THE SEVENTY-FIRST DAY

CARSON CITY (Monday), April 15, 2019

Senate called to order at 11:54 a.m.

President Marshall presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Peggy Locke.

Lord, we thank You in the midst of life's challenges and interruptions, that we can put our trust in You. We commit to You, today, in prayer our families and loved ones, friends and coworkers. We pray protection for those serving in harm's way. May they be strengthened, encouraged and know that You will give them assurance of Your Presence.

Help us walk in wisdom and understanding, making the best use of the time. May we encourage and build each other up as we work together to serve this great people of the State of Nevada.

In Jesus' Name and for Your glory, we pray.

AMEN.

Pledge of Allegiance to the Flag.

By previous order of the Senate, the reading of the Journal is dispensed with, and the President and Secretary are authorized to make the necessary corrections and additions.

REPORTS OF COMMITTEE

Madam President:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 361, 407, 493, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 40, 470, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PAT SPEARMAN, *Chair*

Madam President:

Your Committee on Education, to which were referred Senate Bills Nos. 145, 354, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Education, to which were referred Senate Bills Nos. 57, 469, 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 Education, to which were referred Senate Bills Nos. 351, 404, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Finance.

MOISES DENIS, *Chair*

Madam President:

Your Committee on Finance, to which were referred Senate Bills Nos. 101, 233, 485, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOYCE WOODHOUSE, *Chair*

Madam President:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 14, 28, 367, 416, 464, 494, 495, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which were referred Senate Bills Nos. 196, 272, 287, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Finance.

DAVID R. PARKS, *Chair*

Madam President:

Your Committee on Growth and Infrastructure, to which were referred Senate Bills Nos. 212, 254, 299, 329 has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

YVANNA D. CANCELA, *Chair*

Madam President:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 262, 344, 472, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which were referred Senate Bills Nos. 94, 179, 228, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JULIA RATTI, *Chair*

Madam President:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 328, 431, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which were referred Senate Bills Nos. 2, 3, 45, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 325, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Finance.

NICOLE J. CANNIZZARO, *Chair*

Madam President:

Your Committee on Natural Resources, to which were referred Senate Bills Nos. 96, 136, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MELANIE SCHEIBLE, *Chair*

Madam President:

Your Committee on Revenue and Economic Development, to which was referred Senate Bill No. 410, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Revenue and Economic Development, to which was referred Senate Bill No. 164, 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 Revenue and Economic Development, to which were referred Senate Bills Nos. 263, 415, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Finance.

MARILYN DONDERO LOOP, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, April 11, 2019

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bill No. 49.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 91, 107, 134.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

April 14, 2019

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 49, 209, 215, 238, 245, 254, 275, 276, 293, 298, 302, 310, 312, 319, 321, 322, 323, 344, 346, 352, 361, 366, 368, 375, 377, 378, 381, 386, 408, 418, 425, 427, 446, 447, 467, 472, 482, 483, 484, 488.

MARK KRMPOTIC
Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that, through April 23, 2019, all necessary rules be suspended, and that all Senate bills and resolutions reported out of Committee be immediately placed on the appropriate reading files.

Remarks by Senator Cannizzaro.

This suspension will put bills and resolutions just reported out of Committee on the Senate's next Floor Agenda, for the same legislative day, time permitting.

Motion carried.

Senator Cannizzaro moved that, through April 23, 2019, all necessary rules be suspended, and that all Senate bills and joint resolutions amended on the General File be immediately placed on third reading and final passage, upon returned from reprint.

Remarks by Senator Cannizzaro.

This suspension will allow bills and joint resolutions to be voted on the same legislative day they were amended on the General File.

Motion carried.

Senator Parks moved that Senate Bill No. 196, just reported out of Committee, be re-referred to the Committee on Finance.

Motion carried.

Senator Dondero Loop moved that Senate Bill No. 263, just reported out of Committee, be re-referred to the Committee on Finance.

Motion carried.

Senator Parks moved that Senate Bill No. 272, just reported out of Committee, be re-referred to the Committee on Finance.

Motion carried.

Senator Parks moved that Senate Bill No. 287, just reported out of Committee, be re-referred to the Committee on Finance.
Motion carried.

Senator Cannizzaro moved that Senate Bill No. 325, just reported out of Committee, be re-referred to the Committee on Finance.
Motion carried.

Senator Denis moved that Senate Bill No. 351, just reported out of Committee, be re-referred to the Committee on Finance.
Motion carried.

Senator Denis moved that Senate Bill No. 404, just reported out of Committee, be re-referred to the Committee on Finance.
Motion carried.

Senator Dondero Loop moved that Senate Bill No. 415, just reported out of Committee, be re-referred to the Committee on Finance.
Motion carried.

Senator Harris has approved the addition of Senator Ohrenschall as a primary sponsor of Senate Bill No. 377.

Senator Ratti moved that Senate Bill No. 477 be taken from the General File and placed at the top of the General File for the next legislative day.
Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 49.
Senator Ratti moved that the bill be referred to the Committee on Health and Human Services.
Motion carried.

Assembly Bill No. 91.
Senator Ratti moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Assembly Bill No. 107.
Senator Ratti moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Assembly Bill No. 134.
Senator Ratti moved that the bill be referred to the Committee on Judiciary.
Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 12.
Bill read second time.
The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 22.

SUMMARY—Revises provisions governing telephone systems used for reporting emergencies. (BDR 20-475)

AN ACT relating to counties; authorizing a county to use revenue collected from certain telephone surcharges to pay for an analysis or audit of the surcharges collected by a telecommunications provider; providing the conditions under which such audits may be performed; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a board of county commissioners to impose a surcharge for the enhancement of the telephone system for reporting an emergency ~~[.]~~ if the board adopts and reviews, at least annually, a 5-year master plan for the enhancement of that system or the purchase and maintenance of certain recording devices. (NRS 244A.7643) If a county imposes such a surcharge, the revenue collected from the surcharge must be used only for certain purposes. (NRS 244A.7645) ~~[This]~~

Section 1.3 of this bill authorizes the revenue collected from the surcharge to also be used to pay for the costs of an analysis or audit of the surcharges collected by a telecommunications provider. Section 1 of this bill authorizes the board of county commissioners in a county where a surcharge is imposed to engage an independent auditor to perform such an analysis or audit: (1) as part of the mandatory review of the 5-year master plan; or (2) if a previous analysis or audit revealed evidence of a violation of certain provisions of law with respect to the amount of money a telecommunications provider collected or remitted to the county.

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

Section 1. Chapter 244A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, if a surcharge is imposed in a county pursuant to NRS 244A.7643, the board of county commissioners of that county may, as part of its review of the 5-year master plan adopted pursuant to NRS 244A.7643 for the enhancement of the telephone system for reporting emergencies in the county or for the purpose of purchasing and maintaining portable event recording devices and vehicular event recording devices, as applicable, engage a qualified independent auditor to perform an analysis or audit of the surcharges collected by telecommunications providers in the county.

2. An auditor that performs an analysis or audit pursuant to this section:

(a) Shall not charge a fee exceeding the actual costs of performing the analysis or audit.

(b) Shall submit a report of his or her findings to the advisory committee of the county established pursuant to NRS 244A.7645.

3. If an auditor performing an analysis or audit of the surcharges collected by telecommunications providers finds in the course of conducting the analysis

or audit evidence of a violation of the provisions of NRS 244A.7643, with respect to the amount of money collected or remitted to the county treasurer by a telecommunications provider, the board of county commissioners may engage a qualified independent auditor to perform an additional analysis or audit of the surcharges collected by the telecommunications provider before the next review of the 5-year master plan is conducted.

Sec. 1.3. NRS 244A.7645 is hereby amended to read as follows:

244A.7645 1. If a surcharge is imposed pursuant to NRS 244A.7643 in a county whose population is 100,000 or more, the board of county commissioners of that county shall establish by ordinance an advisory committee to develop a plan to enhance the telephone system for reporting an emergency in that county and to oversee any money allocated for that purpose. The advisory committee must:

(a) Consist of not less than five members who:

(1) Are residents of the county;

(2) Possess knowledge concerning telephone systems for reporting emergencies; and

(3) Are not elected public officers.

(b) Subject to the provisions of subparagraph (3) of paragraph (a), include the chief law enforcement officer or his or her designee from each office of the county sheriff, metropolitan police department, police department of an incorporated city within the county and department, division or municipal court of a city or town that employs marshals within the county, as applicable.

2. If a surcharge is imposed pursuant to NRS 244A.7643 in a county whose population is less than 100,000, the board of county commissioners of that county shall establish by ordinance an advisory committee to develop a plan to enhance or improve the telephone system for reporting an emergency in that county and to oversee any money allocated for that purpose. The advisory committee must:

(a) Consist of not less than five members who:

(1) Are residents of the county;

(2) Possess knowledge concerning telephone systems for reporting emergencies; and

(3) Are not elected public officers.

(b) Include a representative of an incumbent local exchange carrier which provides service to persons in that county. As used in this paragraph, "incumbent local exchange carrier" has the meaning ascribed to it in 47 U.S.C. § 251(h)(1), as that section existed on October 1, 1999, and includes a local exchange carrier that is treated as an incumbent local exchange carrier pursuant to that section.

(c) Subject to the provisions of subparagraph (3) of paragraph (a), include the chief law enforcement officer or his or her designee from each office of the county sheriff, metropolitan police department, police department of an incorporated city within the county and department, division or municipal court of a city or town that employs marshals within the county, as applicable.

3. If a surcharge is imposed in a county pursuant to NRS 244A.7643, the board of county commissioners of that county shall create a special revenue fund of the county for the deposit of the money collected pursuant to NRS 244A.7643. The money in the fund must be used only:

(a) With respect to the telephone system for reporting an emergency:

(1) In a county whose population is 45,000 or more, to enhance the telephone system for reporting an emergency, including only:

(I) Paying recurring and nonrecurring charges for telecommunication services necessary for the operation of the enhanced telephone system;

(II) Paying costs for personnel and training associated with the routine maintenance and updating of the database for the system;

(III) Purchasing, leasing or renting the equipment and software necessary to operate the enhanced telephone system, including, without limitation, equipment and software that identify the number or location from which a call is made; and

(IV) Paying costs associated with any maintenance, upgrade and replacement of equipment and software necessary for the operation of the enhanced telephone system.

(2) In a county whose population is less than 45,000, to improve the telephone system for reporting an emergency in the county.

(b) With respect to purchasing and maintaining portable event recording devices and vehicular event recording devices, paying costs associated with the acquisition, maintenance, storage of data, upgrade and replacement of equipment and software necessary for the operation of portable event recording devices and vehicular event recording devices or systems that consist of both portable event recording devices and vehicular event recording devices.

(c) To pay any costs associated with performing an analysis or audit pursuant to section 1 of this act of the ~~[surcharge fees]~~ surcharges collected by telecommunications providers.

4. If the balance in the fund created in a county whose population is 100,000 or more pursuant to subsection 3 which has not been committed for expenditure exceeds $5,000,000 at the end of any fiscal year, the board of county commissioners shall reduce the amount of the surcharge imposed during the next fiscal year by the amount necessary to ensure that the unencumbered balance in the fund at the end of the next fiscal year does not exceed $5,000,000.

5. If the balance in the fund created in a county whose population is 45,000 or more but less than 100,000 pursuant to subsection 3 which has not been committed for expenditure exceeds $1,000,000 at the end of any fiscal year, the board of county commissioners shall reduce the amount of the surcharge imposed during the next fiscal year by the amount necessary to ensure that the unencumbered balance in the fund at the end of the next fiscal year does not exceed $1,000,000.

6. If the balance in the fund created in a county whose population is less than 45,000 pursuant to subsection 3 which has not been committed for expenditure exceeds $500,000 at the end of any fiscal year, the board of county commissioners shall reduce the amount of the surcharge imposed during the next fiscal year by the amount necessary to ensure that the unencumbered balance in the fund at the end of the next fiscal year does not exceed $500,000.

Sec. 1.7. 1. Notwithstanding the provisions of section 1 of this act, the board of county commissioners of a county where a surcharge is imposed pursuant to NRS 244A.7643 may, between July 1, 2019, and July 1, 2020, engage an independent auditor to perform an analysis or audit of the surcharges collected by telecommunications providers.

2. An auditor that performs an analysis or audit pursuant to this section:

(a) Shall not charge a fee exceeding the actual costs of performing the analysis or audit.

(b) Shall submit a report of his or her findings to the advisory committee of the county established pursuant to NRS 244A.7645.

3. If a board of county commissioners has an analysis or audit performed pursuant to this section, the board may use money in the special revenue fund created pursuant to NRS 244A.7645, as amended by section 1.3 of this act, to pay the costs of performing the analysis or audit.

Sec. 2. This act becomes effective on July 1, 2019.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Amendment No. 22 relates to the use of a surcharge imposed for the enhancement of the telephone system for reporting an emergency. The amendment establishes parameters for when audits of the surcharges collected by a telecommunications provider may be performed. The board of county commissioners may hire an independent auditor as part of the mandatory review of the five-year master plan or if a previous analysis or audit revealed evidence of a violation of certain provisions of law with respect to the amount of money a telecommunications provider collected or remitted to the county. I encourage your support.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 30.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 10.

SUMMARY—Revises provisions governing the duties of the Director of the Department of Corrections to provide programs for the employment of offenders. (BDR 16-202)

AN ACT relating to offenders; revising certain requirements for private employers who enter into contracts for the employment of offenders; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Corrections to establish programs for the employment of offenders who are committed to the

custody of the Department including contracting with private employers for the employment of offenders. Before entering into a contract with a private employer for the employment of offenders, existing law requires the Director to obtain from the private employer: (1) a personal guarantee of not less than 100 percent of the prorated annual amount of the contract; (2) a surety bond of not less than 100 percent of the prorated annual amount of the contract; or (3) a security agreement to secure any debt, obligation or other liability of the private employer under the contract. (NRS 209.461) This bill revises the amount of a personal guarantee or surety bond obtained by the Director to not less than ~~[33]~~ 10 percent of the prorated annual amount of the contract but not more than 100 percent of the prorated annual amount of the contract. This bill additionally requires the Director to appear before the Committee on Industrial Programs to explain the amount fixed for any personal guarantee or surety bond.

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

Section 1. NRS 209.461 is hereby amended to read as follows:

209.461 1. The Director shall:

(a) To the greatest extent possible, approximate the normal conditions of training and employment in the community.

(b) Except as otherwise provided in this section, to the extent practicable, require each offender, except those whose behavior is found by the Director to preclude participation, to spend 40 hours each week in vocational training or employment, unless excused for a medical reason or to attend educational classes in accordance with NRS 209.396. The Director shall require as a condition of employment that an offender sign an authorization for the deductions from his or her wages made pursuant to NRS 209.463. Authorization to make the deductions pursuant to NRS 209.463 is implied from the employment of an offender and a signed authorization from the offender is not required for the Director to make the deductions pursuant to NRS 209.463.

(c) Use the earnings from services and manufacturing conducted by the institutions and the money paid by private employers who employ the offenders to offset the costs of operating the prison system and to provide wages for the offenders being trained or employed.

(d) Provide equipment, space and management for services and manufacturing by offenders.

(e) Employ craftsmen and other personnel to supervise and instruct offenders.

(f) Contract with governmental agencies and private employers for the employment of offenders, including their employment on public works projects under contracts with the State and with local governments.

(g) Contract for the use of offenders' services and for the sale of goods manufactured by offenders.

(h) On or before January 1, 2014, and every 5 years thereafter, submit a report to the Director of the Legislative Counsel Bureau for distribution to the Committee on Industrial Programs. The report must include, without limitation, an analysis of existing contracts with private employers for the employment of offenders and the potential impact of those contracts on private industry in this State.

(i) Submit a report to each meeting of the Interim Finance Committee identifying any accounts receivable related to a program for the employment of offenders.

2. Every program for the employment of offenders established by the Director must:

(a) Employ the maximum number of offenders possible;

(b) Except as otherwise provided in NRS 209.192, provide for the use of money produced by the program to reduce the cost of maintaining the offenders in the institutions;

(c) Have an insignificant effect on the number of jobs available to the residents of this State; and

(d) Provide occupational training for offenders.

3. An offender may not engage in vocational training, employment or a business that requires or permits the offender to:

(a) Telemarket or conduct opinion polls by telephone; or

(b) Acquire, review, use or have control over or access to personal information concerning any person who is not incarcerated.

4. Each fiscal year, the cumulative profits and losses, if any, of the programs for the employment of offenders established by the Director must result in a profit for the Department. The following must not be included in determining whether there is a profit for the Department:

(a) Fees credited to the Fund for Prison Industries pursuant to NRS 482.268, any revenue collected by the Department for the leasing of space, facilities or equipment within the institutions or facilities of the Department, and any interest or income earned on the money in the Fund for Prison Industries.

(b) The selling expenses of the Central Administrative Office of the programs for the employment of offenders. As used in this paragraph, "selling expenses" means delivery expenses, salaries of sales personnel and related payroll taxes and costs, the costs of advertising and the costs of display models.

(c) The general and administrative expenses of the Central Administrative Office of the programs for the employment of offenders. As used in this paragraph, "general and administrative expenses" means the salary of the Deputy Director of Industrial Programs and the salaries of any other personnel of the Central Administrative Office and related payroll taxes and costs, the costs of telephone usage, and the costs of office supplies used and postage used.

5. If any state-sponsored program incurs a net loss for 2 consecutive fiscal years, the Director shall appear before the Committee on Industrial Programs to explain the reasons for the net loss and provide a plan for the generation of

a profit in the next fiscal year. If the program does not generate a profit in the third fiscal year, the Director shall take appropriate steps to resolve the issue.

6. Except as otherwise provided in subsection 3, the Director may, with the approval of the Board:

(a) Lease spaces and facilities within any institution of the Department to private employers to be used for the vocational training and employment of offenders.

(b) Grant to reliable offenders the privilege of leaving institutions or facilities of the Department at certain times for the purpose of vocational training or employment.

7. Before entering into any contract with a private employer for the employment of offenders pursuant to subsection 1, the Director shall obtain from the private employer:

(a) A personal guarantee to secure an amount fixed by the Director ~~[but]~~ *of* not less than ~~*[33]*~~ *10 percent of the prorated annual amount of the contract but not more than* 100 percent of the prorated annual amount of the contract, a surety bond made payable to the State of Nevada in an amount fixed by the Director ~~[but]~~ *of* not less *than* ~~*[33]*~~ *10 percent of the prorated annual amount of the contract but not more* than 100 percent of the prorated annual amount of the contract and conditioned upon the faithful performance of the contract in accordance with the terms and conditions of the contract, or a security agreement to secure any debt, obligation or other liability of the private employer under the contract, including, without limitation, lease payments, wages earned by offenders and compensation earned by personnel of the Department. *The Director shall appear before the Committee on Industrial Programs to explain the reasons for the amount fixed by the Director for any personal guarantee or surety bond.*

(b) A detailed written analysis on the estimated impact of the contract on private industry in this State. The written analysis must include, without limitation:

(1) The number of private companies in this State currently providing the types of products and services offered in the proposed contract.

(2) The number of residents of this State currently employed by such private companies.

(3) The number of offenders that would be employed under the contract.

(4) The skills that the offenders would acquire under the contract.

8. The provisions of this chapter do not create a right on behalf of the offender to employment or to receive the federal or state minimum wage for any employment and do not establish a basis for any cause of action against the State or its officers or employees for employment of an offender or for payment of the federal or state minimum wage to an offender.

9. As used in this section, "state-sponsored program" means a program for the vocational training or employment of offenders which does not include a contract of employment with a private employer.

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

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 10 to Senate Bill No. 30 changes the lowest threshold for a private employer's guarantee or bond related to a contract for employment of offenders from 33 percent to 10 percent of the prorated annual amount of the contract.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 36.

Bill read second time.

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

Amendment No. 21.

SUMMARY—Revises provisions governing the purchase, sale or lease of real property by a ~~[board of county commissioners.]~~ local government. (BDR 20-489)

AN ACT relating to ~~[counties;]~~ local governments; revising certain provisions relating to the purchase of real property by a board of county commissioners; revising certain provisions relating to the appraised value of certain real property a board of county commissioners or governing body of a city offers for sale or lease; revising certain requirements for a board of county commissioners or governing body of a city to provide notice when offering certain real property at auction; authorizing a board of county commissioners or governing body of a city to offer real property ~~[for sale]~~ at auction on the Internet or other electronic medium; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth requirements for the purchase, sale or lease of real property by a board of county commissioners ~~[.]~~ or a governing body of a city. (NRS 244.275-244.290 ~~[)]~~ , 268.048-268.065) In accordance with these requirements, a board of county commissioners is required to obtain at least one appraisal of real property before the board of county commissioners may purchase property for the use of the county. (NRS 244.275) Section 1 of this bill requires the appraiser to be selected in the same manner as appraisers selected for real property that the board of county commissioners will sell or lease. ~~[Section 1 also authorizes a board of county commissioners to purchase real property for an amount exceeding the appraised value if the board holds a public meeting before the purchase to explain the reasons for paying more than the appraised value for the property.]~~

Under existing law, a board of county commissioners ~~[,]~~ or a governing body of a city, with limited exception, is: (1) required to obtain two independent appraisals of the fair market value of real property before selling or leasing the real property or one independent appraisal, if the board holds a hearing on the fair market value of the real property; and (2) prohibited from selling or leasing real property for less than the highest appraised value of the real property.

(NRS 244.2795, 244.281 ~~[) Section]~~ , 266.267, 268.059, 268.061) Sections 3 and 7 of this bill ~~[revises]~~ revise the prohibition on selling or leasing real property for less than the highest appraised value to instead prohibit a board of county commissioners or a governing body of a city from, with limited exception, selling or leasing real property for less than the average of two independent appraisals if two appraisals have been obtained or the appraised value if only one appraisal has been obtained. ~~[Section]~~ Sections 3 and 7 also ~~[authorizes]~~ authorize a board of county commissioners or a governing body of a city to obtain only 1 appraisal when listing certain real property with a licensed real estate broker if the prior appraisal or appraisals were prepared more than 6 months before the real property is listed. ~~[Section]~~ Sections 2 , 5 and 6 of this bill ~~[makes]~~ make conforming changes.

Existing law requires a board of county commissioners which intends to offer real property for sale or a governing body of a city which intends to offer real property for sale or lease at auction to : (1) publish notice of the intent to offer the real property for sale or lease; and (2) accept and consider sealed bids at a public meeting of the board ~~[.]~~ or governing body, as applicable. (NRS 244.282 ~~[) Section]~~ , 268.062) Sections 4 and 8 of this bill ~~[authorizes]~~ require the notice published of the intent to offer real property at auction to be in bold face type. Sections 4 and 8 further authorize a board of county commissioners or a governing body of a city to ~~[also]~~ offer real property for sale or lease, as applicable, at auction on an Internet website or other electronic medium. If the board or governing body uses an Internet website or other electronic medium, at the next regularly scheduled meeting of the board or governing body after bidding has closed, the board or governing body is required to make a final acceptance of the highest bid or, under certain circumstances, reject ~~[the]~~ all bids and withdraw the property from sale ~~[.]~~ or lease.

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

Section 1. NRS 244.275 is hereby amended to read as follows:

244.275 1. The boards of county commissioners shall have power and jurisdiction in their respective counties:

(a) To purchase any real or personal property necessary for the use of the county.

(b) To lease any real or personal property necessary for the use of the county.

2. No purchase of real property shall be made *by a board of county commissioners* unless the value of the same has been previously appraised and fixed by one or more competent real estate appraisers ~~[to be appointed for that purpose]~~ *selected* by the ~~[county commissioners.]~~ *board from the list of appraisers established pursuant to NRS 244.2795.* The person or persons ~~[so appointed]~~ *selected* shall be sworn to make a true appraisement thereof according to the best of their knowledge and ability. Purchases of real property

from other federal, state or local governments are exempt from such requirement of appraisement.

~~*[3. A board of county commissioners may purchase real property for an amount exceeding the appraised value of the property if the board of county commissioners holds a public hearing before the purchase to discuss the reasons for exceeding the appraised value of the real property.]*~~

Sec. 2. NRS 244.2795 is hereby amended to read as follows:

244.2795 1. Except as otherwise provided in NRS 244.189, 244.276, 244.279, 244.2815, 244.2825, 244.2833, 244.2835, 244.284, 244.287, 244.290, 278.479 to 278.4965, inclusive, and subsection 3 of NRS 496.080, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on or before October 1, 2004, except if the board of county commissioners is entering into a joint development agreement for real property owned by the county to which the board of county commissioners is a party, except for a lease of residential property with a term of 1 year or less, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for the sale or lease of real property to the State or another governmental entity and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election or special election, the board of county commissioners shall, when offering any real property for sale or lease:

(a) Except as otherwise provided in this paragraph ~~[,]~~ *and paragraph (h) of subsection 1 of NRS 244.281,* obtain two independent appraisals of the real property before selling or leasing it. If the board of county commissioners holds a public hearing on the matter of the fair market value of the real property, one independent appraisal of the real property is sufficient before selling or leasing it. The appraisal or appraisals, as applicable, must have been prepared not more than 6 months before the date on which the real property is offered for sale or lease.

(b) Select the one independent appraiser or two independent appraisers, as applicable, from the list of appraisers established pursuant to subsection 2.

(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the board of county commissioners as to the qualifications of the appraiser is conclusive.

2. The board of county commissioners shall adopt by ordinance the procedures for creating or amending a list of appraisers qualified to conduct appraisals of real property offered for sale or lease by the board. The list must:

(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the real property that may be appraised; and

(b) Be organized at random and rotated from time to time.

3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income that may

constitute a conflict of interest and any relationship with the real property owner or the owner of an adjoining real property.

