operated by a dual licensee, the cannabis establishment shall:

(a) For the purpose of reporting on the sales of any adult-use cannabis establishment or medical cannabis establishment operated by the dual licensee, designate each sale as a sale pursuant to the provisions of this chapter or the chapter consisting of sections 125 to 171, inclusive, of this act; and

(b) Verify that each person who purchases cannabis or cannabis products in a sale designated as a sale pursuant to the provisions of the chapter consisting of sections 125 to 171, inclusive, of this act holds a valid registry identification card.

5. An adult-use cannabis retail store shall not sell cannabis or cannabis products through the use of, or accept a sale of cannabis or cannabis products from, a third party, intermediary business, broker or any other business that does not hold an adult-use cannabis establishment license.

6. An adult-use cannabis retail store may contract with a third party or intermediary business to deliver cannabis or cannabis products only if:

(a) Every sale of cannabis or cannabis products which is delivered by the third party or intermediary business is made directly from the adult-use

cannabis retail store or an Internet website, digital network or software application service of the adult-use cannabis retail store;

(b) The third party or intermediary business does not advertise that it sells, offers to sell or appears to sell cannabis or cannabis products or allows the submission of an order for cannabis or cannabis products;

(c) In addition to any other requirements imposed by the Board by regulation, the name of the adult-use cannabis retail store and all independent contractors who perform deliveries on behalf of the adult-use cannabis retail store has been published on the Internet website of the Board; and

(d) The delivery ~~[complies with the requirements of section 114 of this act.]~~ is made by a cannabis establishment agent who is authorized to make the delivery by the adult-use cannabis retail store by which he or she is employed.

7. As used in this section, "motor vehicle used for public transportation" does not include a taxicab, as defined in NRS 706.124.

Sec. 186. *1. An adult-use cannabis distributor may transport cannabis and cannabis products between an adult-use cannabis establishment and another adult-use cannabis establishment or between the buildings of an adult-use cannabis establishment.*

2. An adult-use cannabis establishment shall not transport cannabis or cannabis products to an adult-use cannabis retail store unless the adult-use cannabis establishment holds an adult-use cannabis establishment license for an adult-use cannabis distributor.

3. An adult-use cannabis distributor shall not purchase or sell cannabis or cannabis products unless the adult-use cannabis distributor also holds an adult-use cannabis establishment license for a type of adult-use cannabis establishment authorized by law to purchase or sell cannabis or cannabis products.

4. An adult-use cannabis distributor may enter into an agreement or contract with an adult-use cannabis establishment for the transport of cannabis or cannabis products. Such an agreement or contract may include, without limitation, provisions relating to insurance coverage, climate control and theft by a third party or an employee.

5. An adult-use cannabis distributor, and each cannabis establishment agent employed by the adult-use cannabis distributor who is involved in the transportation, is responsible for cannabis and cannabis products once the adult-use cannabis distributor takes control of the cannabis or cannabis products and leaves the premises of an adult-use cannabis establishment.

6. The Board may adopt regulations establishing additional requirements for the operations of an adult-use cannabis distributor.

Sec. 187. *The Board may adopt regulations necessary or convenient to carry out the provisions of this chapter. Such regulations must not require a consumer to provide an adult-use cannabis retail store with personally*

identifiable information other than government-issued identification to determine the age of the consumer.

Sec. 188. NRS 52.400 is hereby amended to read as follows:

52.400 Except as otherwise provided in ~~[NRS 453A.400:]~~ ***section 157 of this act:***

1. At any time after a substance which is alleged to be marijuana is seized from a defendant by a peace officer, the law enforcement agency of which the officer is a member may, without the prior approval of the district court in the county in which the defendant is charged, destroy any amount of the substance that exceeds 10 pounds.

2. The law enforcement agency must, before destroying the substance pursuant to this section:

(a) Accurately weigh and record the weight of the substance.

(b) Take and retain, for evidentiary purposes, at least five random and representative samples of the substance in addition to the amount which is not authorized to be destroyed pursuant to subsection 1. If the substance is alleged to consist of growing or harvested marijuana plants, the 10 pounds retained pursuant to subsection 1 may include stalks, branches, leaves and buds, but the five representative samples must consist of only leaves or buds.

(c) Take photographs that reasonably demonstrate the total amount of the substance. A sign which clearly and conspicuously shows the title or the case number of the matter, proceeding or action to which the substance relates must appear next to the substance in any photograph taken.

3. A law enforcement agency that destroys a substance pursuant to this section shall, not later than 30 days after the destruction of the substance, file an affidavit in the court which has jurisdiction over the pending criminal proceedings, if any, pertaining to that substance. The affidavit must establish that the law enforcement agency has complied with the requirements of subsection 2, specify the date and time of the destruction of the substance and provide the publicly known address of the agency. If there are no criminal proceedings pending which pertain to the substance, the affidavit may be filed in any court within the county which would have jurisdiction over a person against whom such criminal charges might be filed.

4. If the substance is finally determined not to be marijuana, the owner may file a claim against the county to recover the reasonable value of the property destroyed pursuant to this section.

5. The law enforcement agency's finding as to the weight of any substance alleged to be marijuana and destroyed pursuant to this section is admissible in any subsequent proceeding arising out of the same transaction.

Sec. 189. NRS 159.0613 is hereby amended to read as follows:

159.0613 1. Except as otherwise provided in subsection 3, in a proceeding to appoint a guardian for a protected person or proposed protected person, the court shall give preference to a nominated person or relative, in that order of preference:

(a) Whether or not the nominated person or relative is a resident of this State; and

(b) If the court determines that the nominated person or relative is qualified and suitable to be appointed as guardian for the protected person or proposed protected person.

2. In determining whether any nominated person, relative or other person listed in subsection 4 is qualified and suitable to be appointed as guardian for a protected person or proposed protected person, the court shall consider, if applicable and without limitation:

(a) The ability of the nominated person, relative or other person to provide for the basic needs of the protected person or proposed protected person, including, without limitation, food, shelter, clothing and medical care;

(b) Whether the nominated person, relative or other person has engaged in the habitual use of alcohol or any controlled substance during the previous 6 months, except the use of marijuana in accordance with the provisions of ***the*** chapter ~~[453A of NRS;]~~ ***consisting of sections 125 to 171, inclusive, of this act;***

(c) Whether the nominated person, relative or other person has been judicially determined to have committed abuse, neglect, exploitation, isolation or abandonment of a child, his or her spouse, his or her parent or any other adult, unless the court finds that it is in the best interests of the protected person or proposed protected person to appoint the person as guardian for the protected person or proposed protected person;

(d) Whether the nominated person, relative or other person is incapacitated or has a disability; and

(e) Whether the nominated person, relative or other person has been convicted in this State or any other jurisdiction of a felony, unless the court determines that any such conviction should not disqualify the person from serving as guardian for the protected person or proposed protected person.

3. If the court finds that two or more nominated persons are qualified and suitable to be appointed as guardian for a protected person or proposed protected person, the court may appoint two or more nominated persons as co-guardians or shall give preference among them in the following order of preference:

(a) A person whom the protected person or proposed protected person nominated for the appointment as guardian for the protected person or proposed protected person in a will, trust or other written instrument that is part of the established estate plan of the protected person or proposed protected person and was executed by the protected person or proposed protected person while he or she was not incapacitated.

(b) A person whom the protected person or proposed protected person requested for the appointment as guardian for the protected person or proposed protected person in a request to nominate a guardian that is executed in accordance with NRS 159.0753.

4. Subject to the preferences set forth in subsections 1 and 3, the court shall appoint as guardian the qualified person who is most suitable and is willing to serve. In determining which qualified person is most suitable, the court shall, in addition to considering any applicable factors set forth in subsection 2, give consideration, among other factors, to:

(a) Any nomination or request for the appointment as guardian by the protected person or proposed protected person.

(b) Any nomination or request for the appointment as guardian by a relative.

(c) The relationship by blood, adoption, marriage or domestic partnership of the proposed guardian to the protected person or proposed protected person. In considering preferences of appointment, the court may consider relatives of the half blood equally with those of the whole blood. The court may consider any relative in the following order of preference:

(1) A spouse or domestic partner.

(2) A child.

(3) A parent.

(4) Any relative with whom the protected person or proposed protected person has resided for more than 6 months before the filing of the petition or any relative who has a power of attorney executed by the protected person or proposed protected person while he or she was not incapacitated.

(5) Any relative currently acting as agent.

(6) A sibling.

(7) A grandparent or grandchild.

(8) An uncle, aunt, niece, nephew or cousin.

(9) Any other person recognized to be in a familial relationship with the protected person or proposed protected person.

(d) Any recommendation made by a master of the court or special master pursuant to NRS 159.0615.

(e) Any request for the appointment of any other interested person that the court deems appropriate, including, without limitation, a person who is not a relative and who has a power of attorney executed by the protected person or proposed protected person while he or she was not incapacitated.

5. The court may appoint as guardian any nominated person, relative or other person listed in subsection 4 who is not a resident of this State. The court shall not give preference to a resident of this State over a nonresident if the court determines that:

(a) The nonresident is more qualified and suitable to serve as guardian; and

(b) The distance from the proposed guardian's place of residence and the place of residence of the protected person or proposed protected person will not affect the quality of the guardianship or the ability of the proposed guardian to make decisions and respond quickly to the needs of the protected person or proposed protected person because:

(1) A person or care provider in this State is providing continuing care and supervision for the protected person or proposed protected person;

(2) The protected person or proposed protected person is in a secured residential long-term care facility in this State; or

(3) Within 30 days after the appointment of the proposed guardian, the proposed guardian will move to this State or the protected person or proposed protected person will move to the proposed guardian's state of residence.

6. If the court appoints a nonresident as guardian for the protected person or proposed protected person:

(a) The jurisdictional requirements of NRS 159.1991 to 159.2029, inclusive, must be met.

(b) The court shall order the guardian to designate a registered agent in this State in the same manner as a represented entity pursuant to chapter 77 of NRS and provide notice of the designation of a registered agent to the court. After the court is provided with such notice, the court shall monitor the information of the registered agent using the records of the Secretary of State.

(c) The court may require the guardian to complete any available training concerning guardianships pursuant to NRS 159.0592, in this State or in the state of residence of the guardian, regarding:

(1) The legal duties and responsibilities of the guardian pursuant to this chapter;

(2) The preparation of records and the filing of annual reports regarding the finances and well-being of the protected person or proposed protected person required pursuant to NRS 159.073;

(3) The rights of the protected person or proposed protected person;

(4) The availability of local resources to aid the protected person or proposed protected person; and

(5) Any other matter the court deems necessary or prudent.

7. If the court finds that there is not any suitable nominated person, relative or other person listed in subsection 4 to appoint as guardian, the court may appoint as guardian:

(a) The public guardian of the county where the protected person or proposed protected person resides if:

(1) There is a public guardian in the county where the protected person or proposed protected person resides; and

(2) The protected person or proposed protected person qualifies for a public guardian pursuant to chapter 253 of NRS;

(b) A private fiduciary who may obtain a bond in this State and who is a resident of this State, if the court finds that the interests of the protected person or proposed protected person will be served appropriately by the appointment of a private fiduciary; or

(c) A private professional guardian who meets the requirements of NRS 159.0595 or 159A.0595.

8. A person is not qualified to be appointed as guardian for a protected person or proposed protected person if the person has been suspended for misconduct or disbarred from any of the professions listed in this subsection,

but the disqualification applies only during the period of the suspension or disbarment. This subsection applies to:

(a) The practice of law;

(b) The practice of accounting; or

(c) Any other profession that:

(1) Involves or may involve the management or sale of money, investments, securities or real property; and

(2) Requires licensure in this State or any other state in which the person practices his or her profession.

9. As used in this section:

(a) "Domestic partner" means a person in a domestic partnership.

(b) "Domestic partnership" means a domestic partnership as defined in NRS 122A.040.

(c) "Nominated person" means a person, whether or not a relative, whom a protected person or proposed protected person:

(1) Nominates for the appointment as guardian for the protected person or proposed protected person in a will, trust or other written instrument that is part of the established estate plan of the protected person or proposed protected person and was executed by the protected person or proposed protected person while he or she was not incapacitated.

(2) Requests for the appointment as guardian for the protected person or proposed protected person in a request to nominate a guardian that is executed in accordance with NRS 159.0753.

(d) "Relative" means a person who is 18 years of age or older and who is related to the protected person or proposed protected person by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity.

Sec. 190. NRS 159A.061 is hereby amended to read as follows:

159A.061 1. The parents of a proposed protected minor, or either parent, if qualified and suitable, are preferred over all others for appointment as guardian for the person or estate or person and estate of the proposed protected minor. The appointment of a parent as guardian for the person or estate of a proposed protected minor must not conflict with a valid order for custody of the proposed protected minor.

2. Except as otherwise provided in subsection 4, if a parent of a proposed protected minor files a petition seeking appointment as guardian for the proposed protected minor, the parent is presumed to be suitable to serve as guardian for the proposed protected minor.

3. In determining whether the parents of a proposed protected minor, or either parent, or any other person who seeks appointment as guardian for the proposed protected minor is qualified and suitable, the court shall consider, if applicable and without limitation:

(a) Which parent has physical custody of the proposed protected minor;

(b) The ability of the parents, parent or other person to provide for the basic needs of the proposed protected minor, including, without limitation, food,

shelter, clothing and medical care, taking into consideration any special needs of the proposed protected minor;

(c) Whether the parents, parent or other person has engaged in the habitual use of alcohol or any controlled substance during the previous 6 months, except the use of marijuana in accordance with the provisions of ***the*** chapter ~~[453A of NRS;]~~ ***consisting of sections 125 to 171, inclusive, of this act;***

(d) Whether the parents, parent or other person has been convicted of a crime of moral turpitude, a crime involving domestic violence or a crime involving the abuse, neglect, exploitation, isolation or abandonment of a child, his or her spouse, his or her parent or any other adult;

(e) Whether the parents, parent or other person has been convicted in this State or any other jurisdiction of a felony; and

(f) Whether the parents, parent or other person has engaged in one or more acts of domestic violence against the proposed protected minor, a parent of the proposed protected minor or any other person who resides with the proposed protected minor.

4. A parent of a proposed protected minor is presumed to be unsuitable to care for the proposed protected minor if:

(a) The parent is unable to provide for any or all of the basic needs of the proposed protected minor, including, without limitation:

(1) Food;

(2) Shelter;

(3) Clothing;

(4) Medical care; and

(5) Education;

(b) Because of action or inaction, the parent poses a significant safety risk of either physical or emotional danger to the proposed protected minor; or

(c) The proposed protected minor has not been in the care, custody and control of the parent for the 6 months immediately preceding the filing of the petition. The presumption created by this paragraph is a rebuttable presumption.

5. Subject to the preference set forth in subsection 1 and except as otherwise provided in subsection 7, the court shall appoint as guardian the qualified person who is most suitable and is willing to serve.

6. In determining which qualified person is most suitable, the court shall, in addition to considering any applicable factors set forth in subsections 2, 3 and 4, give consideration, among other factors, to:

(a) Any nomination of a guardian for the proposed protected minor contained in a will or other written instrument executed by a parent of the proposed protected minor.

(b) Any request made by the proposed protected minor, if he or she is 14 years of age or older, for the appointment of a person as guardian for the proposed protected minor.

(c) The relationship by blood or adoption of the proposed guardian to the proposed protected minor. In considering preferences of appointment, the

court may consider relatives of the half blood equally with those of the whole blood. The court may consider relatives in the following order of preference:

(1) Parent.

(2) Adult sibling.

(3) Grandparent.

(4) Uncle or aunt.

(d) Any recommendation made by a master of the court or special master pursuant to NRS 159A.0615.

(e) Any recommendation made by:

(1) An agency which provides child welfare services, an agency which provides child protective services or a similar agency; or

(2) A guardian ad litem or court appointed special advocate who represents the proposed protected minor.

(f) Any request for the appointment of any other interested person that the court deems appropriate.

7. The court may award temporary guardianship pursuant to this section, supported by findings of suitability, pending a trial or evidentiary hearing if that appointment is supported by findings.

8. Notwithstanding the presumption set forth in subsection 4, in the event of competing petitions for the appointment of guardianship of a proposed protected minor, any finding of unsuitability of a parent of the proposed protected minor must be found by clear and convincing evidence after a hearing on the merits or an evidentiary hearing.

9. In determining whether to appoint a guardian of the person or estate of a proposed protected minor and who should be appointed, the court must always act in the best interests of the proposed protected minor.

10. As used in this section, "agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

Sec. 191. NRS 176.01247 is hereby amended to read as follows:

176.01247 1. There is hereby created the Subcommittee on the Medical Use of Marijuana of the Commission.

2. The Chair of the Commission shall appoint the members of the Subcommittee. The Subcommittee must consist of legislative and nonlegislative members, including, without limitation:

(a) At least four Legislators, who may or may not be members of the Commission.

(b) A representative of the Division of Public and Behavioral Health of the Department of Health and Human Services.

(c) A patient who holds a valid registry identification card to engage in the medical use of marijuana pursuant to ***the*** chapter ~~[453A of NRS.]~~ ***consisting of sections 125 to 171, inclusive, of this act.***

(d) An owner or operator of a ***medical cannabis*** cultivation facility that is certified to operate pursuant to ***the*** chapter ~~[453A of NRS.]~~ ***consisting of sections 84 to 123, inclusive, of this act.***

(e) An owner or operator of a ***medical cannabis production*** facility ~~[for the production of edible marijuana products or marijuana-infused products]~~ that is certified to operate pursuant to ***the*** chapter ~~[453A of NRS.]~~ ***consisting of sections 84 to 123, inclusive, of this act.***

(f) An owner or operator of a medical ~~[marijuana]~~ ***cannabis*** dispensary that is certified to operate pursuant to ***the*** chapter ~~[453A of NRS.]~~ ***consisting of sections 84 to 123, inclusive, of this act.***

(g) A representative of the Attorney General.

(h) A representative of a civil liberties organization.

(i) A representative of an organization which advocates for persons who use marijuana for medicinal purposes.

(j) A representative of a law enforcement agency located within the jurisdiction of Clark County.

(k) A representative of a law enforcement agency located within the jurisdiction of Washoe County.

(l) A representative of local government.

3. The Chair of the Commission shall designate one of the legislative members of the Commission as Chair of the Subcommittee.

4. The Subcommittee shall meet at the times and places specified by a call of the Chair. A majority of the members of the Subcommittee constitutes a quorum, and a quorum may exercise any power or authority conferred on the Subcommittee.

5. The Subcommittee shall:

(a) Consider issues concerning the medical use of marijuana, the dispensation of marijuana for medical use and the implementation of provisions of law providing for the dispensation of marijuana for medical use; and

(b) Evaluate, review and submit a report to the Commission with recommendations concerning such issues.

6. Any Legislators who are members of the Subcommittee 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 Subcommittee.