4. An appraiser shall not perform an appraisal on any real property for sale or lease by the board of county commissioners if:

(a) The appraiser has an interest in the real property or an adjoining property;

(b) The real property is located in a county whose population is 45,000 or more and any person who is related to the appraiser has an interest in the real property or an adjoining property and the relationship between the appraiser and the person is within the third degree of consanguinity or affinity; or

(c) The real property is located in a county whose population is less than 45,000 and any person who is related to the appraiser has an interest in the real property or an adjoining property and the relationship between the appraiser and the person is within the second degree of consanguinity or affinity.

5. If real property is sold or leased in violation of the provisions of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.

Sec. 3. NRS 244.281 is hereby amended to read as follows:

244.281 1. Except as otherwise provided in this subsection and NRS 244.189, 244.276, 244.279, 244.2815, 244.2825, 244.2833, 244.2835, 244.284, 244.287, 244.290, 278.479 to 278.4965, inclusive, and subsection 3 of NRS 496.080, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on or before October 1, 2004, except if the board of county commissioners is entering into a joint development agreement for real property owned by the county to which the board of county commissioners is a party, except for a lease of residential property with a term of 1 year or less, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election or special election:

(a) When a board of county commissioners has determined by resolution that the sale or lease of any real property owned by the county will be for purposes other than to establish, align, realign, change, vacate or otherwise adjust any street, alley, avenue or other thoroughfare, or portion thereof, or flood control facility within the county and will be in the best interest of the county, it may:

(1) Sell the *real* property in the manner prescribed for the sale of real property in NRS 244.282.

(2) Lease the *real* property in the manner prescribed for the lease of real property in NRS 244.283.

(b) Before the board of county commissioners may sell or lease any real property as provided in paragraph (a), it shall:

(1) Post copies of the resolution described in paragraph (a) in three public places in the county; and

(2) Cause to be published at least once a week for 3 successive weeks, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:

(I) A description of the real property proposed to be sold or leased in such a manner as to identify it;

(II) The minimum price, if applicable, of the real property proposed to be sold or leased; and

(III) The places at which the resolution described in paragraph (a) has been posted pursuant to subparagraph (1), and any other places at which copies of that resolution may be obtained.

➥ If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.

(c) Except as otherwise provided in this paragraph ~~[,]~~ *and paragraph (h),* if the board of county commissioners by its resolution further finds that the *real* property to be sold or leased is worth more than $1,000, the board shall appoint two or more disinterested, competent real estate appraisers pursuant to NRS 244.2795 to appraise the *real* property. If the board of county commissioners holds a public hearing on the matter of the fair market value of the property, one disinterested, competent appraisal of the *real* property is sufficient before selling or leasing it. Except for *real* property acquired pursuant to NRS 371.047, the board of county commissioners shall not sell or lease it for less than ~~[the highest appraised value.]~~ *:*

(1) If two independent appraisals were obtained, the average of the appraisals of the real property.

(2) If only one independent appraisal was obtained, the appraised value of the real property.

(d) If the *real* property is appraised at $1,000 or more, the board of county commissioners may:

(1) Lease the *real* property; or

(2) Sell the *real* property either for cash or for not less than 25 percent cash down and upon deferred payments over a period of not more than 10 years, secured by a mortgage or deed of trust, bearing such interest and upon such further terms as the board of county commissioners may specify.

(e) A board of county commissioners may sell or lease any real property owned by the county without complying with the provisions of NRS 244.282 or 244.283 to:

(1) A person who owns real property located adjacent to the real property to be sold or leased if the board has determined by resolution that the sale will be in the best interest of the county and the real property is a:

(I) Remnant that was separated from its original parcel due to the construction of a street, alley, avenue or other thoroughfare, or portion thereof, flood control facility or other public facility;

(II) Parcel that, as a result of its size, is too small to establish an economically viable use by anyone other than the person who owns real property adjacent to the real property for sale or lease; or

(III) Parcel which is subject to a deed restriction prohibiting the use of the real property by anyone other than the person who owns real property adjacent to the real property for sale or lease.

(2) The State or another governmental entity if:

(I) The sale or lease restricts the use of the real property to a public use; and

(II) The board adopts a resolution finding that the sale or lease will be in the best interest of the county.

(f) A board of county commissioners that disposes of real property pursuant to paragraph (d) is not required to offer to reconvey the real property to the person from whom the real property was received or acquired by donation or dedication.

(g) If real property that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the real property, the board of county commissioners may offer the real property for sale or lease a second time pursuant to this section. ~~[If there is a material change relating to the title, zoning or an ordinance governing the use of the real property, the]~~ *The* board of county commissioners must obtain a new appraisal *or appraisals, as applicable,* of the real property pursuant to the provisions of NRS 244.2795 before offering the real property for sale or lease a second time ~~[.]~~ *if:*

(1) There is a material change relating to the title, zoning or an ordinance governing the use of the real property; or

(2) The appraisal or appraisals, as applicable, were prepared more than 6 months before the date on which the real property is offered for sale or lease the second time.

(h) If real property that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the real property, the board of county commissioners may list the real property for sale or lease at the appraised value *or average of the appraised value if two or more appraisals were obtained, as applicable,* with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the real property or an adjoining property. *If the appraisal or appraisals, as applicable, were prepared more than 6 months before the date on which the real property is listed with a licensed real estate broker, the board of county commissioners must obtain one new appraisal of the real property pursuant to the provisions of NRS 244.2795 before listing the real property for sale or lease at the new appraised value.*

2. If real property is sold or leased in violation of the provisions of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.

3. As used in this section, "flood control facility" has the meaning ascribed to it in NRS 244.276.

Sec. 4. NRS 244.282 is hereby amended to read as follows:

244.282 1. Except as otherwise provided in NRS 244.279, before ordering the sale at auction of any real property, the board shall, in open meeting by a majority vote of the members, adopt a resolution declaring its intention to sell the *real* property at auction. The resolution must:

(a) Describe the *real* property proposed to be sold in such a manner as to identify it.

(b) Specify the minimum price and the terms upon which it will be sold.

(c) Fix a time, not less than 3 weeks thereafter, for ~~[a]~~ *the auction to be held:*

(1) At a public meeting of the board ~~[to be held]~~ at its regular place of meeting, at which sealed bids will be received and considered ~~[.]~~ *; or*

(2) On an Internet website or other electronic medium.

(d) If the auction is to be held on an Internet website or other electronic medium, specify:

(1) The Internet website or other electronic medium;

(2) The manner in which electronic bids will be accepted; and

(3) The period during which bids will be accepted.

2. Notice of the adoption of the resolution and of the time , ~~[and]~~ place *and manner* of holding the ~~[meeting]~~ *auction* must be given by:

(a) Posting copies of the resolution in three public places in the county not less than 15 days before the date of the meeting; and

(b) Causing to be published at least once a week for 3 successive weeks before the ~~[meeting,]~~ *auction*, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth ~~[:]~~ *in bold face type:*

(1) A description of the real property proposed to be sold at auction in such a manner as to identify it;

(2) The minimum price of the real property proposed to be sold at auction; and

(3) The places at which the resolution described in subsection 1 has been posted pursuant to paragraph (a), and any other places at which copies of that resolution may be obtained.

➥ If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.

3. *If the auction is held at a meeting of the board:*

(a) At the time and place fixed in the resolution for the meeting of the board, all sealed bids which have been received must, in public session, be opened, examined and declared by the board. Of the proposals submitted which conform to all terms and conditions specified in the resolution of intention to sell and which are made by responsible bidders, the bid which is the highest must be finally accepted, unless a higher oral bid is accepted or the board rejects all bids.

~~[4.]~~ *(b)* Before accepting any written bid, the board shall call for oral bids. If, upon the call for oral bidding, any responsible person offers to buy the *real* property upon the terms and conditions specified in the resolution, for a price exceeding by at least 5 percent the highest written bid, then the highest oral bid which is made by a responsible person must be finally accepted.

~~[5.]~~ *(c)* The ~~[final acceptance by the]~~ board may ~~[be made]~~ either at the same session or at any adjourned session of the same meeting held within the *next* 10 *business* days ~~[next following.~~

~~6. The board may, either at the same session or at any adjourned session of the same meeting held within the 10 days next following, if it]~~ *:*

(1) Make a final acceptance of the highest bid; or

(2) Reject any and all bids, either written or oral, and withdraw the real property from sale if the board deems such action to be for the best public interest.

4. If the auction is held on the Internet or other electronic medium:

(a) At the time and place fixed in the resolution for holding the auction, any person may submit a bid in the manner and on the Internet website or other electronic medium specified in the resolution. Bidding must remain open for the period of time specified in the resolution.

(b) The county and the employees of the county are not liable for the failure of a computer, laptop or tablet computer, smartphone or any other electronic medium or device, including, without limitation, hardware, software or application, computer network or Internet website, which prevents a person from participating in the auction.

(c) The board shall, at the next regularly scheduled meeting of the board after bidding has closed:

(1) Make a final acceptance of the highest bid; or

(2) If the board deems the action to be for the best public interest, reject any and all bids ~~[, either written or oral,]~~ and withdraw the *real* property from sale.

~~[7.]~~ *5.* Any resolution of acceptance of any bid made by the board must authorize and direct the chair to execute a deed and to deliver it upon performance and compliance by the purchaser with all the terms or conditions of the purchaser's contract which are to be performed concurrently therewith.

~~[8.]~~ *6.* All money received from sales of real property must be deposited forthwith with the county treasurer to be credited to the county general fund.

~~[9.]~~ *7.* The board may require any person requesting that real property be sold pursuant to the provisions of this section to deposit a sufficient amount of money to pay the costs to be incurred by the board in acting upon the application, including the costs of publication and the expenses of appraisal. This deposit must be refunded whenever the person making the deposit is not the successful bidder. The costs of acting upon the application, including the costs of publication and the expenses of appraisal ~~[,]~~ *and any related costs,* must be borne by the successful bidder.

~~[10.]~~ *8.* If real property is sold in violation of the provisions of this section:

(a) The sale is void; and

(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale.

Sec. 5. NRS 266.267 is hereby amended to read as follows:

266.267 1. A city council shall not enter into a lease of real property owned by the city for a term of 3 years or longer or enter into a contract for the sale of real property until after the property has been appraised pursuant to NRS 268.059. Except as otherwise provided in this section, paragraph (a) of subsection 1 of NRS 268.050 and subsection 3 of NRS 496.080:

(a) The sale or lease of real property must be made in the manner required pursuant to NRS 268.059, 268.061 and 268.062; and

(b) A lease or sale must be made at or above the ~~[highest]~~ appraised value of the real property *or average of the appraised value if two or more appraisals were obtained* as determined pursuant to the appraisal *or appraisals, as applicable,* conducted pursuant to NRS 268.059.

2. The city council may sell or lease real property for less than its appraised value *or average of the appraised value, as applicable,* to any person who maintains or intends to maintain a business within the boundaries of the city which is eligible pursuant to NRS 374.357 for an abatement from the sales and use taxes imposed pursuant to chapter 374 of NRS.

Sec. 6. NRS 268.059 is hereby amended to read as follows:

268.059 1. Except as otherwise provided in NRS 268.048 to 268.058, inclusive, 268.064, 278.479 to 278.4965, inclusive, and subsection 4 of NRS 496.080, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party, except for a lease of residential property with a term of 1 year or less, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for the sale or lease of real property to the State or another governmental entity and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election, primary or general city election or special

election, the governing body shall, when offering any real property for sale or lease:

(a) Except as otherwise provided in this paragraph ~~[,]~~ *and paragraph (h) of subsection 1 of NRS 268.061,* obtain two independent appraisals of the real property before selling or leasing it. If the governing body holds a public hearing on the matter of the fair market value of the real property, one independent appraisal of the real property is sufficient before selling or leasing it. The appraisal or appraisals, as applicable, must be based on the zoning of the real property as set forth in the master plan for the city and must have been prepared not more than 6 months before the date on which real property is offered for sale or lease.

(b) Select the one independent appraiser or two independent appraisers, as applicable, from the list of appraisers established pursuant to subsection 2.

(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the governing body as to the qualifications of the appraiser is conclusive.

2. The governing body shall adopt by ordinance the procedures for creating or amending a list of appraisers qualified to conduct appraisals of real property offered for sale or lease by the governing body. The list must:

(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the real property that may be appraised; and

(b) Be organized at random and rotated from time to time.

3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income of the appraiser that may constitute a conflict of interest and any relationship of the appraiser with the property owner or the owner of an adjoining property.

4. An appraiser shall not perform an appraisal on any real property offered for sale or lease by the governing body if:

(a) The appraiser has an interest in the real property or an adjoining property;

(b) The real property is located in a city in a county whose population is 45,000 or more and any person who is related to the appraiser has an interest in the real property or an adjoining property and the relationship between the appraiser and the person is within the third degree of consanguinity or affinity; or

(c) The real property is located in a city in a county whose population is less than 45,000 and any person who is related to the appraiser has an interest in the real property or an adjoining property and the relationship between the appraiser and the person is within the second degree of consanguinity or affinity.

5. If real property is sold or leased in violation of the provisions of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.

Sec. 7. NRS 268.061 is hereby amended to read as follows:

268.061 1. Except as otherwise provided in this subsection and NRS 268.048 to 268.058, inclusive, 268.063, 268.064, 278.479 to 278.4965, inclusive, and subsection 4 of NRS 496.080, except as otherwise provided by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party, except for a lease of residential property with a term of 1 year or less, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election, primary or general city election or special election:

(a) If a governing body has determined by resolution that the sale or lease of any real property owned by the city will be in the best interest of the city, it may sell or lease the real property in the manner prescribed for the sale or lease of real property in NRS 268.062.

(b) Before the governing body may sell or lease any real property as provided in paragraph (a), it shall:

(1) Post copies of the resolution described in paragraph (a) in three public places in the city; and

(2) Cause to be published at least once a week for 3 successive weeks, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:

(I) A description of the real property proposed to be sold or leased in such a manner as to identify it;

(II) The minimum price, if applicable, of the real property proposed to be sold or leased; and

(III) The places at which the resolution described in paragraph (a) has been posted pursuant to subparagraph (1), and any other places at which copies of that resolution may be obtained.

➥ If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.

(c) If the governing body by its resolution finds additionally that the real property to be sold is worth more than $1,000, the governing body shall, as applicable, conduct an appraisal or appraisals pursuant to NRS 268.059 to determine the value of the real property. Except for real property acquired pursuant to NRS 371.047, the governing body shall not sell or lease it for less than ~~[the highest appraised value.]~~ :

(1) If two independent appraisals were obtained, the average of the appraisals of the real property.

(2) If only one independent appraisal was obtained, the appraised value of the real property.

(d) If the real property is appraised at $1,000 or more, the governing body may:

(1) Lease the real property; or

(2) Sell the real property for:

(I) Cash; or

(II) Not less than 25 percent cash down and upon deferred payments over a period of not more than 10 years, secured by a mortgage or deed of trust bearing such interest and upon such further terms as the governing body may specify.

(e) A governing body may sell or lease any real property owned by the city without complying with the provisions of this section and NRS 268.059 and 268.062 to:

(1) A person who owns real property located adjacent to the real property to be sold or leased if the governing body has determined by resolution that the sale or lease will be in the best interest of the city and the real property is a:

(I) Remnant that was separated from its original parcel due to the construction of a street, alley, avenue or other thoroughfare, or portion thereof, flood control facility or other public facility;

(II) Parcel that, as a result of its size, is too small to establish an economically viable use by anyone other than the person who owns real property adjacent to the real property offered for sale or lease; or

(III) Parcel which is subject to a deed restriction prohibiting the use of the real property by anyone other than the person who owns real property adjacent to the real property offered for sale or lease.

(2) The State or another governmental entity if:

(I) The sale or lease restricts the use of the real property to a public use; and

(II) The governing body adopts a resolution finding that the sale or lease will be in the best interest of the city.

(f) A governing body that disposes of real property pursuant to paragraph (e) is not required to offer to reconvey the real property to the person from whom the real property was received or acquired by donation or dedication.

(g) If real property that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the real property, the governing body may offer the real property for sale or lease a second time pursuant to this section. ~~[If there is a material change relating to the title, zoning or an ordinance governing the use of the real property, the]~~ *The* governing body must obtain a new appraisal *or appraisals,*

as applicable, of the real property pursuant to the provisions of NRS 268.059 before offering the real property for sale or lease a second time ~~[.]~~ *if:*

(1) There is a material change relating to the title, zoning or an ordinance governing the use of the real property; or

(2) The appraisal or appraisals, as applicable, were prepared more than 6 months before the date on which the real property is offered for sale or lease the second time.

(h) If real property that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the real property, the governing body may list the real property for sale or lease at the appraised value *or average of the appraised value if two or more appraisals were obtained, as applicable,* with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the real property or an adjoining property. *If the appraisal or appraisals, as applicable, were prepared more than 6 months before the date on which the real property is listed with a licensed real estate broker, the governing body must obtain one new appraisal of the real property pursuant to the provisions of NRS 268.059 before listing the real property for sale or lease at the new appraised value.*

2. If real property is sold or leased in violation of the provisions of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.

Sec. 8. NRS 268.062 is hereby amended to read as follows:

268.062 1. Except as otherwise provided in this section and NRS 268.048 to 268.058, inclusive, 268.063, 268.064, 278.479 to 278.4965, inclusive, and subsection 4 of NRS 496.080, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party, except for a lease of residential property with a term of 1 year or less, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election, the governing body shall, in open meeting by a majority vote of the members and before ordering the sale or lease at auction of any real property, adopt a resolution declaring its intention to sell or lease the *real* property at auction. The resolution must:

(a) Describe the *real* property proposed to be sold or leased in such a manner as to identify it;

(b) Specify the minimum price and the terms upon which the *real* property will be sold or leased; and

(c) Fix a time, not less than 3 weeks thereafter, for ~~[a]~~ *the auction to be held:*

(1) At a public meeting of the governing body ~~[to be held]~~ at its regular place of meeting, at which sealed bids will be received and considered ~~[.]~~ *; or*

(2) On an Internet website or other electronic medium.

(d) If the auction is to be held on an Internet website or other electronic medium, specify:

(1) The Internet website or other electronic medium;

(2) The manner in which electronic bids will be accepted; and

(3) The period during which bids will be accepted.

2. Notice of the adoption of the resolution and of the time , ~~[and]~~ place *and manner* of holding the ~~[meeting]~~ *auction* must be given by:

(a) Posting copies of the resolution in three public places in the county not less than 15 days before the date of the meeting; and

(b) Causing to be published at least once a week for 3 successive weeks before the ~~[meeting,]~~ *auction,* in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth ~~[:]~~ *in bold face type:*

(1) A description of the real property proposed to be sold or leased at auction in such a manner as to identify it;

(2) The minimum price of the real property proposed to be sold or leased at auction; and

(3) The places at which the resolution described in subsection 1 has been posted pursuant to paragraph (a), and any other places at which copies of that resolution may be obtained.

➥ If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.

3. *If the auction is held at a meeting of the governing body:*

(a) At the time and place fixed in the resolution for the meeting of the governing body, all sealed bids which have been received must, in public session, be opened, examined and declared by the governing body. Of the proposals submitted which conform to all terms and conditions specified in the resolution of intention to sell or lease and which are made by responsible bidders, the bid which is the highest must be finally accepted, unless a higher oral bid is accepted or the governing body rejects all bids.

~~[4.]~~ *(b)* Before accepting any written bid, the governing body shall call for oral bids. If, upon the call for oral bidding, any responsible person offers to buy or lease the *real* property upon the terms and conditions specified in the resolution, for a price exceeding by at least 5 percent the highest written bid, then the highest oral bid which is made by a responsible person must be finally accepted.

~~[5.]~~ *(c)* The ~~[final acceptance by the]~~ governing body may , ~~[be made]~~ either at the same session or at any adjourned session of the same meeting held within the *next* 21 days ~~[next following.~~

~~6. The governing body may, either at the same session or at any adjourned session of the same meeting held within the 21 days next following, if it]~~ :

(1) Make a final acceptance of the highest bid; or

(2) Reject any and all bids, either written or oral, and withdraw the real property from sale if the governing body deems such action to be for the best public interest.

4. If the auction is held on an Internet website or other electronic medium:

(a) At the time and place fixed in the resolution for holding the auction, any person may submit a bid in the manner and on the Internet website or other electronic medium specified in the resolution. Bidding must remain open for the period of time specified in the resolution.

(b) The city and employees of the city are not liable for the failure of a computer, laptop or tablet computer, smartphone or any other electronic medium or device, including, without limitation, hardware, software or application, computer network or Internet website, which prevents a person from participating in an auction.

(c) The governing body shall, at the next regularly scheduled meeting of the governing body after bidding has closed:

(1) Make a final acceptance of the highest bid; or

(2) If the governing body deems the action to be for the best public interest, reject any and all bids ~~[, either written or oral,]~~ and withdraw the *real* property from sale or lease.

~~[7.]~~ *5.* Any resolution of acceptance of any bid made by the governing body must authorize and direct the chair of the governing body to execute a deed or lease and to deliver it upon performance and compliance by the purchaser or lessor with all the terms or conditions of the contract which are to be performed concurrently therewith.

~~[8.]~~ *6.* The governing body may require any person requesting that real property be sold pursuant to the provisions of this section to deposit a sufficient amount of money to pay the costs to be incurred by the governing body in acting upon the application, including the costs of publication and the expenses of appraisal. This deposit must be refunded whenever the person making the deposit is not the successful bidder. The costs of acting upon the application, including the costs of publication and the expenses of appraisal ~~[,]~~ *and any related costs*, must be borne by the successful bidder.

~~[9.]~~ *7.* If real property is sold or leased in violation of the provisions of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Amendment No. 21 relates to the purchase, sale or lease of real property by a board of county commissioners. The amendment makes three changes to Senate Bill No. 36. It provides cities the same authority the bill gives to counties and requires that the auction notice in the newspaper must be in bold-face type. The bill deletes the provision allowing a board of county commissioners to purchase real property for an amount exceeding the appraised value of the property. I encourage your support.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 44.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 11.

SUMMARY—Revises provisions of the Uniform Unclaimed Property Act. (BDR 10-480)

AN ACT relating to unclaimed property; adopting provisions of the 2016 Revised Uniform Unclaimed Property Act; providing penalties for making fraudulent claims; permitting interagency information sharing under certain conditions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill revises Nevada's Uniform Unclaimed Property Act to reflect changes adopted by the Uniform Law Commission in the 2016 Revised Uniform Unclaimed Property Act (RUUPA). (Chapter 120A of NRS) Section 4 of this bill permits the Administrator of Unclaimed Property to enter into interagency agreements to protect confidential information shared with other agencies and to otherwise help locate apparent owners of abandoned property. Sections 5 and 6 of this bill provide penalties relating to fraudulent claims for unclaimed property. Sections 2 and 3 of this bill add the definitions of "payroll card" and "stored-value card," respectively. Section 8 of this bill expands the definition of "holder." Section 9 of this bill revises the definition of "money order." Section 10 of this bill expands and revises the definition of "property." Section 11 of this bill revises the method for determining whether certain property is abandoned. Section 12 of this bill: (1) permits the holder of property that is presumed to be abandoned to contract with a third party to file reports with the Administrator but does not relieve the holder from liability for proper reporting, transfer of the property and any penalties, interest and fees under the law; and (2) revises requirements governing the reports and payments which must be provided to the Administrator. Section 13 of this bill revises provisions governing the disposition of money in the Abandoned Property Trust Account ~~[.]~~ to the Millennium Scholarship Trust Fund under certain circumstances. Section 14 of this bill provides that property held by the Administrator is subject to claims for certain debts, including, without limitation, child support, civil and criminal fines or penalties imposed by an administrative agency or court, and state and local taxes, penalties and interest. Section 15 of this bill provides a penalty for failing to properly file a report of

abandoned property and properly make payments through the State business portal. Section 16 of this bill provides that ~~[the bill is]~~ sections 1-12 and 14-16 of this bill become effective on July 1, 2019 ~~[.]~~ , and section 13 becomes effective on July 1, 2022.

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

Section 1. Chapter 120A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *"Payroll card" means a record that evidences a payroll card account, as defined in Regulation E, 12 C.F.R. Part 1005, as amended, adopted pursuant to the federal Electronic Fund Transfer Act, as amended, 15 U.S.C. §§ 1693 et seq.*

Sec. 3. *1. "Stored-value card" means a record evidencing a promise made for consideration by the seller or issuer of the record that goods, services or money will be provided to the owner of record to the value or amount shown in the record.*

2. The term includes:

(a) A record that contains or consists of a microprocessor chip, magnetic strip or other means for the storage of information which is prefunded and whose value or amount is decreased on each use and increased by payment of additional consideration; and

(b) A payroll card.

3. The term does not include a loyalty card or game-related digital content.

Sec. 4. *1. In order to facilitate the return of property under this chapter, the Administrator may enter into cooperative agreements with an agency from this State concerning the protection of shared confidential information, rules for data matching and other issues. Upon the execution of such an agreement, the Administrator may provide to the agency with which the Administrator has entered the cooperative agreement information regarding the apparent owners of unclaimed or abandoned property pursuant to this chapter, including, without limitation, the name and social security number of the apparent owner. An agency that has entered into a cooperative agreement with the Administrator pursuant to this section shall notify the Administrator of the last known address of each apparent owner for which information was provided to the agency pursuant to this section, except as prohibited by federal law.*

2. The Administrator may adopt regulations to facilitate delivery of property or pay the amount owing to an apparent owner matched under this section without filing a claim. Such regulations must set forth the conditions for such payment.

Sec. 5. *Any person ~~[fraudulently claiming or attempting to]~~ who knowingly makes a fraudulent claim from the Administrator on the property of another with the intent to deprive that person of the property shall be punished:*

1. Where the value of the property involved is $650 or more, for a category C felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. Where the value of the property is less than $650, for a misdemeanor.

Sec. 6. *A person is guilty of a misdemeanor:*

1. If the person knowingly makes or causes to be made, either directly or indirectly, or through any agency whatsoever, any false statement in writing, with the intent that it be relied upon, respecting the right to claim property or money held by the Administrator, for the purpose of procuring the delivery of such property or money, for the benefit of either himself or herself or of another person; or

2. If the person, knowing that a false statement in writing has been made respecting the right to claim property held by the Administrator, procures upon the faith thereof, the delivery of such property or money for the benefit of either himself or herself or of another person.

Sec. 7. NRS 120A.020 is hereby amended to read as follows:

120A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 120A.025 to 120A.120, inclusive, *and sections 2 and 3 of this act* have the meanings ascribed to them in those sections.

Sec. 8. NRS 120A.080 is hereby amended to read as follows:

120A.080 "Holder" means a person *or business* obligated *, or assumed to be obligated,* to hold for the account of, or deliver or pay to, the owner property that is subject to this chapter.

Sec. 9. NRS 120A.098 is hereby amended to read as follows:

120A.098 "Money order" *means an order for payment of a specified amount of money. The term* includes an express money order and a personal money order, on which the remitter is the purchaser. The term does not include a bank money order or any other instrument sold by a financial organization if the seller has obtained the name and address of the payee.

Sec. 10. NRS 120A.113 is hereby amended to read as follows:

120A.113 *1.* "Property" means tangible property described in NRS 120A.510 or a fixed and certain interest in intangible property that is held, issued or owed in the course of a holder's business or by a government, governmental subdivision, agency or instrumentality . ~~[, and all income or increments therefrom.]~~

2. The term includes, without limitation ~~[, property]~~ *:*

(a) All income from or increments to the property.

(b) Property that is referred to as or evidenced by:

~~[1. Money or a check, draft, deposit, interest or dividend;~~

~~2.]~~ *(1) Money, virtual currency or interest, or a payroll card, dividend, check, draft or deposit;*

(2) A credit balance, customer's overpayment, *stored-value card,* security deposit, refund, credit memorandum, unpaid wage, *unused ticket for which the*

issuer has an obligation to provide a refund, mineral proceeds or unidentified remittance;

~~[3. Stock or other evidence of ownership of an interest in a business association or financial organization;~~

~~4.]~~ *(3) A security, except for a security that is subject to a lien, legal hold or restriction evidenced on the records of the holder or imposed by operation of law, if the lien, legal hold or restriction restricts the holder's or owner's ability to receive, transfer, sell or otherwise negotiate the security;*

(4) A bond, debenture, note or other evidence of indebtedness;

~~[5.]~~ *(5)* Money deposited to redeem ~~[stocks, bonds, coupons or other securities or to make distributions;~~

~~6.]~~ *a security, make a distribution or pay a dividend;*

(6) An amount due and payable under the terms of an annuity or insurance policy *;* ~~[, including policies providing life insurance, property and casualty insurance, workers' compensation insurance or health and disability insurance;]~~ and

~~[7.]~~ *(7)* An amount distributable from a trust or custodial fund established under a plan to provide health, welfare, pension, vacation, severance, retirement, death, stock purchase, profit sharing, employee savings, supplemental unemployment insurance or similar benefits.

3. The term does not include:

(a) Property held in an ABLE account described in section 529A of the Internal Revenue Code, 26 U.S.C. § 529A;

(b) Game-related digital content; or

(c) A loyalty card.

Sec. 11. NRS 120A.500 is hereby amended to read as follows:

120A.500 1. Except as otherwise provided in subsections 6 and 7, property is presumed abandoned if it is unclaimed by the apparent owner during the time set forth below for the particular property:

(a) A traveler's check, 15 years after issuance;

(b) A money order, 7 years after issuance;

(c) Any stock or other equity interest in a business association or financial organization, including a security entitlement under NRS 104.8101 to 104.8511, inclusive, 3 years after the earlier of the date of the most recent dividend, stock split or other distribution unclaimed by the apparent owner, or the date of the second mailing of a statement of account or other notification or communication that was returned as undeliverable or after the holder discontinued mailings, notifications or communications to the apparent owner;

(d) Any debt of a business association or financial organization, other than a bearer bond or an original issue discount bond, 3 years after the date of the most recent interest payment unclaimed by the apparent owner;

(e) A demand, savings or time deposit, including a deposit that is automatically renewable, 3 years after the earlier of maturity or the date of the last indication by the owner of interest in the property, but a deposit that is automatically renewable is deemed matured for purposes of this section upon

its initial date of maturity, unless the owner has consented to a renewal at or about the time of the renewal and the consent is in writing or is evidenced by a memorandum or other record on file with the holder;

(f) Except as otherwise provided in NRS 120A.520, any money or credits owed to a customer as a result of a retail business transaction, 3 years after the obligation accrued;

(g) Any amount owed by an insurer on a life or endowment insurance policy or an annuity that has matured or terminated, 3 years after the obligation to pay arose ~~[or, in the case of a policy or annuity payable upon proof of death, 3 years after the]~~ *under the terms of the policy or contract or, if a policy or contract for which payment is owed on proof of death has not matured by proof of death of the insured or annuitant:*

(1) With respect to an amount owed for a life or endowment insurance policy, 3 years after the earlier of the date:

(I) The insurance company has knowledge of the death of the insured; or

(II) The insured has attained, or would have attained if living, the limiting age under the mortality table on which the reserve is based; *and*

(2) With respect to an amount owed on an annuity contract, 3 years after the date the insurance company has knowledge of the death of the annuitant;

(h) Any property distributable by a business association or financial organization in a course of dissolution, 1 year after the property becomes distributable;

(i) Any property received by a court as proceeds of a class action and not distributed pursuant to the judgment, 1 year after the distribution date;

(j) Except as otherwise provided in NRS 607.170 and 703.375, any property held by a court, government, governmental subdivision, agency or instrumentality, 1 year after the property becomes distributable;

(k) Any wages or other compensation for personal services, 1 year after the compensation becomes payable;

(l) A deposit or refund owed to a subscriber by a utility, 1 year after the deposit or refund becomes payable;

(m) Any property in an individual retirement account, defined benefit plan or other account or plan that is qualified for tax deferral under the income tax laws of the United States, 3 years after the ~~[earliest of the date of the distribution or attempted distribution of the property, the date of the required distribution as stated in the plan or trust agreement governing the plan or the date, if determinable by the holder, specified in the income tax laws of the United States by which distribution of the property must begin in order to avoid a tax penalty; and]~~ *later of:*

(1) The date determined as follows:

(I) Except as otherwise provided in sub-subparagraph (II), the date a second consecutive communication sent by the holder by first-class United States mail to the apparent owner is returned to the holder undelivered by the United States Postal Service; or

(II) If the second communication is sent later than 30 days after the date the first communication is returned undelivered, the date the first communication was returned undelivered by the United States Postal Service; or

(2) The earlier of the following dates:

(I) The date the apparent owner becomes 70.5 years of age, if determinable by the holder; or

(II) If the Internal Revenue Code requires distribution to avoid a tax penalty, 2 years after the date the holder receives, in the ordinary course of business, confirmation of the death of the apparent owner;

(n) *An account of funds established to meet the costs of burial, 3 years after the earlier of:*

(1) The date of death of the beneficiary; or

(2) If the holder does not know whether the beneficiary is deceased, the date the beneficiary has attained, or would have attained if living, the age of 105 years; and

(o) All other property, 3 years after the owner's right to demand the property or after the obligation to pay or distribute the property arises, whichever first occurs.

2. At the time that an interest is presumed abandoned under subsection 1, any other property right accrued or accruing to the owner as a result of the interest, and not previously presumed abandoned, is also presumed abandoned.

3. Property is unclaimed if, for the applicable period set forth in subsection 1 or 7, as applicable, the apparent owner has not communicated, in writing or by other means reflected in a contemporaneous record prepared by or on behalf of the holder, with the holder concerning the property or the account in which the property is held and has not otherwise indicated an interest in the property. A communication with an owner by a person other than the holder or its representative who has not in writing identified the property to the owner is not an indication of interest in the property by the owner.

4. An indication of an owner's interest in property includes:

(a) The presentment of a check or other instrument of payment of a dividend or other distribution made with respect to an account or underlying stock or other interest in a business association or financial organization or, in the case of a distribution made by electronic or similar means, evidence that the distribution has been received;

(b) Owner-directed activity in the account in which the property is held, including a direction by the owner to increase, decrease or change the amount or type of property held in the account;

(c) The making of a deposit to or withdrawal from a bank account; and

(d) The payment of a premium with respect to a property interest in an insurance policy, but the application of an automatic premium loan provision or other nonforfeiture provision contained in an insurance policy does not prevent a policy from maturing or terminating if the insured has died or the

insured or the beneficiary of the policy has otherwise become entitled to the proceeds before the depletion of the cash surrender value of a policy by the application of those provisions.

5. Property is payable or distributable for purposes of this chapter notwithstanding the owner's failure to make demand or present an instrument or document otherwise required to obtain payment.

6. The following property clearly designated as such must not be presumed abandoned because of inactivity or failure to make a demand:

(a) An account or asset managed through a guardianship;

(b) An account blocked at the direction of a court;

(c) A trust account established to address a special need;

(d) A qualified income trust account;

(e) A trust account established for tuition purposes; *and*

(f) A trust account established on behalf of a client . ~~[; and~~

~~(g) An account or fund established to meet the costs of burial.]~~

7. For property described in paragraphs (c) to (f), inclusive, and ~~[(n)]~~ *(o)* of subsection 1, the 3-year period described in each of those paragraphs must be reduced to a 2-year period if the holder of the property reported more than $10 million in property presumed abandoned on the holder's most recent report of abandoned property made pursuant to NRS 120A.560.

Sec. 12. NRS 120A.560 is hereby amended to read as follows:

120A.560 1. A holder of property presumed abandoned shall make a report to the Administrator concerning the property.

2. *A holder may contract with a third party, including, without limitation, a transfer agent, to make the report required by subsection 1.*

3. Whether or not a holder contracts with a third party pursuant to subsection 2, the holder is responsible:

(a) To the Administrator for the complete, accurate and timely reporting of property presumed abandoned;

(b) For paying or delivering to the Administrator the property described in the report; and

(c) For any penalties, interest and fees due pursuant to NRS 120A.730.

4. The report must ~~[be verified and must]~~ contain:

(a) A description of the property;

(b) Except with respect to a traveler's check or money order, the name, if known, and last known address, if any, and the social security number or taxpayer identification number, if readily ascertainable, of the apparent owner of property *;* ~~[of the value of $50 or more;]~~

(c) In the case of an amount ~~[of $50 or more]~~ held or owing under an annuity or a life or endowment insurance policy, the full name and last known address of the annuitant or insured and of the beneficiary;

(d) In the case of property held in a safe-deposit box or other safekeeping depository, an indication of the ~~[place where it is held]~~ *location of the property* and where it may be inspected by the Administrator and any amounts owing to the holder;

(e) The date ~~[, if any, on which the property became payable, demandable or returnable and the date of the last transaction with the apparent owner with respect to the property;]~~ *identified in subsection 1 of NRS 120A.500 from which the length of time required in subsection 1 or 7 of NRS 120A.500 must be measured to determine whether the property is presumed abandoned pursuant to NRS 120A.500 or, if the property is a gift certificate, the date identified in subsection 1 of NRS 120A.520, as applicable;* and

(f) Other information that the Administrator by regulation prescribes as necessary for the administration of this chapter.

~~[3.]~~ *5.* If a holder of property presumed abandoned is a successor to another person who previously held the property for the apparent owner or the holder has changed its name while holding the property, the holder shall file with the report its former names, if any, and the known names and addresses of all previous holders of the property.

~~[4. The]~~

6. Except as otherwise provided in subsection 7, the report must be filed before November 1 of each year and cover the 12 months next preceding July 1 of that year . ~~[, but a]~~

7. A report with respect to an insurance company must be filed before May 1 of each year for the *immediately preceding* calendar year . ~~[next preceding.~~

~~5.]~~ *8.* The holder of property presumed abandoned shall send written notice to the apparent owner, not more than 120 days or less than 60 days before filing the report, stating that the holder is in possession of property subject to this chapter ~~[,]~~ if:

(a) The holder has in its records an address for the apparent owner which the holder's records do not disclose to be ~~[inaccurate;]~~ *invalid and is sufficient to direct delivery of first-class United States mail to the apparent owner; and*

(b) ~~[The claim of the apparent owner is not barred by a statute of limitations; and~~

~~(c)]~~ The value of the property is $50 or more.

➥ *If a holder is required to send written notice to the apparent owner pursuant to this subsection and the apparent owner has consented to receive delivery from the holder by electronic mail, as defined in NRS 41.715, the holder shall send the notice by first-class United States mail to the apparent owner's last known mailing address, as described in paragraph (a), and by electronic mail, unless the holder believes the apparent owner's electronic mail address is invalid.*

~~[6.]~~ *9.* Before the date for filing the report, the holder of property presumed abandoned may request the Administrator to extend the time for filing the report. The Administrator may grant the extension for good cause. The holder, upon receipt of the extension, may make an interim payment on the amount the holder estimates will ultimately be due, which terminates the accrual of additional interest on the amount paid.

~~[7.]~~ *10.* The holder of property presumed abandoned shall file with the report an affidavit stating that the holder has complied with subsection ~~[5.]~~ *8*.

~~[8. The Administrator may require the report to be filed electronically in the manner determined by the Administrator.]~~

11. Except as otherwise provided in subsection 12, the holder of property presumed abandoned shall, through a business portal established by the Administrator, electronically file the report and make the payment of the total amount due.

12. The Administrator may waive the requirement to file the report and make the payment electronically for good cause shown by the holder. The holder must request the waiver on or before the deadline established by the Administrator.

Sec. 13. NRS 120A.620 is hereby amended to read as follows:

120A.620 1. There is hereby created in the State General Fund the Abandoned Property Trust Account.

2. All money received by the Administrator under this chapter, including the proceeds from the sale of abandoned property, must be deposited by the Administrator in the State General Fund for credit to the Account.

3. Before making a deposit, the Administrator shall record the name and last known address of each person appearing from the holders' reports to be entitled to the abandoned property and the name and last known address of each insured person or annuitant, and with respect to each policy or contract listed in the report of an insurance company, its number, the name of the company and the amount due. The record must be available for public inspection at all reasonable business hours.

4. The Administrator may pay from money available in the Account:

(a) Any costs in connection with the sale of abandoned property.

(b) Any costs of mailing and publication in connection with any abandoned property.

(c) Reasonable service charges.

(d) Any costs incurred in examining the records of a holder and in collecting the abandoned property.

(e) Any valid claims filed pursuant to this chapter.

5. Except as otherwise provided in NRS 120A.610, by the end of each fiscal year, the balance in the Account must be transferred as follows:

(a) The first $7,600,000 each year must be transferred to the Millennium Scholarship Trust Fund created by NRS 396.926.

(b) The remainder must be transferred to the ~~[State General Fund,]~~ *Millennium Scholarship Trust Fund created by NRS 396.926, unless the Office of the State Treasurer determines that the Millennium Scholarship Trust Fund is self-sustaining, in which case the remainder must be transferred to the State General Fund,* but *any remainder* remains subject to the valid claims of holders pursuant to NRS 120A.590 and owners pursuant to NRS 120A.640. No such claim may be satisfied from money ~~[in]~~ *transferred to* the Millennium Scholarship Trust Fund ~~[.]~~ *pursuant to paragraph (a).*

6. If there is an insufficient amount of money in the Account to pay any cost or charge pursuant to subsection 4, the State Board of Examiners may, upon the application of the Administrator, authorize a temporary transfer from the State General Fund to the Account of an amount necessary to pay those costs or charges. The Administrator shall repay the amount of the transfer as soon as sufficient money is available in the Account.

7. As used in this section, "self-sustaining" means:

(a) In the immediately preceding 3 fiscal years, the earnings of the Millennium Scholarship Trust Fund have been greater than its expenses; and

(b) The investment earnings of the Millennium Scholarship Trust Fund are greater than the projected expenses of the Fund, as determined by the Office of the State Treasurer. Such a determination may consider any relevant factor, including, without limitation, the projected tuition and number of students of the Nevada System of Higher Education for the upcoming 2 fiscal years.

Sec. 14. NRS 120A.640 is hereby amended to read as follows:

120A.640 1. A person, excluding another state, claiming property paid or delivered to the Administrator may file a claim on a form prescribed by the Administrator and verified by the claimant.

2. Within 90 days after a claim is filed, the Administrator shall allow or deny the claim and give written notice of the decision to the claimant. If the claim is denied, the Administrator shall inform the claimant of the reasons for the denial and specify what additional evidence is required before the claim will be allowed. The claimant may then file a new claim with the Administrator or maintain an action under NRS 120A.650.

3. Except as otherwise provided in subsection 5, within 30 days after a claim is allowed, the property or the net proceeds of a sale of the property must be delivered or paid by the Administrator to the claimant, together with any dividend, interest or other increment to which the claimant is entitled under NRS 120A.600 and 120A.610.

4. A holder who pays the owner for property that has been delivered to the State and which, if claimed from the Administrator by the owner would be subject to an increment under NRS 120A.600 and 120A.610 may recover from the Administrator the amount of the increment.

5. The Administrator may require a person with a claim in excess of $2,000 to furnish a bond and indemnify the State against any loss resulting from the approval of such claim if the claim is based upon an original instrument, including, without limitation, a certified check or a stock certificate or other proof of ownership of securities, which cannot be furnished by the person with the claim.

6. Property held under this chapter by the Administrator is subject to a claim for the payment of a debt which the Administrator determines to be enforceable and which the owner owes in this State for:

(a) Support of a child, including, without limitation, any related collection costs and any amounts which may be combined with maintenance for a former spouse;

(b) A civil or criminal fine or penalty, court costs or a surcharge or restitution imposed by a final order of an administrative agency or a final judgment of a court; or

(c) A state or local tax, and any related penalty and interest.

Sec. 15. NRS 120A.730 is hereby amended to read as follows:

120A.730 1. A holder who fails to report, pay or deliver property within the time prescribed by this chapter shall pay to the Administrator interest at the rate of 18 percent per annum on the property or value thereof from the date the property should have been reported, paid or delivered.

2. Except as otherwise provided in subsection 3, a holder who fails to report, pay or deliver property within the time prescribed by this chapter or fails to perform other duties imposed by this chapter shall pay to the Administrator, in addition to interest as provided in subsection 1, a civil penalty of $200 for each day the report, payment or delivery is withheld or the duty is not performed, up to a maximum of $5,000.

3. A holder who willfully fails to report, pay or deliver property within the time prescribed by this chapter or willfully fails to perform other duties imposed by this chapter shall pay to the Administrator, in addition to interest as provided in subsection 1, a civil penalty of $1,000 for each day the report, payment or delivery is withheld or the duty is not performed, up to a maximum of $25,000, plus 25 percent of the value of any property that should have been but was not reported.

4. A holder who makes a fraudulent report shall pay to the Administrator, in addition to interest as provided in subsection 1, a civil penalty of $1,000 for each day from the date a report under this chapter was due, up to a maximum of $25,000, plus 25 percent of the value of any property that should have been but was not reported.

5. The Administrator for good cause may waive, in whole or in part, interest under subsection 1 and penalties under subsections 2 and 3, and shall waive penalties if the holder acted in good faith and without negligence.

6. A holder who fails to make a payment as required by subsections 11 and 12 of NRS 120A.560 must be assessed by the Administrator a fee for each such payment in an amount equal to the greater of $50 or 2 percent of the amount of the payment.

Sec. 16. 1. This ~~[act becomes]~~ section and sections 1-12, inclusive, 14 and 15 of this act become effective on July 1, 2019.

2. Section 13 of this act becomes effective on July 1, 2022.

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 11 to Senate Bill No. 44 changes the effective date of section 13 of the bill, which refers to the Millennium Scholarship Trust Fund, to July 1, 2022, to avoid impacting the current budget. It adds language to section 13 providing that money will continue to be transferred to the Millennium Scholarship Trust Fund under the provisions of the bill until the Trust Fund is deemed to be "self-sustaining." The amendment also defines "self-sustaining" for the purpose of the measure. Finally, the amendment revises the definition of "claiming property fraudulently" in section 5 and differentiates between "attempting" and "accomplishing" the crime.

Amendment adopted.

Senator Woodhouse moved that the bill be re-referred to the Committee on Finance, upon return from reprint.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Finance.

Senate Bill No. 49.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 13.

SUMMARY—Requires the Director of the Department of Corrections to establish a program of treatment for offenders with substance use , mental health or other addictive disorders. (BDR 16-201)

AN ACT relating to offenders; defining certain terms; requiring the Director of the Department of Corrections to establish a program of treatment for offenders with substance use , mental health or other addictive disorders; revising provisions related to programs of aftercare; repealing provisions relating to therapeutic communities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Corrections, in conjunction with the Division of Public and Behavioral Health of the Department of Health and Human Services and with the approval of the Board of State Prison Commissioners, to establish therapeutic communities to provide treatment to certain offenders who are substance abusers. (NRS 209.4236) Section 7 of this bill requires the Director, in conjunction with the Division and with the approval of the Board, to establish programs of treatment for offenders with substance use , mental health or other addictive disorders rather than establishing therapeutic communities for offenders who are substance abusers. Section 15 of this bill repeals the provisions which define "substance abuser" and "therapeutic community." Section 2 of this bill defines the term "program of treatment for offenders with substance use , mental health or other addictive disorders," and section 3 of this bill defines the term "substance use , mental health or other addictive disorder" for the purposes of section 7.

Existing law requires that, to the extent practicable, offenders assigned to a therapeutic community be housed in areas of a facility or institution that are segregated from offenders who are not assigned to the therapeutic community. (NRS 209.4236) Section 7 authorizes, rather than requires, the Director to segregate certain offenders assigned to a program of treatment for offenders with substance use , mental health or other addictive disorders. Section 7 also: (1) authorizes an offender assigned to a program of treatment for offenders with substance use , mental health or other addictive disorders to be taken outside an institution or facility, under appropriate precautions to prevent the offender's escape, to participate in a program of treatment for offenders with

substance use , mental health or other addictive disorders; and (2) requires an offender to participate in such a program of treatment for not less than 3 months.

Existing law requires the Director, in conjunction with the Division of Public and Behavioral Health of the Department of Health and Human Services and with the approval of the Board of State Prison Commissioners, to establish programs of aftercare to provide continuing treatment to offenders who successfully complete treatment in a therapeutic community. (NRS 209.4238) Section 9 of this bill instead requires the Director to establish such programs of aftercare for those offenders who successfully complete a program of treatment for offenders with substance use , mental health or other addictive disorders established pursuant to section 7.

Sections 4-14 of this bill make conforming changes by replacing the term "therapeutic community" with the term "program of treatment for offenders with substance use , mental health or other addictive disorders," as applicable.

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

Section 1. Chapter 209 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *"Program of treatment for offenders with substance use , mental health or other addictive disorders" means a program:*

1. Established pursuant to NRS 209.4236 to treat offenders with substance use , mental health or other addictive disorders; and

2. Which is evidence-based or based on best practices supported by research.

Sec. 3. *"Substance use , mental health or other addictive disorder" means a behavioral or mental disorder associated with the use of or withdrawal from drugs or alcohol.*

Sec. 4. NRS 209.247 is hereby amended to read as follows:

209.247 Except as otherwise provided in NRS 209.2475, the Director may make the following deductions, in the following order of priority, from any money deposited in the individual account of an offender from any source other than the offender's wages:

1. An amount the Director deems reasonable for deposit with the State Treasurer for credit to the Fund for the Compensation of Victims of Crime created pursuant to NRS 217.260.

2. An amount the Director considers reasonable to meet an existing obligation of the offender for the support of the offender's family.

3. An amount determined by the Director, with the approval of the Board, to offset the cost of maintaining the offender in the institution, as reflected in the budget of the Department. An amount deducted pursuant to this subsection may include, but is not limited to, an amount to offset the cost of participation by the offender pursuant to NRS 209.4231 to 209.4244, inclusive, *and sections 2 and 3 of this act* in a ~~[therapeutic community]~~ *program of treatment*

for offenders with substance use , mental health or other addictive disorders or a program of aftercare, or both.

4. A deduction pursuant to NRS 209.246.

5. An amount determined by the Director for deposit in a savings account for the offender, in which interest on the money deposited does not accrue, to be used for the payment of the expenses of the offender related to his or her release or, if the offender dies before his or her release, to defray expenses related to arrangements for the offender's funeral.

6. An amount the Director considers reasonable to meet an existing obligation of the offender for restitution to a victim of his or her crime.

7. An amount the Director considers reasonable to pay the balance of an administrative assessment included in the judgment entered against the offender for each crime for which the offender is incarcerated and the balance of an unpaid administrative assessment included in a judgment entered against the offender for a crime committed in this state for which the offender was previously convicted. An amount deducted from a source other than the wages earned by the offender during his or her incarceration, pursuant to this subsection, must be submitted:

(a) If the offender does not have an administrative assessment owing from a judgment entered for a crime previously committed in this state, to the court that entered the judgment against the offender for which he or she is incarcerated.

(b) If the offender has an administrative assessment owing from a judgment entered for a crime previously committed in this state, to the court that first entered a judgment for which an administrative assessment is owing, until the balance owing has been paid.

8. An amount the Director considers reasonable to pay the balance of a fine included in the judgment entered against the offender for each crime for which the offender is incarcerated and the balance of an unpaid fine included in a judgment entered against the offender for a crime committed in this state for which the offender was previously convicted. An amount deducted from any source other than the wages earned by the offender during his or her incarceration, pursuant to this subsection, must be submitted:

(a) If the offender does not have a fine owing from a judgment entered for a crime previously committed in this state, to the court that entered the judgment against the offender for which he or she is incarcerated.

(b) If the offender has a fine owing from a judgment entered for a crime previously committed in this state, to the court that first entered a judgment for which any fine or administrative assessment is owing, until the balance owing has been paid.