7. While engaged in the business of the Subcommittee, to the extent of legislative appropriation, each member of the Subcommittee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 192. NRS 207.335 is hereby amended to read as follows:

207.335 1. It is unlawful for any person to:

(a) Counterfeit or forge or attempt to counterfeit or forge a registry identification card or letter of approval; or

(b) Have in his or her possession with the intent to use any counterfeit or forged registry identification card or letter of approval.

2. Any person who violates the provisions of subsection 1 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

3. As used in this section:

(a) "Letter of approval" has the meaning ascribed to it in ~~[NRS 453A.109.]~~ ***section 132 of this act.***

(b) "Registry identification card" has the meaning ascribed to it in ~~[NRS 453A.140.]~~ ***section 133 of this act.***

Sec. 193. NRS 212.160 is hereby amended to read as follows:

212.160 1. A person, who is not authorized by law, who knowingly furnishes, attempts to furnish, or aids or assists in furnishing or attempting to furnish to a prisoner confined in an institution of the Department of Corrections, or any other place where prisoners are authorized to be or are assigned by the Director of the Department, any deadly weapon, explosive, a facsimile of a firearm or an explosive, any controlled substance or intoxicating liquor, shall be punished:

(a) Where a deadly weapon, controlled substance, explosive or a facsimile of a firearm or explosive is involved, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000.

(b) Where an intoxicant is involved, for a gross misdemeanor.

2. Knowingly leaving or causing to be left any deadly weapon, explosive, facsimile of a firearm or explosive, controlled substance or intoxicating liquor where it may be obtained by any prisoner constitutes, within the meaning of this section, the furnishing of the article to the prisoner.

3. A prisoner confined in an institution of the Department of Corrections, or any other place where prisoners are authorized to be or are assigned by the Director of the Department, who possesses a controlled substance without lawful authorization or marijuana or marijuana paraphernalia, regardless of whether the person holds a valid registry identification card to engage in the medical use of marijuana pursuant to ***the*** chapter ~~[453A of NRS,]~~ ***consisting of sections 125 to 171, inclusive, of this act*** is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 194. NRS 213.123 is hereby amended to read as follows:

213.123 1. Upon the granting of parole to a prisoner, the Board may, when the circumstances warrant, require as a condition of parole that the parolee submit to periodic tests to determine whether the parolee is using any controlled substance. Any such use, except the use of marijuana in accordance with the provisions of ***the*** chapter ~~[453A of NRS]~~ ***consisting of sections 125 to 171, inclusive, of this act*** or any failure or refusal to submit to a test is a ground for revocation of parole.

2. Any expense incurred as a result of any test is a charge against the Division.

Sec. 195. NRS 223.250 is hereby amended to read as follows:

223.250 1. The Governor or his or her designee may enter into one or more agreements with tribal governments in this State to efficiently coordinate the cross-jurisdictional administration of the laws of this State and the laws of

tribal governments relating to the use of marijuana. Such an agreement may include, without limitation, provisions relating to:

(a) Criminal and civil law enforcement;

(b) Regulatory issues relating to the possession, delivery, production, processing or use of marijuana ~~[, edible marijuana products, marijuana-infused products and marijuana]~~ ***or cannabis*** products;

(c) Medical and pharmaceutical research involving marijuana;

(d) The administration of laws relating to taxation;

(e) Any immunity, preemption or conflict of law relating to the possession, delivery, production, processing, transportation or use of marijuana ~~[, edible marijuana products, marijuana-infused products and marijuana]~~ ***or cannabis*** products; and

(f) The resolution of any disputes between a tribal government and this State, which may include, without limitation, the use of mediation or other nonjudicial processes.

2. An agreement entered into pursuant to this section must:

(a) Provide for the preservation of public health and safety;

(b) Ensure the security of ~~[medical marijuana establishments and marijuana]~~ ***cannabis*** establishments and the corresponding facilities on tribal land; and

(c) Establish provisions regulating business involving marijuana which passes between tribal land and non-tribal land in this State.

3. As used in this section:

(a) ~~["Edible marijuana]~~ ***"Cannabis establishment" has the meaning ascribed to it in section 22 of this act.***

(b) "Cannabis products" has the meaning ascribed to it in ~~[NRS 453A.101. (b)]~~ ***section 27 of this act.***

(c) "Marijuana" has the meaning ascribed to it in NRS 453.096.

~~[(c) "Marijuana establishment" has the meaning ascribed to it in NRS 453D.030.]~~

(d) ~~["Marijuana infused products" has the meaning ascribed to it in NRS 453A.112.~~

~~(e) "Marijuana product" has the meaning ascribed to it in NRS 453D.030.~~

~~(f)]~~ "Tribal government" means a federally recognized American Indian tribe pursuant to 25 C.F.R. §§ 83.1 to 83.13, inclusive.

Sec. 196. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

(a) The Governor.

(b) Except as otherwise provided in NRS 209.221, the Department of Corrections.

(c) The Nevada System of Higher Education.

(d) The Office of the Military.

(e) The Nevada Gaming Control Board.

(f) Except as otherwise provided in NRS 368A.140 and 463.765, the Nevada Gaming Commission.

(g) Except as otherwise provided in NRS 425.620, the Division of Welfare and Supportive Services of the Department of Health and Human Services.

(h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services.

(i) The State Board of Examiners acting pursuant to chapter 217 of NRS.

(j) Except as otherwise provided in NRS 533.365, the Office of the State Engineer.

(k) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.

(l) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.

(m) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 445C.310.

(n) The Silver State Health Insurance Exchange.

(o) The Cannabis Compliance Board.

2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;

(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;

(c) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and

(d) NRS 90.800 for the use of summary orders in contested cases,

➥ prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a

responsibility for the preservation of human or animal health or for insect or pest control;

(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184;

(c) A regulation adopted by the State Board of Education pursuant to NRS 388.255 or 394.1694;

(d) The judicial review of decisions of the Public Utilities Commission of Nevada; or

(e) The adoption, amendment or repeal of policies by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation pursuant to NRS 426.561 or 615.178.

6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

Sec. 197. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035, 391.120, 391.925, 392.029, 392.147, 392.264,

392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140, 453.164, 453.720, ~~[453A.610, 453A.700,]~~ 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and sections 66, 162 and 165 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. 197.5. **NRS 244.335 is hereby amended to read as follows:**

244.335 1. Except as otherwise provided in subsections 2, 3 ~~[and 4,]~~ ***, 4 and 9,*** and NRS 244.33501, 244.35253 and 244.3535, a board of county commissioners may:

(a) Except as otherwise provided in NRS 244.331 to 244.3345, inclusive, 598D.150 and 640C.100, regulate all character of lawful trades, callings, industries, occupations, professions and business conducted in its county outside of the limits of incorporated cities and towns.

(b) Except as otherwise provided in NRS 244.3359 and 576.128, fix, impose and collect a license tax for revenue or for regulation, or for both revenue and regulation, on such trades, callings, industries, occupations, professions and business.

2. The county license boards have the exclusive power in their respective counties to regulate entertainers employed by an entertainment by referral service and the business of conducting a dancing hall, escort service, entertainment by referral service or gambling game or device permitted by law, outside of an incorporated city. The county license boards may fix, impose and collect license taxes for revenue or for regulation, or for both revenue and regulation, on such employment and businesses.

3. A board of county commissioners shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

4. The board of county commissioners or county license board shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060 or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

5. The county license board shall provide upon request an application for a state business license pursuant to chapter 76 of NRS. No license to engage in any type of business may be granted unless the applicant for the license:

(a) Signs an affidavit affirming that the business has complied with the provisions of chapter 76 of NRS; or

(b) Provides to the county license board the business identification number of the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of chapter 76 of NRS.

6. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license:

(a) Presents written evidence that:

(1) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(2) Another regulatory agency of the State has issued or will issue a license required for this activity; or

(b) Provides to the county license board the business identification number of the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of paragraph (a).

7. Any license tax levied for the purposes of NRS 244.3358 or 244A.597 to 244A.655, inclusive, constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced:

(a) By recording in the office of the county recorder, within 6 months after the date on which the tax became delinquent or was otherwise determined to be due and owing, a notice of the tax lien containing the following:

(1) The amount of tax due and the appropriate year;

(2) The name of the record owner of the property;

(3) A description of the property sufficient for identification; and

(4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and

(b) By an action for foreclosure against the property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after the

date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.

8. The board of county commissioners may delegate the authority to enforce liens from taxes levied for the purposes of NRS 244A.597 to 244A.655, inclusive, to the county fair and recreation board. If the authority is so delegated, the board of county commissioners shall revoke or suspend the license of a business upon certification by the county fair and recreation board that the license tax has become delinquent, and shall not reinstate the license until the tax is paid. Except as otherwise provided in NRS 239.0115 and 244.3357, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of such license taxes or as the result of any audit or examination of the books by any authorized employee of a county fair and recreation board of the county for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, officer or employee of the county fair and recreation board or the county imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the Department of Taxation or Secretary of State for the exchange of information concerning taxpayers.

9. A board of county commissioners shall not license or otherwise allow a person to operate a business that allows cannabis, as defined in section 18 of this act, or cannabis products, as defined in section 27 of this act, to be consumed on the premises of the business.

Sec. 198. NRS 244.35253 is hereby amended to read as follows:

244.35253 1. Except as otherwise provided in this section, a board of county commissioners shall not fix, impose or collect a license tax for revenue or for regulation, or for both revenue and regulation, on a ~~[marijuana establishment or medical marijuana]~~ ***cannabis*** establishment located in the county.

2. Except as otherwise provided in subsection 3, a board of county commissioners may fix, impose and collect a license tax for revenue or for regulation, or for both revenue and regulation, on a ~~[marijuana establishment or medical marijuana]~~ ***cannabis*** establishment located in the county outside of the limits of incorporated cities ~~[and towns]~~ as a:

(a) Flat fee;

(b) Percentage of the gross revenue of the ~~[marijuana establishment or medical marijuana]~~ ***cannabis*** establishment; or

(c) Combination of a flat fee and a percentage of gross revenue of the ~~[marijuana establishment or medical marijuana]~~ ***cannabis*** establishment.

3. The total amount of a license tax imposed on a ~~[marijuana establishment or medical marijuana]~~ ***cannabis*** establishment pursuant to subsection 2, regardless of whether the license tax is imposed in the form described in

paragraph (a), (b) or (c) of subsection 2, must not exceed 3 percent of the gross revenue of the ~~[marijuana establishment or medical marijuana]~~ ***cannabis*** establishment, as applicable.

4. In addition to any amount of money collected as a license tax pursuant to subsection 2, a board of county commissioners may fix, impose and collect:

(a) Any fees required pursuant to chapter 278 of NRS;

(b) A one-time flat fee for an application for the issuance of a business license for a ~~[marijuana establishment or medical marijuana]~~ ***cannabis*** establishment located in the county outside of the limits of incorporated cities ~~[and towns]~~ in an amount that does not exceed any similar fee imposed on a business pursuant to this chapter and chapter 369 of NRS; and

(c) A licensing tax for a business activity engaged in by a ~~[marijuana establishment or medical marijuana]~~ ***cannabis*** establishment located in the county outside of the limits of incorporated cities ~~[and towns]~~ for which ~~[registration pursuant to chapter 453A of NRS or]~~ licensing pursuant to ~~[chapter 453D of NRS]~~ ***the chapter consisting of sections 84 to 123, inclusive, of this act*** is not required only if:

(1) The board of county commissioners is granted the authority to require such a license by some other provision of law; and

(2) The amount of the licensing tax does not exceed the amount imposed by the board of county commissioners on other similar businesses.

5. A board of county commissioners shall not enact or enforce any ordinance which is more restrictive than or conflicts with a law or regulation of this State relating to:

(a) The packaging, labeling, testing, dosage or potency of marijuana ~~[, edible marijuana products, marijuana products or marijuana infused]~~ ***or cannabis*** products;

(b) The kinds of marijuana ~~[, edible marijuana products, marijuana products and marijuana infused]~~ ***or cannabis*** products authorized to be sold pursuant to ~~[chapters 453A and 453D of NRS and any regulations adopted pursuant to chapter 453A of NRS;]~~ ***the title consisting of sections 3 to 82, inclusive, 84 to 123, inclusive, 125 to 171, inclusive, and 173 to 187, inclusive, of this act;***

(c) The use of pesticides in the cultivation of marijuana;

(d) The tracking of marijuana from seed to sale;

(e) The transportation of marijuana ~~[, edible marijuana products, marijuana products or marijuana infused]~~ ***or cannabis*** products other than the direct transportation of marijuana ~~[, edible marijuana products, marijuana products or marijuana infused]~~ ***or cannabis*** products to a consumer and a requirement to notify the county of any transportation of marijuana ~~[, edible marijuana products, marijuana products or marijuana infused]~~ ***or cannabis*** products;

(f) The issuance or verification of a registry identification card, letter of approval or written documentation;

(g) The training or certification of ~~[medical marijuana]~~ ***cannabis*** establishment agents or employees of a ~~[marijuana]~~ ***cannabis*** establishment; or

(h) The creation or maintenance of a registry or other system to obtain and track information relating to customers of ~~[marijuana]~~ ***cannabis*** establishments or holders of a registry identification card or letter of approval.

6. A person who obtains a business license described in this section is subject to all other licensing and permitting requirements of the State and any other counties and cities in which the person does business.

7. As used in this section:

(a) ~~["Edible marijuana]~~ ***"Cannabis establishment" has the meaning ascribed to it in section 22 of this act.***

(b) "Cannabis establishment agent" has the meaning ascribed to it in section 23 of this act.

(c) "Cannabis products" has the meaning ascribed to it in ~~[NRS 453A.101. (b)]~~ ***section 27 of this act.***

(d) "Letter of approval" has the meaning ascribed to it in ~~[NRS 453A.109.]~~ ***section 132 of this act.***

~~[(c) "Marijuana establishment" has the meaning ascribed to it in NRS 453D.030.~~

~~(d) "Marijuana products" has the meaning ascribed to it in NRS 453D.030.]~~

(e) ~~["Marijuana infused products" has the meaning ascribed to it in NRS 453A.112.~~

~~(f) "Medical marijuana establishment" has the meaning ascribed to it in NRS 453A.116.~~

~~(g) "Medical marijuana establishment agent" has the meaning ascribed to it in NRS 453A.117.~~

~~(h)]~~ "Registry identification card" has the meaning ascribed to it in ~~[NRS 453A.140.~~

~~(i)]~~ ***section 133 of this act.***

(f) "Written documentation" has the meaning ascribed to it in ~~[NRS 453A.170.]~~ ***section 136 of this act.***

Sec. 198.5. **NRS 268.095 is hereby amended to read as follows:**

268.095 1. Except as otherwise provided in ~~[subsection]~~ ***subsections*** 4 ***and 9*** and NRS 268.0951, 268.0977 and 268.0979, the city council or other governing body of each incorporated city in this State, whether organized under general law or special charter, may:

(a) Except as otherwise provided in subsection 2 and NRS 268.0968 and 576.128, fix, impose and collect for revenues or for regulation, or both, a license tax on all character of lawful trades, callings, industries, occupations, professions and businesses conducted within its corporate limits.

(b) Assign the proceeds of any one or more of such license taxes to the county within which the city is situated for the purpose or purposes of making the proceeds available to the county:

(1) As a pledge as additional security for the payment of any general obligation bonds issued pursuant to NRS 244A.597 to 244A.655, inclusive;

(2) For redeeming any general obligation bonds issued pursuant to NRS 244A.597 to 244A.655, inclusive;

(3) For defraying the costs of collecting or otherwise administering any such license tax so assigned, of the county fair and recreation board and of officers, agents and employees hired thereby, and of incidentals incurred thereby;

(4) For operating and maintaining recreational facilities under the jurisdiction of the county fair and recreation board;

(5) For improving, extending and bettering recreational facilities authorized by NRS 244A.597 to 244A.655, inclusive; and

(6) For constructing, purchasing or otherwise acquiring such recreational facilities.

(c) Pledge the proceeds of any tax imposed on the revenues from the rental of transient lodging pursuant to this section for the payment of any general or special obligations issued by the city for a purpose authorized by the laws of this State.

(d) Use the proceeds of any tax imposed pursuant to this section on the revenues from the rental of transient lodging:

(1) To pay the principal, interest or any other indebtedness on any general or special obligations issued by the city pursuant to the laws of this State;

(2) For the expense of operating or maintaining, or both, any facilities of the city; and

(3) For any other purpose for which other money of the city may be used.

2. The city council or other governing body of an incorporated city shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

3. The proceeds of any tax imposed pursuant to this section that are pledged for the repayment of general obligations may be treated as "pledged revenues" for the purposes of NRS 350.020.

4. The city council or other governing body of an incorporated city shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060 or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

5. The city licensing agency shall provide upon request an application for a state business license pursuant to chapter 76 of NRS. No license to engage in any type of business may be granted unless the applicant for the license:

(a) Signs an affidavit affirming that the business has complied with the provisions of chapter 76 of NRS; or

(b) Provides to the city licensing agency the business identification number of the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the city may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of chapter 76 of NRS.

6. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license:

(a) Presents written evidence that:

(1) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(2) Another regulatory agency of the State has issued or will issue a license required for this activity; or

(b) Provides to the city licensing agency the business identification number of the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the city may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of paragraph (a).

7. Any license tax levied under the provisions of this section constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced:

(a) By recording in the office of the county recorder, within 6 months following the date on which the tax became delinquent or was otherwise determined to be due and owing, a notice of the tax lien containing the following:

(1) The amount of tax due and the appropriate year;

(2) The name of the record owner of the property;

(3) A description of the property sufficient for identification; and

(4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and

(b) By an action for foreclosure against such property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after the date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.

8. The city council or other governing body of each incorporated city may delegate the power and authority to enforce such liens to the county fair and recreation board. If the authority is so delegated, the governing body shall revoke or suspend the license of a business upon certification by the board that the license tax has become delinquent, and shall not reinstate the license until the tax is paid. Except as otherwise provided in NRS 239.0115 and 268.0966, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of those license taxes or as the result of any audit or examination of the books of the city by any authorized employee of a county fair and recreation board for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must

not be disclosed by any member, official or employee of the county fair and recreation board or the city imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the Department of Taxation or the Secretary of State for the exchange of information concerning taxpayers.

9. ***The city council or other governing body of an incorporated city shall not license or otherwise allow a person to operate a business that allows cannabis, as defined in section 18 of this act, or cannabis products, as defined in section 27 of this act, to be consumed on the premises of the business.***

10. The powers conferred by this section are in addition and supplemental to, and not in substitution for, and the limitations imposed by this section do not affect the powers conferred by, any other law. No part of this section repeals or affects any other law or any part thereof, it being intended that this section provide a separate method of accomplishing its objectives, and not an exclusive one.

Sec. 199. NRS 268.0977 is hereby amended to read as follows:

268.0977 1. Except as otherwise provided in this section, the governing body of an incorporated city, whether organized under general law or special charter, shall not fix, impose or collect for revenues or for regulation, or both, a license tax on a ~~[marijuana establishment or medical marijuana]~~ ***cannabis*** establishment located within its corporate limits.