9. An amount the Director considers reasonable to pay the balance of any fee imposed upon the offender for genetic marker analysis and included in the judgment entered against the offender pursuant to NRS 176.0915.

➥ The Director shall determine the priority of any other deduction authorized by law from any source other than the wages earned by the offender during his or her incarceration.

Sec. 5. NRS 209.4231 is hereby amended to read as follows:

209.4231 As used in NRS 209.4231 to 209.4244, inclusive, *and sections 2 and 3 of this act,* unless the context otherwise requires, the words and terms defined in NRS 209.4232 ~~[to 209.4235, inclusive,]~~ *and 209.4233 and sections 2 and 3 of this act* have the meanings ascribed to them in those sections.

Sec. 6. NRS 209.4233 is hereby amended to read as follows:

209.4233 "Program of aftercare" means a program that is established pursuant to NRS 209.4238 to provide continuing treatment to those offenders who successfully complete treatment in a ~~[therapeutic community.]~~ *program of treatment for offenders with substance use , mental health or other addictive disorders.*

Sec. 7. NRS 209.4236 is hereby amended to read as follows:

209.4236 1. The Director shall, in conjunction with the Division and with the approval of the Board, establish one or more ~~[therapeutic communities to provide]~~ *programs of* treatment ~~[to certain]~~ *for* offenders ~~[who are]~~ *with* substance ~~[abusers.]~~ *use , mental health or other addictive disorders.* A ~~[therapeutic community]~~ *program of treatment for offenders with substance use , mental health or other addictive disorders* must include, but is not limited to, the requirements set forth in this section.

2. A ~~[therapeutic community]~~ *program of treatment for offenders with substance use , mental health or other addictive disorders* must provide an offender with:

(a) Intensive treatment for substance ~~[abuse;]~~ *use , mental health or other addictive disorders;*

(b) A clearly defined set of goals;

(c) A clearly defined structure of authority; and

(d) A highly structured schedule that includes, but is not limited to, the treatment listed in paragraph (a) and, if practicable, programs of employment, general education or vocational training.

3. Except as otherwise provided in NRS 209.4231 to 209.4244, inclusive, *and sections 2 and 3 of this act,* offenders who are assigned to a ~~[therapeutic community,]~~ *program of treatment for offenders with substance use , mental health or other addictive disorders,* to the extent practicable as determined by the Director or a person designated by the Director:

(a) ~~[Must]~~ *May* be housed in areas of a facility or institution that are segregated from other areas of the facility or institution in which offenders who are not assigned to the ~~[therapeutic community]~~ *program of treatment for offenders with substance use , mental health or other addictive disorders* are housed; ~~[and]~~

(b) *May be taken outside an institution or facility, under appropriate precautions to prevent the offender's escape, to participate in a program of*

treatment for offenders with substance use , mental health or other addictive disorders; and

(c) Must participate in the ~~[therapeutic community]~~ *program of treatment for offenders with substance use , mental health or other addictive disorders* for a period of ~~[1 year and a program of aftercare for a period of 1 year if a program of aftercare is required pursuant to NRS 209.4238.]~~ *not less than 3 months as deemed appropriate for the level of care being offered.*

Sec. 8. NRS 209.4237 is hereby amended to read as follows:

209.4237 1. The Director shall, in conjunction with the Division and with the approval of the Board, establish a program to evaluate an offender in the custody of the Department to determine whether the offender ~~[is]~~ *has* a substance ~~[abuser]~~ *use disorder* and whether the offender may benefit from participation in a ~~[therapeutic community.]~~ *program of treatment for offenders with substance use , mental health or other addictive disorders.*

2. An evaluation of an offender must be conducted pursuant to subsection 1 if the offender is eligible to be assigned to a ~~[therapeutic community.]~~ *program of treatment for offenders with substance use , mental health or other addictive disorders.*

3. After an evaluation is conducted pursuant to subsection 1, the Director or a person designated by the Director shall determine whether the offender ~~[is]~~ *has* a substance ~~[abuser]~~ *use disorder* and whether the offender may benefit from participation in a ~~[therapeutic community.]~~ *program of treatment for offenders with substance use , mental health or other addictive disorders.*

4. If a determination is made that the offender ~~[is]~~ *has* a substance ~~[abuser]~~ *use disorder* and that the offender may benefit from participation in a ~~[therapeutic community,]~~ *program of treatment for offenders with substance use , mental health or other addictive disorders,* the Director or a person designated by the Director shall determine whether to assign the offender to participate in a ~~[therapeutic community.]~~ *program of treatment for offenders with substance use , mental health or other addictive disorders.* In determining whether to assign an offender to participate in a ~~[therapeutic community,]~~ *program of treatment for offenders with substance use , mental health or other addictive disorders,* the Director or a person designated by the Director shall:

(a) Consider the severity of the ~~[problem of]~~ substance ~~[abuse by]~~ *use , mental health or other addictive* ~~*[disorder]*~~ *disorders of* the offender and the availability of space in each ~~[therapeutic community;]~~ *program of treatment for offenders with substance use , mental health or other addictive disorders;* and

(b) Give preference, to the extent practicable, to those offenders who appear to be most capable of successfully participating in and completing treatment in a ~~[therapeutic community.]~~ *program of treatment for offenders with substance use , mental health or other addictive disorders.*

5. To be eligible to be assigned to participate in a ~~[therapeutic community,]~~ *program of treatment for offenders with substance use , mental health or other addictive disorders,* an offender must be within 2 years of the date on which

the offender is reasonably expected to be released, as determined by the Director.

Sec. 9. NRS 209.4238 is hereby amended to read as follows:

209.4238 1. The Director shall, in conjunction with the Division and with the approval of the Board, establish one or more programs of aftercare to provide continuing treatment to those offenders who successfully complete treatment in a ~~[therapeutic community.]~~ *program of treatment for offenders with substance use* , *mental health or other addictive disorders.*

2. Except as otherwise provided in NRS 209.4231 to 209.4244, inclusive ~~[.]~~ *, and sections 2 and 3 of this act:*

(a) An offender who successfully completes treatment in a ~~[therapeutic community]~~ *program of treatment for offenders with substance use , mental health or other addictive disorders* must be assigned, to the extent practicable as determined by the Director or a person designated by the Director, to a program of aftercare upon completion of treatment in a ~~[therapeutic community.]~~ *program of treatment for offenders with substance use , mental health or other addictive disorders.*

(b) An offender shall participate, to the extent practicable as determined by the Director or a person designated by the Director, in a program of aftercare for a period of 1 year.

(c) If an offender is assigned to a program of aftercare and, before or during participation in such a program, the offender is released on parole:

(1) The offender shall continue to participate in a program of aftercare, to the extent practicable as determined by the Director or a person designated by the Director and by the State Board of Parole Commissioners; and

(2) That participation, if any, must be made a condition of parole pursuant to NRS 213.1235.

(d) If an offender is assigned to a program of aftercare and, before or during participation in such a program, the offender is assigned to serve a term of residential confinement pursuant to NRS 209.392, the offender shall continue to participate in a program of aftercare to the extent practicable as determined by the Director or a person designated by the Director.

Sec. 10. NRS 209.4239 is hereby amended to read as follows:

209.4239 1. The Director or a person designated by the Director may remove an offender from a ~~[therapeutic community]~~ *program of treatment for offenders with substance use , mental health or other addictive disorders* or a program of aftercare, temporarily or permanently, for any lawful reason or purpose.

2. The Director may impose conditions on the participation of an offender in a ~~[therapeutic community]~~ *program of treatment for offenders with substance use , mental health or other addictive disorders* or a program of aftercare and may establish sanctions and incentives relating to participation in a ~~[therapeutic community]~~ *program of treatment for offenders with substance use , mental health or other addictive disorders* or a program of aftercare.

3. The provisions of NRS 209.4231 to 209.4244, inclusive, *and sections 2 and 3 of this act* do not create a right on behalf of an offender to participate in a ~~[therapeutic community]~~ *program of treatment for offenders with substance use , mental health or other addictive disorders* or a program of aftercare and do not establish a basis for any cause of action against the State or its officers or employees for denial of the ability to participate in or for removal from a ~~[therapeutic community]~~ *program of treatment for offenders with substance use , mental health or other addictive disorders* or a program of aftercare.

Sec. 11. NRS 209.424 is hereby amended to read as follows:

209.424 An offender may not participate in a ~~[therapeutic community]~~ *program of treatment for offenders with substance use , mental health or other addictive disorders* if the offender:

1. Was sentenced to death or a term of imprisonment for life without the possibility of parole; or

2. Is or was eligible to participate in the program of treatment established pursuant to NRS 209.425, whether or not the offender actually participated in or completed that program of treatment.

Sec. 12. NRS 209.4242 is hereby amended to read as follows:

209.4242 To carry out the provisions of NRS 209.4231 to 209.4244, inclusive, *and sections 2 and 3 of this act,* the Director may contract with persons or private entities that are qualified to evaluate offenders ~~[who are]~~ *with* substance ~~[abusers]~~ *use , mental health or other addictive disorders* or qualified to administer ~~[therapeutic communities]~~ *programs of treatment for offenders with substance use , mental health or other addictive disorders* or programs of aftercare.

Sec. 13. NRS 209.4244 is hereby amended to read as follows:

209.4244 The Director shall provide the following information to the Interim Finance Committee on or before January 31 of each even-numbered year and to the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means at the beginning of each regular session of the Legislature:

1. The number of offenders who are currently participating in ~~[therapeutic communities]~~ *programs of treatment for offenders with substance use , mental health or other addictive disorders* and programs of aftercare;

2. The number of offenders who have participated in ~~[therapeutic communities]~~ *programs of treatment for offenders with substance use , mental health or other addictive disorders* and programs of aftercare and the number of those offenders who subsequently have been arrested for other offenses; and

3. The number of offenders who have successfully completed treatment in ~~[therapeutic communities]~~ *programs of treatment for offenders with substance use , mental health or other addictive disorders* and programs of aftercare and the number of those offenders who subsequently have been arrested for other offenses.

➥ The Central Repository for Nevada Records of Criminal History shall assist the Director in obtaining all data that is necessary to prepare the information required by subsections 2 and 3.

Sec. 14. NRS 209.463 is hereby amended to read as follows:

209.463 Except as otherwise provided in NRS 209.2475, the Director may make the following deductions, in the following order of priority, from the wages earned by an offender from any source during the offender's incarceration:

1. If the hourly wage of the offender is equal to or greater than the federal minimum wage:

(a) An amount the Director deems reasonable for deposit with the State Treasurer for credit to the Fund for the Compensation of Victims of Crime.

(b) An amount the Director considers reasonable to meet an existing obligation of the offender for the support of his or her family.

(c) An amount determined by the Director, with the approval of the Board, for deposit in the State Treasury for credit to the Fund for New Construction of Facilities for Prison Industries, but only if the offender is employed through a program for prison industries.

(d) An amount determined by the Director for deposit in the individual account of the offender in the Prisoners' Personal Property Fund.

(e) An amount determined by the Director, with the approval of the Board, to offset the cost of maintaining the offender in the institution, as reflected in the budget of the Department. An amount deducted pursuant to this paragraph may include, but is not limited to, an amount to offset the cost of participation by the offender pursuant to NRS 209.4231 to 209.4244, inclusive, *and sections 2 and 3 of this act* in a ~~[therapeutic community]~~ *program of treatment for offenders with substance use* , *mental health or other addictive disorders* or a program of aftercare, or both.

(f) A deduction pursuant to NRS 209.246.

(g) An amount determined by the Director for deposit in a savings account for the offender, in which interest on the money deposited does not accrue, to be used for the payment of the expenses of the offender related to his or her release, or if the offender dies before his or her release, to defray expenses related to arrangements for his or her funeral.

(h) An amount the Director considers reasonable to meet an existing obligation of the offender for restitution to any victim of his or her crime.

(i) An amount the Director considers reasonable to pay the balance of any fee imposed upon the offender for genetic marker analysis and included in the judgment entered against the offender pursuant to NRS 176.0915.

(j) An amount the Director considers reasonable to pay the balance of an administrative assessment included in the judgment entered against the offender for each crime for which the offender is incarcerated and the balance of an unpaid administrative assessment included in a judgment entered against the offender for a crime committed in this state for which the offender was

previously convicted. An amount deducted from the wages of the offender pursuant to this paragraph must be submitted:

(1) If the offender does not have an administrative assessment owing from a judgment entered for a crime previously committed in this state, to the court that entered the judgment against the offender for which the offender is incarcerated.

(2) If the offender has an administrative assessment owing from a judgment entered for a crime previously committed in this state, to the court that first entered a judgment for which an administrative assessment is owing, until the balance owing has been paid.

(k) An amount the Director considers reasonable to pay the balance of a fine included in the judgment entered against the offender for each crime for which the offender is incarcerated and the balance of an unpaid fine included in a judgment entered against the offender for a crime committed in this state for which the offender was previously convicted. An amount deducted from the wages of the offender pursuant to this paragraph must be submitted:

(1) If the offender does not have a fine owing from a judgment entered for a crime previously committed in this state, to the court that entered the judgment against the offender for which the offender is incarcerated.

(2) If the offender has a fine owing from a judgment entered for a crime previously committed in this state, to the court that first entered a judgment for which a fine or administrative assessment is owing, until the balance owing has been paid.

➥ The Director shall determine the priority of any other deduction authorized by law from the wages earned by the offender from any source during the offender's incarceration.

2. If the hourly wage of the offender is less than the federal minimum wage:

(a) An amount the Director deems reasonable for deposit with the State Treasurer for credit to the Fund for the Compensation of Victims of Crime.

(b) An amount determined by the Director, with the approval of the Board, for deposit in the State Treasury for credit to the Fund for New Construction of Facilities for Prison Industries, but only if the offender is employed through a program for prison industries.

(c) An amount determined by the Director for deposit in the individual account of the offender in the Prisoners' Personal Property Fund.

(d) An amount determined by the Director, with the approval of the Board, to offset the cost of maintaining the offender in the institution, as reflected in the budget of the Department. An amount deducted pursuant to this paragraph may include, but is not limited to, an amount to offset the cost of participation by the offender pursuant to NRS 209.4231 to 209.4244, inclusive, *and sections 2 and 3 of this act* in a ~~[therapeutic community]~~ *program of treatment for offenders with substance use* , *mental health or other addictive* *disorders* or a program of aftercare, or both.

(e) A deduction pursuant to NRS 209.246.

(f) An amount the Director considers reasonable to pay the balance of any fee imposed upon the offender for genetic marker analysis and included in the judgment entered against the offender pursuant to NRS 176.0915.

(g) An amount determined by the Director for deposit in a savings account for the offender, in which interest on the money deposited does not accrue, to be used for the payment of the expenses of the offender related to the offender's release, or if the offender dies before the offender's release, to defray expenses related to arrangements for the offender's funeral.

➥ The Director shall determine the priority of any other deduction authorized by law from the wages earned by the offender from any source during the offender's incarceration.

Sec. 15. NRS 209.4234 and 209.4235 are hereby repealed.

Sec. 16. This act becomes effective:

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

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

TEXT OF REPEALED SECTIONS

209.4234 "Substance abuser" defined. "Substance abuser" means a person who abuses, is addicted to or is psychologically or physically dependent on:

1. Alcohol;

2. A controlled substance; or

3. A drug, poison, solvent or toxic inhalant. This subsection does not include tobacco or products made from tobacco.

209.4235 "Therapeutic community" defined. "Therapeutic community" means a program that is established pursuant to NRS 209.4236 to provide treatment to certain offenders who are substance abusers.

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 13 to Senate Bill No. 49 removes references to substance abusers and therapeutic communities and replaces that language with the term "substance use, mental health or other addictive disorders" in order to align the bill's language with currently accepted usage.

Amendment adopted.

Senator Woodhouse moved that the bill be re-referred to the Committee on Finance, upon return from reprint.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Finance.

Senate Bill No. 74.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 14.

SUMMARY—Revises provisions governing eviction actions. (BDR 3-492)

AN ACT relating to unlawful detainer; revising provisions governing eviction actions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes an appeal of an order entered by a court in an action for summary eviction of a tenant for default in payment of rent. (NRS 40.385) Section 1 of this bill: (1) clarifies that either party may appeal an order entered by the court in such an action for summary eviction; (2) provides that such an appeal is made by filing a notice of appeal within ~~[5]~~ 10 judicial days after the date of the entry of the order; and (3) makes such an appeal available in actions involving mobile home parks.

Existing law provides that if a landlord unlawfully removes a tenant from the premises or excludes the tenant by blocking or attempting to block the tenant's entry upon the premises, willfully interrupts any essential item or service or otherwise unlawfully recovers possession of the dwelling unit, the tenant may recover immediate possession of the premises from the landlord by filing a verified complaint for expedited relief. Existing law also provides that a verified complaint for expedited relief may not be filed with the court if an action for summary eviction or unlawful detainer is already pending between the landlord and tenant, although the tenant may seek similar relief before the judge presiding over the pending action. (NRS 118A.390) Section 2 of this bill provides that a verified complaint for expedited relief may be consolidated with an action for summary eviction or unlawful detainer that is already pending between the landlord and tenant.

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

Section 1. NRS 40.385 is hereby amended to read as follows:

40.385 ~~[Upon an]~~ *1. Either party may* appeal ~~[from]~~ an order entered pursuant to NRS 40.253 ~~[:~~

~~1.]~~ *or 40.254 by filing a notice of appeal within ~~[5]~~ 10 judicial days after the date of entry of the order.*

2. Except as otherwise provided in this ~~[subsection,]~~ *section*, a stay of execution may be obtained by filing with the trial court a bond in the amount of $250 to cover the expected costs on appeal. A surety upon the bond submits to the jurisdiction of the appellate court and irrevocably appoints the clerk of that court as the surety's agent upon whom papers affecting the surety's liability upon the bond may be served. Liability of a surety may be enforced, or the bond may be released, on motion in the appellate court without independent action. A tenant of commercial property may obtain a stay of execution only upon the issuance of a stay pursuant to Rule 8 of the Nevada Rules of Appellate Procedure and the posting of a supersedeas bond in the amount of 100 percent of ~~[the]~~ *any* unpaid rent claim of the landlord.

~~[2.]~~ *3.* A tenant who retains possession of the premises that are the subject of the appeal during the pendency of the appeal shall pay to the landlord rent in the amount provided in the underlying contract between the tenant and the landlord as it becomes due. If the tenant fails to pay such rent, the landlord

may initiate new proceedings for a summary eviction by serving the tenant with a new notice pursuant to NRS 40.253 ~~[.]~~ *or 40.254.*

Sec. 2. NRS 118A.390 is hereby amended to read as follows:

118A.390 1. If the landlord unlawfully removes the tenant from the premises or excludes the tenant by blocking or attempting to block the tenant's entry upon the premises, willfully interrupts or causes or permits the interruption of any essential item or service required by the rental agreement or this chapter or otherwise recovers possession of the dwelling unit in violation of NRS 118A.480, the tenant may recover immediate possession pursuant to subsection 4, proceed under NRS 118A.380 or terminate the rental agreement and, in addition to any other remedy, recover the tenant's actual damages, receive an amount not greater than $2,500 to be fixed by the court, or both.

2. In determining the amount, if any, to be awarded under subsection 1, the court shall consider:

(a) Whether the landlord acted in good faith;

(b) The course of conduct between the landlord and the tenant; and

(c) The degree of harm to the tenant caused by the landlord's conduct.

3. If the rental agreement is terminated pursuant to subsection 1, the landlord shall return all prepaid rent and security recoverable under this chapter.

4. Except as otherwise provided in subsection 5, the tenant may recover immediate possession of the premises from the landlord by filing a verified complaint for expedited relief for the unlawful removal or exclusion of the tenant from the premises, the willful interruption of any essential item or service or the recovery of possession of the dwelling unit in violation of NRS 118A.480.

5. A verified complaint for expedited relief:

(a) Must be filed with the court within 5 judicial days after the date of the unlawful act by the landlord, and the verified complaint must be dismissed if it is not timely filed. If the verified complaint for expedited relief is dismissed pursuant to this paragraph, the tenant retains the right to pursue all other available remedies against the landlord.

(b) May ~~[not]~~ be ~~[filed]~~ *consolidated* with ~~[the court if an]~~ *any* action for summary eviction or unlawful detainer *that* is already pending between the landlord and tenant . ~~[, but the tenant may seek similar relief before the judge presiding over the pending action.]~~

6. The court shall conduct a hearing on the verified complaint for expedited relief not later than 3 judicial days after the filing of the verified complaint for expedited relief. Before or at the scheduled hearing, the tenant must provide proof that the landlord has been properly served with a copy of the verified complaint for expedited relief. Upon the hearing, if it is determined that the landlord has violated any of the provisions of subsection 1, the court may:

(a) Order the landlord to restore to the tenant the premises or essential items or services, or both;

(b) Award damages pursuant to subsection 1; and

(c) Enjoin the landlord from violating the provisions of subsection 1 and, if the circumstances so warrant, hold the landlord in contempt of court.

7. The payment of all costs and official fees must be deferred for any tenant who files a verified complaint for expedited relief. After any hearing and not later than final disposition of the filing or order, the court shall assess the costs and fees against the party that does not prevail, except that the court may reduce them or waive them, as justice may require.

Sec. 3. The amendatory provisions of this act apply to all actions pending or filed on or after October 1, 2019.

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 14 to Senate Bill No. 74 changes the period for filing a notice of appeal from five judicial days to ten judicial days in certain instances of an eviction order.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 97.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 129.

SUMMARY—Prohibits use in a criminal case of certain defenses based on the sexual orientation or gender identity or expression of the victim. (BDR 15-559)

AN ACT relating to crimes; prohibiting the use in a criminal case of certain defenses based on the sexual orientation or gender identity or expression of the victim; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that if a person commits certain crimes because of the actual or perceived sexual orientation or gender identity or expression of a victim: (1) the person who committed the crime is subject to an additional penalty; (2) unless a greater penalty is provided by law, the person who committed the crime is guilty of a gross misdemeanor; and (3) a person injured by the crime may bring a civil action against the person who committed the crime. (NRS 41.690, 193.1675, 207.185) Existing law also requires the Director of the Department of Public Safety to establish a program for reporting crimes that is designed to collect, compile and analyze statistical data about crimes that manifest evidence of prejudice based on sexual orientation or gender identity or expression. (NRS 179A.175)

This bill provides that: (1) for the purpose of determining the existence of an alleged state of passion in a defendant or the alleged provocation of a defendant by a victim, the alleged state of passion or provocation shall be deemed not to be objectively reasonable if it resulted from the discovery of,

knowledge about or potential disclosure of the actual or perceived sexual orientation or gender identity or expression of the victim; and (2) ~~[a defendant does not suffer from reduced mental capacity based on the discovery of, knowledge about or potential disclosure of the actual or perceived sexual orientation or gender identity or expression of the victim; and (3)]~~ a person is not justified in using force against another person based on the discovery of, knowledge about or potential disclosure of the actual or perceived sexual orientation or gender identity or expression of the victim.

WHEREAS, The American Bar Association has urged legislative action to curtail the availability and effectiveness of the "gay panic" and "trans panic" defenses, which seek to partially or completely excuse a defendant from full accountability for the commission of a violent crime on the grounds that the sexual orientation or gender identity or expression of the victim is sufficient to arouse a state of passion in the defendant ~~[,]~~ or serve as valid provocation or justification for the violent reaction of the defendant ; ~~[or reduce the mental capacity of the defendant;]~~ and

WHEREAS, "Gay panic" and "trans panic" legal defenses, which continue to be raised in criminal cases in courts across the United States, are surprisingly long-lived, historical artifacts and remnants of a time when widespread public antipathy was the norm for lesbian, gay, bisexual and transgender persons; and

WHEREAS, "Gay panic" and "trans panic" defenses characterize sexual orientation or gender identity or expression as objectively reasonable excuses for loss of self-control and thereby illegitimately mitigate the responsibility of a defendant for harm done to lesbian, gay, bisexual and transgender persons; and

WHEREAS, "Gay panic" and "trans panic" defenses appeal to irrational fears and hatred of lesbian, gay, bisexual and transgender persons, thereby undermining the legitimacy of criminal prosecutions and resulting in unjustifiable acquittals or sentencing reductions; and

WHEREAS, The use of "gay panic" and "trans panic" defenses is entirely incompatible with the express intent of Nevada law to provide increased protection to victims of bias-motivated crimes, including crimes committed against lesbian, gay, bisexual and transgender persons; and

WHEREAS, Continued use of these anachronistic defenses reinforces and institutionalizes prejudice at the expense of norms of self-control, tolerance and compassion, which the law should encourage, and marks an egregious lapse in the march toward a more just criminal justice system; and

WHEREAS, To end the antiquated notion that the lives of lesbian, gay, bisexual and transgender persons are worth less than the lives of other persons and to reflect a modern understanding of lesbian, gay, bisexual and transgender persons as equal to other persons under the law, the use of "gay panic" and "trans panic" defenses must end; now, therefore,

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

Section 1. Chapter 193 of NRS is hereby amended by adding thereto a new section to read as follows:

1. For the purpose of determining the existence of an alleged state of passion in a defendant or the alleged provocation of a defendant by a victim, the alleged state of passion or provocation shall be deemed not to be objectively reasonable if it resulted from the discovery of, knowledge about or potential disclosure of the actual or perceived sexual orientation or gender identity or expression of the victim, including, without limitation, under circumstances in which the victim made an unwanted nonforcible romantic or sexual advance towards the defendant, or if the defendant and victim dated or had a romantic or sexual relationship.