2. Except as otherwise provided in subsection 3, the governing body of an incorporated city, whether organized under general law or special charter, may fix, impose and collect for revenues or for regulation, or both, a license tax on a ~~[marijuana establishment or medical marijuana]~~ ***cannabis*** establishment located within its corporate limits as a:

(a) Flat fee;

(b) Percentage of the gross revenue of the ~~[marijuana establishment or medical marijuana]~~ ***cannabis*** establishment; or

(c) Combination of a flat fee and a percentage of gross revenue of the ~~[marijuana establishment or medical marijuana]~~ ***cannabis*** establishment.

3. The total amount of a license tax imposed on a ~~[marijuana establishment or medical marijuana]~~ ***cannabis*** establishment pursuant to subsection 2, regardless of whether the license tax is imposed in the form described in paragraph (a), (b) or (c) of subsection 2, must not exceed 3 percent of the gross revenue of the ~~[marijuana establishment or medical marijuana]~~ ***cannabis*** establishment, as applicable.

4. In addition to any amount of money collected as a license tax pursuant to subsection 2, the governing body of an incorporated city, whether organized under general law or special charter, may fix, impose and collect:

(a) Any fees required pursuant to chapter 278 of NRS;

(b) A one-time flat fee for an application for the issuance of a business license for a ~~[marijuana establishment or medical marijuana]~~ ***cannabis***

establishment located within its corporate limits in an amount that does not exceed any similar fee imposed on a business pursuant to this chapter and chapter 369 of NRS; and

(c) A licensing tax for a business activity engaged in by a ~~[marijuana establishment or medical marijuana]~~ ***cannabis*** establishment located within its corporate limits for which ~~[registration pursuant to chapter 453A of NRS or]~~ licensing pursuant to ***the*** chapter ~~[453D of NRS]~~ ***consisting of sections 84 to 123, inclusive, of this act*** is not required only if:

(1) The governing body is granted the authority to require such a license by some other provision of law; and

(2) The amount of the licensing tax does not exceed the amount imposed by the governing body on other similar businesses.

5. The governing body of an incorporated city, whether organized under general law or special charter, shall not enact or enforce any ordinance which is more restrictive than or conflicts with a law or regulation of this State relating to:

(a) The packaging, labeling, testing, dosage or potency of marijuana ~~[, edible marijuana products, marijuana products or marijuana infused]~~ ***or cannabis*** products;

(b) The kinds of ~~[edible marijuana products, marijuana products and marijuana infused]~~ ***cannabis*** products authorized to be sold pursuant to ~~[chapters 453A and 453D of NRS and any regulations adopted pursuant to chapter 453A of NRS;]~~ ***the title consisting of sections 3 to 82, inclusive, 84 to 123, inclusive, 125 to 171, inclusive, and 173 to 187, inclusive, of this act;***

(c) The use of pesticides in the cultivation of marijuana;

(d) The tracking of marijuana from seed to sale;

(e) The transportation of marijuana ~~[, edible marijuana products, marijuana products or marijuana infused]~~ ***or cannabis*** products other than the direct transportation of marijuana ~~[, edible marijuana products, marijuana products or marijuana infused]~~ ***or cannabis*** products to a consumer and a requirement to notify the city of any transportation of marijuana ~~[, edible marijuana products, marijuana products or marijuana infused]~~ ***or cannabis*** products;

(f) The issuance or verification of a registry identification card, letter of approval or written documentation;

(g) The training or certification of ~~[medical marijuana]~~ ***cannabis*** establishment agents ***;*** ~~[or employees of a marijuana establishment;]~~ or

(h) The creation or maintenance of a registry or other system to obtain and track information relating to customers of ~~[marijuana]~~ ***cannabis*** establishments or holders of a registry identification card or letter of approval.

6. A person who obtains a business license described in this section is subject to all other licensing and permitting requirements of the State and any other counties and cities in which the person does business.

7. As used in this section:

(a) ~~[“Edible marijuana]~~ ***“Cannabis establishment” has the meaning ascribed to it in section 22 of this act.***

(b) "Cannabis establishment agent" has the meaning ascribed to it in section 23 of this act.

(c) "Cannabis products" has the meaning ascribed to it in ~~[NRS 453A.101. (b)]~~ ***section 27 of this act.***

(d) "Letter of approval" has the meaning ascribed to it in ~~[NRS 453A.109.]~~ ***section 132 of this act.***

~~[(e) "Marijuana establishment" has the meaning ascribed to it in NRS 453D.030.~~

~~(d) "Marijuana products" has the meaning ascribed to it in NRS 453D.030.]~~

(e) ~~["Marijuana infused products" has the meaning ascribed to it in NRS 453A.112.~~

~~(f) "Medical marijuana establishment" has the meaning ascribed to it in NRS 453A.116.~~

~~(g) "Medical marijuana establishment agent" has the meaning ascribed to it in NRS 453A.117.~~

~~(h)]~~ "Registry identification card" has the meaning ascribed to it in ~~[NRS 453A.140.~~

~~(i)]~~ ***section 133 of this act.***

(f) "Written documentation" has the meaning ascribed to it in ~~[NRS 453A.170.]~~ ***section 136 of this act.***

Sec. 199.3. **NRS 269.170 is hereby amended to read as follows:**

269.170 1. Except as otherwise provided in ~~[subsection]~~ ***subsections*** 5 ***and 6*** and NRS 269.183, 576.128, 598D.150 and 640C.100, the town board or board of county commissioners may, in any unincorporated town:

(a) Fix and collect a license tax on, and regulate, having due regard to the amount of business done by each person so licensed, and all places of business and amusement so licensed, as follows:

(1) Artisans, artists, assayers, auctioneers, bakers, banks and bankers, barbers, boilermakers, cellars and places where soft drinks are kept or sold, clothes cleaners, foundries, laundries, lumberyards, manufacturers of soap, soda, borax or glue, markets, newspaper publishers, pawnbrokers, funeral directors and wood and coal dealers.

(2) Bootmakers, cobblers, dressmakers, milliners, shoemakers and tailors.

(3) Boardinghouses, hotels, lodging houses, restaurants and refreshment saloons.

(4) Barrooms, gaming, manufacturers of liquors and other beverages, and saloons.

(5) Billiard tables, bowling alleys, caravans, circuses, concerts and other exhibitions, dance houses, melodeons, menageries, shooting galleries, skating rinks and theaters.

(6) Corrals, hay yards, livery and sale stables and wagon yards.

(7) Electric light companies, illuminating gas companies, power companies, telegraph companies, telephone companies and water companies.

(8) Carts, drays, express companies, freight companies, job wagons, omnibuses and stages.

(9) Brokers, commission merchants, factors, general agents, mercantile agents, merchants, traders and stockbrokers.

(10) Drummers, hawkers, peddlers and solicitors.

(11) Insurance analysts, adjusters and managing general agents and producers of insurance within the limitations and under the conditions prescribed in NRS 680B.020.

(b) Fix and collect a license tax upon all professions, trades or business within the town not specified in paragraph (a).

2. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license presents written evidence that:

(a) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(b) Another regulatory agency of the State has issued or will issue a license required for this activity.

3. Any license tax levied for the purposes of NRS 244A.597 to 244A.655, inclusive, constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien must be enforced in the same manner as liens for ad valorem taxes on real and personal property. The town board or other governing body of the unincorporated town may delegate the power to enforce such liens to the county fair and recreation board.

4. The governing body or the county fair and recreation board may agree with the Department of Taxation for the continuing exchange of information concerning taxpayers.

5. The town board or board of county commissioners shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060, or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

6. The town board or board of county commissioners shall not license or otherwise allow a person to operate a business that allows cannabis, as defined in section 18 of this act, or cannabis products, as defined in section 27 of this act, to be consumed on the premises of the business.

Sec. 199.5. **NRS 269.170 is hereby amended to read as follows:**

269.170 1. Except as otherwise provided in subsections 5**,** ~~[and]~~ 6 ***and 7*** and NRS 269.183, 576.128, 598D.150 and 640C.100, the town board or board of county commissioners may, in any unincorporated town:

(a) Fix and collect a license tax on, and regulate, having due regard to the amount of business done by each person so licensed, and all places of business and amusement so licensed, as follows:

(1) Artisans, artists, assayers, auctioneers, bakers, banks and bankers, barbers, boilermakers, cellars and places where soft drinks are kept or sold, clothes cleaners, foundries, laundries, lumberyards, manufacturers of soap, soda, borax or glue, markets, newspaper publishers, pawnbrokers, funeral directors and wood and coal dealers.

(2) Bootmakers, cobblers, dressmakers, milliners, shoemakers and tailors.

(3) Boardinghouses, hotels, lodging houses, restaurants and refreshment saloons.

(4) Barrooms, gaming, manufacturers of liquors and other beverages, and saloons.

(5) Billiard tables, bowling alleys, caravans, circuses, concerts and other exhibitions, dance houses, melodeons, menageries, shooting galleries, skating rinks and theaters.

(6) Corrals, hay yards, livery and sale stables and wagon yards.

(7) Electric light companies, illuminating gas companies, power companies, telegraph companies, telephone companies and water companies.

(8) Carts, drays, express companies, freight companies, job wagons, omnibuses and stages.

(9) Brokers, commission merchants, factors, general agents, mercantile agents, merchants, traders and stockbrokers.

(10) Drummers, hawkers, peddlers and solicitors.

(11) Insurance analysts, adjusters and managing general agents and producers of insurance within the limitations and under the conditions prescribed in NRS 680B.020.

(b) Fix and collect a license tax upon all professions, trades or business within the town not specified in paragraph (a).

2. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license presents written evidence that:

(a) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(b) Another regulatory agency of the State has issued or will issue a license required for this activity.

3. Any license tax levied for the purposes of NRS 244A.597 to 244A.655, inclusive, constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien must be enforced in the same manner as liens for ad valorem taxes on real and personal property. The town board or other governing body of the unincorporated town may delegate the power to enforce such liens to the county fair and recreation board.

4. The governing body or the county fair and recreation board may agree with the Department of Taxation for the continuing exchange of information concerning taxpayers.

5. The town board or board of county commissioners shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060, or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

6. ***The town board or board of county commissioners shall not require a person to obtain a license or pay a license tax pursuant to this section for a cannabis establishment, as defined in section 22 of this act.***

7. The town board or board of county commissioners shall not license or otherwise allow a person to operate a business that allows cannabis, as defined in section 18 of this act, or cannabis products, as defined in section 27 of this act, to be consumed on the premises of the business.

Sec. 199.7. **NRS 269.170 is hereby amended to read as follows:**

269.170 1. Except as otherwise provided in subsections 5 ~~[,]~~ ***and*** 6 ~~[and 7]~~ and NRS 269.183, 576.128, 598D.150 and 640C.100, the town board or board of county commissioners may, in any unincorporated town:

(a) Fix and collect a license tax on, and regulate, having due regard to the amount of business done by each person so licensed, and all places of business and amusement so licensed, as follows:

(1) Artisans, artists, assayers, auctioneers, bakers, banks and bankers, barbers, boilermakers, cellars and places where soft drinks are kept or sold, clothes cleaners, foundries, laundries, lumberyards, manufacturers of soap, soda, borax or glue, markets, newspaper publishers, pawnbrokers, funeral directors and wood and coal dealers.

(2) Bootmakers, cobblers, dressmakers, milliners, shoemakers and tailors.

(3) Boardinghouses, hotels, lodging houses, restaurants and refreshment saloons.

(4) Barrooms, gaming, manufacturers of liquors and other beverages, and saloons.

(5) Billiard tables, bowling alleys, caravans, circuses, concerts and other exhibitions, dance houses, melodeons, menageries, shooting galleries, skating rinks and theaters.

(6) Corrals, hay yards, livery and sale stables and wagon yards.

(7) Electric light companies, illuminating gas companies, power companies, telegraph companies, telephone companies and water companies.

(8) Carts, drays, express companies, freight companies, job wagons, omnibuses and stages.

(9) Brokers, commission merchants, factors, general agents, mercantile agents, merchants, traders and stockbrokers.

(10) Drummers, hawkers, peddlers and solicitors.

(11) Insurance analysts, adjusters and managing general agents and producers of insurance within the limitations and under the conditions prescribed in NRS 680B.020.

(b) Fix and collect a license tax upon all professions, trades or business within the town not specified in paragraph (a).

2. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license presents written evidence that:

(a) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(b) Another regulatory agency of the State has issued or will issue a license required for this activity.

3. Any license tax levied for the purposes of NRS 244A.597 to 244A.655, inclusive, constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien must be enforced in the same manner as liens for ad valorem taxes on real and personal property. The town board or other governing body of the unincorporated town may delegate the power to enforce such liens to the county fair and recreation board.

4. The governing body or the county fair and recreation board may agree with the Department of Taxation for the continuing exchange of information concerning taxpayers.

5. The town board or board of county commissioners shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060, or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

6. The town board or board of county commissioners shall not require a person to obtain a license or pay a license tax pursuant to this section for a cannabis establishment, as defined in section 22 of this act.

~~[7. The town board or board of county commissioners shall not license or otherwise allow a person to operate a business that allows cannabis, as defined in section 18 of this act, or cannabis products, as defined in section 27 of this act, to be consumed on the premises of the business.]~~

Sec. 200. ~~[NRS 269.183 is hereby amended to read as follows:~~

~~269.183 1. Except as otherwise provided in this section, the town board or board of county commissioners in any unincorporated town shall not fix or collect a license tax on a [marijuana establishment or medical marijuana]~~ ***cannabis*** ~~establishment located within the town.~~

~~2. Except as otherwise provided in subsection 3, the town board or board of county commissioners in any unincorporated town may fix and collect a license tax on a [marijuana establishment or medical marijuana] *cannabis* establishment located within the town as a:~~

~~(a) Flat fee;~~

~~(b) Percentage of the gross revenue of the [marijuana establishment or medical marijuana] *cannabis* establishment; or~~

~~(c) Combination of a flat fee and a percentage of gross revenue of the [marijuana establishment or medical marijuana] *cannabis* establishment.~~

~~3. The total amount of a license tax imposed on a [marijuana establishment or medical marijuana] *cannabis* establishment pursuant to subsection 2, regardless of whether the license tax is imposed in the form described in paragraph (a), (b) or (c) of subsection 2, must not exceed 3 percent of the gross revenue of the [marijuana establishment or medical marijuana] *cannabis* establishment, as applicable.~~

~~4. In addition to any amount of money collected as a license tax pursuant to subsection 2, the town board or board of county commissioners in any unincorporated town may fix and collect:~~

~~(a) Any fees required pursuant to chapter 278 of NRS;~~

~~(b) A one-time flat fee for an application for the issuance of a business license for a [marijuana establishment or medical marijuana] *cannabis* establishment located within the town in an amount that does not exceed any similar fee imposed on a business pursuant to this chapter and chapter 369 of NRS; and~~

~~(c) A licensing tax for a business activity engaged in by a [marijuana establishment or medical marijuana] *cannabis* establishment located within the town for which [registration pursuant to chapter 453A of NRS or] licensing pursuant to *the* chapter [453D of NRS] *consisting of sections 84 to 123, inclusive, of this act* is not required only if:~~

~~(1) The town board or board of county commissioners is granted the authority to require such a license by some other provision of law; and~~

~~(2) The amount of the licensing tax does not exceed the amount imposed by the town board or board of county commissioners on other similar businesses.~~

~~5. The town board or board of county commissioners in any unincorporated town shall not enact or enforce any ordinance which is more restrictive than or conflicts with a law or regulation of this State relating to:~~

~~(a) The packaging, labeling, testing, dosage or potency of marijuana [, edible marijuana products, marijuana products or marijuana-infused] *or cannabis* products;~~

~~(b) The kinds of marijuana [, edible marijuana products, marijuana products and marijuana-infused] *or cannabis* products authorized to be sold pursuant to [chapters 453A and 453D of NRS and any regulations adopted pursuant to chapter 453A of NRS;] *the title consisting of sections 3 to 82, inclusive, 84 to 123, inclusive, 125 to 171, inclusive, and 173 to 187, inclusive, of this act;*~~

~~(c) The use of pesticides in the cultivation of marijuana;~~

~~(d) The tracking of marijuana from seed to sale;~~

~~(e) The transportation of marijuana [, edible marijuana products, marijuana products or marijuana infused]~~ ***or cannabis*** ~~products other than the direct transportation of marijuana [, edible marijuana products, marijuana products or marijuana-infused]~~ ***or cannabis*** ~~products to a consumer and a requirement to notify the town of any transportation of marijuana [, edible marijuana products, marijuana products or marijuana infused]~~ ***or cannabis*** ~~products;~~

~~(f) The issuance or verification of a registry identification card, letter of approval or written documentation;~~

~~(g) The training or certification of [medical marijuana]~~ ***cannabis*** ~~establishment agents~~ ***;*** ~~[or employees of a marijuana establishment;] or~~

~~(h) The creation or maintenance of a registry or other system to obtain and track information relating to customers of [marijuana]~~ ***cannabis*** ~~establishments or holders of a registry identification card or letter of approval.~~

~~6. A person who obtains a business license described in this section is subject to all other licensing and permitting requirements of the State and any other counties and cities in which the person does business.~~

~~7. As used in this section:~~

~~(a) [~~"Edible marijuana"~~]~~ ***"Cannabis establishment" has the meaning ascribed to it in section 22 of this act.***

~~***(b) "Cannabis establishment agent" has the meaning ascribed to it in section 23 of this act.***~~

~~***(c) "Cannabis***~~ products" has the meaning ascribed to it in ~~[~~NRS 453A.101.~~(b)]~~ ***section 27 of this act.***

~~***(d)***~~ "Letter of approval" has the meaning ascribed to it in ~~[~~NRS 453A.109.~~]~~ ***section 132 of this act.***

~~[(e) "Marijuana establishment" has the meaning ascribed to it in NRS 453D.030.~~

~~(d) "Marijuana products" has the meaning ascribed to it in NRS 453D.030.]~~

~~(e) [~~"Marijuana infused products" has the meaning ascribed to it in NRS 453A.112.

~~(f) "Medical marijuana establishment" has the meaning ascribed to it in NRS 453A.116.~~

~~(g) "Medical marijuana establishment agent" has the meaning ascribed to it in NRS 453A.117.~~

~~(h)]~~ "Registry identification card" has the meaning ascribed to it in ~~[~~NRS 453A.140.

~~(i)]~~ ***section 133 of this act.***

~~***(f)***~~ "Written documentation" has the meaning ascribed to it in ~~[~~NRS 453A.170.~~]~~ ***section 136 of this act.]*** **(Deleted by amendment.)**

Sec. 201. NRS 284.4062 is hereby amended to read as follows:

284.4062 1. Except as otherwise provided in subsections 3 and 4, an employee who:

(a) Consumes or is under the influence of alcohol while on duty, unless the alcohol is an integral part of a commonly recognized medication which the employee consumes pursuant to the manufacturer's instructions or in accordance with a lawfully issued prescription;

(b) Possesses, consumes or is under the influence of a controlled substance while on duty, at a work site or on state property, except in accordance with a lawfully issued prescription; or

(c) Consumes or is under the influence of any other drug which could interfere with the safe and efficient performance of the employee's duties, unless the drug is an integral part of a commonly recognized medication which the employee consumes pursuant to the manufacturer's instructions or in accordance with a lawfully issued prescription,

➥ is subject to disciplinary action. An appointing authority may summarily discharge an employee who, within a period of 5 years, commits a second act which would subject the employee to disciplinary action pursuant to this subsection.

2. Except as otherwise provided in subsection 3, a state agency shall refer an employee who:

(a) Tests positive for the first time in a screening test; and

(b) Has committed no other acts for which the employee is subject to termination during the course of conduct giving rise to the screening test,

➥ to an employee assistance program. An employee who fails to accept such a referral or fails to complete such a program successfully is subject to further disciplinary action.

3. The Commission may adopt regulations setting forth the circumstances under which a person who holds a valid registry identification card to engage in the medical use of marijuana pursuant to ***the*** chapter ~~[453A of NRS]~~ ***consisting of sections 125 to 171, inclusive, of this act*** is subject to disciplinary action pursuant to subsection 1 or must be referred to an employee assistance program pursuant to subsection 2.

4. Subsection 1 does not apply to:

(a) An employee who consumes alcohol in the course of the employment of the employee while hosting or attending a special event.

(b) A peace officer who possesses a controlled substance or consumes alcohol within the scope of the peace officer's duties.

Sec. 202. NRS 284.4063 is hereby amended to read as follows:

284.4063 1. Except as otherwise provided in subsection 2 and subsection 5 of NRS 284.4065, an employee who:

(a) Fails to notify the employee's supervisor as soon as possible after consuming any drug which could interfere with the safe and efficient performance of the employee's duties;

(b) Fails or refuses to submit to a screening test as requested by a state agency pursuant to subsection 1 or 2 of NRS 284.4065; or

(c) After taking a screening test which indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested by the

employee's appointing authority, that the employee had taken the controlled substance as directed pursuant to a current and lawful prescription issued in the employee's name,

➥ is subject to disciplinary action.

2. The Commission may adopt regulations setting forth the circumstances under which a person who holds a valid registry identification card to engage in the medical use of marijuana pursuant to ***the*** chapter ~~[453A of NRS]~~ ***consisting of sections 125 to 171, inclusive, of this act*** is subject to disciplinary action pursuant to this section.

Sec. 203. NRS 284.4064 is hereby amended to read as follows:

284.4064 1. If an employee informs the employee's appointing authority that the employee has consumed any drug which could interfere with the safe and efficient performance of the employee's duties, the appointing authority may require the employee to obtain clearance from the employee's physician before the employee continues to work.

2. If an appointing authority reasonably believes, based upon objective facts, that an employee's ability to perform the employee's duties safely and efficiently:

(a) May be impaired by the consumption of alcohol or other drugs, it may ask the employee whether the employee has consumed any alcohol or other drugs and, if so:

(1) The amount and types of alcohol or other drugs consumed and the time of consumption;

(2) If a controlled substance other than marijuana was consumed, the name of the person who prescribed its use; and

(3) If marijuana was consumed, to provide proof that the employee holds a valid registry identification card to engage in the medical use of marijuana pursuant to ***the*** chapter ~~[453A of NRS.]~~ ***consisting of sections 125 to 171, inclusive, of this act.***

(b) Is impaired by the consumption of alcohol or other drugs, it shall prevent the employee from continuing work and transport the employee or cause the employee to be transported safely away from the employee's place of employment in accordance with regulations adopted by the Commission.

Sec. 204. NRS 284.4066 is hereby amended to read as follows:

284.4066 1. Each appointing authority shall, subject to the approval of the Commission, determine whether each of its positions of employment affects the public safety. The appointing authority shall not hire an applicant for such a position unless the applicant submits to a screening test to detect the general presence of a controlled substance. Notice of the provisions of this section must be given to each applicant for such a position at or before the time of application.

2. An appointing authority shall consider the results of a screening test in determining whether to employ an applicant. If those results indicate the presence of a controlled substance other than marijuana, the appointing authority shall not hire the applicant unless the applicant provides, within 72

hours after being requested, proof that the applicant had taken the controlled substance as directed pursuant to a current and lawful prescription issued in the applicant's name.

3. An appointing authority shall, at the request of an applicant, provide the applicant with the results of the applicant's screening test.

4. If the results of a screening test indicate the presence of a controlled substance, the appointing authority shall:

(a) Provide the Administrator with the results of the applicant's screening test.

(b) If applicable, inform the Administrator whether the applicant holds a valid registry identification card to engage in the medical use of marijuana pursuant to ***the*** chapter ~~[453A of NRS.]~~ ***consisting of sections 125 to 171, inclusive, of this act.***

5. The Commission may adopt regulations relating to an applicant for a position which affects the public safety who tests positive for marijuana and holds a valid registry identification card to engage in the medical use of marijuana pursuant to ***the*** chapter ~~[453A of NRS.]~~ ***consisting of sections 125 to 171, inclusive, of this act.***

Sec. 205. Chapter 289 of NRS is hereby amended by adding thereto a new section to read as follows:

A person designated as an enforcement agent by the Cannabis Compliance Board is a peace officer for the purpose of the enforcement of the provisions of the title consisting of sections 3 to 82, inclusive, 84 to 123, inclusive, 125 to 171, inclusive, and 173 to 187, inclusive, of this act, including, without limitation, the prevention of unlicensed cannabis sales.

Sec. 206. NRS 289.470 is hereby amended to read as follows:

289.470 "Category II peace officer" means:

1. The bailiffs of the district courts, justice courts and municipal courts whose duties require them to carry weapons and make arrests;

2. Subject to the provisions of NRS 258.070, constables and their deputies;

3. Inspectors employed by the Nevada Transportation Authority who exercise those powers of enforcement conferred by chapters 706 and 712 of NRS;

4. Special investigators who are employed full-time by the office of any district attorney or the Attorney General;

5. Investigators of arson for fire departments who are specially designated by the appointing authority;

6. The brand inspectors of the State Department of Agriculture who exercise the powers of enforcement conferred by chapter 565 of NRS;

7. The field agents and inspectors of the State Department of Agriculture who exercise the powers of enforcement conferred by NRS 561.225;

8. Investigators for the State Forester Firewarden who are specially designated by the State Forester Firewarden and whose primary duties are related to the investigation of arson;

9. School police officers employed by the board of trustees of any county school district;

10. Agents of the Nevada Gaming Control Board who exercise the powers of enforcement specified in NRS 289.360, 463.140 or 463.1405, except those agents whose duties relate primarily to auditing, accounting, the collection of taxes or license fees, or the investigation of applicants for licenses;

11. Investigators and administrators of the Division of Compliance Enforcement of the Department of Motor Vehicles who perform the duties specified in subsection 2 of NRS 481.048;

12. Officers and investigators of the Section for the Control of Emissions From Vehicles and the Enforcement of Matters Related to the Use of Special Fuel of the Department of Motor Vehicles who perform the duties specified in subsection 3 of NRS 481.0481;

13. Legislative police officers of the State of Nevada;

14. Parole counselors of the Division of Child and Family Services of the Department of Health and Human Services;

15. Juvenile probation officers and deputy juvenile probation officers employed by the various judicial districts in the State of Nevada or by a department of juvenile justice services established by ordinance pursuant to NRS 62G.210 whose official duties require them to enforce court orders on juvenile offenders and make arrests;

16. Field investigators of the Taxicab Authority;

17. Security officers employed full-time by a city or county whose official duties require them to carry weapons and make arrests;

18. The chief of a department of alternative sentencing created pursuant to NRS 211A.080 and the assistant alternative sentencing officers employed by that department;

19. ***Agents of the Cannabis Compliance Board who exercise the powers of enforcement specified in section 205 of this act;***

20. Criminal investigators who are employed by the Secretary of State; and

~~[20.]~~ ***21.*** The Inspector General of the Department of Corrections and any person employed by the Department as a criminal investigator.

Sec. 206.5. **NRS 360.255 is hereby amended to read as follows:**

360.255 1. Except as otherwise provided in this section and NRS 239.0115 and 360.250, the records and files of the Department concerning the administration or collection of any tax, fee, assessment or other amount required by law to be collected or the imposition of disciplinary action are confidential and privileged. The Department, an employee of the Department and any other person engaged in the administration or collection of any tax, fee, assessment or other amount required by law to be collected or the imposition of disciplinary action or charged with the custody of any such records or files:

(a) Shall not disclose any information obtained from those records or files; and

(b) May not be required to produce any of the records or files for the inspection of any person or governmental entity or for use in any action or proceeding.

2. The records and files of the Department concerning the administration and collection of any tax, fee, assessment or other amount required by law to be collected or the imposition of disciplinary action are not confidential and privileged in the following cases:

(a) Testimony by a member or employee of the Department and production of records, files and information on behalf of the Department or a person in any action or proceeding before
the Nevada Tax Commission, the State Board of Equalization, the Department , a grand jury or any court in this State if that testimony or the records, files or information, or the facts shown thereby, are directly involved in the action or proceeding.

(b) Delivery to a person or his or her authorized representative of a copy of any document filed by the person pursuant to the provisions of any law of this State.

(c) Publication of statistics so classified as to prevent the identification of a particular business or document.

(d) Exchanges of information with the Internal Revenue Service in accordance with compacts made and provided for in such cases, or disclosure to any federal agency , state or local law enforcement agency ***, including, without limitation, the Cannabis Compliance Board,*** or local regulatory agency that requests the information for the use of the agency in a federal , state or local prosecution or criminal , civil or regulatory investigation.

(e) Disclosure in confidence to the Governor or his or her agent in the exercise of the Governor's general supervisory powers, or to any person authorized to audit the accounts of the Department in pursuance of an audit, or to the Attorney General or other legal representative of the State in connection with an action or proceeding relating to a taxpayer or licensee, or to any agency of this or any other state charged with the administration or enforcement of laws relating to workers' compensation, unemployment compensation, public assistance, taxation, labor or gaming.

(f) Exchanges of information pursuant to an agreement between the Nevada Tax Commission and any county fair and recreation board or the governing body of any county, city or town.

(g) Upon written request made by a public officer of a local government, disclosure of the name and address of a taxpayer or licensee who must file a return with the Department. The request must set forth the social security number of the taxpayer or licensee about which the request is made and contain a statement signed by the proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and privileged and may not be used or disclosed for any purpose

other than the collection of a debt or obligation owed to that local government. The Executive Director may charge a reasonable fee for the cost of providing the requested information.

(h) Disclosure of information as to amounts of any unpaid tax or amounts of tax required to be collected, interest and penalties to successors, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested.

(i) Disclosure of relevant information as evidence in an appeal by the taxpayer from a determination of tax due if the Nevada Tax Commission has determined the information is not proprietary or confidential in a hearing conducted pursuant to NRS 360.247.

(j) Disclosure of the identity of a person and the amount of tax assessed and penalties imposed against the person at any time after a determination, decision or order of the Executive Director or other officer of the Department imposing upon the person a penalty for fraud or intent to evade a tax imposed by law becomes final or is affirmed by the Nevada Tax Commission.

(k) Disclosure of the identity of a licensee against whom disciplinary action has been taken and the type of disciplinary action imposed against the licensee at any time after a determination, decision or order of the Executive Director or other officer of the Department imposing upon the licensee disciplinary action becomes final or is affirmed by the Nevada Tax Commission.

(l) Disclosure of information pursuant to subsection 2 of NRS 370.257.

(m) With respect to an application for a registration certificate to operate a medical marijuana establishment pursuant to chapter 453A of NRS ***, as that chapter existed on June 30, 2020,*** or a license to operate a marijuana establishment pursuant to chapter 453D of NRS ***, as that chapter existed on June 30, 2020,*** which was submitted on or after May 1, 2017, ***and on or before June 30, 2020,*** and regardless of whether the application was ultimately approved, disclosure of the following information:

(1) The identity of an applicant, including, without limitation, any owner, officer or board member of an applicant;

(2) The contents of any tool used by the Department to evaluate an applicant;

(3) The methodology used by the Department to score and rank applicants and any documentation or other evidence showing how that methodology was applied; and

(4) The final ranking and scores of an applicant, including, without limitation, the score assigned to each criterion in the application that composes a part of the total score of an applicant.

(n) Disclosure of the name of a licensee and the jurisdiction of that licensee pursuant to chapter 453A or 453D of NRS, ***as those chapters existed on June 30, 2020,*** and any regulations adopted pursuant thereto.

3. The Executive Director shall periodically, as he or she deems appropriate, but not less often than annually, transmit to the Administrator of

the Division of Industrial Relations of the Department of Business and Industry a list of the businesses of which the Executive Director has a record. The list must include the mailing address of the business as reported to the Department.

4. The Executive Director may request from any other governmental agency or officer such information as the Executive Director deems necessary to carry out his or her duties with respect to the administration or collection of any tax, fee, assessment or other amount required by law to be collected or the imposition of disciplinary action. If the Executive Director obtains any confidential information pursuant to such a request, he or she shall maintain the confidentiality of that information in the same manner and to the same extent as provided by law for the agency or officer from whom the information was obtained.

5. As used in this section:

(a) "Applicant" means any person listed on the application for a registration certificate to operate a medical marijuana establishment pursuant to chapter 453A of NRS **, *as that chapter existed on June 30, 2020,*** or a license to operate a marijuana establishment pursuant to chapter 453D of NRS ~~[.]~~ **, *as that chapter existed on June 30, 2020.***

(b) "Disciplinary action" means any suspension or revocation of a license, registration, permit or certificate issued by the Department pursuant to this title or chapter 453A or 453D of NRS **, *as those chapters existed on June 30, 2020,*** or any other disciplinary action against the holder of such a license, registration, permit or certificate.

(c) "Licensee" means a person to whom the Department has issued a license, registration, permit or certificate pursuant to this title or chapter 453A or 453D of NRS ~~[.]~~ **, *as those chapters existed on June 30, 2020.*** The term includes, without limitation, any owner, officer or board member of an entity to whom the Department has issued a license.

(d) "Records" or "files" means any records and files related to an investigation or audit or a disciplinary action, financial information, correspondence, advisory opinions, decisions of a hearing officer in an administrative hearing and any other information specifically related to a taxpayer or licensee.

(e) "Taxpayer" means a person who pays any tax, fee, assessment or other amount required by law to the Department.

Sec. 207. NRS 372A.060 is hereby amended to read as follows:

372A.060 1. The provisions of NRS 372A.060 to 372A.130, inclusive, do not apply to:

(a) Any person who is registered or exempt from registration pursuant to NRS 453.226 or any other person who is lawfully in possession of a controlled substance; or

(b) Any person who acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, sells or dispenses marijuana for the medical use

of marijuana as authorized pursuant to ***the*** chapter ~~[453A of NRS.]~~ ***consisting of sections 125 to 171, inclusive, of this act.***

2. Compliance with the provisions of NRS 372A.060 to 372A.130, inclusive, does not immunize a person from criminal prosecution for the violation of any other provision of law.

Sec. 208. NRS 372A.070 is hereby amended to read as follows:

372A.070 1. A person shall not sell, offer to sell or possess with the intent to sell a controlled substance unless he or she first:

(a) Registers with the Department as a dealer in controlled substances and pays an annual fee of $250; and

(b) Pays a tax on:

(1) Each gram of a controlled substance, or portion thereof, of $1,000; and

(2) Each 50 dosage units of a controlled substance that is not sold by weight, or portion thereof, of $2,000.

2. For the purpose of calculating the tax imposed by subparagraph (1) of paragraph (b) of subsection 1, the controlled substance must be measured by the weight of the substance in the dealer's possession, including the weight of any material, compound, mixture or preparation that is added to the controlled substance.

3. The Department shall not require a registered dealer to give his or her name, address, social security number or other identifying information on any return submitted with the tax.

4. Any person who violates subsection 1 is subject to a civil penalty of 100 percent of the tax in addition to the tax imposed by subsection 1. Any civil penalty imposed pursuant to this subsection must be collected as part of the tax.

5. The district attorney of any county in which a dealer resides may institute and conduct the prosecution of any action for violation of subsection 1.

6. Property forfeited or subject to forfeiture pursuant to NRS 453.301 must not be used to satisfy a fee, tax or penalty imposed by this section.

7. As used in this section:

(a) ***"Cannabis product" has the meaning ascribed to it in section 27 of this act.***

(b) "Controlled substance" does not include marijuana ~~[, edible marijuana products or marijuana-infused]~~ ***or cannabis*** products.

~~[(b) "Edible marijuana products" has the meaning ascribed to it in NRS 453A.101.~~

~~(c) "Marijuana-infused products" has the meaning ascribed to it in NRS 453A.112.]~~

Sec. 209. NRS 372A.210 is hereby amended to read as follows:

372A.210 ~~[~~"Cultivation~~]~~ ***"Cannabis cultivation*** facility" has the meaning ascribed to it in ~~[NRS 453A.056.]~~ ***section 21 of this act.***

Sec. 210. NRS 372A.243 is hereby amended to read as follows:

372A.243 ~~[~~"Retail marijuana~~]~~ ***"Adult-use cannabis retail*** store" has the meaning ascribed to it in ~~[~~NRS 453D.030.~~]~~ ***section 14 of this act.***

Sec. 211. NRS 372A.250 is hereby amended to read as follows:

372A.250 "Taxpayer" means a:

1. ~~[~~Cultivation~~]~~ ***Cannabis cultivation*** facility; or
2. ~~[~~Retail marijuana~~]~~ ***Adult-use cannabis retail*** store.

Sec. 212. NRS 372A.285 is hereby amended to read as follows:

372A.285 1. Each ~~[~~cultivation facility and each marijuana~~]~~ ***cannabis*** cultivation facility shall submit a report to the Department that includes the following information, reported separately for each calendar month included in the report:

(a) The current production of the ~~[~~cultivation facility or marijuana~~]~~ ***cannabis*** cultivation facility;

(b) Sales by product type;

(c) Prices by product type; and

(d) Such other information as the Department may require.

2. Each ~~[~~facility for the production of edible marijuana products or marijuana-infused products and each marijuana product manufacturing~~]~~ ***cannabis production*** facility shall submit a report to the Department that includes the following information, reported separately for each calendar month included in the report:

(a) The amount of marijuana purchased;

(b) The amount of ~~[~~edible marijuana products, marijuana-infused products and marijuana~~]~~ ***cannabis*** products produced;

(c) Sales by product type;

(d) Prices by product type; and

(e) Such other information as the Department may require.

3. Each ~~[~~medical marijuana dispensary and each retail marijuana store~~]~~ ***cannabis sales facility*** shall submit a report to the Department that includes the following information, reported separately for each calendar month included in the report:

(a) The amount of marijuana purchased by the ~~[~~dispensary or store~~]~~ ***cannabis sales facility*** from ***cannabis*** cultivation facilities ~~[~~, marijuana cultivation facilities, facilities for the production of edible marijuana products or marijuana-infused products or marijuana product manufacturing~~]~~ ***or cannabis production*** facilities;

(b) Sales to consumers by product type;

(c) Prices by product type; and

(d) Such other information as the Department may require.