2. ~~*[A defendant does not suffer from reduced mental capacity based on the discovery of, knowledge about or potential disclosure of the actual or perceived sexual orientation or gender identity or expression of the victim, including, without limitation, under circumstances in which the victim made an unwanted nonforcible romantic or sexual advance towards the defendant, or if the defendant and victim dated or had a romantic or sexual relationship. 3.]*~~ *A person is not justified in using force against another person based on the discovery of, knowledge about or potential disclosure of the actual or perceived sexual orientation or gender identity or expression of the victim, including, without limitation, under circumstances in which the victim made an unwanted nonforcible romantic or sexual advance towards the defendant, or if the defendant and victim dated or had a romantic or sexual relationship.*

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 129 to Senate Bill No. 97 deletes language related to a defendant not suffering from reduced mental capacity based on the defendant's discovery or knowledge of a victim's sexual orientation or gender identity or expression.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 150.

Bill read second time.

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

Amendment No. 139.

SUMMARY—Revises provisions relating to land use planning. (BDR 22-775)

AN ACT relating to land use planning; requiring, with limited exception, the governing body of a county or city to develop and maintain a water resource plan; authorizing grants of money to certain governing bodies for the development and maintenance of water resource plans; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, planning commissions and certain governing bodies prepare and adopt a comprehensive, long-term general plan for the physical development of the city, county or region called a master plan. (NRS 278.150) Section 1 of this bill requires, with limited exception, the governing body of a county or ~~[municipality]~~ city to develop and maintain a water resource plan. Section 1 further sets forth the requirements for such a plan.

Existing law establishes a program to provide grants of money to purveyors of water and eligible recipients to pay certain costs relating to water. (NRS 349.981) Section 4 of this bill provides that the program may also provide grants of money to the governing body of a county or ~~[municipality]~~ city to develop and maintain a water resource plan.

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

Section 1. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, a governing body shall develop and maintain a water resource plan that must include, without limitation:

(a) The identification of all known sources of surface water, groundwater and effluent that are physically and legally available for use in the community;

(b) An analysis of the:

(1) Existing demand for water in the community; and

(2) Expected demand for water in the community caused by projected growth; and

(c) An analysis of whether the sources of water identified in paragraph (a) are of sufficient quality and quantity to satisfy the existing and expected demands described in paragraph (b).

(d) If the analysis required pursuant to paragraph (c) determines that the sources of water identified in paragraph (a) are not of sufficient quality or quantity to satisfy demands, a plan for obtaining additional water of sufficient quality and quantity.

2. The governing body shall update the water resource plan at least once every 10 years.

3. The governing body of:

(a) A ~~[municipality]~~ city is not required to develop and maintain the water resource plan described in subsection 1 if the governing body of the county in which the city is located has adopted a water resource plan that includes the information described in subsection 1 pertaining to the ~~[municipality.]~~ city.

(b) A ~~[municipality]~~ city or a county is not required to develop and maintain the water resource plan described in subsection 1 if:

(1) The ~~[municipality]~~ city or county, as applicable, is included within a regional planning district; and

(2) The regional plan adopted by the regional planning commission of the district has included the information described in subsection 1 pertaining to the ~~[municipality]~~ city or county, as applicable.

(c) A city or county is not required to develop and maintain the water resource plan described in subsection 1 if:

(1) The city or county, as applicable, is located in an area served by a water district created by a special act or a water authority organized as a public agency or entity created by cooperative agreement pursuant to chapter 277 of NRS; and

(2) The water district or water authority, as applicable, has developed and maintained a water resource plan that includes the information described in subsection 1 pertaining to the city or county, as applicable.

Sec. 2. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, *and section 1 of this act,* unless the context otherwise requires, the words and terms defined in NRS 278.0103 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 278.0235 is hereby amended to read as follows:

278.0235 No action or proceeding may be commenced for the purpose of seeking judicial relief or review from or with respect to any final action, decision or order of any governing body, commission or board authorized by NRS 278.010 to 278.630, inclusive, *and section 1 of this act,* unless the action or proceeding is commenced within 25 days after the date of filing of notice of the final action, decision or order with the clerk or secretary of the governing body, commission or board.

Sec. 4. NRS 349.981 is hereby amended to read as follows:

349.981 1. There is hereby established a program to provide grants of money to:

(a) A purveyor of water to pay for costs of capital improvements to publicly owned community water systems and publicly owned nontransient water systems required or made necessary by the State Environmental Commission pursuant to NRS 445A.800 to 445A.955, inclusive, or made necessary by the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq., and the regulations adopted pursuant thereto.

(b) An eligible recipient to pay for the cost of improvements to conserve water, including, without limitation:

(1) Piping or lining of an irrigation canal;

(2) Recovery or recycling of wastewater or tailwater;

(3) Scheduling of irrigation;

(4) Measurement or metering of the use of water;

(5) Improving the efficiency of irrigation operations; and

(6) Improving the efficiency of the operation of a facility for the storage of water, including, without limitation, efficiency in diverting water to such a facility.

(c) An eligible recipient to pay the following costs associated with connecting a domestic well or well with a temporary permit to a municipal water system, if the well was in existence on or before October 1, 1999, and the well is located in an area designated by the State Engineer pursuant to NRS 534.120 as an area where the groundwater basin is being depleted:

(1) Any local or regional fee for connection to the municipal water system.

(2) The cost of any capital improvement that is required to comply with a decision or regulation of the State Engineer.

(d) An eligible recipient to pay the following costs associated with abandoning an individual sewage disposal system and connecting the property formerly served by the abandoned individual sewage disposal system to a community sewage disposal system, if the Division of Environmental Protection requires the individual sewage disposal system to be abandoned and the property upon which the individual sewage disposal system was located to be connected to a community sewage disposal system pursuant to the provisions of NRS 445A.300 to 445A.730, inclusive, or any regulations adopted pursuant thereto:

(1) Any local or regional fee for connection to the community sewage disposal system.

(2) The cost of any capital improvement that is required to comply with a statute of this State or a decision, directive, order or regulation of the Division of Environmental Protection.

(e) An eligible recipient to pay the following costs associated with connecting a well to a municipal water system, if the quality of the water of the well fails to comply with the standards of the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq., and the regulations adopted pursuant thereto:

(1) Any local or regional fee for connection to the municipal water system.

(2) The cost of any capital improvement that is required for the water quality in the area where the well is located to comply with the standards of the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq., and the regulations adopted pursuant thereto.

(f) A governing body to pay the costs associated with developing and maintaining a water resource plan.

2. Except as otherwise provided in NRS 349.983, the determination of who is to receive a grant is solely within the discretion of the Board.

3. For any construction work paid for in whole or in part by a grant provided pursuant to this section to a nonprofit association or nonprofit cooperative corporation that is an eligible recipient, the provisions of NRS 338.013 to 338.090, inclusive, apply to:

(a) Require the nonprofit association or nonprofit cooperative corporation to include in the contract for the construction work the contractual provisions and stipulations that are required to be included in a contract for a public work pursuant to those statutory provisions.

(b) Require the nonprofit association or nonprofit cooperative corporation to comply with those statutory provisions in the same manner as if it was a public body that had undertaken the project or had awarded the contract.

(c) Require the contractor who is awarded the contract for the construction work, or a subcontractor on the project, to comply with those statutory provisions in the same manner as if he or she was a contractor or subcontractor, as applicable, engaged on a public work.

4. As used in this section ~~[, "eligible]~~ *:*

(a) "Eligible recipient" means:

~~[(a)]~~ *(1)* A political subdivision of this State, including, without limitation, a city, county, unincorporated town, water authority, conservation district, irrigation district, water district or water conservancy district.

~~[(b)]~~ *(2)* A nonprofit association or nonprofit cooperative corporation that provides water service only to its members.

(b) "Governing body" has the meaning ascribed to it in NRS 278.015.

(c) "Water resource plan" means a water resource plan created pursuant to section 1 of this act.

Sec. 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. 6. A governing body of a ~~[municipality]~~ city or county that is required to develop and maintain a water resource plan pursuant to section 1 of this act must adopt the initial plan on or before July 1, 2029.

Sec. 7. This act becomes effective on July 1, 2019.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

This amendment to Senate Bill No. 150 relates to water resource plans. The amendment does the following. It clarifies the scope of the bill is for counties and cities. It recognizes that a city or county may already have a water-resource plan that is developed and maintained by a water district or a water authority to which it is a part. If that plan includes the information required by this bill, it satisfies the requirements of the bill.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 165.

Bill read second time.

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

Amendment No. 56.

SUMMARY—Makes various changes to provisions governing prescribing, dispensing and administering controlled substances designed to end the life of a patient. (BDR 40-292)

AN ACT relating to public health; revising provisions concerning medical certificates of death relating to a person who self-administers a controlled substance designed to end his or her life; authorizing a physician to prescribe a controlled substance that is designed to end the life of a patient under certain circumstances; prohibiting persons other than a patient from administering a

controlled substance that is designed to end the life of the patient; imposing requirements on certain providers of health care relating to the records of a patient who requests a controlled substance that is designed to end his or her life; providing immunity to certain providers of health care who take certain actions relating to prescribing or dispensing a controlled substance that is designed to end the life of a patient; prohibiting certain fraudulent or coercive acts for the purpose of causing a person to self-administer a controlled substance that is designed to end the life of the person; authorizing the owner or operator of a health care facility to prohibit certain persons from providing certain services relating to a controlled substance that is designed to end the life of a patient; prohibiting a person from conditioning provisions of a will, contract, agreement or policy of life insurance on the request for or acquisition or administration of a controlled substance designed to end the life of the person; prohibiting a person from refusing to sell or provide life insurance or denying benefits to or imposing additional charges against a policyholder or beneficiary because the insured requested or revoked a request for a controlled substance designed to end the life of the person; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a patient who has been diagnosed with a terminal condition to refuse life-resuscitating or life-sustaining treatment in certain circumstances and establishes certain requirements relating to controlled substances. (NRS 449A.500-449A.581, 450B.400-450B.590, chapter 453 of NRS) Section 12 of this bill authorizes a patient to request that his or her physician prescribe a controlled substance that is designed to end the life of the patient if the patient: (1) is at least 18 years of age; (2) has been diagnosed with a terminal condition by at least two physicians; (3) is a resident of this State; (4) has made an informed and voluntary decision to end his or her own life; (5) is competent; and (6) is not requesting the controlled substance because of coercion or undue influence. Section 13 of this bill prescribes certain requirements concerning the manner in which a patient may request a controlled substance designed to end the life of the patient, including that the patient make two verbal requests and one written request for the controlled substance and that the written request for the controlled substance is signed by two witnesses. Section 14 of this bill prescribes the form for the written request for the controlled substance. Section 15 of this bill imposes certain requirements before a physician is allowed to prescribe a controlled substance designed to end the life of a patient, including that the physician: (1) inform the patient of his or her right to revoke a request for the controlled substance at any time; (2) determine and verify that the patient meets the requirements for making such a request; (3) refer the patient to a consulting physician who can confirm the diagnosis, prognosis and competence of the patient; (4) instruct the patient against self-administering the controlled substance in public; and (5) recommend that the patient notify his or her next of kin of the patient's decision to end his or her life. Section 16 of this bill requires a

physician who determines that a patient who has requested a prescription for a controlled substance that is designed to end his or her life may not be competent to refer the patient to a psychiatrist or psychologist and to receive confirmation about the patient's competence.

Sections 17 and 36 of this bill provide that only an attending physician or pharmacist may dispense a controlled substance that is designed to end the life of a patient. Section 17 also prescribes the manner in which such a controlled substance is to be dispensed. Section 18 of this bill prohibits an attending physician from prescribing a controlled substance that is designed to end the life of a patient based solely on the age or disability of the patient. Section 19 of this bill requires certain providers of health care to include certain information concerning requests and prescriptions for and the dispensing of a controlled substance that is designed to end the life of a patient in the medical record of the patient. Section 19 also requires any interaction between a patient and a physician, psychiatrist or psychologist relating to the prescription of a controlled substance designed to end the life of the patient to take place in person. Section 22 of this bill prescribes certain information that must be reported to the Division of Public and Behavioral Health of the Department of Health and Human Services relating to a patient who has self-administered such a controlled substance. Section 23 of this bill requires the Division to compile an annual report concerning the implementation of the provisions of this bill authorizing a patient to request a prescription for a controlled substance that is designed to end the life of the patient. Sections 22, 35 and 37 of this bill provide that such information is otherwise confidential when reported to the Division.

Section 20 of this bill allows a patient, at any time, to revoke a request for a controlled substance that is designed to end his or her life. Sections 21 and 32 of this bill provide that only the patient to whom a controlled substance designed to end his or her life is prescribed may administer the controlled substance. No other person is allowed to administer the controlled substance to the patient. Section 21 provides for the disposal of any unused portion of the controlled substance.

Section 24 of this bill makes certain providers of health care exempt from professional discipline, immune from civil and criminal liability and provides that such providers do not violate any applicable standard of care for taking certain actions to assist a patient in acquiring a controlled substance designed to end the life of the patient. Section 25 of this bill provides that a death resulting from the self-administration of a controlled substance that is designed to end the life of a patient is not suicide or homicide when done in accordance with the provisions of this bill, and section ~~[1]~~ 1.5 of this bill requires a death certificate to list the terminal condition of the patient as the cause of death of the patient. Sections 1 and 1.7 of this bill provide that a coroner, coroner's deputy or local health officer is not required to: (1) certify the cause of such a death; or (2) investigate such a death under certain circumstances.

Sections 26 and 33 of this bill prohibit a person from preventing or requiring a person to submit or revoke a request for a controlled substance that is designed to end the life of the person as a condition to receiving health care or as a condition in an agreement, contract or will.

Existing law makes it a category A felony to administer poison or cause poison to be administered with the intention of causing the death of a person. (NRS 200.390) Such a crime is punishable by imprisonment for life with eligibility for parole after 5 years, or by a definite term of 15 years with eligibility for parole after 5 years. Section 27 of this bill makes it a category A felony with the same punishment to engage in certain fraudulent or coercive acts intended to cause a person to self-administer a controlled substance that is designed to end the life of the person.

Section 28 of this bill clarifies that a physician is not required to prescribe a controlled substance that is designed to end the life of a patient or violate certain standards and responsibilities related to that profession. Section 28 also provides that a pharmacist is not required to fill a prescription for or dispense such a controlled substance. Section 29 of this bill allows the owner or operator of a health care facility to prohibit an employee or independent contractor of the health care facility or any person who provides services on the premises of the health care facility from providing any services relating to prescribing a controlled substance designed to end the life of a patient while acting within the scope of his or her employment or contract with the facility or while on the premises of the facility. Sections 30 and 31 of this bill make conforming changes to clarify that a physician or pharmacist may dispense a controlled substance that is designed to end the life of a patient and a patient may self-administer such a controlled substance in accordance with other provisions governing controlled substances designed to end the life of a patient.

Section 34 of this bill provides that a proposed protected person shall not be deemed to be in need of a general or special guardian solely because the proposed protected person requested a controlled substance designed to end his or her life or revoked such a request. Sections 38 and 39 of this bill prohibit insurers from: (1) refusing to sell, provide or issue a policy of life insurance or annuity contract or charging a higher rate because a person makes or revokes a request for a controlled substance designed to end the life of the person or self-administers such a controlled substance; or (2) conditioning life insurance benefits or the payment of claims on whether the insured makes, fails to make or revokes a request for a controlled substance designed to end the life of the insured or self-administers such a controlled substance.

WHEREAS, A patient should have the right to self-determination concerning his or her health care decisions based on communications with his or her physician; and

WHEREAS, Principles of law having their roots in common law and the United States Constitution that date back to the late 19th century establish the

right of every person to the possession and control of his or her own body, free from restraint or interference by others; and

WHEREAS, It is necessary to promote awareness and discussion of health care issues in preparation for decisions concerning the end of the life of a person; and

WHEREAS, A person should have the right to self-determination concerning medically assisted, informed, voluntary decisions about dying with dignity and avoiding unnecessary suffering; and

WHEREAS, A person who suffers from a terminal condition should have the right to determine whether to fight for his or her life using all reasonable care until life's end, to enroll in hospice care, to seek palliative care, to ingest a drug to end his or her life or to take any combination of those actions; now, therefore,

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

Section 1. Chapter 440 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A coroner, coroner's deputy or local health officer is not required to:

(a) Certify the cause of death of a patient who dies after self-administering a controlled substance that is designed to end the life of the patient in accordance with the provisions of sections 3 to 29, inclusive, of this act; or

(b) Investigate the death of a patient who dies after self-administering a controlled substance that is designed to end the life of the patient in accordance with the provisions of sections 3 to 29, inclusive, of this act if the coroner confirms the physician who prescribed the controlled substance.

2. A coroner may access any records or information submitted to the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to section 22 of this act to confirm that a patient died from self-administering a controlled substance designed to end the life of the patient in accordance with the provisions of sections 3 to 29, inclusive, of this act.

Sec. 1.5. NRS 440.380 is hereby amended to read as follows:

440.380 1. ~~[The]~~ *Except as otherwise provided in subsection 3, the* medical certificate of death must be signed by the physician or advanced practice registered nurse, if any, last in attendance on the deceased, or pursuant to regulations adopted by the Board, it may be signed by the attending physician's associate physician, the chief medical officer of the hospital or institution in which the death occurred, or the pathologist who performed an autopsy upon the deceased. The person who signs the medical certificate of death shall specify:

(a) The social security number of the deceased.

(b) The hour and day on which the death occurred.

(c) The cause of death, so as to show the cause of disease or sequence of causes resulting in death, giving first the primary cause of death or the name

of the disease causing death, and the contributory or secondary cause, if any, and the duration of each.

2. In deaths in hospitals or institutions, or of nonresidents, the physician or advanced practice registered nurse shall furnish the information required under this section, and may state where, in his or her opinion, the disease was contracted.

3. The medical certificate of death of a patient who dies after self-administering a controlled substance that is designed to end the life of the patient in accordance with the provisions of sections 3 to 29, inclusive, of this act must be signed by the ~~[attending]~~ physician who prescribed the controlled substance. The physician shall specify the terminal condition with which the patient was diagnosed as the cause of death of the patient.

Sec. 1.7. NRS 440.420 is hereby amended to read as follows:

440.420 1. In case of any death occurring without medical attendance, the funeral director shall notify the local health officer, coroner or coroner's deputy of such death and refer the case to the local health officer, coroner or coroner's deputy . ~~[for immediate investigation and certification.]~~ *Except as otherwise provided in section 1 of this act, the coroner, coroner's deputy or local health officer shall immediately investigate the death and certify the cause of death.*

2. Where there is no qualified physician or advanced practice registered nurse in attendance, and in such cases only, the local health officer is authorized to make the certificate and return from the statements of relatives or other persons having adequate knowledge of the facts.

3. If the death was caused by unlawful or suspicious means, the local health officer shall then refer the case to the coroner for investigation and certification.

4. In counties which have adopted an ordinance authorizing a coroner's examination in cases of sudden infant death syndrome, the funeral director shall notify the local health officer whenever the cause or suspected cause of death is sudden infant death syndrome. The local health officer shall then refer the case to the coroner for investigation and certification.

5. The coroner or the coroner's deputy may certify the cause of death in any case which is referred to the coroner by the local health officer or pursuant to a local ordinance.

Sec. 2. Chapter 453 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 29, inclusive, of this act.

Sec. 3. *As used in sections 3 to 29, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 10, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 4. *"Attending physician" means the physician who has primary responsibility for the treatment of a terminal condition from which a patient suffers.*

Sec. 5. *"Competent" means that a person has the ability to make, communicate and understand the nature of decisions concerning his or her health care.*

Sec. 6. *"Consulting physician" means a physician to whom a patient is referred pursuant to subsection 5 of section 15 of this act for confirmation of the diagnosis and prognosis of the patient and that the patient is competent.*

Sec. 7. *"Division" means the Division of Public and Behavioral Health of the Department of Health and Human Services.*

Sec. 8. *"Health care facility" means any facility licensed pursuant to chapter 449 of NRS.*

Sec. 9. *"Prescription" means an order given individually for the person for whom prescribed, directly from the attending physician to a pharmacist or indirectly by means of an order signed by the attending physician or an electronic transmission from the attending physician to a pharmacist.*

Sec. 10. *"Terminal condition" means an incurable and irreversible condition that cannot be cured or modified by any known current medical therapy or treatment and which will, in the opinion of the attending physician, result in death within 6 months.*

Sec. 11. *The Legislature hereby finds and declares that:*

1. Patients with terminal conditions who have suffered prolonged and unbearable pain as well as the loss of physical control at the end of their lives deserve the right to a peaceful and dignified death.

2. Adults diagnosed to be within 6 months of death and of sound mental health, as determined by at least two physicians, should be allowed to request and receive medication that may be self-administered by the patient to peacefully end his or her life.

3. Other states that have enacted laws that allow patients with terminal conditions to choose a dignified death have found improvements in palliative and hospice care, including that nearly all of such patients participate in hospice care, and that such patients are able to die at home surrounded by loved ones and friends.

4. The provisions of sections 3 to 29, inclusive, of this act are intended to provide the safeguards, procedures, written requirements and reporting functions to allow a safe framework for patients with terminal conditions to make a request to end their lives so they may have control over their final days.

Sec. 12. *A patient may request that his or her attending physician prescribe a controlled substance that is designed to end the life of the patient if the patient:*

1. Is at least 18 years of age;

2. Has been diagnosed with a terminal condition by the attending physician and at least one consulting physician;

3. Is a resident of this State;

4. Has made an informed and voluntary decision to end his or her own life;

5. Is competent; and

6. Is not requesting the controlled substance because of coercion or undue influence.

Sec. 13. *1. A patient who wishes to obtain a prescription for a controlled substance that is designed to end his or her life must:*

(a) Make two verbal requests for the controlled substance to his or her attending physician. The second verbal request must be made at least 15 days after the first verbal request and at least 48 hours after the written request is delivered to the attending physician pursuant to paragraph (b).

(b) Make a written request for the controlled substance in the manner prescribed pursuant to section 14 of this act and deliver the written request to the attending physician. The written request for such a controlled substance must be signed by the patient and two witnesses, neither of whom may be the attending physician. At least one of the witnesses must be a person who is not:

(1) Related to the patient by blood, marriage or adoption;

(2) Entitled to any portion of the estate of the patient upon death under a will or by operation of law; or

(3) An owner, operator or employee of a health care facility where the patient is receiving treatment or is a resident.

(c) Provide to the attending physician proof that the patient is a resident of this State, which may include, without limitation:

(1) A valid driver's license or other identification card issued to the patient by this State;

(2) A voter registration card issued to the patient pursuant to NRS 293.517; or

(3) Evidence that the patient owns or leases property in this State.

2. If a patient resides in a facility for long-term care or a facility for hospice care at the time the patient makes a written request pursuant to this section, one of the witnesses described in paragraph (b) of subsection 1 must be designated to serve as a witness by the facility and may include, without limitation, an ombudsman, a chaplain or a social worker.

3. As used in this section:

(a) "Facility for hospice care" has the meaning ascribed to it in NRS 449.0033.

(b) "Facility for long-term care" has the meaning ascribed to it in NRS 427A.028.

Sec. 14. *A written request for a controlled substance that is designed to end the life of a patient must be in substantially the following form:*

REQUEST FOR A CONTROLLED SUBSTANCE
THAT IS DESIGNED TO END MY LIFE

I, ..., am an adult of sound mind.

I am suffering from ....., which my attending physician has determined is a terminal condition and which has been medically confirmed by a consulting physician.

I have been fully informed of my diagnosis, my prognosis, the nature of the medication to be prescribed and the potential associated risks

and expected result of the medication and the feasible alternatives, including comfort care, hospice care and pain control.

I request that my attending physician prescribe a controlled substance that I may self-administer to end my life and authorize my attending physician to contact a pharmacist to fill the prescription.

INITIAL ONE:

..... I have informed my family of my decision and taken their opinions into consideration.

..... I have decided not to inform my family of my decision.

..... I have no family to inform of my decision.

I understand that I have the right to revoke this request at any time.

I understand the full import of this request, and I expect to die when I take the controlled substance to be prescribed. I further understand that although most deaths occur within 3 hours, my death may take longer and my attending physician has counseled me about this possibility.

I make this request voluntarily and without reservation, and I accept full moral responsibility for my actions.

Signed: .....

Dated: .....

DECLARATION OF WITNESSES

By initialing and signing below on or after the date the person named above signs, we declare that the person making and signing the above request:

Witness 1 Initials	*Witness 2 Initials*	
.....		*1. Is personally known to us or has provided proof of identity;*
.....		*2. Signed this request in our presence on the date of the person's signature;*
.....		*3. Appears to be of sound mind and not under duress, fraud or undue influence; and*
.....		*4. Is not a patient for whom either of us is the attending physician.*

Printed Name of Witness 1: .....

Signature of Witness 1/Date: .....

Printed Name of Witness 2: .....

Signature of Witness 2/Date: .....

NOTE: One witness must not be a relative by blood, marriage or adoption of the person signing this request, must not be entitled to any portion of the person's estate upon death and must not own, operate or be employed at a health care facility where the person is a patient or resident. If the patient is an inpatient at a facility for long-term care or

a facility for hospice care, one of the witnesses must be a person designated by the facility.

Sec. 15. *Before prescribing a controlled substance that is designed to end the life of a patient, the attending physician of the patient must:*

1. Inform the patient that he or she may revoke a request for the controlled substance at any time and provide the patient with the opportunity to revoke his or her second verbal request made pursuant to subsection 1 of section 13 of this act;

2. Determine and verify, after each verbal and written request for the controlled substance made pursuant to subsection 1 of section 13 of this act and immediately before writing the prescription, that the patient meets the requirements of subsections 4 and 5 of section 12 of this act;

3. Confirm that the patient meets the requirements of subsection 6 of section 12 of this act by discussing with the patient, outside the presence of all persons other than an interpreter, if required, whether the patient is feeling coerced or unduly influenced by another person;

4. Discuss with the patient:

(a) The diagnosis and prognosis of the patient;

(b) All available methods of treating or managing the terminal condition of the patient, including, without limitation, comfort care, hospice care and pain control;

(c) The probable effects of the controlled substance; and

(d) The importance of having another person present when the patient self administers the controlled substance;

5. Refer the patient to a consulting physician who is qualified by reason of specialty or experience to diagnose the terminal condition of the patient for examination and receive confirmation from that physician of the diagnosis and prognosis of the patient and that the patient meets the requirements of subsections 4 and 5 of section 12 of this act;

6. Instruct the patient against self-administering the controlled substance in a public place; and

7. Recommend that the patient notify his or her next of kin of the patient's decision to end his or her life.

Sec. 16. *1. If the attending physician to whom a patient makes a request for a controlled substance that is designed to end the life of the patient or a consulting physician determines that the patient may not be competent, the attending physician:*

(a) Shall refer the patient for examination by a psychiatrist or psychologist; and

(b) Must not prescribe a controlled substance that is designed to end the life of the patient unless the psychiatrist or psychologist concludes, based on the examination, that the patient is competent to make a decision concerning whether to end his or her life.

2. If a patient is examined pursuant to subsection 1, the psychiatrist or psychologist shall report to the attending physician his or her determination

regarding whether the patient is competent to make a decision concerning whether to end his or her life.

Sec. 17. *1. Except as otherwise provided in section 18 of this act, the attending physician of a patient may prescribe a controlled substance that is designed to end the life of the patient after the attending physician has ensured that the requirements of sections 12 to 16, inclusive, of this act have been met.*

2. After an attending physician prescribes a controlled substance that is designed to end the life of a patient, the attending physician shall, with the written consent of the patient, contact a pharmacist and inform the pharmacist of the prescription. After the pharmacist has been notified, the attending physician shall give the prescription directly to the pharmacist or electronically transmit the prescription directly to the pharmacist.

3. A controlled substance that is designed to end the life of a patient may only be dispensed by a registered pharmacist or by the attending physician of the patient. A pharmacist may only dispense such a controlled substance pursuant to a valid prescription provided by an attending physician in accordance with subsection 2 to:

(a) The patient;

(b) The attending physician who prescribed the controlled substance; or

(c) An agent of the patient who has been expressly identified to the pharmacist as such by the patient.

4. A pharmacist shall not dispense a controlled substance that is designed to end the life of a patient by mail or any other delivery service.

Sec. 18. *An attending physician shall not prescribe a controlled substance that is designed to end the life of a patient based solely on the age or disability of the patient.*

Sec. 19. *1. The attending physician of a patient who requests a controlled substance that is designed to end the life of the patient shall document in the medical record of the patient:*

(a) Each request for such a controlled substance made by the patient and each revocation of such a request;

(b) The diagnosis and the prognosis of the patient provided by the attending physician;

(c) Each determination made by the attending physician concerning whether the patient meets the requirements of subsections 4, 5 and 6 of section 12 of this act;

(d) Confirmation that:

(1) The attending physician offered the patient the opportunity to revoke his or her second verbal request for the controlled substance, as required by subsection 1 of section 15 of this act; and

(2) The requirements set forth in sections 3 to 29, inclusive, of this act have been satisfied; and

(e) The name, amount and dosage of any controlled substance designed to end the life of the patient that the attending physician prescribes for the patient.

2. A consulting physician shall report to the attending physician of the patient and document in the medical record of the patient his or her:

(a) Diagnosis and opinion regarding the prognosis of the patient; and

(b) Determination concerning whether the patient meets the requirements of subsections 4 and 5 of section 12 of this act.

3. A psychiatrist or psychologist to whom a patient is referred pursuant to section 16 of this act shall document in the medical record of the patient his or her determination of whether the patient is competent to make a decision concerning whether to end his or her life.

4. If a patient who has requested a controlled substance that is designed to end his or her life changes his or her attending physician, the prior attending physician must, upon the request of the patient or the new attending physician, forward the medical records of the patient to the new attending physician.

5. Any interaction between a patient and an attending physician, consulting physician, psychiatrist or psychologist pursuant to sections 12 to 17, inclusive, of this act:

(a) Must take place in person; and

(b) May not occur using telehealth, as defined in NRS 629.515.

Sec. 20. *1. A patient who requests a controlled substance that is designed to end his or her life may revoke the request at any time, without regard to his or her age or physical or mental condition.*

2. The revocation of a request for such a controlled substance becomes effective immediately upon the patient communicating the revocation to his or her attending physician. When the patient revokes such a request, the attending physician must document the revocation in the medical record of the patient.

Sec. 21. *1. Only a patient to whom a controlled substance designed to end his or her life is prescribed may administer the controlled substance. No other person may administer the controlled substance to the patient.*

2. If any amount of a controlled substance that is designed to end the life of a patient is not self-administered, it must be disposed of in accordance with law.

Sec. 22. *1. An attending physician who prescribes a controlled substance that is designed to end the life of a patient shall:*

(a) Not more than 30 days after prescribing the controlled substance, provide to the Division the name and amount of the controlled substance prescribed and the purpose for which the controlled substance was prescribed; and

(b) If the patient died from self-administering the controlled substance, not more than 30 days after the death of the patient, provide to the Division the age of the patient at death, his or her level of education, race and sex, the type of insurance under which the patient was covered, if any, and the terminal condition from which the patient suffered.

2. A registered pharmacist who dispenses a controlled substance that is designed to end the life of a patient shall, not more than 30 days after

dispensing the controlled substance, provide to the Division the name and amount of the controlled substance dispensed and the purpose for which the controlled substance was dispensed.

3. The Division may adopt regulations requiring an attending physician who prescribes a controlled substance that is designed to end the life of a patient pursuant to section 17 of this act or a registered pharmacist who dispenses such a controlled substance to provide to the Division any other relevant information, except that the Division may not require the reporting of any personally identifiable information of a patient to whom a controlled substance that is designed to end the life of the patient is prescribed or dispensed.

4. Except as otherwise provided in NRS 239.0115 and ~~[section]~~ sections 1 and 23 of this act, any information or records submitted to the Division pursuant to this section are confidential.

Sec. 23. *The Division shall:*

1. Compile an annual report concerning the implementation of the provisions of sections 3 to 29, inclusive, of this act. The report must include, for the immediately preceding calendar year:

(a) The number of patients to whom a controlled substance that is designed to end the life of a patient was prescribed;

(b) The number of patients described in paragraph (a) who died and the terminal conditions which were specified as the cause of those deaths;

(c) The number of deaths in this State resulting from the administration of a controlled substance that is designed to end the life of a patient per 10,000 deaths in this State;

(d) The number of physicians who prescribed a controlled substance that is designed to end the life of a patient;

(e) Demographic information for each patient whose death was the result of self-administering a controlled substance that is designed to end the life of the patient, including the age of the patient at death, his or her level of education, race and sex, the type of insurance under which the patient was covered, if any, and the terminal condition from which the patient suffered; and

(f) The name of each such controlled substance prescribed to end the life of each such patient and the frequency with which each such controlled substance was prescribed for that purpose.

2. On or before February 1 of each year:

(a) Make the report compiled pursuant to subsection 1 publicly available on the Internet website maintained by the Division; and

(b) Submit the report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Health Care, if the report is submitted in an even-numbered year, or to the next session of the Legislature, if the report is submitted in an odd-numbered year.

Sec. 24. *1. A physician is not subject to professional discipline, does not violate any applicable standard of care and is not subject to civil or criminal*

liability solely because the physician takes any action in good faith to comply with sections 3 to 29, inclusive, of this act.

2. A psychiatrist or psychologist who examines a patient pursuant to section 16 of this act is not subject to professional discipline, does not violate any applicable standard of care and is not subject to civil or criminal liability solely because he or she concludes and reports to the attending physician that the patient is competent or not competent.

3. A registered pharmacist is not subject to professional discipline, does not violate any applicable standard of care and is not subject to civil or criminal liability solely because the pharmacist dispenses a controlled substance that is designed to end the life of a patient in good faith to comply with section 17 of this act.

Sec. 25. *1. Death resulting from a patient self-administering a controlled substance that is designed to end his or her life in accordance with the provisions of sections 3 to 29, inclusive, of this act does not constitute suicide or homicide.*

2. Any report or other document produced by this State, any political subdivision of this State or any agency, board, commission, department, officer, employee or agent of this State must refer to a request for, acquisition of, prescription of, dispensation of and self-administration of a controlled substance that is designed to end the life of a patient as a request for, acquisition of, prescription of, dispensation of and self-administration, as applicable, of a controlled substance that is designed to end the life of a patient.

Sec. 26. *1. A person shall not prevent or require a patient to make or revoke a request for a controlled substance that is designed to end the life of the patient as a condition of receiving health care.*

2. Any provision in any contract or agreement entered into on or after the effective date of this act, whether written or oral, that would affect the right of a patient to take any action in accordance with the provisions of sections 3 to 29, inclusive, of this act is unenforceable and void.

Sec. 27. *1. It is unlawful for any person to:*

(a) Alter or forge a request for a controlled substance that is designed to end the life of another person with the intent of causing the death of the person;

(b) Coerce or exert undue influence on a person to:

(1) Request a controlled substance that is designed to end the life of the person;

(2) Refrain from revoking a request for a controlled substance that is designed to end the life of the person pursuant to section 20 of this act; or

(3) Self-administer a controlled substance designed to end the life of the person; or

(c) Willfully conceal, cancel, deface, obliterate or withhold personal knowledge of the revocation by a person of a request for a controlled substance that is designed to end the life of the person.

2. Any person who violates this section is guilty of a category A felony and shall be punished by imprisonment in the state prison:

(a) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served; or

(b) For a definite term of 15 years, with eligibility for parole beginning when a minimum of 5 years has been served.

Sec. 28. *The provisions of sections 3 to 29, inclusive, of this act do not:*

1. Require an attending physician to prescribe a controlled substance that is designed to end the life of a patient or require a pharmacist to fill a prescription for or dispense such a controlled substance;

2. Affect the responsibility of a physician to provide treatment for a patient's comfort or alleviation of pain; or

3. Condone, authorize or approve mercy killing, euthanasia or assisted suicide.

Sec. 29. *1. The owner or operator of a health care facility may prohibit:*

(a) Any employee or independent contractor of the health care facility from providing any services described in sections 3 to 29, inclusive, of this act while acting within the scope of his or her employment or contract, as applicable, with the health care facility; or

(b) Any other person, including, without limitation, an employee or independent contractor of the health care facility or another health care provider who provides services on the premises of the health care facility, from providing any services described in sections 3 to 29, inclusive, of this act on the premises of the health care facility.

2. An owner or operator of a health care facility who prohibits any person from providing services described in sections 3 to 29, inclusive, of this act shall provide notice of the prohibition to:

(a) Each employee and independent contractor of the health care facility; and

(b) Each health care provider not described in paragraph (a) who provides services on the premises of the health care facility, including, without limitation, through telehealth as defined in NRS 629.515.

3. The owner or operator of a health care facility may take any action authorized by law or authorized pursuant to any applicable rule, policy, procedure or contract against any person who provides a service prohibited by the owner or operator in compliance with subsection 1 while acting within the scope of his or her employment or contract, as applicable, or on the premises of the health care facility.

Sec. 30. 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 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 prescription 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. A substance included in schedule V may be distributed or dispensed only for a medical purpose, including medical treatment or authorized research.

5. 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. 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. 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. A person who violates this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

9. 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 treatment" includes ~~[dispensing]~~ ***:***

(1) Dispensing or administering a narcotic drug for pain, whether or not intractable ~~[.]~~ ***; and***

(2) Dispensing a controlled substance designed to end the life of a patient pursuant to the provisions of sections 3 to 29, inclusive, of this act.

(c) "Parenteral solution" has the meaning ascribed to it in NRS 639.0105.

Sec. 31. NRS 453.321 is hereby amended to read as follows:

453.321 1. Except as authorized by the provisions of NRS 453.011 to 453.552, inclusive, *and sections 3 to 29, inclusive, of this act,* it is unlawful for a person to:

(a) Import, transport, sell, exchange, barter, supply, prescribe, dispense, give away or administer a controlled or counterfeit substance;

(b) Manufacture or compound a counterfeit substance; or

(c) Offer or attempt to do any act set forth in paragraph (a) or (b).

2. Unless a greater penalty is provided in NRS 453.333 or 453.334, if a person violates subsection 1 and the controlled substance is classified in schedule I or II, the person is guilty of a category B felony and shall be punished:

(a) For the first offense, 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 $20,000.

(b) For a second offense, or if, in the case of a first conviction under this subsection, the offender has previously been convicted of an offense under this section or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to an offense under this section, 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.

(c) For a third or subsequent offense, or if the offender has previously been convicted two or more times under this section or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to an offense under this section, by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $20,000 for each offense.

3. The court shall not grant probation to or suspend the sentence of a person convicted under subsection 2 and punishable pursuant to paragraph (b) or (c) of subsection 2.

4. Unless a greater penalty is provided in NRS 453.333 or 453.334, if a person violates subsection 1, and the controlled substance is classified in schedule III, IV or V, the person shall be punished:

(a) For the first offense, for a category C felony as provided in NRS 193.130.

(b) For a second offense, or if, in the case of a first conviction of violating this subsection, the offender has previously been convicted of violating this

section or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a violation of this section, 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 $15,000.

(c) For a third or subsequent offense, or if the offender has previously been convicted two or more times of violating this section or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a violation of this section, for a category B felony by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $20,000 for each offense.

5. The court shall not grant probation to or suspend the sentence of a person convicted under subsection 4 and punishable pursuant to paragraph (b) or (c) of subsection 4.

Sec. 32. NRS 453.375 is hereby amended to read as follows:

453.375 1. ~~[A]~~ *Except as otherwise provided in section 21 of this act, a* controlled substance may be possessed and administered by the following persons:

(a) A practitioner.

(b) A registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a physician, physician assistant, dentist, podiatric physician or advanced practice registered nurse, or pursuant to a chart order, for administration to a patient at another location.

(c) A paramedic:

(1) As authorized by regulation of:

(I) The State Board of Health in a county whose population is less than 100,000; or

(II) A county or district board of health in a county whose population is 100,000 or more; and

(2) In accordance with any applicable regulations of:

(I) The State Board of Health in a county whose population is less than 100,000;

(II) A county board of health in a county whose population is 100,000 or more; or

(III) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

(d) A respiratory therapist, at the direction of a physician or physician assistant.

(e) A medical student, student in training to become a physician assistant or student nurse in the course of his or her studies at an accredited college of medicine or approved school of professional or practical nursing, at the direction of a physician or physician assistant and:

(1) In the presence of a physician, physician assistant or a registered nurse; or

(2) Under the supervision of a physician, physician assistant or a registered nurse if the student is authorized by the college or school to administer the substance outside the presence of a physician, physician assistant or nurse.

➥ A medical student or student nurse may administer a controlled substance in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

(f) An ultimate user or any person whom the ultimate user designates pursuant to a written agreement.

(g) Any person designated by the head of a correctional institution.

(h) A veterinary technician at the direction of his or her supervising veterinarian.

(i) In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

(j) In accordance with applicable regulations of the State Board of Pharmacy, an animal control officer, a wildlife biologist or an employee designated by a federal, state or local governmental agency whose duties include the control of domestic, wild and predatory animals.

(k) A person who is enrolled in a training program to become a paramedic, respiratory therapist or veterinary technician if the person possesses and administers the controlled substance in the same manner and under the same conditions that apply, respectively, to a paramedic, respiratory therapist or veterinary technician who may possess and administer the controlled substance, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

2. As used in this section, "accredited college of medicine" means:

(a) A medical school that is accredited by the Liaison Committee on Medical Education of the American Medical Association and the Association of American Medical Colleges or their successor organizations; or

(b) A school of osteopathic medicine, as defined in NRS 633.121.

Sec. 33. NRS 133.065 is hereby amended to read as follows:

133.065 *1.* Except *as otherwise provided in subsection 2 or* to the extent that it violates public policy, a testator may:

~~[1.]~~ *(a)* Make a devise conditional upon a devisee's action or failure to take action or upon the occurrence or nonoccurrence of one or more specified events; and

~~[2.]~~ *(b)* Specify the conditions or actions which would disqualify a person from serving or which would constitute cause for removal of a person who is serving in any capacity under the will, including, without limitation, as a personal representative, guardian or trustee.

2. Any provision in a will executed on or after the effective date of this act that conditions a devise on any person requesting or failing to request a controlled substance designed to end his or her life, revoking such a request or self-administering such a controlled substance in accordance with the provisions of sections 3 to 29, inclusive, of this act is unenforceable and void.

Sec. 34. NRS 159.054 is hereby amended to read as follows:

159.054 1. If the court finds that the proposed protected person is not incapacitated and is not in need of a guardian, the court shall dismiss the petition.

2. If the court finds that the proposed protected person is of limited capacity and is in need of a special guardian, the court shall enter an order accordingly and specify the powers and duties of the special guardian.

3. If the court finds that appointment of a general guardian is required, the court shall appoint a general guardian of the person, estate, or person and estate of the proposed protected person.

4. A proposed protected person shall not be deemed to be in need of a general or special guardian based solely upon a request by the proposed protected person for a controlled substance that is designed to end his or her life or the revocation of such a request if made in accordance with the provisions of sections 3 to 29, inclusive, of this act.

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

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333,

333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and section 22 of this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may

be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

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

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

Sec. 36. NRS 639.1375 is hereby amended to read as follows:

639.1375 1. Subject to the limitations set forth in NRS 632.237 ~~[,]~~ *and except as otherwise provided in section 17 of this act,* an advanced practice registered nurse may dispense controlled substances, poisons, dangerous drugs and devices if the advanced practice registered nurse:

(a) Passes an examination administered by the State Board of Nursing on Nevada law relating to pharmacy and submits to the State Board of Pharmacy evidence of passing that examination;

(b) Is authorized to do so by the State Board of Nursing in a license issued by that Board; and

(c) Applies for and obtains a certificate of registration from the State Board of Pharmacy and pays the fee set by a regulation adopted by the Board. The Board may set a single fee for the collective certification of advanced practice registered nurses in the employ of a public or nonprofit agency and a different fee for the individual certification of other advanced practice registered nurses.

2. The State Board of Pharmacy shall consider each application from an advanced practice registered nurse separately, and may:

(a) Issue a certificate of registration limiting:

(1) The authority of the advanced practice registered nurse to dispense controlled substances, poisons, dangerous drugs and devices;

(2) The area in which the advanced practice registered nurse may dispense;

(3) The kind and amount of controlled substances, poisons, dangerous drugs and devices which the certificate permits the advanced practice registered nurse to dispense; and

(4) The practice of the advanced practice registered nurse which involves controlled substances, poisons, dangerous drugs and devices in any manner which the Board finds necessary to protect the health, safety and welfare of the public;

(b) Issue a certificate of registration without any limitation not contained in the license issued by the State Board of Nursing; or

(c) Refuse to issue a certificate of registration, regardless of the provisions of the license issued by the State Board of Nursing.

3. If a certificate of registration issued pursuant to this section is suspended or revoked, the Board may also suspend or revoke the registration of the physician for and with whom the advanced practice registered nurse is in practice to dispense controlled substances.

4. The Board shall adopt regulations setting forth the maximum amounts of any controlled substance, poison, dangerous drug and devices which an advanced practice registered nurse who holds a certificate from the Board may dispense, the conditions under which they must be stored, transported and safeguarded, and the records which each such nurse shall keep. In adopting its regulations, the Board shall consider:

(a) The areas in which an advanced practice registered nurse who holds a certificate from the Board can be expected to practice and the populations of those areas;

(b) The experience and training of the advanced practice registered nurse;

(c) Distances between areas of practice and the nearest hospitals and physicians;

(d) Whether the advanced practice registered nurse is authorized to prescribe a controlled substance listed in schedule II pursuant to a protocol approved by a collaborating physician;

(e) Effects on the health, safety and welfare of the public; and

(f) Other factors which the Board considers important to the regulation of the practice of advanced practice registered nurses who hold certificates from the Board.

Sec. 37. NRS 639.238 is hereby amended to read as follows:

639.238 1. Prescriptions filled and on file in a pharmacy are not a public record. Except as otherwise provided in NRS 439.538 and 639.2357, *and section 22 of this act,* a pharmacist shall not divulge the contents of any prescription or provide a copy of any prescription, except to:

(a) The patient for whom the original prescription was issued;

(b) The practitioner who originally issued the prescription;

(c) A practitioner who is then treating the patient;

(d) A member, inspector or investigator of the Board or an inspector of the Food and Drug Administration or an agent of the Investigation Division of the Department of Public Safety;

(e) An agency of state government charged with the responsibility of providing medical care for the patient;

(f) An insurance carrier, on receipt of written authorization signed by the patient or his or her legal guardian, authorizing the release of such information;

(g) Any person authorized by an order of a district court;

(h) Any member, inspector or investigator of a professional licensing board which licenses a practitioner who orders prescriptions filled at the pharmacy;

(i) Other registered pharmacists for the limited purpose of and to the extent necessary for the exchange of information relating to persons who are suspected of:

(1) Misusing prescriptions to obtain excessive amounts of drugs; or

(2) Failing to use a drug in conformity with the directions for its use or taking a drug in combination with other drugs in a manner that could result in injury to that person;

(j) A peace officer employed by a local government for the limited purpose of and to the extent necessary:

(1) For the investigation of an alleged crime reported by an employee of the pharmacy where the crime was committed; or

(2) To carry out a search warrant or subpoena issued pursuant to a court order; or

(k) A county coroner, medical examiner or investigator employed by an office of a county coroner for the purpose of:

(1) Identifying a deceased person;

(2) Determining a cause of death; or

(3) Performing other duties authorized by law.

2. Any copy of a prescription for a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is issued to a county coroner, medical examiner or investigator employed by an office of a county coroner must be limited to a copy of the prescription filled or on file for:

(a) The person whose name is on the container of the controlled substance or dangerous drug that is found on or near the body of a deceased person; or

(b) The deceased person whose cause of death is being determined.

3. Except as otherwise provided in NRS 639.2357, any copy of a prescription for a controlled substance or a dangerous drug as defined in chapter 454 of NRS, issued to a person authorized by this section to receive such a copy, must contain all of the information appearing on the original prescription and be clearly marked on its face "Copy, Not Refillable—For Reference Purposes Only." The copy must bear the name or initials of the registered pharmacist who prepared the copy.

4. If a copy of a prescription for any controlled substance or a dangerous drug as defined in chapter 454 of NRS is furnished to the customer, the original

prescription must be voided and notations made thereon showing the date and the name of the person to whom the copy was furnished.

5. As used in this section, "peace officer" does not include:

(a) A member of the Police Department of the Nevada System of Higher Education.

(b) A school police officer who is appointed or employed pursuant to NRS 391.281.

Sec. 38. Chapter 688A of NRS is hereby amended by adding thereto a new section to read as follows:

An insurer shall not:

1. Deny a claim under a policy of life insurance or annuity contract, cancel a policy of life insurance or annuity contract or impose an additional charge on a policyholder or beneficiary solely because the insured has, in accordance with the provisions of sections 3 to 29, inclusive, of this act, requested a controlled substance designed to end the life of the insured, revoked such a request or self-administered such a controlled substance.

2. Refuse to sell, provide or issue a policy of life insurance or annuity contract that covers a person or charge a higher rate to cover a person solely because the person has, in accordance with the provisions of sections 3 to 29, inclusive, of this act, requested a controlled substance designed to end the life of the person or revoked such a request.

3. Any provision of a policy of life insurance or annuity contract that, in conflict with the provisions of this section, allows the denial of a claim or cancellation of the policy or contract and which is included in a policy or contract that has been or is delivered, issued for delivery or renewed before, on or after the effective date of this act is void and unenforceable.

Sec. 39. Chapter 688B of NRS is hereby amended by adding thereto a new section to read as follows:

An insurer shall not:

1. Deny a claim under a policy of group life insurance, cancel a policy of group life insurance or impose an additional charge on a policyholder or beneficiary solely because the insured has, in accordance with the provisions of sections 3 to 29, inclusive, of this act, requested a controlled substance designed to end the life of the insured, revoked such a request or self-administered such a controlled substance.

2. Refuse to sell, provide or issue a policy of group life insurance that covers a person or charge a higher rate to cover a person solely because the person has, in accordance with the provisions of sections 3 to 29, inclusive, of this act, requested a controlled substance designed to end the life of the person or revoked such a request.

3. Any provision of a policy of group life insurance that, in conflict with the provisions of this section, allows the denial of a claim or cancellation of the policy and which is included in a policy that has been or is delivered, issued for delivery or renewed before, on or after the effective date of this act is void and unenforceable.

Sec. 40. NRS 688B.040 is hereby amended to read as follows:

688B.040 No policy of group life insurance shall be delivered in this State unless it contains in substance the provisions set forth in NRS 688B.040 to 688B.150, inclusive, *and section 39 of this act* or provisions which in the opinion of the Commissioner are more favorable to the persons insured, or at least as favorable to the persons insured and more favorable to the policyholder; except:

1. NRS 688B.100 to 688B.140, inclusive, *and section 39 of this act* do not apply to policies issued to a creditor to insure debtors of such creditor;

2. The standard provisions required for individual life insurance policies do not apply to group life insurance policies; and

3. If the group life insurance policy is on a plan of insurance other than the term plan, it shall contain a nonforfeiture provision or provisions which in the opinion of the Commissioner is or are equitable to the insured persons and to the policyholder; but nothing in this subsection shall be construed to require that group life insurance policies contain the same nonforfeiture provisions as are required for individual life insurance policies.

Sec. 41. 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. 42. This act becomes effective upon passage and approval.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Amendment No. 56 to Senate Bill No. 165 requires any interaction between a patient and certain healthcare providers relating to the prescription of a controlled substance designed to end the life of a patient to take place in person and not through telemedicine. It also provides that a coroner, coroner's deputy or a local health officer is not required to certify the cause of death resulting from the self-administration of a controlled substance that is designed to end the life of a patient or investigate the death under certain circumstances.