4. The Department shall adopt regulations prescribing the frequency of the reports required pursuant to this section which must be submitted not less frequently than quarterly and not more frequently than monthly.

5. As used in this section:

(a) ~~[~~"Cultivation~~]~~ ***"Cannabis production*** facility" has the meaning ascribed to it in ~~[~~NRS 453A.056.

~~(b) "Edible marijuana~~] ***section 28 of this act.***

(b) "Cannabis products" has the meaning ascribed to it in ~~[~~NRS 453A.101.

~~(c) "Facility for the production of edible marijuana products or marijuana-infused products" has the meaning ascribed to it in NRS 453A.105.~~

~~(d) "Marijuana cultivation facility" has the meaning ascribed to it in NRS 453D.030.~~

~~(e) "Marijuana product manufacturing facility" has the meaning ascribed to it in NRS 453D.030.~~

~~(f) "Marijuana products" has the meaning ascribed to it in NRS 453D.030.~~

~~(g) "Marijuana-infused products" has the meaning ascribed to it in NRS 453A.112.~~

~~(h) "Medical marijuana dispensary" has the meaning ascribed to it in NRS 453A.115.~~] ***section 27 of this act.***

(c) "Cannabis sales facility" has the meaning ascribed to it in section 29 of this act.

Sec. 213. NRS 372A.290 is hereby amended to read as follows:

372A.290 1. An excise tax is hereby imposed on each wholesale sale in this State of marijuana by a ***medical cannabis*** cultivation facility to another ~~[~~medical marijuana~~]~~ ***cannabis*** establishment at the rate of 15 percent of the fair market value at wholesale of the marijuana. The excise tax imposed pursuant to this subsection is the obligation of the ***medical cannabis*** cultivation facility.

2. ***An excise tax is hereby imposed on each wholesale sale in this State of marijuana by an adult-use cannabis cultivation facility to another cannabis establishment at the rate of 15 percent of the fair market value at wholesale of the marijuana. The excise tax imposed pursuant to this subsection is the obligation of the adult-use cannabis cultivation facility.***

3. An excise tax is hereby imposed on each retail sale in this State of marijuana or ~~[~~marijuana~~]~~ ***cannabis*** products by ~~[~~a~~]~~ ***an adult-use cannabis*** retail ~~[~~marijuana~~]~~ store at the rate of 10 percent of the sales price of the marijuana or ~~[~~marijuana~~]~~ ***cannabis*** products. The excise tax imposed pursuant to this subsection:

(a) Is the obligation of the ***adult-use cannabis*** retail ~~[~~marijuana~~]~~ store.

(b) Is separate from and in addition to any general state and local sales and use taxes that apply to retail sales of tangible personal property.

~~[~~3.~~]~~ ***4.*** The revenues collected from the excise tax imposed pursuant to subsection 1 must be distributed:

(a) To the ~~[~~Department~~]~~ ***Cannabis Compliance Board*** and to local governments in an amount determined to be necessary by the ~~[~~Department~~]~~ ***Board*** to pay the costs of the ~~[~~Department~~]~~ ***Board*** and local governments in carrying out the provisions of ***the*** chapter ~~[~~453A of NRS;~~]~~ ***consisting of sections 125 to 171, inclusive, of this act;*** and

(b) If any money remains after the revenues are distributed pursuant to paragraph (a), to the State Treasurer to be deposited to the credit of the State Distributive School Account in the State General Fund.

~~[4.]~~ ***5. The revenues collected from the excise tax imposed pursuant to subsection 2 must be distributed:***

(a) To the Cannabis Compliance Board and to local governments in an amount determined to be necessary by the Board to pay the costs of the Board and local governments in carrying out the provisions of the chapter consisting of sections 173 to 187, inclusive, of this act; and

(b) If any money remains after the revenues are distributed pursuant to paragraph (a), to the State Treasurer to be deposited to the credit of the State Distributive School Account in the State General Fund.

6. For the purpose of ~~[subsection 3]~~ ***subsections 4*** and ~~[NRS 453D.510,]~~ ***5,*** a total amount of $5,000,000 of the revenues collected from the excise tax imposed pursuant to subsection 1 and the excise tax imposed pursuant to ~~[NRS 453D.500]~~ ***subsection 2*** in each fiscal year shall be deemed sufficient to pay the costs of all local governments to carry out the provisions of ***the*** chapters ~~[453A and 453D of NRS.]~~ ***consisting of sections 125 to 171, inclusive, of this act and consisting of sections 173 to 187, inclusive, of this act.*** The ~~[Department]~~ ***Board*** shall, by regulation, determine the manner in which local governments may be reimbursed for the costs of carrying out the provisions of ***the*** chapters ~~[453A and 453D of NRS.]~~ ***consisting of sections 125 to 171, inclusive, of this act and consisting of sections 173 to 187, inclusive, of this act.***

~~[5.]~~ ***7.*** The revenues collected from the excise tax imposed pursuant to subsection ~~[2]~~ ***3*** must be paid over as collected to the State Treasurer to be deposited to the credit of the Account to Stabilize the Operation of the State Government created in the State General Fund pursuant to NRS 353.288.

~~[6.]~~ ***8.*** As used in this section:

(a) ***"Adult-use cannabis cultivation facility" has the meaning ascribed to it in section 6 of this act.***

(b) "Adult-use cannabis retail store" has the meaning ascribed to it in section 14 of this act.

(c) "Cannabis product" has the meaning ascribed to it in section 27 of this act.

(d) "Local government" has the meaning ascribed to it in NRS 360.640.

~~[(b) "Marijuana products" has the meaning ascribed to it in NRS 453D.030. (c)]~~ ***(e) "Medical cannabis cultivation facility" has the meaning ascribed to it in section 37 of this act.***

(f) "Medical ~~[marijuana]~~ ***cannabis*** establishment" has the meaning ascribed to it in ~~[NRS 453A.116.]~~ ***section 39 of this act.***

Sec. 213.5. **Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Unless federal law or regulation otherwise requires, a person shall not sell or offer to sell any commodity or product containing industrial hemp

which is intended for human consumption or any other commodity or product that purports to contain cannabidiol with a THC concentration that does not exceed the maximum THC concentration established by federal law for industrial hemp unless such a commodity or product:

(a) Has been tested by a cannabis independent testing laboratory and meets the standards established by regulation of Department pursuant to subsection 3; and

(b) Is labeled in accordance with the regulations adopted by the Department pursuant to subsection 3.

2. A person who produces or offers for sale a commodity or product described in subsection 1 may submit such a commodity or product to a cannabis independent testing laboratory for testing pursuant to this section and a cannabis independent testing laboratory may perform such testing.

3. The Department shall adopt regulations requiring the testing and labeling of any commodity or product described in subsection 1. Such regulations must:

(a) Set forth protocols and procedures for the testing of the commodities and products described in subsection 1; and

(b) Require that any commodity or product described in subsection 1 is labeled in a manner that is not false or misleading in accordance with the applicable provisions of chapters 446 and 585 of NRS.

4. As used in this section:

(a) "Cannabis independent testing laboratory" has the meaning ascribed to it in section 26 of this act.

(b) "Industrial hemp" has the meaning ascribed to it in NRS 557.160.

(c) "Intended for human consumption" means intended for ingestion or inhalation by a human for topical application to the skin or hair of a human.

(d) "THC" has the meaning ascribed to it in NRS 453.139.

Sec. 214. NRS 453.005 is hereby amended to read as follows:

453.005 The provisions of this chapter do not apply to the extent that they are inconsistent with the provisions of ***the*** chapter ~~[453A of NRS.]~~ ***consisting of sections 125 to 171, inclusive, of this act.***

Sec. 215. ~~[NRS 453.316 is hereby amended to read as follows:~~

~~453.316 1. A person who opens or maintains any place for the purpose of unlawfully selling, giving away or using any controlled substance 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 $10,000, except as otherwise provided in subsection 2.~~

~~2. If a person convicted of violating this section has previously been convicted of violating this section, or if, in the case of a first conviction of violating this section, the person has been convicted of an offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a felony under this section, the person is guilty of a category B felony and shall be punished by imprisonment in the state~~

~~prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $20,000. The court shall not grant probation to or suspend the sentence of a person convicted of violating this section if the person has been previously convicted under this section or of any other offense described in this subsection.~~

~~3. This section does not apply to [any] :~~

~~*(a) Any* rehabilitation clinic established or licensed by the Division of Public and Behavioral Health of the Department.~~

~~*(b) A cannabis consumption lounge, as defined in section 19 of this act, that does not sell or give away any controlled substance. This paragraph must not be construed to prohibit a cannabis consumption lounge from turning over to a law enforcement agency any controlled substance which is left on its premises.]~~ **(Deleted by amendment.)**

Sec. 216. NRS 453.3393 is hereby amended to read as follows:

453.3393 1. A person shall not knowingly or intentionally manufacture, grow, plant, cultivate, harvest, dry, propagate or process marijuana, except as specifically authorized by the provisions of this chapter or ~~[chapter 453A of NRS.]~~ ***the title consisting of sections 3 to 82, inclusive, 84 to 123, inclusive, 125 to 171, inclusive, and 173 to 187, inclusive, of this act.***

2. Unless a greater penalty is provided in subsection 3 or NRS 453.339, a person who violates subsection 1, if the quantity involved is more than 12 marijuana plants, irrespective of whether the marijuana plants are mature or immature, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

3. A person shall not knowingly or intentionally extract concentrated cannabis, except as specifically authorized by the provisions of ~~[chapter 453A of NRS.]~~ ***the title consisting of sections 3 to 82, inclusive, 84 to 123, inclusive, 125 to 171, inclusive, and 173 to 187, inclusive, of this act.*** Unless a greater penalty is provided in NRS 453.339, a person who violates this subsection is guilty of a category C felony and shall be punished as provided in NRS 193.130.

4. In addition to any punishment imposed pursuant to this section, the court shall order a person convicted of a violation of this section to pay all costs associated with any necessary cleanup and disposal related to the manufacturing, growing, planting, cultivation, harvesting, drying, propagation or processing of the marijuana or the extraction of concentrated cannabis.

Sec. 216.3. **NRS 453A.322 is hereby amended to read as follows:**

453A.322 1. Each medical marijuana establishment must register with the Department.

2. A person who wishes to operate a medical marijuana establishment must submit to the Department an application on a form prescribed by the Department.

3. Except as otherwise provided in NRS 453A.324, 453A.326, 453A.328 and 453A.340, not later than 90 days after receiving an application to operate

a medical marijuana establishment, the Department shall register the medical marijuana establishment and issue a medical marijuana establishment registration certificate and a random 20-digit alphanumeric identification number if:

(a) The person who wishes to operate the proposed medical marijuana establishment has submitted to the Department all of the following:

(1) The application fee, as set forth in NRS 453A.344;

(2) An application, which must include:

(I) The legal name of the proposed medical marijuana establishment;

(II) The physical address where the proposed medical marijuana establishment will be located and the physical address of any co-owned additional or otherwise associated medical marijuana establishments, the locations of which may not be within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the proposed medical marijuana establishment was submitted to the Department, ~~[or]~~ within 300 feet of a community facility that existed on the date on which the application for the proposed medical marijuana establishment was submitted to the Department ~~[;]~~ ***or, if the proposed medical marijuana establishment will be located in a county whose population is 100,000 or more, within 1,500 feet of an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177 and that existed on the date on which the application for the proposed medical marijuana establishment was submitted to the Department;***

(III) Evidence that the applicant controls not less than $250,000 in liquid assets to cover the initial expenses of opening the proposed medical marijuana establishment and complying with the provisions of NRS 453A.320 to 453A.370, inclusive;

(IV) Evidence that the applicant owns the property on which the proposed medical marijuana establishment will be located or has the written permission of the property owner to operate the proposed medical marijuana establishment on that property;

(V) For the applicant and each person who is proposed to be an owner, officer or board member of the proposed medical marijuana establishment, a complete set of the person's fingerprints and written permission of the person authorizing the Department to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(VI) The name, address and date of birth of each person who is proposed to be an owner, officer or board member of the proposed medical marijuana establishment; and

(VII) The name, address and date of birth of each person who is proposed to be employed by or otherwise provide labor at the proposed medical marijuana establishment as a medical marijuana establishment agent;

(3) Operating procedures consistent with rules of the Department for oversight of the proposed medical marijuana establishment, including, without limitation:

(I) Procedures to ensure the use of adequate security measures; and

(II) The use of an electronic verification system and an inventory control system, pursuant to NRS 453A.354 and 453A.356;

(4) If the proposed medical marijuana establishment will sell or deliver edible marijuana products or marijuana-infused products, proposed operating procedures for handling such products which must be preapproved by the Department;

(5) If the city, town or county in which the proposed medical marijuana establishment will be located has enacted zoning restrictions, proof of licensure with the applicable local governmental authority or a letter from the applicable local governmental authority certifying that the proposed medical marijuana establishment is in compliance with those restrictions and satisfies all applicable building requirements; and

(6) Such other information as the Department may require by regulation;

(b) None of the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment have been convicted of an excluded felony offense;

(c) None of the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment have:

(1) Served as an owner, officer or board member for a medical marijuana establishment that has had its medical marijuana establishment registration certificate revoked; or

(2) Previously had a medical marijuana establishment agent registration card revoked; and

(d) None of the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment are under 21 years of age.

4. For each person who submits an application pursuant to this section, and each person who is proposed to be an owner, officer or board member of a proposed medical marijuana establishment, the Department shall submit the fingerprints of the person to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of that person.

5. Except as otherwise provided in subsection 6, if an application for registration as a medical marijuana establishment satisfies the requirements of this section and the establishment is not disqualified from being registered as a medical marijuana establishment pursuant to this section or other applicable law, the Department shall issue to the establishment a medical marijuana establishment registration certificate. A medical marijuana establishment registration certificate expires 1 year after the date of issuance and may be renewed upon:

(a) Resubmission of the information set forth in this section, except that the fingerprints of each person who is an owner, officer or board member of a medical marijuana establishment required to be submitted pursuant to subsection 4 must only be submitted:

(1) If such a person holds 5 percent or less of the ownership interest in any one medical marijuana establishment or an ownership interest in more than one medical marijuana establishment of the same kind that, when added together, equals 5 percent or less, once in any 5-year period; and

(2) If such a person holds more than 5 percent of the ownership interest in any one medical marijuana establishment or an ownership interest in more than one medical marijuana establishment of the same kind that, when added together, equals more than 5 percent, or is an officer or board member of a medical marijuana establishment, once in any 3-year period;

(b) Payment of the renewal fee set forth in NRS 453A.344; and

(c) If the medical marijuana establishment is an independent testing laboratory, submission of proof that the independent testing laboratory is accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization.

6. In determining whether to issue a medical marijuana establishment registration certificate pursuant to this section, the Department shall consider the criteria of merit set forth in NRS 453A.328.

7. The Department:

(a) Shall not require an applicant for registration as a medical marijuana establishment or for the renewal of a medical marijuana establishment registration certificate to submit a financial statement with the application for registration or renewal; and

(b) May require a medical marijuana establishment to submit a financial statement as determined to be necessary by the Department to ensure the collection of any taxes which may be owed by the medical marijuana establishment.

8. ***For the purposes of sub-subparagraph (II) of subparagraph (2) of paragraph (a) of subsection 3, the distance must be measured from the front door of the proposed medical marijuana establishment to the closest point of the property line of a school, community facility or gaming establishment.***

9. As used in this section, "community facility" means:

(a) A facility that provides day care to children.

(b) A public park.

(c) A playground.

(d) A public swimming pool.

(e) A center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents.

(f) A church, synagogue or other building, structure or place used for religious worship or other religious purpose.

Sec. 216.7. **NRS 453D.210 is hereby amended to read as follows:**

453D.210 1. No later than 12 months after January 1, 2017, the Department shall begin receiving applications for marijuana establishments.

2. For 18 months after the Department begins to receive applications for marijuana establishments, the Department shall only accept applications for licenses for retail marijuana stores, marijuana product manufacturing facilities, and marijuana cultivation facilities pursuant to this chapter from persons holding a medical marijuana establishment registration certificate pursuant to chapter 453A of NRS.

3. For 18 months after the Department begins to receive applications for marijuana establishments, the Department shall issue licenses for marijuana distributors pursuant to this chapter only to persons holding a wholesale dealer license pursuant to chapter 369 of NRS, unless the Department determines that an insufficient number of marijuana distributors will result from this limitation.

4. Upon receipt of a complete marijuana establishment license application, the Department shall, within 90 days:

(a) Issue the appropriate license if the license application is approved; or

(b) Send a notice of rejection setting forth the reasons why the Department did not approve the license application.

5. The Department shall approve a license application if:

(a) The prospective marijuana establishment has submitted an application in compliance with regulations adopted by the Department and the application fee required pursuant to NRS 453D.230;

(b) The physical address where the proposed marijuana establishment will operate is owned by the applicant or the applicant has the written permission of the property owner to operate the proposed marijuana establishment on that property;

(c) The property is not located within:

(1) One thousand feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the proposed marijuana establishment was submitted to the Department; ~~[or]~~

(2) Three hundred feet of a community facility that existed on the date on which the application for the proposed marijuana establishment was submitted to the Department; ***or***

(3) If the proposed marijuana establishment will be located in a county whose population is 100,000 or more, 1,500 feet of an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177 and that existed on the date on which the application for the proposed marijuana establishment was submitted to the Department;

(d) The proposed marijuana establishment is a proposed retail marijuana store and there are not more than:

(1) Eighty licenses already issued in a county with a population greater than 700,000;

(2) Twenty licenses already issued in a county with a population that is less than 700,000 but more than 100,000;

(3) Four licenses already issued in a county with a population that is less than 100,000 but more than 55,000;

(4) Two licenses already issued in a county with a population that is less than 55,000;

(5) Upon request of a county government, the Department may issue retail marijuana store licenses in that county in addition to the number otherwise allowed pursuant to this paragraph;

(e) The locality in which the proposed marijuana establishment will be located does not affirm to the Department that the proposed marijuana establishment will be in violation of zoning or land use rules adopted by the locality; and

(f) The persons who are proposed to be owners, officers, or board members of the proposed marijuana establishment:

(1) Have not been convicted of an excluded felony offense; and

(2) Have not served as an owner, officer, or board member for a medical marijuana establishment or a marijuana establishment that has had its registration certificate or license revoked.

6. When competing applications are submitted for a proposed retail marijuana store within a single county, the Department shall use an impartial and numerically scored competitive bidding process to determine which application or applications among those competing will be approved.

7. For the purposes of subparagraph (3) of paragraph (c) of subsection 5, the distance must be measured from the front door of the proposed marijuana establishment to the closest point of the property line of a school, community facility or gaming establishment.

Sec. 217. NRS 455B.080 is hereby amended to read as follows:

455B.080 1. A passenger shall not embark on an amusement ride while intoxicated or under the influence of a controlled substance, unless in accordance with:

(a) A prescription lawfully issued to the person; or

(b) The provisions of ***the*** chapter ~~[453A of NRS.]~~ ***consisting of sections 125 to 171, inclusive, of this act.***

2. An authorized agent or employee of an operator may prohibit a passenger from boarding an amusement ride if he or she reasonably believes that the passenger is under the influence of alcohol, prescription drugs or a controlled substance. An agent or employee of an operator is not civilly or criminally liable for prohibiting a passenger from boarding an amusement ride pursuant to this subsection.

Sec. 218. NRS 455B.460 is hereby amended to read as follows:

455B.460 1. A person shall not enter or use a recreation area while intoxicated or under the influence of a controlled substance, unless in accordance with:

(a) A prescription lawfully issued to the person; or

(b) The provisions of ***the*** chapter ~~[453A of NRS.]~~ ***consisting of sections 125 to 171, inclusive, of this act.***

2. An operator or an authorized agent or employee of an operator may prohibit a person from entering or using a recreation area if he or she reasonably believes that the person is under the influence of alcohol, prescription drugs or a controlled substance. An operator or an authorized agent or employee of an operator is not civilly or criminally liable for prohibiting a person from entering or using a recreation area pursuant to this subsection.

Sec. 219. NRS 458.094 is hereby amended to read as follows:

458.094 The Division shall use any money not needed to carry out the provisions of ***the*** chapter ~~[453A of NRS]~~ ***consisting of sections 125 to 171, inclusive, of this act*** to provide alcohol and drug abuse programs to persons referred to the Division by agencies which provide child welfare services as authorized pursuant to ~~[NRS 453A.730.]~~ ***section 168 of this act.***

Sec. 220. NRS 484C.210 is hereby amended to read as follows:

484C.210 1. If a person fails to submit to an evidentiary test as requested by a police officer pursuant to NRS 484C.160, the license, permit or privilege to drive of the person must be revoked as provided in NRS 484C.220, and the person is not eligible for a license, permit or privilege to drive for a period of:

(a) One year; or

(b) Three years, if the license, permit or privilege to drive of the person has been revoked during the immediately preceding 7 years for failure to submit to an evidentiary test.

2. If the result of a test given under NRS 484C.150 or 484C.160 shows that a person had a concentration of alcohol of 0.08 or more in his or her blood or breath or a detectable amount of a controlled substance or prohibited substance in his or her blood or urine for which he or she did not have a valid prescription, as defined in NRS 453.128, or hold a valid registry identification card, as defined in ~~[NRS 453A.140,]~~ ***section 133 of this act,*** at the time of the test, the license, permit or privilege of the person to drive must be revoked as provided in NRS 484C.220 and the person is not eligible for a license, permit or privilege for a period of 90 days.

3. Except as otherwise provided in subsection 1, at any time while a person is not eligible for a license, permit or privilege to drive following a revocation under subsection 1 or 2 which was based on the person having a concentration of alcohol of 0.08 or more in his or her blood or breath, the person shall install, at his or her own expense, a device in any motor vehicle which the person operates as a condition to obtaining a restricted license pursuant to NRS 483.490.

4. If a revocation of a person's license, permit or privilege to drive under NRS 62E.640 or 483.460 follows a revocation under subsection 2 which was based on the person having a concentration of alcohol of 0.08 or more in his or her blood or breath, the Department shall cancel the revocation under that

subsection and give the person credit for any period during which the person was not eligible for a license, permit or privilege.

5. If an order to install a device pursuant to NRS 62E.640 or 484C.460 follows the installation of a device pursuant to subsection 3, the court may give the person day-for-day credit for any period during which the person installed a device as a condition to obtaining a restricted license.

6. Periods of ineligibility for a license, permit or privilege to drive which are imposed pursuant to this section must run consecutively.

7. As used in this section, "device" has the meaning ascribed to it in NRS 484C.450.

Sec. 221. NRS 484C.220 is hereby amended to read as follows:

484C.220 1. As agent for the Department, the officer who requested that a test be given pursuant to NRS 484C.150 or 484C.160 or who obtained the result of a test given pursuant to NRS 484C.150 or 484C.160 shall immediately serve an order of revocation of the license, permit or privilege to drive on a person who failed to submit to a test requested by the police officer pursuant to NRS 484C.150 or 484C.160 or who has a concentration of alcohol of 0.08 or more in his or her blood or breath or has a detectable amount of a controlled substance or prohibited substance in his or her blood or urine for which he or she did not have a valid prescription, as defined in NRS 453.128, or hold a valid registry identification card, as defined in ~~[~~NRS 453A.140,~~]~~ ***section 133 of this act,*** if that person is present, and shall seize the license or permit to drive of the person. The officer shall then, unless the information is expressly set forth in the order of revocation, advise the person of his or her right to administrative and judicial review of the revocation pursuant to NRS 484C.230 and, except as otherwise provided in this subsection, that the person has a right to request a temporary license. The officer shall also, unless the information is expressly set forth in the order of revocation, advise the person that he or she is required to install a device pursuant to NRS 484C.210. If the person currently is driving with a temporary license that was issued pursuant to this section or NRS 484C.230, the person is not entitled to request an additional temporary license pursuant to this section or NRS 484C.230, and the order of revocation issued by the officer must revoke the temporary license that was previously issued. If the person is entitled to request a temporary license, the officer shall issue the person a temporary license on a form approved by the Department if the person requests one, which is effective for only 7 days including the date of issuance. The officer shall immediately transmit the person's license or permit to the Department along with the written certificate required by subsection 2.

2. When a police officer has served an order of revocation of a driver's license, permit or privilege on a person pursuant to subsection 1, or later receives the result of an evidentiary test which indicates that a person, not then present, had a concentration of alcohol of 0.08 or more in his or her blood or breath or had a detectable amount of a controlled substance or prohibited substance in his or her blood or urine for which he or she did not have a valid

prescription, as defined in NRS 453.128, or hold a valid registry identification card, as defined in ~~[NRS 453A.140,]~~ ***section 133 of this act,*** the officer shall immediately prepare and transmit to the Department, together with the seized license or permit and a copy of the result of the test, if any, a written certificate that the officer had reasonable grounds to believe that the person had been driving or in actual physical control of a vehicle:

(a) With a concentration of alcohol of 0.08 or more in his or her blood or breath or with a detectable amount of a controlled substance or prohibited substance in his or her blood or urine for which he or she did not have a valid prescription, as defined in NRS 453.128, or hold a valid registry identification card, as defined in ~~[NRS 453A.140,]~~ ***section 133 of this act,*** as determined by a chemical test; or

(b) While under the influence of intoxicating liquor or a controlled substance or with a prohibited substance in his or her blood or urine and the person refused to submit to a required evidentiary test.

➥ The certificate must also indicate whether the officer served an order of revocation on the person and whether the officer issued the person a temporary license.

3. The Department, upon receipt of such a certificate for which an order of revocation has not been served, after examining the certificate and copy of the result of the chemical test, if any, and finding that revocation is proper, shall issue an order revoking the person's license, permit or privilege to drive by mailing the order to the person at the person's last known address. The order must indicate the grounds for the revocation and the period during which the person is not eligible for a license, permit or privilege to drive and state that the person has a right to administrative and judicial review of the revocation and to have a temporary license. The order must also indicate that the person is required to install a device pursuant to NRS 484C.210. The order of revocation becomes effective 5 days after mailing.

4. Notice of an order of revocation and notice of the affirmation of a prior order of revocation or the cancellation of a temporary license provided in NRS 484C.230 is sufficient if it is mailed to the person's last known address as shown by any application for a license. The date of mailing may be proved by the certificate of any officer or employee of the Department, specifying the time of mailing the notice. The notice is presumed to have been received upon the expiration of 5 days after it is deposited, postage prepaid, in the United States mail.

5. As used in this section, "device" has the meaning ascribed to it in NRS 484C.450.

Sec. 222. NRS 484C.230 is hereby amended to read as follows:

484C.230 1. At any time while a person is not eligible for a license, permit or privilege to drive following an order of revocation issued pursuant to NRS 484C.220, the person may request in writing a hearing by the Department to review the order of revocation, but the person is only entitled to one hearing. The hearing must be conducted as soon as is practicable at any

location, if the hearing officer permits each party and witness to attend the hearing by telephone, videoconference or other electronic means. The Director or agent of the Director may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the requester. Unless the person is ineligible for a temporary license pursuant to NRS 484C.220, the Department shall issue an additional temporary license for a period which is sufficient to complete the administrative review. A person who is issued a temporary license is not subject to and is exempt from the requirement to install a device pursuant to NRS 484C.210.

2. The scope of the hearing must be limited to the issue of whether the person:

(a) Failed to submit to a required test provided for in NRS 484C.150 or 484C.160; or

(b) At the time of the test, had a concentration of alcohol of 0.08 or more in his or her blood or breath or a detectable amount of a controlled substance or prohibited substance in his or her blood or urine for which he or she did not have a valid prescription, as defined in NRS 453.128, or hold a valid registry identification card, as defined in ~~[NRS 453A.140.]~~ ***section 133 of this act.***

➥ Upon an affirmative finding on either issue, the Department shall affirm the order of revocation. Otherwise, the order of revocation must be rescinded.

3. If, after the hearing, the order of revocation is affirmed, the person whose license, permit or privilege to drive has been revoked shall, if not previously installed, install a device pursuant to NRS 484C.210.

4. If, after the hearing, the order of revocation is affirmed, the person whose license, privilege or permit has been revoked is entitled to a review of the same issues in district court in the same manner as provided by chapter 233B of NRS. The court shall notify the Department upon the issuance of a stay, and the Department shall issue an additional temporary license for a period which is sufficient to complete the review. A person who is issued a temporary license is not subject to and is exempt from the requirement to install a device pursuant to NRS 484C.210.

5. If a hearing officer grants a continuance of a hearing at the request of the person whose license was revoked, or a court does so after issuing a stay of the revocation, the officer or court shall notify the Department, and the Department shall cancel the temporary license and notify the holder by mailing the order of cancellation to the person's last known address.

6. As used in this section, "device" has the meaning ascribed to it in NRS 484C.450.

Sec. 223. ~~[Chapter 557 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. The Cannabis Compliance Board shall adopt regulations establishing quality standards and requirements for the packaging and labeling of:*~~

~~*(a) Any commodity or product made using industrial hemp which is intended for human or animal consumption; and*~~

~~*(b) Any other commodity or product that purports to contain cannabidiol with a THC concentration of not more than 0.3 percent which is intended for human or animal consumption.*~~

~~*2. A handler may submit a commodity or product described in subsection 1 to a cannabis independent testing laboratory for testing pursuant to this section and a cannabis independent laboratory may perform such testing.*~~

~~*3. A handler may not sell a commodity or product described in subsection 1 unless the commodity or product has been submitted to a cannabis independent testing laboratory and the cannabis independent testing laboratory has confirmed that the commodity or product satisfies the standards established by the Board pursuant to this section.*~~

~~*4. The Board shall adopt regulations establishing protocols and procedures for the testing of commodities and products described in subsection 1, including, without limitation, determining appropriate standards for sampling and for the size of batches for testing.*~~

~~*5. The Board may adopt regulations establishing additional standards for the conduct of handlers who receive industrial hemp for processing into commodities or products described in subsection 1.*~~

~~*6. As used in this section, "intended for human or animal consumption" means intended for ingestion or inhalation by a human or animal or for topical application to the skin or hair of a human or animal.]*~~ **(Deleted by amendment.)**

Sec. 224. NRS 557.060 is hereby amended to read as follows:

557.060 "THC" has the meaning ascribed to it in NRS ~~[453A.155.~~ ~~*section 51 of this act.]*~~ ***453.139.***

Sec. 225. ~~[~~NRS 557.100 is hereby amended to read as follows:

~~557.100 As used in NRS 557.100 to 557.290, inclusive,~~ ~~*and section 223 of this act,*~~ ~~unless the context otherwise requires, the words and terms defined in NRS 557.110 to 557.180, inclusive, have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 226. NRS 557.180 is hereby amended to read as follows:

557.180 "THC" has the meaning ascribed to it in NRS ~~[453A.155.~~ ~~*section 51 of this act.]*~~ ***453.139.***

Sec. 227. NRS 557.270 is hereby amended to read as follows:

557.270 1. A grower, handler or producer may submit industrial hemp or a commodity or product made using industrial hemp ***, other than a commodity or product described in subsection 1 of section*** ~~*[223]*~~ ***213.5 of this act,*** to ~~[an]~~ ***a cannabis*** independent testing laboratory for testing pursuant to this section and ~~[an]~~ ***a cannabis*** independent testing laboratory may perform such testing.

2. ~~[A handler may not sell a commodity or product made using industrial hemp which is intended for human consumption unless the commodity or product has been submitted to an independent testing laboratory for testing and the independent testing laboratory has confirmed that the commodity or~~

~~product satisfies the standards established by the Department for the content and quality of industrial hemp.~~

~~3.~~] The Department shall adopt regulations establishing protocols and procedures for the testing of ***industrial hemp and*** commodities and products made using industrial hemp ***[, other than commodities and products] described in subsection 1*** , ~~***[of section 223 of this act,]***~~ including, without limitation, determining appropriate standards for sampling and for the size of batches for testing.

~~[4.]~~ ***3.*** The Department may adopt regulations requiring the submission of a sample of a crop of industrial hemp by a grower to ~~[an]~~ ***a cannabis*** independent testing laboratory to determine whether the crop has a THC concentration of not more than 0.3 percent on a dry weight basis. The regulations may include, without limitation:

(a) Protocols and procedures for the testing of a crop, including, without limitation, determining appropriate standards for sampling and for the size of batches for testing; and

(b) A requirement that ~~[an]~~ ***a cannabis*** independent testing laboratory provide the results of the testing directly to the Department in a manner prescribed by the Department.

~~[5.]~~ ***4.*** As used in this section ~~[~~:

~~(a) "Independent]~~ ***, "cannabis independent*** testing laboratory" ~~[means a facility certified as an independent testing laboratory pursuant to NRS 453A.368.~~

~~(b) "Intended for human consumption" means intended for ingestion or inhalation by a human or for topical application to the skin or hair of a human.]~~ ***has the meaning ascribed to it in section 26 of this act.***

Sec. 228. ~~[NRS 557.280 is hereby amended to read as follows:~~

~~557.280 1. The Department may refuse to issue or renew, suspend or revoke the registration of a grower, handler or producer for a violation of any provision of NRS 557.100 to 557.290, inclusive, ***and section 223 of this act,*** the regulations adopted pursuant thereto or any lawful order of the Department ~~[.]~~ ***or Cannabis Compliance Board.***~~

~~2. In addition to any other penalty provided by law, the Department may impose an administrative fine on any person who violates any of the provisions of NRS 557.100 to 557.290, inclusive, ***and section 223 of this act,*** the regulations adopted pursuant thereto or any lawful order of the Department ***or Cannabis Compliance Board*** in an amount not to exceed $2,500.~~

~~3. All fines collected by the Department pursuant to subsection 2 must be deposited with the State Treasurer for credit to the State General Fund.]~~ **(Deleted by amendment.)**

Sec. 229. NRS 586.550 is hereby amended to read as follows:

586.550 1. A ~~[marijuana establishment or medical marijuana]~~ ***cannabis*** establishment may use a pesticide in the cultivation and production of marijuana ~~[, edible marijuana products, marijuana products and marijuana-infused]~~ ***and cannabis*** products if the pesticide:

(a) Is exempt from registration pursuant to 40 C.F.R. § 152.25 or allowed to be used on Crop Group 19, as defined in 40 C.F.R. § 180.41(c)26, hops or unspecified crops or plants;

(b) Has affixed a label which allows the pesticide to be used at the intended site of application; and

(c) Has affixed a label which allows the pesticide to be used on crops and plants intended for human consumption.

2. The State Department of Agriculture shall, in accordance with the provisions of this chapter, establish and publish a list of pesticides allowed to be used on marijuana or ~~[medical marijuana]~~ ***cannabis products*** pursuant to this section and accept requests from pesticide manufacturers ~~[, marijuana establishments and medical marijuana]~~ ***and cannabis*** establishments, or a representative thereof, to add pesticides to the list.

3. As used in this section:

(a) ~~[“Edible marijuana]~~ ***“Cannabis establishment” has the meaning ascribed to it in section 22 of this act.***

(b) “Cannabis products” has the meaning ascribed to it in ~~[NRS 453A.101. (b)]~~ ***section 27 of this act.***

(c) “Marijuana” has the meaning ascribed to it in NRS ~~[453A.110.~~

~~(c) “Marijuana establishment” has the meaning ascribed to it in NRS 453D.030.~~

~~(d) “Marijuana products” has the meaning ascribed to it in NRS 453D.030.~~

~~(e) “Marijuana infused products” has the meaning ascribed to it in NRS 453A.112.~~

~~(f) “Medical marijuana establishment” has the meaning ascribed to it in NRS 453A.116.]~~ ***453.096.***

Sec. 230. NRS 630.306 is hereby amended to read as follows:

630.306 1. The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

(a) Inability to practice medicine with reasonable skill and safety because of illness, a mental or physical condition or the use of alcohol, drugs, narcotics or any other substance.

(b) Engaging in any conduct:

(1) Which is intended to deceive;

(2) Which the Board has determined is a violation of the standards of practice established by regulation of the Board; or

(3) Which is in violation of a regulation adopted by the State Board of Pharmacy.

(c) Administering, dispensing or prescribing any controlled substance, or any dangerous drug as defined in chapter 454 of NRS, to or for himself or herself or to others except as authorized by law.

(d) Performing, assisting or advising the injection of any substance containing liquid silicone into the human body, except for the use of silicone oil to repair a retinal detachment.

(e) Practicing or offering to practice beyond the scope permitted by law or performing services which the licensee knows or has reason to know that he or she is not competent to perform or which are beyond the scope of his or her training.

(f) Performing, without first obtaining the informed consent of the patient or the patient's family, any procedure or prescribing any therapy which by the current standards of the practice of medicine is experimental.

(g) Continual failure to exercise the skill or diligence or use the methods ordinarily exercised under the same circumstances by physicians in good standing practicing in the same specialty or field.

(h) Habitual intoxication from alcohol or dependency on controlled substances.

(i) Making or filing a report which the licensee or applicant knows to be false or failing to file a record or report as required by law or regulation.

(j) Failing to comply with the requirements of NRS 630.254.

(k) Failure by a licensee or applicant to report in writing, within 30 days, any disciplinary action taken against the licensee or applicant by another state, the Federal Government or a foreign country, including, without limitation, the revocation, suspension or surrender of a license to practice medicine in another jurisdiction.

(l) Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

(m) Failure to be found competent to practice medicine as a result of an examination to determine medical competency pursuant to NRS 630.318.

(n) Operation of a medical facility at any time during which:

(1) The license of the facility is suspended or revoked; or

(2) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This paragraph applies to an owner or other principal responsible for the operation of the facility.

(o) Failure to comply with the requirements of NRS 630.373.