Finally, it clarifies the death certificate of a person who dies after self-administering such a controlled substance must be signed by the physician who prescribed the controlled substance. I encourage your support.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 172.

Bill read second time.

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

Amendment No. 94.

SUMMARY—Makes various changes relating to the Consolidated Local Improvements Law. (BDR 22-30)

AN ACT relating to local improvements; requiring a municipality to ~~[prepare an annual accounting]~~ submit annually certain financial information to the Director of the Legislative Counsel Bureau for each of its improvement districts; requiring a municipality to prepare a final accounting for each special

account created for an improvement district; revising provisions for the refund of surplus assessment funds; providing for the distribution of certain penalties, collection costs and interest on delinquent assessments; providing for the expiration of a certificate of sale for a property sold due to delinquent assessment charges; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the governing body of any county, city or unincorporated town to create an improvement district for the acquisition, operation and maintenance of certain projects and to finance the cost of any project through the issuance of bonds and the levy of assessments upon property in the improvement district. (NRS 271.265, 271.270, 271.325) Existing law requires all assessments to be placed in a special fund created for each improvement district and requires that at the completion of the project any remaining surplus be distributed to the property owners within the district. (NRS 271.429, 271.490) Under existing law, penalties, collection costs and interest on delinquent assessments remaining after the bonds and interest on the bonds have been paid may be deposited into any fund or account of the municipality.

Section 2 of this bill requires a municipality to ~~[prepare an annual accounting for each improvement district created by the municipality and submit the accounting]~~ submit certain annual financial information to the Director of the Legislative Counsel Bureau.

Section 3 of this bill requires a municipality to prepare a final accounting for each special fund created for an improvement district upon a determination by the treasurer of the municipality that certain events have occurred. Section 4 of this bill revises the provisions regarding the refund of surplus assessment funds. Section 5 of this bill requires that penalties, collection costs and interest imposed on assessments in excess of $100,000 remaining after the bonds and interest on the bonds have been paid be deposited into certain accounts for public capital improvements.

Existing law provides the holder of a certificate of sale for any property sold as the result of delinquent assessments charges may demand the deed to the property after the redemption period has ended and the original owner has been notified. (NRS 271.595) Section 7 of this bill: (1) revises the notification requirements; and (2) provides that if the holder of a certificate of sale for a property sold because of delinquent assessment charges does not demand the deed within 3 years after the redemption period ends, with limited exception, the certificate is null and void and no deed may be executed to the holder of the certificate. Section 6 of this bill makes a conforming change.

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

Section 1. Chapter 271 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *1. ~~[The]~~ Except as otherwise provided in subsection 2, the municipality shall ~~[on or before September 1 of each year:~~*

~~*(a) Prepare an accounting for each improvement district created by the municipality that has not been dissolved; and*~~

~~*(b) Submit the accounting]*~~ *submit to the Director of the Legislative Counsel Bureau* ~~*.*~~

~~*2. Each annual accounting prepared pursuant to subsection 1 must:*~~

~~*(a) Be prepared in such detail as the chief financial officer of the municipality may require;*~~

~~*(b) Indicate the amount of actual expenditures for each project located in the improvement district for the immediately preceding fiscal year;*~~

~~*(c) Indicate the estimate of future expenditures for each project located in the improvement district for future fiscal years; and*~~

~~*(d) Indicate the amount of surplus, if any, in the special fund for the improvement district created pursuant to NRS 271.490 as of June 30 of the immediately preceding fiscal year.]*~~ *a copy of the annual financial information that is submitted to the Municipal Securities Rulemaking Board pursuant to 17 C.F.R. 240.15c2-12(b)(5)(i)(A) in connection with the issuance of bonds for each improvement district. Such information must be submitted to the Director on or before the deadline for submission of the information to the Municipal Securities Rulemaking Board.*

2. A municipality is not required to submit to the Director any audited financial statements of the municipality pursuant to this section.

Sec. 3. *1. The municipality shall prepare a final accounting for each special fund created for an improvement district pursuant to NRS 271.490 upon a determination by the treasurer that all of the following have occurred:*

(a) All outstanding bonds, including, without limitation, principal, interest and prior redemption premiums, if any, of the district have been paid;

(b) All installments of assessments and interest thereon have been paid;

(c) There are no remaining liens on tracts in the district for unpaid installments of assessments, including, without limitation, liens for penalties and interest;

(d) The project has been completed; and

(e) All costs of the project have been paid, as determined by the chief financial officer of the municipality.

2. Each final accounting prepared pursuant to subsection 1 must:

(a) Be prepared in such detail as the chief financial officer of the municipality may require;

(b) Indicate the amount of surplus, if any, remaining in the special fund for the improvement district created pursuant to NRS 271.490; and

(c) Except as otherwise provided in subsection 3, be completed not more than 18 months after the date the treasurer makes his or her determination that all of the events set forth in paragraphs (a) to (e), inclusive, of subsection 1 have occurred.

3. If initiation of the improvement district was by a provisional order as described in NRS 271.280 and the alternative procedure set forth in

NRS 271.700 to 271.730, inclusive, does not apply to the district, the final accounting for a project must be completed:

(a) If the improvement district is comprised of 50 tracts or less, not later than 6 months after the date the treasurer makes a determination that the events described in paragraphs (a) to (e), inclusive, of subsection 1 have occurred.

(b) If the improvement district is comprised of more than 50 tracts but less than 250 tracts, not later than 12 months after the date the treasurer makes a determination that the events described in paragraphs (a) to (e), inclusive, of subsection 1 have occurred.

Sec. 4. NRS 271.429 is hereby amended to read as follows:

271.429 1. Except as otherwise provided in subsection 2, ~~[when all outstanding bonds, principal, interest and prior redemption premiums, if any, of a district have been paid,]~~ surplus amounts remaining in the special fund created for that district pursuant to NRS 271.490 *after the final accounting described in section 3 of this act is completed* must be refunded as follows:

(a) If amounts have been advanced from the general fund of the municipality as required by NRS 271.495 for the payment of any bonds or interest thereon of such district, those amounts must first be returned to the general fund of the municipality.

(b) If a surplus and deficiency fund has been established pursuant to NRS 271.428, and amounts have been advanced from the surplus and deficiency fund for the payment of bonds or interest thereon of such district, those amounts must be returned to the surplus and deficiency fund.

(c) The treasurer shall thereupon determine the amount remaining in the fund created for the district pursuant to NRS 271.490 and deduct therefrom the amount of administrative costs of returning that surplus and any other administrative costs incurred by the municipality related to the improvement district or the project which have not been otherwise reimbursed. An amount equal to the actual administrative costs must be returned to the fund from which the administrative costs were paid.

(d) If the remaining surplus is $50,000 or less, that amount must be deposited to the surplus and deficiency fund.

(e) If the remaining surplus is more than $50,000, the treasurer shall:

(1) Deposit $50,000 in the surplus and deficiency fund;

(2) Apportion the amount of the surplus in excess of $50,000 *derived from:*

(I) The proceeds of the bonds, payments of assessments during the 30-day period for payment described in NRS 271.405 and any other money initially designated to be used to pay the costs of the project among *all* the tracts of land assessed in the district; and

(II) All other sources other than penalties, collection costs and interest on a delinquency imposed pursuant to subsection 4 of NRS 271.415 or 271.585 in connection with the collection of an assessment or an installment payment that is not paid when it comes due, among the tracts of land assessed in the

district whose assessments were not paid in full during the 30-day period for payment described in NRS 271.405; and

(3) Report ~~[this apportionment]~~ *all apportionments* to the governing body ~~[.]~~ *for approval by the governing body.*

(f) Upon the approval of ~~[this]~~ *each* apportionment by the governing body ~~[,]~~ *and not later than 30 days after the final accounting described in section 3 of this act is completed,* the treasurer shall thereupon give notice by mail and by publication of the availability of the surplus for refund.

(g) The notice must also state that the owner or owners of record on the date specified by the notice of each tract of land which was assessed may request the refund of the surplus apportioned to that tract by filing a claim therefor with the treasurer ~~[within 60]~~ *not later than 120* days after the date of the mailing of the notice. Thereafter claims for such refunds are perpetually barred.

(h) *Not less than 60 days and not more than 90 days after the date of the mailing of the first notice required pursuant to paragraph (g), the treasurer shall mail a second notice to each owner of record that has not filed a claim for refund. The second notice may be printed on a postcard and may refer to the first notice for any information that the treasurer omits from the second notice.*

(i) All valid claims for a refund must be paid:

(1) If the treasurer determines that there are 250 or more tracts for which an owner of record has requested a refund, not later than 90 days after the deadline for an owner of record to file a claim for a refund as described in paragraph (g).

(2) If the treasurer determines that there are less than 250 tracts for which an owner of record has requested a refund, not later than 30 days after the deadline for an owner of record to file a claim for a refund as described in paragraph (g).

(j) Surplus amounts, if any, remaining after the payment of all valid claims filed with the treasurer ~~[within the 60-day period]~~ must be transferred to the surplus and deficiency fund.

~~[(i)]~~ *(k)* Valid claims for refund filed in excess of the surplus available for each separate tract may be apportioned ratably among the claimants by the treasurer.

2. Subsection 1 does not apply to change or alter the distribution of any surplus pursuant to a written agreement that was entered into by a district on or before June 18, 1993.

3. All determinations of the chief financial officer or treasurer under this section and the apportionment of the surplus approved by the governing body as provided in this section shall be conclusive, absent fraud.

Sec. 5. NRS 271.490 is hereby amended to read as follows:

271.490 1. Except as otherwise provided in subsection ~~[3,]~~ *4,* the assessments, when levied, shall be and remain a lien on the respective tracts of land assessed until paid, as provided herein, and, when collected, shall be

placed in a special fund and as such shall at all times constitute a sinking fund for and be deemed specially appropriated to the payment of the assessment bonds and interest thereon, and shall not be used for any other purpose until the bonds and interest thereon are fully paid, except for the assessments paid during the 30-day payment period provided in NRS 271.405 and applied directly to the costs of the project.

2. ~~[Penalties,]~~ *If the penalties,* collection costs and interest on a delinquency imposed pursuant to subsection 4 of NRS 271.415 or 271.585 in connection with the collection of an assessment or an installment payment that is not paid when it comes due *:*

(a) Total $100,000 or less, the treasurer may ~~[be deposited]~~ *deposit the money* in any fund or account of the municipality designated by the governing body or designated by the chief financial officer of the municipality if the governing body has authorized the chief financial officer to make such a designation.

(b) Total more than $100,000, the treasurer:

(1) Shall deposit $100,000 in any fund or account of the municipality designated by the governing body or designated by the chief financial officer of the municipality if the governing body has authorized the chief financial officer to make such a designation; and

(2) Shall deposit money in excess of $100,000 into a fund or account to be used for public capital improvements which are located in:

(I) The municipality that created the district in the case of a district created by a municipality other than a county; or

(II) A township, as described in NRS 257.010, in which all or any part of the district is located in the case of a district created by a county.

3. *Except as otherwise provided in this subsection, all money deposited into a fund or account to be used for public capital improvements pursuant to subparagraph (2) of paragraph (b) of subsection 2 must be expended or budgeted to be expended for a public capital improvement not later than 5 years after the date of deposit. If the governing body or chief financial officer makes a determination that there is not an appropriate public capital improvement on which the money may be expended, such money must be transferred to any fund or account of the municipality or township designated by the governing body or the chief financial officer. The governing body or chief financial officer shall not make a determination that there is not an appropriate public capital improvement on which the money may be expended earlier than 120 days before the 5-year period ends.*

4. If permitted by the ordinance authorizing the issuance of a bond, the assessments and any penalties, collection costs or interest not needed in any year to pay the principal and interest on the bonds may be used to pay the administrative costs of the municipality incurred in connection with the district and the collection of the assessments.

Sec. 6. NRS 271.570 is hereby amended to read as follows:

271.570 After receiving the amount of the assessment, or installment thereof, interest, penalty and costs, the treasurer shall make out a certificate, dated on the date of the sale, stating (when known) the name of the owner as given on the assessment roll, a description of the tract sold, the amount paid therefor, the name of the purchaser, that it was sold for an installment or the whole amount of the assessment, as the case may be, giving the name of the district or other brief designation of the improvement for which the assessment was levied, and specifying that the purchaser is entitled to a deed upon the expiration of the applicable period of redemption as determined pursuant to subsection 1 of NRS 271.595, unless redemption is made ~~[.]~~ *or until the certificate of sale expires pursuant to ~~[subsection 6 of]~~ NRS 271.595.* The certificate of sale must be signed by the municipal treasurer and delivered to the purchaser.

Sec. 7. NRS 271.595 is hereby amended to read as follows:

271.595 1. Any property sold for an assessment, or any installment thereof, is subject to redemption by the ~~[former]~~ *property* owner, or grantee, mortgagee, heir or other representative of the ~~[former]~~ *property* owner:

(a) If there was a permanent residential dwelling unit or any other significant permanent improvement on the property at the time the sale was held pursuant to NRS 271.555, as determined by the governing body, at any time within 2 years; or

(b) In all other cases, at any time within 120 days,

➥ after the date of the certificate of sale, upon payment to the municipal treasurer of the amount for which the property was sold, with interest thereon at a rate of not exceeding 1 percent per month, together with all taxes and special assessments, or installments thereof, interest, penalties, costs and other charges, thereon paid by the purchaser since the sale, with like interest thereon. Unless written notice of taxes and assessments subsequently paid, and the amount thereof, is deposited with the treasurer, redemption may be made without their inclusion.

2. On any redemption being made, the treasurer shall give to the redemptioner a certificate of redemption, and pay over the amount received to the purchaser of the certificate of sale or the purchaser's assigns.

3. If no redemption is made within the period of redemption as determined pursuant to subsection 1, the treasurer shall, on demand of the purchaser or the purchaser's assigns, and the surrender to the treasurer of the certificate of sale, execute to the purchaser or the purchaser's assigns a deed to the property. No deed may be executed *or demanded* until the holder of the certificate of sale has notified the owners of the property that he or she holds the certificate, and will demand a deed therefor. *No such notice may be given until after the end of the redemption period specified in subsection 1.* The notice must be given by personal service upon the *property* owner ~~[.]~~ *or a representative designated by the property owner for such purpose and must be posted on the property if reasonably accessible to the public.* However, if an owner is not a resident of

the State or cannot be found within the State after diligent search, ~~[the]~~ *including, without limitation, an electronic search of the real property records of the assessor and the recorder of the county in which the property is located and the records of the Secretary of State relating to business and other entities,* notice ~~[may]~~ *must* be given by publication. *Mailed notice must be provided to the property owner at any address attributed to him or her in any record discovered by the search if notice cannot be given by personal service.* The notice and return thereof, with the affidavit of the person, or in the case of the municipality, of the clerk, claiming a deed, showing that service was made, *and notice given pursuant to this section,* must be filed with the treasurer.

4. If redemption is not made within 60 days after the date of service, *the date of mailing* or the date of the first publication of the notice, as the case may be, *except as otherwise provided in ~~[subsection]~~ subsections 6 ~~[,]~~ and 7,* the holder of the certificate of sale is entitled to a deed. The deed must be executed only for the property described in the certificate, and after payment of all delinquent taxes and special assessments, or installments thereof, whether levied or assessed before or after the issuance of the certificate of sale. A deed may be issued to any municipality for the face amount of the certificate of sale, plus accrued interest from the date of sale to the date of the execution of the deed at a rate of not exceeding 1 percent per month.

5. Any payment related to a redemption pursuant to this section sent to a municipality by mail shall be deemed to have been made on the date on which the municipality received the payment.

6. ~~[A]~~ Except as otherwise provided in this subsection, a certificate of sale expires and is null and void 3 years after the date on which the redemption period ends pursuant to subsection 1. The time limitation for the expiration of a certificate of sale is tolled for any period during which the demand for or execution of a deed is prevented pursuant to any applicable law or by a stay of proceedings, an injunction or any other court order.

7. If the holder of a certificate of sale does not submit to the treasurer a demand for deed before the certificate of sale expires ~~[,]~~ pursuant to subsection 6, no deed may be executed to the holder of the certificate.

Sec. 8. 1. The provisions of sections 3 to 7, inclusive, of this act do not apply to any improvement district created before July 1, 2019.

2. As used in this section: "improvement district" has the meaning ascribed to it in NRS 271.130.

Sec. 8.5. 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. 9. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

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

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Amendment No. 94 to Senate Bill No. 172 relates to the consolidated local government improvement law. The unfunded mandate in section 2 of the bill is removed by requiring a report that the municipality is already preparing to be submitted in lieu of the annual report proposed in the bill as introduced. The amendment requires a municipality to provide a copy of the annual financial information that is submitted to the Municipal Securities Rulemaking Board to the Director of the Legislative Counsel Bureau, not a separate annual accounting for each improvement district created by the municipality nor audited financial statements. Property sold for an assessment or any installment thereof is subject to redemption by the property owner, grantee, mortgagee, heir or other representative of the property owner, and certain notification requirements related to these provisions are revised by the amendment. I encourage your support.

Amendment adopted.

Bill ordered reprinted, engrossed and to third.

Senate Bill No. 178.

Bill read second time.

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

Amendment No. 66.

SUMMARY—Creates the Council on Food Security and the Food for People, Not Landfills Program. (BDR 18-57)

AN ACT relating to public health; creating the Council on Food Security within the Department of Health and Human Services; prescribing the membership and duties of the Council; creating the Food for People, Not Landfills Program; authorizing the Director of the Department of Health and Human Services to adopt regulations to carry out the Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

In 2014, the Governor established by executive order the Council on Food Security. (Executive Order 2014-03 (2-12-2014)) The Council was charged with various responsibilities related to the implementation of the goals of the "2013 Food Security in Nevada: Nevada's Plan of Action" issued by the Department of Health and Human Services ("the Plan") and the improvement of the quality of life and health of persons in this State by increasing food security throughout the State. Section 7 of this bill creates the Council in statute and prescribes its membership, which includes ex officio members and members appointed by the Governor, the Legislative Commission and the Director of the Department of Health and Human Services ~~[.]~~ at the direction of the Governor. Section 8 of this bill authorizes the Chair of the Council to appoint ~~[working groups]~~ subcommittees to study issues within the scope of the duties of the Council. Section 9 of this bill prescribes the duties of the Council, which include: (1) various responsibilities related to implementation of the Plan; (2) advising the ~~[Director]~~ Governor on matters related to food security; (3) advising, assisting and making recommendations to the Director for the administration of the Food for People, Not Landfills Program; and (4) submitting an annual report to the Director and the Director of the Legislative

Counsel Bureau regarding the accomplishments and recommendations of the Council.

Section 10 of this bill creates the Food for People, Not Landfills Program within the Department of Health and Human Services for the purposes of increasing food security by decreasing food waste , redirecting excess consumable food to a higher and better purpose and recognizing and assisting persons who further those purposes. In administering the program, the Director of the Department is required to: (1) set forth goals and objectives for the ensuing 5 years to increase the amount of food diverted from landfills and utilize such food to increase food security; (2) establish criteria [, an application process and fees] for a [person] food donor to participate in the Program; (3) create an official seal for the Program and allow a participant to use the official seal; [and] (4) take any other action the Director deems necessary to assist a participant in the Program in furthering the goals of the Program[.] ; and (5) submit an annual report to the Legislature concerning the Program. Section 10 authorizes the Director to adopt regulations based upon the recommendations of the Council to carry out the Program.

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

Section 1. Chapter 232 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. *As used in sections 2 to 10, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Council" means the Council on Food Security created by section 7 of this act.*

Sec. 3.5. "Food donor" means a person or entity, including, without limitation, a restaurant, grocery store or retail or wholesale business, that gives or otherwise provides food, directly or indirectly, to persons in need of food.

Sec. 4. *"Food security" means the ability of a person to access enough food for an active and healthy life.*

Sec. 5. *"Plan" means the "2013 Food Security in Nevada: Nevada's Plan for Action" issued by the Department of Health and Human Services.*

Sec. 6. *"Program" means the Food for People, Not Landfills Program created by section 10 of this act.*

Sec. 7. *1. The Council on Food Security is hereby created within the Department. The Council consists of:*

(a) The Governor or his or her designee;

(b) The Director or his or her designee from within the Department;

(c) The Administrator of the Division of Welfare and Supportive Services of the Department or his or her designee from within the Division;

[(c)] (d) The Regional Administrator for the Western Regional Office of the United States Department of Agriculture, Food and Nutrition Service or his or her designee from within the United States Department of Agriculture;

~~[(d)]~~ (e) The Executive Director of the Office of Economic Development or his or her designee from within the Office;

~~[(e)]~~ (f) The Administrator of the Division of Public and Behavioral Health of the Department or his or her designee from within the Division;

~~[(f)]~~ (g) The Superintendent of Public Instruction or his or her designee from within the Department of Education; ~~[and~~

~~(g) Fourteen]~~ (h) The Director of the State Department of Agriculture or his or her designee from within the Department;

(i) The Administrator of the Aging and Disability Services Division of the Department or his or her designee from within the Division;

(j) Five members appointed by the ~~[Director]~~ Governor as follows:

(1) ~~[Two members who are representatives of anti-hunger organizations, one of whom must be from an organization located in northern Nevada and one of whom must be from an organization located in southern Nevada;~~

~~(2) Three members who are representatives of organizations that provide community-based services;~~

~~(3)]~~ One member who is a representative of ~~[a program that provides nutritional services for children;~~

~~(4) One member who possesses knowledge, skill and experience in the provision of services to senior citizens and persons with disabilities;~~

~~(5) One member who is a representative of the University of Nevada Cooperative Extension;~~

~~(6) One member who is a representative of]~~ retailers of food;

~~[(7)]~~ (2) One member who is a representative of ~~[a local health authority;~~

~~(8) One member who is a representative of a private business]~~ manufacturing that is not related to food;

~~[(9)]~~ (3) One member who is a representative of the gaming industry , ~~[or]~~ hospitality industry ~~[;]~~ or restaurant industry;

~~[(10)]~~ (4) One member who is a representative of farmers or ranchers engaged in food production; and

~~[(11)]~~ (5) One member who is a representative of persons engaged in the business of processing or distributing food ~~[.]~~ ;

(k) At least five members appointed by the Governor or the Director at the direction of the Governor from among the following persons:

(1) A person who is a representative of a food bank serving northern Nevada;

(2) A person who is a representative of a food bank serving southern Nevada;

(3) A person who is a representative of an organization that provides community-based services, including, without limitation, services that focus on the social determinants of health, in northern Nevada;

(4) A person who is a representative of an organization that provides community-based services, including, without limitation, services that focus on the social determinants of health, in southern Nevada;

(5) A person who is a representative of an organization that provides community-based services, including, without limitation, services that focus on the social determinants of health, in rural Nevada;

(6) A person who is a representative of the University of Nevada Cooperative Extension;

(7) A person who possesses knowledge, skill and experience in the provision of services to senior citizens and persons with disabilities;

(8) A person who is a representative of a local health authority; and

(9) A person who possesses knowledge, skill and experience in the provision of services to children and families; and

(l) Such other representatives of State Government as may be designated by the Governor.

2. The Governor or his or her designee shall serve as the Chair of the Council. ~~[The Chair is not entitled to a vote except to break a tie.]~~

3. Each appointed member of the Council serves a term of 2 years. Each appointed member may be reappointed at the pleasure of the ~~[Director,]~~ appointing authority, except that an appointed member may not serve for more than three consecutive terms ~~[.]~~ or 6 consecutive years.

4. If a vacancy occurs in the appointed membership of the Council, the Council shall recommend a person to the ~~[Director]~~ appointing authority who appointed that member to fill the vacancy. The ~~[Director]~~ appointing authority shall appoint a replacement member after receiving and considering the recommendation of the Council. A member appointed to fill a vacancy shall serve as a member of the Council for the remainder of the original term of appointment and ~~[shall]~~ may be ~~[eligible]~~ reappointed for two additional consecutive terms ~~[.]~~ through the regular appointment process.

5. The appointing authority may remove a member for malfeasance in office or neglect of duty. Absences from three consecutive meetings constitutes good and sufficient cause for removal of a member.

6. Each member of the Council:

(a) Serves without compensation; and

(b) While engaged in the business of the Council, is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

~~[6.]~~ 7. The Department of Health and Human Services ~~[and the State Department of Agriculture]~~ shall provide administrative support to the Council.

~~[7.]~~ 8. The Council shall meet at least once ~~[every 2 months]~~ each calendar quarter and may meet at such further times as deemed necessary by the Chair.

~~[8.]~~ 9. The Council may apply for and accept gifts, grants, donations and contributions from any source for the purpose of carrying out its duties pursuant to section 9 of this act.

Sec. 8. *1. The Chair of the Council on Food Security created by section 7 of this act may appoint ~~[working groups]~~ subcommittees composed*

of members of the Council, former members of the Council and members of the public who have relevant experience or knowledge to consider specific problems or other matters that are related to and within the scope of the functions of the Council.

2. A subcommittee appointed pursuant to subsection 1 must not contain more than five members. To the extent practicable, the members of such a subcommittee must be representative of the various geographic areas and ethnic groups of this State.

Sec. 9. *The Council on Food Security created by section 7 of this act shall:*

1. Develop, coordinate and implement a food system that will:

(a) ~~[Link with local]~~ Partner with initiatives in economic development ~~[,]~~ and social determinants of health;

(b) Increase access to improved food resource programs; ~~[and]~~

(c) Increase participation in federal nutrition programs by eligible households; and

(d) Increase capacity to produce, process, distribute and purchase food in an affordable and sustainable manner.

2. Hold public hearings to receive public comment and to discuss issues related to food security in this State.

3. Serve as a clearinghouse for the review and approval of any events or projects initiated in the name of the Plan.

4. Review and comment on any proposed federal, state or local legislation and regulation that would affect the food policy system of this State.