(p) Engaging in any act that is unsafe or unprofessional conduct in accordance with regulations adopted by the Board.

(q) Knowingly or willfully procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328;

(3) Is marijuana being used for medical purposes in accordance with ***the*** chapter ~~[453A of NRS;]~~ ***consisting of sections 125 to 171, inclusive, of this act;*** or

(4) Is an investigational drug or biological product prescribed to a patient pursuant to NRS 630.3735 or 633.6945.

(r) Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.

(s) Failure to comply with the provisions of NRS 630.3745.

(t) Failure to obtain any training required by the Board pursuant to NRS 630.2535.

(u) Failure to comply with the provisions of NRS 454.217 or 629.086.

2. As used in this section, "investigational drug or biological product" has the meaning ascribed to it in NRS 454.351.

Sec. 231. NRS 630.3066 is hereby amended to read as follows:

630.3066 A physician is not subject to disciplinary action solely for:

1. Prescribing or administering to a patient under his or her care a controlled substance which is listed in schedule II, III, IV or V by the State Board of Pharmacy pursuant to NRS 453.146, if the controlled substance is lawfully prescribed or administered for the treatment of intractable pain in accordance with the provisions of NRS 639.23507 and 639.2391 to 639.23916, inclusive, any regulations adopted by the State Board of Pharmacy pursuant thereto and any other regulations adopted by the Board of Medical Examiners.

2. Engaging in any activity in accordance with the provisions of ***the*** chapter ~~[453A of NRS.]~~ ***consisting of sections 125 to 171, inclusive, of this act.***

Sec. 232. NRS 631.3475 is hereby amended to read as follows:

631.3475 The following acts, among others, constitute unprofessional conduct:

1. Malpractice;

2. Professional incompetence;

3. Suspension or revocation of a license to practice dentistry, the imposition of a fine or other disciplinary action by any agency of another state authorized to regulate the practice of dentistry in that state;

4. More than one act by the dentist or dental hygienist constituting substandard care in the practice of dentistry or dental hygiene;

5. Administering, dispensing or prescribing any controlled substance or any dangerous drug as defined in chapter 454 of NRS, if it is not required to treat the dentist's patient;

6. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(c) Is marijuana being used for medical purposes in accordance with ***the*** chapter ~~[453A of NRS;]~~ ***consisting of sections 125 to 171, inclusive, of this act;***

7. Chronic or persistent inebriety or addiction to a controlled substance, to such an extent as to render the person unsafe or unreliable as a practitioner, or such gross immorality as tends to bring reproach upon the dental profession;

8. Conviction of a felony or misdemeanor involving moral turpitude or which relates to the practice of dentistry in this State, or conviction of any criminal violation of this chapter;

9. Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

10. Failure to comply with the provisions of NRS 453.163, 453.164, 453.226, 639.23507 and 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto.

11. Fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV;

12. Failure to comply with the provisions of NRS 454.217 or 629.086;

13. Failure to obtain any training required by the Board pursuant to NRS 631.344; or

14. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This subsection applies to an owner or other principal responsible for the operation of the facility.

Sec. 233. NRS 632.347 is hereby amended to read as follows:

632.347 1. The Board may deny, revoke or suspend any license or certificate applied for or issued pursuant to this chapter, or take other disciplinary action against a licensee or holder of a certificate, upon determining that the licensee or certificate holder:

(a) Is guilty of fraud or deceit in procuring or attempting to procure a license or certificate pursuant to this chapter.

(b) Is guilty of any offense:

(1) Involving moral turpitude; or

(2) Related to the qualifications, functions or duties of a licensee or holder of a certificate,

➥ in which case the record of conviction is conclusive evidence thereof.

(c) Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

(d) Is unfit or incompetent by reason of gross negligence or recklessness in carrying out usual nursing functions.

(e) Uses any controlled substance, dangerous drug as defined in chapter 454 of NRS, or intoxicating liquor to an extent or in a manner which is dangerous or injurious to any other person or which impairs his or her ability to conduct the practice authorized by the license or certificate.

(f) Is a person with mental incompetence.

(g) Is guilty of unprofessional conduct, which includes, but is not limited to, the following:

(1) Conviction of practicing medicine without a license in violation of chapter 630 of NRS, in which case the record of conviction is conclusive evidence thereof.

(2) Impersonating any applicant or acting as proxy for an applicant in any examination required pursuant to this chapter for the issuance of a license or certificate.

(3) Impersonating another licensed practitioner or holder of a certificate.

(4) Permitting or allowing another person to use his or her license or certificate to practice as a licensed practical nurse, registered nurse, nursing assistant or medication aide - certified.

(5) Repeated malpractice, which may be evidenced by claims of malpractice settled against the licensee or certificate holder.

(6) Physical, verbal or psychological abuse of a patient.

(7) Conviction for the use or unlawful possession of a controlled substance or dangerous drug as defined in chapter 454 of NRS.

(h) Has willfully or repeatedly violated the provisions of this chapter. The voluntary surrender of a license or certificate issued pursuant to this chapter is prima facie evidence that the licensee or certificate holder has committed or expects to commit a violation of this chapter.

(i) Is guilty of aiding or abetting any person in a violation of this chapter.

(j) Has falsified an entry on a patient's medical chart concerning a controlled substance.

(k) Has falsified information which was given to a physician, pharmacist, podiatric physician or dentist to obtain a controlled substance.

(l) Has knowingly procured or administered a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328;

(3) Is marijuana being used for medical purposes in accordance with ***the*** chapter ~~[453A of NRS;]~~ ***consisting of sections 125 to 171, inclusive, of this act;*** or

(4) Is an investigational drug or biological product prescribed to a patient pursuant to NRS 630.3735 or 633.6945.

(m) Has been disciplined in another state in connection with a license to practice nursing or a certificate to practice as a nursing assistant or medication aide - certified, or has committed an act in another state which would constitute a violation of this chapter.

(n) Has engaged in conduct likely to deceive, defraud or endanger a patient or the general public.

(o) Has willfully failed to comply with a regulation, subpoena or order of the Board.

(p) Has operated a medical facility at any time during which:

(1) The license of the facility was suspended or revoked; or

(2) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This paragraph applies to an owner or other principal responsible for the operation of the facility.

(q) Is an advanced practice registered nurse who has failed to obtain any training required by the Board pursuant to NRS 632.2375.

(r) Is an advanced practice registered nurse who has failed to comply with the provisions of NRS 453.163, 453.164, 453.226, 639.23507, 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto.

(s) Has engaged in the fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV.

(t) Has violated the provisions of NRS 454.217 or 629.086.

2. For the purposes of this section, a plea or verdict of guilty or guilty but mentally ill or a plea of nolo contendere constitutes a conviction of an offense. The Board may take disciplinary action pending the appeal of a conviction.

3. A licensee or certificate holder is not subject to disciplinary action solely for administering auto-injectable epinephrine pursuant to a valid order issued pursuant to NRS 630.374 or 633.707.

4. As used in this section, "investigational drug or biological product" has the meaning ascribed to it in NRS 454.351.

Sec. 234. NRS 633.511 is hereby amended to read as follows:

633.511 1. The grounds for initiating disciplinary action pursuant to this chapter are:

(a) Unprofessional conduct.

(b) Conviction of:

(1) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(2) A felony relating to the practice of osteopathic medicine or practice as a physician assistant;

(3) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

(4) Murder, voluntary manslaughter or mayhem;

(5) Any felony involving the use of a firearm or other deadly weapon;

(6) Assault with intent to kill or to commit sexual assault or mayhem;

(7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(8) Abuse or neglect of a child or contributory delinquency; or

(9) Any offense involving moral turpitude.

(c) The suspension of a license to practice osteopathic medicine or to practice as a physician assistant by any other jurisdiction.

(d) Malpractice or gross malpractice, which may be evidenced by a claim of malpractice settled against a licensee.

(e) Professional incompetence.

(f) Failure to comply with the requirements of NRS 633.527.

(g) Failure to comply with the requirements of subsection 3 of NRS 633.471.

(h) Failure to comply with the provisions of NRS 633.694.

(i) Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(1) The license of the facility is suspended or revoked; or

(2) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This paragraph applies to an owner or other principal responsible for the operation of the facility.

(j) Failure to comply with the provisions of subsection 2 of NRS 633.322.

(k) Signing a blank prescription form.

(l) Knowingly or willfully procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328;

(3) Is marijuana being used for medical purposes in accordance with ***the*** chapter ~~[453A of NRS;]~~ ***consisting of sections 125 to 171, inclusive, of this act;*** or

(4) Is an investigational drug or biological product prescribed to a patient pursuant to NRS 630.3735 or 633.6945.

(m) Attempting, directly or indirectly, by intimidation, coercion or deception, to obtain or retain a patient or to discourage the use of a second opinion.

(n) Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient.

(o) In addition to the provisions of subsection 3 of NRS 633.524, making or filing a report which the licensee knows to be false, failing to file a record or report that is required by law or knowingly or willfully obstructing or inducing another to obstruct the making or filing of such a record or report.

(p) Failure to report any person the licensee knows, or has reason to know, is in violation of the provisions of this chapter or the regulations of the Board within 30 days after the date the licensee knows or has reason to know of the violation.

(q) Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

(r) Engaging in any act that is unsafe in accordance with regulations adopted by the Board.

(s) Failure to comply with the provisions of NRS 629.515.

(t) Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.

(u) Failure to obtain any training required by the Board pursuant to NRS 633.473.

(v) Failure to comply with the provisions of NRS 633.6955.

(w) Failure to comply with the provisions of NRS 453.163, 453.164, 453.226, 639.23507, 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto.

(x) Fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV.

(y) Failure to comply with the provisions of NRS 454.217 or 629.086.

2. As used in this section, "investigational drug or biological product" has the meaning ascribed to it in NRS 454.351.

Sec. 235. NRS 633.521 is hereby amended to read as follows:

633.521 An osteopathic physician is not subject to disciplinary action solely for:

1. Prescribing or administering to a patient under his or her care:

(a) Amygdalin (laetrile), if the patient has consented to the use of the substance.

(b) Procaine hydrochloride with preservatives and stabilizers (Gerovital H3).

(c) A controlled substance which is listed in schedule II, III, IV or V by the State Board of Pharmacy pursuant to NRS 453.146, if the controlled substance is lawfully prescribed or administered for the treatment of intractable pain in accordance with the provisions of NRS 639.23507, 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy

pursuant thereto and the accepted standards for the practice of osteopathic medicine.

2. Engaging in any activity in accordance with the provisions of ***the*** chapter ~~[453A of NRS.]~~ ***consisting of sections 125 to 171, inclusive, of this act.***

Sec. 236. NRS 635.130 is hereby amended to read as follows:

635.130 1. The Board, after notice and a hearing as required by law, and upon any cause enumerated in subsection 2, may take one or more of the following disciplinary actions:

(a) Deny an application for a license or refuse to renew a license.

(b) Suspend or revoke a license.

(c) Place a licensee on probation.

(d) Impose a fine not to exceed $5,000.

2. The Board may take disciplinary action against a licensee for any of the following causes:

(a) The making of a false statement in any affidavit required of the applicant for application, examination or licensure pursuant to the provisions of this chapter.

(b) Lending the use of the holder's name to an unlicensed person.

(c) If the holder is a podiatric physician, permitting an unlicensed person in his or her employ to practice as a podiatry hygienist.

(d) Habitual indulgence in the use of alcohol or any controlled substance which impairs the intellect and judgment to such an extent as in the opinion of the Board incapacitates the holder in the performance of his or her professional duties.

(e) Conviction of a crime involving moral turpitude.

(f) Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

(g) Conduct which in the opinion of the Board disqualifies the licensee to practice with safety to the public.

(h) The commission of fraud by or on behalf of the licensee regarding his or her license or practice.

(i) Gross incompetency.

(j) Affliction of the licensee with any mental or physical disorder which seriously impairs his or her competence as a podiatric physician or podiatry hygienist.

(k) False representation by or on behalf of the licensee regarding his or her practice.

(l) Unethical or unprofessional conduct.

(m) Failure to comply with the requirements of subsection 1 of NRS 635.118.

(n) Willful or repeated violations of this chapter or regulations adopted by the Board.

(o) Willful violation of the regulations adopted by the State Board of Pharmacy.

(p) Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(3) Is marijuana being used for medical purposes in accordance with ***the*** chapter ~~[453A of NRS.]~~ ***consisting of sections 125 to 171, inclusive, of this act.***

(q) Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(1) The license of the facility is suspended or revoked; or

(2) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This paragraph applies to an owner or other principal responsible for the operation of the facility.

(r) Failure to obtain any training required by the Board pursuant to NRS 635.116.

(s) Failure to comply with the provisions of NRS 453.163, 453.164, 453.226, 639.23507 and 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto.

(t) Fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV.

(u) Failure to comply with the provisions of NRS 454.217 or 629.086.

Sec. 237. NRS 636.295 is hereby amended to read as follows:

636.295 The following acts, conduct, omissions, or mental or physical conditions, or any of them, committed, engaged in, omitted, or being suffered by a licensee, constitute sufficient cause for disciplinary action:

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

2. Commission by the licensee of a felony relating to the practice of optometry or a gross misdemeanor involving moral turpitude of which the licensee has been convicted and from which he or she has been sentenced by a final judgment of a federal or state court in this or any other state, the judgment not having been reversed or vacated by a competent appellate court and the offense not having been pardoned by executive authority.

3. Conviction of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

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

5. Habitual drunkenness or addiction to any controlled substance.

6. Gross incompetency.

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

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

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

10. Perpetration of unethical or unprofessional conduct in the practice of optometry.

11. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(c) Is marijuana being used for medical purposes in accordance with ***the*** chapter ~~[453A of NRS.]~~ ***consisting of sections 125 to 171, inclusive, of this act.***

12. Any violation of the provisions of this chapter or any regulations adopted pursuant thereto.

13. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This subsection applies to an owner or other principal responsible for the operation of the facility.

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

15. Failure to comply with the provisions of NRS 453.163, 453.164, 453.226, 639.23507, 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto.

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

Sec. 238. 1. As soon as practicable after passage and approval of this act, the Governor ~~[shall]~~ **may** appoint three members to the Cannabis Compliance Board created by section 54 of this act to serve in a temporary capacity. The members must meet the requirements for membership set forth in sections 55 and 57 of this act.

2. The members appointed pursuant to subsection 1 shall have all the powers of the Board as necessary and convenient for the purpose of adopting

regulations and performing any administrative tasks necessary to carry out the provisions of this act.

3. The term of office for the members appointed pursuant to subsection 1 expires on June 30, 2021.

Sec. 239. Notwithstanding the provisions of section 61 of this act, the Governor ~~[shall]~~ **may** appoint the initial Executive Director of the Cannabis Compliance Board created by section 54 of this act as soon as practicable after the effective date of this act.

Sec. 239.5. **1. As soon as practicable after the appointment pursuant to section 238 of this act of members to the Cannabis Compliance Board created by section 54 of this act and the appointment pursuant to section 239 of this act of the initial Executive Director of the Cannabis Compliance Board, the Board and the Executive Director shall study the feasibility and safe implementation of licensing for businesses in which cannabis may be consumed, including, without limitation:**

(a) The appropriate distance between such a business and any space of particular economic or community concern, including, without limitation, a school, daycare center, establishment with a nonrestricted gaming license or church.

(b) The appropriate method of licensing and regulation of such businesses.

(c) Whether such a business would be subject to civil liability under existing law for the actions of a patron under the influence of cannabis after the patron leaves the premises of the business and whether any change to existing law is appropriate.

(d) Whether the number of licenses for such businesses should be limited and whether the issuance of such licenses to certain groups of people should be prioritized.

(e) The level of fees or taxes that would be appropriate for such businesses and whether fees or taxes should be imposed at the state or local level.

(f) Any other issue relating to such businesses that the Board and Executive Director determine to be appropriate.

2. On or before January 1, 2021, the Cannabis Compliance Board created by section 54 of this act and the Executive Director of the Cannabis Compliance Board shall report the findings of the study to the Director of the Legislative Counsel Bureau for transmission to the 81st Session of the Legislature.

Sec. 240. 1. The administrative regulations adopted by the Department of Taxation pursuant to chapters 453A and 453D of NRS governing the licensing and regulation of marijuana establishments and medical marijuana establishments remain in force and are hereby transferred to become the administrative regulations of the Cannabis Compliance Board on ~~[January 2,]~~ **July 1,** 2020. On and after ~~[January 2,]~~ **July 1,** 2020, these regulations must be interpreted in a manner so that all references to the Department of Taxation

and its constituent parts are read and interpreted as being references to the Cannabis Compliance Board and its constituent parts, regardless of whether those references have been conformed pursuant to section 244 of this act at the time of interpretation.

2. Any contracts or other agreements entered into by the Department of Taxation and its constituent parts pursuant to chapters 453A and 453D of NRS governing the licensing and regulation of marijuana establishments and medical marijuana establishments are binding upon the Cannabis Compliance Board on and after ~~[January 2,]~~ **July 1,** 2020, rather than the Department of Taxation and its constituent parts. Such contracts and other agreements may be enforced by the Cannabis Compliance Board on and after ~~[January 2,]~~ **July 1,** 2020.

3. Any action taken by the Department of Taxation or its constituent parts pursuant to chapter 453A and 453D of NRS governing the licensing and regulation of marijuana establishments and medical marijuana establishments before ~~[January 2,]~~ **July 1,** 2020, remains in effect as if taken by the Cannabis Compliance Board or its constituent parts on and after ~~[January 2,]~~ **July 1,** 2020.

4. As used in this section:

(a) "Cannabis Compliance Board" means the Cannabis Compliance Board created by section 54 of this act.

(b) "Marijuana establishment" has the meaning ascribed to it in NRS 453D.030, as that section existed on ~~[January 1,]~~ **June 30,** 2020.

(c) "Medical marijuana establishment" has the meaning ascribed to it in NRS 453A.116, as that section existed on ~~[January 1,]~~ **June 30,** 2020.

Sec. 241. A person who, on ~~[January 2,]~~ **July 1,** 2020:

1. Is the holder of a valid medical marijuana establishment registration certificate issued pursuant to NRS 453A.322, as that section existed on ~~[January 1,]~~ **June 30,** 2020, or license to operate a marijuana establishment issued pursuant to NRS 453D.200, as that section existed on ~~[January 1,]~~ **June 30,** 2020, and who is otherwise qualified to hold such a license on that date shall be deemed to hold an appropriate license issued pursuant to section 91 or 96 of this act until his or her medical marijuana establishment registration certificate or license to operate a marijuana establishment expires or is revoked, whichever occurs first.

2. Is the holder of a medical marijuana establishment agent registration card issued pursuant to NRS 453A.332, as that section existed on ~~[January 1,]~~ **June 30,** 2020, or a marijuana establishment agent registration card issued pursuant to NAC 453D.340, as that section existed on ~~[January 1,]~~ **June 30,** 2020, and who is otherwise qualified to hold such a registration card on that date shall be deemed to hold a cannabis establishment agent registration card issued pursuant to section 103 of this act until his or her medical marijuana establishment agent registration card or marijuana establishment agent registration card expires or is revoked, whichever occurs first.