5. Advise and inform the ~~[Director]~~ Governor on the food policy of this State.

6. Review grant proposals and alternative funding sources as requested by the Director to provide recommendations for funding the Plan.

7. Develop new resources related to the Plan.

8. Advise, assist and make recommendations to the Director for the creation and administration of the Program.

9. On or before January 31 of each year submit an annual report to the Director and the Director of the Legislative Counsel Bureau concerning the accomplishments and recommendations of the Council concerning food security.

Sec. 10. *1. The Food for People, Not Landfills Program is hereby established within the Department for the purposes of increasing food security by decreasing food waste , redirecting excess consumable food to a higher and better purpose and recognizing and assisting ~~[persons]~~ food donors who further those purposes.*

2. The Director shall administer the Program. In administering the Program, the Director shall:

(a) Set forth goals and objectives for the ensuing 5 years to increase the amount of food diverted from landfills and utilize such food to increase food security;

(b) Establish the criteria for eligibility for a ~~[person]~~ food donor to participate in the Program;

(c) ~~[Prescribe an application process for a person to participate in the Program;~~

~~(d) Establish fees for a person to participate in the Program;~~

~~(e)]~~ Create an official seal for the Program;

~~[(f)]~~ (d) Allow a ~~[person]~~ food donor who participates in the Program to display or otherwise use the official seal of the Program; and

~~[(g)]~~ (e) Take any other actions as the Director deems necessary to assist a ~~[person]~~ food donor who participates in the Program to further the goals and objectives set forth pursuant to paragraph (a).

3. A person shall not use, copy or reproduce the official seal of the Program created pursuant to subsection 2 in any way not authorized by this section.

4. The Director may, based upon the recommendations of the Council pursuant to section 9 of this act, adopt regulations to carry out the provisions of this section.

5. On or before January 31 of each year, the Director shall submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report concerning the accomplishments of the Program and the impact of the Program on food security in this State.

Sec. 11. NRS 232.290 is hereby amended to read as follows:

232.290 As used in NRS 232.290 to 232.4858, inclusive, *and sections 2 to 10, inclusive, of this act,* unless the context requires otherwise:

1. "Department" means the Department of Health and Human Services.

2. "Director" means the Director of the Department.

Sec. 12. Notwithstanding the provisions of section 7 of this act, the Council on Food Security created by the Governor by executive order on February 12, 2014, shall be deemed to be the Council on Food Security established pursuant to section 7 of this act until the ~~[Director appoints]~~ appointing authorities appoint the members of the Council on Food Security pursuant to section 7 of this act.

Sec. 12.5. 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. 13. This act becomes effective on July 1, 2019.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Amendment No. 66 to Senate Bill No. 178 relates to food security for Nevadans. The amendment makes certain changes to the provisions relevant to the Council on Food Security and the Food for People, not Landfill Program. The changes to the Council include revising the membership. It authorizes the Governor, in addition to the Director of the Department of Health and Human Services, to reappoint members. The bill limits the total service of a member to no more than six consecutive years. It provides for the removal of a member by the Governor or Director. The bill removes the requirement for the State Department of Agriculture to provide administrative support and changes the required minimum for meetings from once every two

months to every calendar quarter. It provides for the appointment of subcommittees in lieu of working groups. An annual report is to be submitted to the Director of the Legislative Counsel Bureau in addition to the Governor.

The changes to the Program include deleting the application process and fees for a person to participate in the Program. It requires the Director of the Department of Health and Human Services to submit an annual report to the Legislative Counsel Bureau. I encourage your support.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 184.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 133.

SUMMARY—Revises provisions relating to the protection of children. (BDR 34-668)

AN ACT relating to protection of children; providing for the protection of the identity of a child witness to certain alleged acts of child abuse or neglect; requiring an agency which provides child welfare services to provide a parent or guardian of a child with certain information relating to the disposition of a report of child abuse or neglect; allowing a parent or guardian to share such information with an attorney; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, an employee or volunteer for a public or private school must report to an agency which provides child welfare services certain abuse, neglect or corporal punishment of a child when the employee or volunteer knows or has reasonable cause to believe the child was subjected to such treatment. (NRS 392.303) Existing law requires the agency which provides child welfare services to keep information related to the report confidential under most circumstances. (NRS 392.315) An agency may make certain information available to the parent or guardian of the child who is the subject of a report. (NRS 392.317) If a report of alleged abuse, neglect or corporal punishment is substantiated by the agency which provides child welfare services, the agency must forward the report to certain entities and governmental agencies, provide notification to the person named in the report as allegedly causing the abuse or neglect and report certain information from the report to the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child. (NRS 392.337)

Existing law also authorizes the designee of an agency investigating such a report to interview the child who is the subject of the report and any siblings of the child. (NRS 392.313) Section 1 of this bill authorizes the designee of such an agency to interview any child who is identified as a witness to the allegations contained in such a report. Section 1 also requires the school in which such a child is enrolled to provide the contact information of the parent or guardian of the child to the agency investigating the report. Sections 1.3-1.7

of this bill provide for the protection of the identity of a child witness to the allegations contained in a report from certain disclosures.

Section 3 of this bill requires an agency which provides child welfare services that has substantiated a report of abuse or neglect to provide a parent or guardian of the child who is the subject of the report with a summary of the outcome of the investigation and a summary of any disciplinary action taken against the person alleged to have committed the abuse or neglect which is known by the agency. Section 3 also authorizes a parent or guardian to disclose such information to an attorney for the child or the parent or guardian. Section ~~[1]~~ 1.3 of this bill allows an agency which provides child welfare services to provide certain information to a parent or guardian of a child, in addition to the information the agency provides related to the outcome of an investigation of the report.

Existing law makes it a gross misdemeanor for any person who receives information maintained by an agency which provides child welfare services to disseminate that information but allows certain persons or agencies to disseminate such information for certain purposes. (NRS 392.335) Section 2 of this bill allows a parent or guardian of a child to disseminate such information to an attorney for the child or the parent or guardian.

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

Section 1. NRS 392.313 is hereby amended to read as follows:

392.313 1. A designee of an agency investigating a report made pursuant to NRS 392.303 may, with the consent of the parent or guardian of the child who is the subject of the report, interview the child , ~~[and any sibling of the child,]~~ if an interview is deemed appropriate by the designee, concerning the allegations contained in the report. A designee who conducts an interview pursuant to this subsection must be trained adequately to interview children.

2. *A designee of an agency investigating a report made pursuant to NRS 392.303 may, with the consent of the parent or guardian of a child who is identified as a witness to the allegations contained in the report, interview the child, if an interview is deemed appropriate by the designee, concerning the allegations contained in the report. A designee who conducts an interview pursuant to this subsection must be trained adequately to interview children.*

3. A designee of an agency investigating a report made pursuant to NRS 392.303 may, with the consent of the parent or guardian of a child who is the subject of the report and after informing the parent or guardian of the provisions of subsection ~~[3.]~~ *4:*

(a) Take or cause to be taken photographs of the child's body, including any areas of trauma; and

(b) If indicated after consultation with a physician, cause X-rays or medical tests to be performed on the child.

~~[3.]~~ *4.* The reasonable cost of any photographs or X-rays taken or medical tests performed pursuant to subsection ~~[2]~~ *3* must be paid by the parent or guardian of the child if money is not otherwise available.

~~[4.]~~ *5.* Any photographs or X-rays taken or records of any medical tests performed pursuant to subsection ~~[2,]~~ *3,* or any medical records relating to the examination or treatment of a child pursuant to this section, or copies thereof, must be sent to the agency which provides child welfare services, any law enforcement agency participating in the investigation of the report and the prosecuting attorney's office. Each photograph, X-ray, result of a medical test or other medical record:

(a) Must be accompanied by a statement or certificate signed by the custodian of medical records of the health care facility where the photograph or X-ray was taken or the treatment, examination or medical test was performed, indicating:

(1) The name of the child;

(2) The name and address of the person who took the photograph or X-ray, performed the medical test, or examined or treated the child; and

(3) The date on which the photograph or X-ray was taken or the treatment, examination or medical test was performed;

(b) Is admissible in any proceeding relating to the allegations in the report made pursuant to NRS 392.303; and

(c) May be given to the child's parent or guardian if the parent or guardian pays the cost of duplicating them.

~~[5.]~~ *6. To the extent not prohibited by federal law, the school in which a child who is identified as a witness to the allegations contained in a report made pursuant to NRS 392.303 is enrolled shall provide the agency investigating the report with the contact information of the parent or guardian of the child.*

7. As used in this section, "medical test" means any test performed by or caused to be performed by a provider of health care, including, without limitation, a computerized axial tomography scan and magnetic resonance imaging.

Sec. 1.3. NRS 392.317 is hereby amended to read as follows:

392.317 Except as otherwise provided in NRS 392.317 to 392.337, inclusive, *and in addition to information provided pursuant to NRS 392.337,* information maintained by an agency which provides child welfare services pursuant to NRS 392.275 to 392.365, inclusive, may, at the discretion of the agency which provides child welfare services, be made available only to:

1. The child who is the subject of the report, the parent or guardian of the child and an attorney for the child or the parent or guardian of the child, if the identity of the person responsible for reporting the abuse or neglect of the child or the violation of NRS 201.540, 201.560, 392.4633 or 394.366 to a public agency ~~[is]~~ *and the identity of any child witness are* kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child ~~*[,* and is limited to information concerning that parent or guardian;]~~ *who is the subject of the report;*

2. A physician, if the physician has before him or her a child who the physician has reasonable cause to believe has been abused or neglected or subject to a violation of NRS 201.540, 201.560, 392.4633 or 394.366;

3. An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care or treatment or supervision of the child or investigate the allegations in the report;

4. A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the conduct alleged in the report;

5. A court, other than a juvenile court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;

6. A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to the person;

7. A grand jury upon its determination that access to these records and the information is necessary in the conduct of its official business;

8. A federal, state or local governmental entity, or an agency of such an entity, or a juvenile court, that needs access to the information to carry out its legal responsibilities to protect children from abuse and neglect and violations of NRS 201.540, 201.560, 392.4633 or 394.366 or similar statutes in another jurisdiction;

9. A person or an organization that has entered into a written agreement with an agency which provides child welfare services to provide assessments or services and that has been trained to make such assessments or provide such services;

10. A team organized pursuant to NRS 432B.405 to review the death of a child;

11. Upon written consent of the parent, any officer of this State or a city or county thereof or Legislator authorized by the agency or department having jurisdiction or by the Legislature, acting within its jurisdiction, to investigate the activities or programs of an agency which provides child welfare services if:

(a) The identity of the person making the report is kept confidential; and

(b) The officer, Legislator or a member of the family of the officer or Legislator is not the person alleged to have engaged in the conduct described in the report;

12. The Division of Parole and Probation of the Department of Public Safety for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court or pursuant to NRS 176.151 in making a general investigation and report;

13. A public school, private school, school district or governing body of a charter school or private school in this State or any other jurisdiction that employs a person named in the report, allows such a person to serve as a volunteer or is considering employing such a person or accepting such a person as a volunteer;

14. The school attended by the child who is the subject of the report and the board of trustees of the school district in which the school is located or the governing body of the school, as applicable;

15. An employer in accordance with subsection 3 of NRS 432.100; and

16. The Committee to Review Suicide Fatalities created by NRS 439.5104.

Sec. 1.5. NRS 392.325 is hereby amended to read as follows:

392.325 1. An agency which provides child welfare services investigating a report made pursuant to NRS 392.303 shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of a child or violating the provisions of NRS 201.540, 201.560, 392.4633 or 394.366:

(a) A copy of:

(1) Any statement made in writing to an investigator for the agency by the person; or

(2) Any recording made by the agency of any statement made orally to an investigator for the agency by the person; or

(b) A written summary of the allegations made against the person. The summary must not identify the person who made the report *, any child witnesses to the allegations contained in the report* or any collateral sources and reporting parties.

2. A person may authorize the release of information maintained by an agency which provides child welfare services pursuant to NRS 392.275 to 392.365, inclusive, about himself or herself, but may not waive the confidentiality of such information concerning any other person.

3. An agency which provides child welfare services may provide a summary of the outcome of an investigation of the allegations in a report made pursuant to NRS 392.303 to the person who made the report.

Sec. 1.7. NRS 392.327 is hereby amended to read as follows:

392.327 1. Information maintained by an agency which provides child welfare services pursuant to NRS 392.275 to 392.365, inclusive, must be maintained by the agency which provides child welfare services as required by federal law as a condition of the allocation of federal money to this State.

2. Before releasing any information maintained by an agency which provides child welfare services pursuant to NRS 392.275 to 392.365, inclusive, an agency which provides child welfare services shall take whatever precautions it determines are reasonably necessary to protect the identity and safety of any person who makes a report pursuant to NRS 392.303 *, to protect the identity of any child witness to the allegations contained in the report* and to protect any other person if the agency which provides child welfare services reasonably believes that disclosure of the information would cause a specific and material harm to an investigation of the allegations in the report or the life or safety of any person.

3. The provisions of NRS 392.317 to 392.337, inclusive, must not be construed to require an agency which provides child welfare services to

disclose information maintained by the agency which provides child welfare services pursuant to NRS 392.275 to 392.365, inclusive, if, after consultation with the attorney who represents the agency, the agency determines that such disclosure would cause a specific and material harm to a criminal investigation.

4. If an agency which provides child welfare services receives any information that is deemed confidential by law, the agency which provides child welfare services shall maintain the confidentiality of the information as prescribed by applicable law.

5. An agency which provides child welfare services shall adopt rules, policies or regulations to carry out the provisions of NRS 392.317 to 392.337, inclusive.

Sec. 2. NRS 392.335 is hereby amended to read as follows:

392.335 1. Except as otherwise provided in NRS 392.317 to 392.337, inclusive, any person who is provided with information maintained by an agency which provides child welfare services pursuant to NRS 392.275 to 392.365, inclusive, and who further disseminates the information or makes the information public is guilty of a gross misdemeanor. This section does not apply to:

(a) A district attorney or other law enforcement officer who uses the information solely for the purpose of initiating legal proceedings;

(b) An employee of the Division of Parole and Probation of the Department of Public Safety making a presentence investigation and report to the district court pursuant to NRS 176.135 or making a general investigation and report pursuant to NRS 176.151; ~~[or]~~

(c) An employee of a juvenile justice agency who provides the information to the juvenile court ~~[.]~~ *; or*

(d) A parent or guardian of a child who is the subject of a report who provides the information to an attorney for the child or the parent or guardian of the child pursuant to NRS 392.337.

2. As used in this section, "juvenile justice agency" means the Youth Parole Bureau or a director of juvenile services.

Sec. 3. NRS 392.337 is hereby amended to read as follows:

392.337 1. An agency which provides child welfare services investigating a report made pursuant to NRS 392.303 shall, upon completing the investigation, determine whether the report is substantiated or unsubstantiated ~~[.]~~ *and notify the parent or guardian of the child who is the subject of the report of that determination.*

2. If the report is substantiated, the agency shall:

(a) Forward the report to the Department of Education, the board of trustees of the school district in which the school is located or the governing body of the charter school or private school, as applicable, the appropriate local law enforcement agency within the county and the district attorney's office within the county for further investigation.

(b) Provide written notification to the person who is named in the report as allegedly causing the abuse or neglect of the child or violating NRS 201.540, 201.560, 392.4633 or 394.366 which includes statements indicating that:

(1) The report made against the person has been substantiated and the agency which provides child welfare services intends to place the person's name in the Central Registry pursuant to paragraph (a); and

(2) The person may request an administrative appeal of the substantiation of the report and the agency's intention to place the person's name in the Central Registry by submitting a written request to the agency which provides child welfare services within the time required by NRS 392.345.

(c) After the conclusion of any administrative appeal pursuant to NRS 392.345 or the expiration of the time period prescribed by that section for requesting an administrative appeal, whichever is later, report to the Central Registry:

(1) Identifying and demographic information on the child who is the subject of the report, the parents of the child, any other person responsible for the welfare of the child and the person allegedly responsible for the conduct alleged in the report;

(2) The facts of the alleged conduct, including the date and type of alleged conduct, a description of the alleged conduct, the severity of any injuries and, if applicable, any information concerning the death of the child; and

(3) The disposition of the case.

(d) Provide to the parent or guardian of the child who is the subject of the report:

(1) A written summary of the outcome of the investigation of the allegations in the report which must not identify the person who made the report , any child witnesses to the allegations in the report or any collateral sources and reporting parties; and

(2) A summary of any disciplinary action taken against the person who is named in the report as allegedly causing the abuse or neglect of the child or violating NRS 201.540, 201.560, 392.4633 or 394.366 which is known by the agency, including, without limitation, whether the name of such person will be placed in the Central Registry.

3. A parent or guardian who receives information pursuant to paragraph (d) of subsection 2 may disclose the information to an attorney for the child who is the subject of the report or the parent or guardian of the child.

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

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 133 to Senate Bill No. 184 allows a school district to release the contact information for the child witness for the purpose of obtaining consent of a parent to conduct an interview.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 284.

Bill read second time.

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

Amendment No. 162.

SUMMARY—Creates the Advisory Task Force on HIV Exposure ~~[Criminalization.]~~ Modernization. (BDR S-742)

AN ACT relating to medical conditions; creating the Advisory Task Force on HIV Exposure ~~[Criminalization;]~~ Modernization; setting forth the duties of the Task Force; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill creates the Advisory Task Force on HIV Exposure ~~[Criminalization]~~ Modernization appointed by the Governor. This bill requires the Task Force to conduct a comprehensive examination during the 2019-2020 legislative interim of the statutes and regulations in this State related to the criminalization of exposing a person to the human immunodeficiency virus (HIV). This bill requires the Task Force to submit a report of its findings and recommendations to the Governor and the Legislative Counsel Bureau not later than September 1, 2020.

WHEREAS, Multiple peer-reviewed studies demonstrate that human immunodeficiency virus-specific laws do not reduce risk-taking behavior or increase disclosure by people living with or at risk of contracting the human immunodeficiency virus (HIV), and there is increasing evidence that these laws reduce the willingness to get tested; and

WHEREAS, Antiretroviral medications can reduce the human immunodeficiency virus to undetectable levels and reduce the risk of transmitting HIV to near zero; and

WHEREAS, Nevada has implemented multiple statutes that impose penalties on people with HIV who know their HIV status and potentially expose others to HIV; now, therefore,

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

Section 1. 1. The Advisory Task Force on HIV Exposure ~~[Criminalization]~~ Modernization is hereby created.

2. The Governor shall:

(a) Solicit applications for appointment to the Task Force; and

(b) After considering each application received pursuant to this subsection, appoint not more than 15 members to the Task Force ~~[.]~~ ensuring that the majority of the members are:

(1) Persons who are living with the human immunodeficiency virus (HIV), affected by HIV or acquired immune deficiency syndrome (AIDS); or

(2) Persons who represent an occupation, organization or community that is more affected or more at risk of being affected than the general population by the current statutes and regulations of this State that criminalize exposure to HIV.

3. The Speaker of the Assembly and the Majority Leader of the Senate may each recommend to the Governor the appointment of one Legislator to the Task Force.

4. At the first meeting of the Task Force, the members of the Task Force shall elect a Chair and a Vice Chair by majority vote.

5. A vacancy occurring in the appointed membership of the Task Force must be filled in the same manner as the original appointment.

6. The Task Force shall ~~[consult with and]~~ solicit input from persons and ~~[entities]~~ nongovernmental agencies with expertise in matters relevant to the Task Force in carrying out its duties pursuant to this section ~~[.]~~ , including, without limitation, persons, organizations and communities that are directly affected by the current statutes and regulations of this State that criminalize exposure to HIV or mandate HIV testing or disclosure as part of any civil or criminal law, or are likely to be affected by any law or policy recommended by the Task Force.

7. The Department of Health and Human Services shall provide the Task Force with such staff as is necessary for the Task Force to carry out its duties pursuant to this section.

8. The members of the Task Force serve without compensation or per diem allowance. A member may receive reimbursement for travel expenses if sufficient money collected pursuant to subsection 9 for the Task Force to carry out its duties is available.

9. The Task Force may apply for any available grants and accept any gifts, grants or donations to assist the Task Force in carrying out its duties pursuant to this section.

10. The Task Force shall :

(a) Identify, review and evaluate the current statutes and regulations of this State that criminalize exposure to ~~[the human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS) with the goal of identifying recommendations for modernizing those statutes and regulations and addressing discrimination with respect to people living with HIV/AIDS.]~~ HIV;

(b) Research the implementation and impact of such statutes and regulations, including without limitation, quantifying their impact through the analysis of the records, information and data relevant to this State to the extent possible;

(c) Identify any disparities in arrests, prosecutions or convictions under such statutes or regulations related to race, color, sex, sexual orientation, gender identity or expression, age or national origin;

(d) Evaluate current medical and scientific research with respect to the modes of HIV transmission implicated by such statutes and regulations;

(e) Identify any court decisions enforcing or challenging such statutes and regulations; and

(f) Assess developments occurring in other states and nationally with respect to modernizing HIV criminalization laws.

11. The Task Force may make recommendations concerning any matter relating to the review and evaluation pursuant to subsection 10, including, without limitation, recommendations concerning proposed legislation, proposed regulations and policies.

12. The Task Force shall, on or before September 1, 2020, prepare and submit a report of the activities, findings and recommendations of the Task Force to:

(a) The Governor; and

(b) The Director of the Legislative Counsel Bureau for transmittal to the 81st Session of the Legislature.

Sec. 2. This act becomes effective on July 1, 2019.

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 162 to Senate Bill No. 284 revises the name of the task force to the Advisory Task Force on HIV Exposure Modernization. It limits the Task Force to no more than 15 members and outlines membership qualifications. The bill clarifies with whom the Task Force shall consult and revises the duties of the Task Force.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 358.

Bill read second time.

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

Amendment No. 174.

SUMMARY—Revises provisions relating to the renewable energy portfolio standard. (BDR 58-301)

AN ACT relating to renewable energy; declaring the policy of this State concerning renewable energy; revising provisions governing certain reports relating to the portfolio standard; revising provisions relating to the price charged by certain electric utilities for electricity generated by certain renewable energy facilities; revising provisions relating to the acquisition or construction of renewable energy facilities by certain electric utilities; ~~[revising provisions governing certain plans for the construction or expansion of transmission facilities to serve renewable energy zones and to facilitate compliance with the portfolio standard;]~~ revising the types of renewable energy that may be used to comply with the portfolio standard; revising the portfolio standard for providers of electric service in this State; ~~[revising the manner in which providers of electric service may comply with the portfolio standard;]~~ revising the applicability of the portfolio standard; revising the authority of the Public Utilities Commission of Nevada to impose administrative fines or take administrative action; requiring the Public Utilities Commission of Nevada to revise any existing portfolio standard applicable to a provider of new electric resources to comply with the portfolio standard established by this act; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 8 of this bill sets forth findings and declarations of the Legislature that it is the policy of this State to: (1) encourage and accelerate the development of new renewable energy projects for the economic, health and environmental benefits provided to the people of this State; (2) become a leading producer and consumer of clean and renewable energy, with a goal of achieving by 2050 an amount of energy production from zero carbon dioxide emission resources that is equal to the total amount of electricity sold by providers of electric service in this State; and (3) ensure that the benefits of the increased use of portfolio energy systems and energy efficiency measures are received by the residents of this State.

Section ~~[6]~~ 7 of this bill authorizes certain electric utilities to acquire, without additional approval of the Public Utilities Commission ~~[,]~~ of Nevada, an existing renewable energy facility or a renewable energy facility that is being developed if: (1) the Commission had previously accepted an integrated resource plan or amendment to such a plan that provided for the purchase of the electricity generated by the facility pursuant to an agreement between the electric utility and the facility; (2) the electric utility notifies the Commission that the facility will not be included in its rate base and ~~[,]~~ the expenses associated with the facility will not be included in its revenue requirement and, instead , the utility will charge a just and reasonable price for the electricity generated by the facility which is based on a competitive market price established by the Commission; (3) the electric utility notifies the Commission that it will use the mechanism established by regulations adopted pursuant to section ~~[7]~~ 6 of this bill to charge that just and reasonable price to its customers; ~~[and]~~ (4) the electric utility notifies the Commission that it agrees to be bound by the terms and conditions of the agreement for the purchase of the electricity generated by the facility that was previously approved by the Commission ~~[.]~~ ; and (5) the utility acknowledges that, following the conclusion of the term of the agreement, the utility may not include the facility in its rate base and the expenses associated with the facility may not be included in its revenue requirement. Section 5 of this bill defines "renewable energy facility."

Section ~~[7]~~ 6 of this bill authorizes certain electric utilities ~~[that intends to acquire or construct a renewable energy facility]~~ to ~~[the]~~ request approval ~~[of]~~ from the Commission to exclude ~~[the]~~ a renewable energy facility owned by the utility from its rate base and the expenses associated with the facility from its revenue requirement and, instead, charge a just and reasonable price established by the Commission for the electricity generated by the facility. Under section ~~[7,]~~ 6, the just and reasonable price must be established by reference to a competitive market price for electricity and without reference to rate-of-return or cost-of-service principles. Section ~~[7]~~ 6 further requires the Commission to adopt regulations to establish a mechanism by which certain electric utilities may charge the just and reasonable price established for the electricity generated by a renewal energy facility to its customers. Sections 11.3, 13 and 14 make conforming changes.

~~[Existing law requires a utility which supplies electricity in this State to submit a triennial plan to increase its supply of electricity and decrease the demands made on its system by customers. (NRS 704.741) Section 16 of this bill requires the plan to identify and evaluate certain network upgrades and options for the construction or expansion of transmission facilities.]~~

Existing law requires the Public Utilities Commission of Nevada to establish a portfolio standard which requires each provider