Sec. 242. Notwithstanding the amendatory provisions of this act:

1. A person who holds an ownership interest of 5 percent or more in a cannabis establishment may continue to own his or her ownership interest without obtaining a cannabis establishment agent registration card for a cannabis executive until ~~[January 2,]~~ **July 1,** 2022, or such other date as the Cannabis Compliance Board may prescribe by regulation.

2. A person who holds an ownership interest of less than 5 percent in a cannabis establishment may continue to hold his or her ownership interest without obtaining a cannabis establishment agent registration card until ~~[January 2,]~~ **July 1,** 2022, or such other date as the Cannabis Compliance Board may prescribe by regulation.

3. As used in this section:

(a) "Cannabis Compliance Board" means the Cannabis Compliance Board created by section 54 of this act.

(b) "Cannabis establishment" has the meaning ascribed to it in section 22 of this act.

(c) "Cannabis establishment agent registration card" has the meaning ascribed to it in section 24 of this act.

(d) "Cannabis establishment agent registration card for a cannabis executive" has the meaning ascribed to it in section 25 of this act.

Sec. 243. 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. 244. The Legislative Counsel shall in preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 245. NRS **269.183,** 453A.010, 453A.020, 453A.030, 453A.040, 453A.050, 453A.053, 453A.056, 453A.060, 453A.075, 453A.080, 453A.090, 453A.101, 453A.102, 453A.103, 453A.104, 453A.105, 453A.107, 453A.108, 453A.109, 453A.110, 453A.112, 453A.115, 453A.116, 453A.117, 453A.118, 453A.119, 453A.120, 453A.125, 453A.130, 453A.140, 453A.150, 453A.155, 453A.160, 453A.170, 453A.200, 453A.205, 453A.208, 453A.210, 453A.220, 453A.225, 453A.230, 453A.240, 453A.250, 453A.300, 453A.310, 453A.320, 453A.322, 453A.324, 453A.326, 453A.328, 453A.330, 453A.332, 453A.334, 453A.336, 453A.338, 453A.340, 453A.342, 453A.344, 453A.350, 453A.352, 453A.354, 453A.356, 453A.358, 453A.360, 453A.362, 453A.364, 453A.366, 453A.368, 453A.369, 453A.370, 453A.400, 453A.410, 453A.500, 453A.510, 453A.600, 453A.610, 453A.620, 453A.630, 453A.700, 453A.710, 453A.720, 453A.730, 453A.740, 453A.800, 453A.810, 453D.010, 453D.020, 453D.030, 453D.100, 453D.110, 453D.120, 453D.130, 453D.140, 453D.200, 453D.205, 453D.210, 453D.220, 453D.230, 453D.300, 453D.310, 453D.320, 453D.400, 453D.500, 453D.510 and 453D.600 are hereby repealed.

Sec. 246. 1. This **section and sections 199.3, 216.3 and 239.5 of this act become effective upon passage and approval.**

2. Sections 197.5 and 198.5 of this act become effective upon passage and approval and expire by limitation on June 30, 2021.

3. Section 216.7 of this act becomes effective on November 23, 2019.

4. Sections 1 to 197, inclusive, 198, 199, 199.5, 201 to 216, inclusive, 217 to 239, inclusive, and 240 to 245, inclusive, of this act ~~[becomes]~~ **become** effective:

(a) Upon passage and approval for the purposes of adopting regulations and performing any other preparatory tasks that are necessary to carry out the provisions of this act; and

(b) On ~~[January 2,]~~ **July 1,** 2020, for all other purposes.

~~[2.]~~ **5. Section 199.7 of this act becomes effective on July 1, 2021.**

6. Sections 108 and 109 of this act expire by limitation on the date 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

LEADLINES OF REPEALED SECTIONS

269.183 Marijuana and medical marijuana establishments: License taxes; fees; exceptions.

453A.010 Definitions.

453A.020 "Administer" defined.

453A.030 "Attending provider of health care" defined.

453A.040 "Cachexia" defined.

453A.050 "Chronic or debilitating medical condition" defined.

453A.053 "Crime of violence" defined.

453A.056 "Cultivation facility" defined.

453A.060 "Deliver" and "delivery" defined.

453A.075 "Department" defined.

453A.080 "Designated primary caregiver" defined.

453A.090 "Division" defined.

453A.101 "Edible marijuana products" defined.

453A.102 "Electronic verification system" defined.

453A.103 "Enclosed, locked facility" defined.

453A.104 "Excluded felony offense" defined.

453A.105 "Facility for the production of edible marijuana products or marijuana-infused products" defined.

453A.107 "Independent testing laboratory" defined.

453A.108 "Inventory control system" defined.

453A.109 "Letter of approval" defined.

453A.110 "Marijuana" defined.

453A.112 "Marijuana-infused products" defined.

453A.115 "Medical marijuana dispensary" defined.

453A.116 "Medical marijuana establishment" defined.

453A.117 "Medical marijuana establishment agent" defined.

453A.118 "Medical marijuana establishment agent registration card" defined.

453A.119 "Medical marijuana establishment registration certificate" defined.

453A.120 "Medical use of marijuana" defined.

453A.125 "Paraphernalia" defined.

453A.130 "Production" defined.

453A.140 "Registry identification card" defined.

453A.150 "State prosecution" defined.

453A.155 "THC" defined.

453A.160 "Usable marijuana" defined.

453A.170 "Written documentation" defined.

453A.200 Holder of valid registry identification card or medical marijuana establishment registration certificate exempt from state prosecution for certain acts involving marijuana and paraphernalia; no crime for mere presence in vicinity of medical use of marijuana; limitation on exemption from state prosecution; affirmative defense; holder of card prohibited from cultivating, growing or producing marijuana if dispensary opens in county of residence; exceptions.

453A.205 Holder of valid letter of approval exempt from state prosecution for certain acts involving marijuana and paraphernalia; limitation on exemption.

453A.208 Employee of State Department of Agriculture exempt from state prosecution for certain acts involving marijuana; no person subject to prosecution for being in presence or vicinity of medical use of marijuana.

453A.210 Registry identification cards and letters of approval: Program for issuance; application; required accompanying information; distribution of copies of application; verification of information contained in application; permissible grounds for denial of application; judicial review of decision to deny application; reapplication; applicant and caregiver deemed to hold card or letter pending approval or denial of application; provider of health care required to maintain documentation of application.

453A.220 Registry identification cards and letters of approval: Issuance to applicant; issuance of card to primary caregiver if primary caregiver has been designated at time of application; required contents; duration; renewal.

453A.225 Registry identification cards and letters of approval: Revocation; duties; judicial review; reapplication prohibited for 12 months.

453A.230 Registry identification cards and letters of approval: Holder to notify Division of certain changes in information; required update of documentation from attending provider of health care; designation of primary caregiver after initial issuance of card; card or letter deemed expired for failure to comply with provisions.

453A.240 Registry identification cards and letters of approval: Card or letter to be returned to Division following diagnosis of absence of chronic or debilitating medical condition.

453A.250 Registry identification cards and letters of approval: General requirements concerning designation of primary caregiver; only one designated primary caregiver allowed; timing of issuance of card or letter to caregiver if caregiver designated after initial issuance of card or letter to patient; parent or guardian who is also patient may be designated caregiver for child.

453A.300 Acts for which holder of registry identification card or letter of approval is not exempt from state prosecution and may not raise affirmative defense; additional penalty.

453A.310 Affirmative defenses.

453A.320 Purpose of registration; no vested right acquired by holder of registration certificate or registration card.

453A.322 Registration of establishments: Requirements; expiration and renewal.

453A.324 Registration of establishments: Limitation on total number of certificates that can be issued in each jurisdiction; reallocation of certificates if county has no qualified applicants; acceptance of applications.

453A.326 Registration of establishments in larger counties: Limitation on number of medical marijuana dispensaries located in any one governmental jurisdiction within county; limitation on number of certificates issued to any one person; certificates deemed provisional pending compliance with local requirements and issuance of local business license.

453A.328 Registration of establishments: Considerations in determining whether to issue registration certificate.

453A.330 Records concerning oversight of medical marijuana establishment to be maintained by agency of local government; provision of records to establishment; fees paid by establishment; use of fees; appeal of fee.

453A.332 Agents required to register with Department; requirements for registration; establishment required to notify Department if agent ceases to be employed by, volunteer at or provide labor at establishment;

expiration and renewal of registration; authorized activities of registrant; applicant deemed temporarily registered.

453A.334 Registration cards and registration certificates nontransferable unless ownership of establishment is transferred; requirements for transfer of registration card or registration certificate if ownership is transferred.

453A.336 Payment of child support: Statement by applicant for registration card or registration certificate; grounds for denial; duties of Department.

453A.338 Suspension of registration card or registration certificate for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of registration card or registration certificate.

453A.340 Grounds for immediate revocation of registration certificate.

453A.342 Grounds for immediate revocation of registration card.

453A.344 Fees.

453A.350 Location, land use, appearance and signage; change of location; certain provisions inapplicable to dual licensee.

453A.352 Operating documents; security measures; actions of establishment with respect to marijuana required to be for certain purpose; requirements for cultivation; dispensary and cultivation facility authorized to acquire marijuana from patient; allowing consumption on premises and dispensing of marijuana from vending machine prohibited; inspection; certain provisions inapplicable to dual licensee; installation of video monitoring system required; certain establishments authorized to acquire and use industrial hemp.

453A.354 Electronic verification system.

453A.356 Inventory control system.

453A.358 Duties of medical marijuana dispensaries relating to sale of medical marijuana and related products and relating to notice of legal limits on possession of medical marijuana; Department prohibited from requiring tracking of purchases; dual licensee authorized to allow any person who is at least 21 years of age on premises.

453A.360 Requirements concerning edible marijuana products and marijuana-infused products; additional duties of medical marijuana dispensary and facility for production of edible marijuana products or marijuana-infused products.

453A.362 Requirements concerning storage and removal of medical marijuana; transport of medical marijuana to another establishment or between buildings of establishment.

453A.364 Medical marijuana dispensary authorized to dispense marijuana to nonresidents of this State under certain circumstances.

453A.366 Designation of medical marijuana dispensary.

453A.368 Testing laboratories.

453A.369 Interlocal agreements.

453A.370 Regulations.

453A.400 Possession of registry identification card, letter of approval, registration certificate or registration card not permissible grounds for search or inspection; care and return of seized property.

453A.410 Forfeiture of assets seized.

453A.500 Professional licensing board prohibited from taking disciplinary action against attending provider of health care on basis of provider's participation in certain activities in accordance with chapter.

453A.510 Professional licensing board prohibited from taking disciplinary action against licensee on basis of licensee's participation in certain activities in accordance with chapter.

453A.600 Program for evaluation and research of medical use of marijuana: Establishment by University of Nevada School of Medicine; federal approval; participants and subjects; quarterly report to Interim Finance Committee.

453A.610 Program for evaluation and research of medical use of marijuana: Duties of University of Nevada School of Medicine concerning confidentiality; certain items of information not subject to subpoena, discovery or inspection.

453A.620 Program for evaluation and research of medical use of marijuana: Authority of Department of Administration of University of Nevada School of Medicine concerning gifts, grants, donations and contributions; deposit of money in State Treasury.

453A.630 Program for evaluation and research of medical use of marijuana: Deposit, use and disposition of money; Department of Administration of University of Nevada School of Medicine to administer account.

453A.700 Duties of Division and Department concerning confidentiality; certain items of information not subject to subpoena, discovery or inspection.

453A.710 Addition of diseases and conditions to list of qualifying chronic or debilitating medical conditions: Petition; regulations.

453A.720 Authority of the Administrator of the Division or designee concerning gifts, grants, donations and contributions; deposit of money in State Treasury.

453A.730 Deposit, use and disposition of money; administration of account.

453A.740 Regulations; fees.

453A.800 Costs associated with medical use of marijuana not required to be paid or reimbursed; medical use of marijuana not required to be allowed in workplace; medical needs of employee who engages in medical use of marijuana to be accommodated by employer, other than law enforcement agency, in certain circumstances.

453A.810 State not responsible for deleterious outcomes.

453D.010 Short title. [This section was proposed by an initiative petition and approved by the voters at the 2016 General Election and therefore is not subject to legislative amendment or repeal until after November 22, 2019.]

453D.020 Findings and declarations. [This section was proposed by an initiative petition and approved by the voters at the 2016 General Election and therefore is not subject to legislative amendment or repeal until after November 22, 2019.]

453D.030 Definitions. [This section was proposed by an initiative petition and approved by the voters at the 2016 General Election and therefore is not subject to legislative amendment or repeal until after November 22, 2019.]

453D.100 Effect of chapter. [This section was proposed by an initiative petition and approved by the voters at the 2016 General Election and therefore is not subject to legislative amendment or repeal until after November 22, 2019.]

453D.110 Exemption from state or local prosecution for certain acts involving marijuana and marijuana paraphernalia. [This section was proposed by an initiative petition and approved by the voters at the 2016 General Election and therefore is not subject to legislative amendment or repeal until after November 22, 2019.]

453D.120 Additional exemption from state or local prosecution for certain acts involving marijuana and marijuana products. [This section was proposed by an initiative petition and approved by the voters at the 2016 General Election and therefore is not subject to legislative amendment or repeal until after November 22, 2019.]

453D.130 No crime for certain acts involving marijuana paraphernalia. [This section was proposed by an initiative petition and approved by the voters at the 2016 General Election and therefore is not subject to legislative amendment or repeal until after November 22, 2019.]

453D.140 Enforcement of contracts. [This section was proposed by an initiative petition and approved by the voters at the 2016 General Election and therefore is not subject to legislative amendment or repeal until after November 22, 2019.]

453D.200 Duties of Department relating to regulation and licensing of marijuana establishments; information about consumers. [This section was proposed by an initiative petition and approved by the voters at the 2016 General Election and therefore is not subject to legislative amendment or repeal until after November 22, 2019.]

453D.205 Department or marijuana establishment authorized to require person to submit fingerprints when conducting background check or determining criminal history.

453D.210 Acceptance of applications for licensing; priority in licensing; conditions for approval of application; limitations on issuance of licenses to retail marijuana stores; competing applications. [This

section was proposed by an initiative petition and approved by the voters at the 2016 General Election and therefore is not subject to legislative amendment or repeal until after November 22, 2019.]

453D.220 Expiration and renewal of licenses. [This section was proposed by an initiative petition and approved by the voters at the 2016 General Election and therefore is not subject to legislative amendment or repeal until after November 22, 2019.]

453D.230 Fees. [This section was proposed by an initiative petition and approved by the voters at the 2016 General Election and therefore is not subject to legislative amendment or repeal until after November 22, 2019.]

453D.300 Requirements for operation of marijuana establishment; inspection of establishment. [This section was proposed by an initiative petition and approved by the voters at the 2016 General Election and therefore is not subject to legislative amendment or repeal until after November 22, 2019.]

453D.310 Requirements and restrictions concerning sale and advertising of marijuana products; requirements on marijuana product manufacturing facility and retail marijuana store; local government not prohibited from adopting more restrictive regulation concerning advertising.

453D.320 Marijuana establishment prohibited from dispensing marijuana or marijuana products from vending machine.

453D.400 Violations and penalties. [This section was proposed by an initiative petition and approved by the voters at the 2016 General Election and therefore is not subject to legislative amendment or repeal until after November 22, 2019.]

453D.500 Imposition of tax on wholesale sales of marijuana by marijuana cultivation facility. [This section was proposed by an initiative petition and approved by the voters at the 2016 General Election and therefore is not subject to legislative amendment or repeal until after November 22, 2019.]

453D.510 Use of proceeds of tax, fees and penalties. [This section was proposed by an initiative petition and approved by the voters at the 2016 General Election and therefore is not subject to legislative amendment or repeal until after November 22, 2019.]

453D.600 Severability. [This section was proposed by an initiative petition and approved by the voters at the 2016 General Election and therefore is not subject to legislative amendment or repeal until after November 22, 2019.]

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that upon return from the printer, Assembly Bill No. 533 be rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 68.

Bill read third time.

Roll call on Assembly Bill No. 68:

YEAS—38.

NAYS—Hafen.

EXCUSED—Hambrick, Tolles—2.

VACANT—1.

Assembly Bill No. 68 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 223.

Bill read third time.

Roll call on Assembly Bill No. 223:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Tolles—2.

VACANT—1.

Assembly Bill No. 223 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 319.

Bill read third time.

Roll call on Assembly Bill No. 319:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Tolles—2.

VACANT—1.

Assembly Bill No. 319 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 506.

Bill read third time.

Roll call on Assembly Bill No. 506:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Tolles—2.

VACANT—1.

Assembly Bill No. 506 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 502.
Bill read third time.
Roll call on Senate Bill No. 502:
YEAS—38.
NAYS—Miller.
EXCUSED—Hambrick, Tolles—2.
VACANT—1.
Senate Bill No. 502 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 414.
Bill read third time.
Roll call on Assembly Bill No. 414:
YEAS—39.
NAYS—None.
EXCUSED—Hambrick, Tolles—2.
VACANT—1.
Assembly Bill No. 414 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 204.
Bill read third time.
Roll call on Senate Bill No. 204:
YEAS—30.
NAYS—Edwards, Ellison, Hafen, Hansen, Kramer, Leavitt, Roberts, Titus, Wheeler—9.
EXCUSED—Hambrick, Tolles—2.
VACANT—1.
Senate Bill No. 204 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 524.
Bill read third time.
Roll call on Senate Bill No. 524:
YEAS—38.
NAYS—Edwards.
EXCUSED—Hambrick, Tolles—2.
VACANT—1.
Senate Bill No. 524 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 523.
Bill read third time.

Roll call on Senate Bill No. 523:

YEAS—34.

NAYS—Edwards, Ellison, Hafen, Kramer, Roberts—5.

EXCUSED—Hambrick, Tolles—2.

VACANT—1.

Senate Bill No. 523 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. 541 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

REMARKS FROM THE FLOOR

Assemblywoman Swank requested that the following remarks be included in the Journal.

ASSEMBLYWOMAN SWANK:

I want to bring a grave situation to the attention of this body. It appears that despite my protestations and attempts to undermine this event, yes, Officer Sistare of the Legislative Police is retiring today. I understand that his wife has retired and so they are going to go off and have a lovely time of it, but they are abandoning us. He has, since 2015, had a special place in my heart. As a liberal Democrat in 2015, we all know that by first house passage most of my bills were dead, so I had plenty of time to do other things. My attaché that session and I maybe got a little bit too rambunctious with the shenanigans, so it was up to Officer Sistare to make sure that we did not get in too much trouble. He was very good at that but in some ways, I also think he helped.

He is retiring today. It will be a big loss for the building. I ask that everyone here thank him for his many years of service to all of us.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Hafen, the privilege of the floor of the Assembly Chamber for this day was extended to James Petell.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Wednesday, May 29, 2019, at 11:30 a.m.

Motion carried.

Assembly adjourned at 10:29 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly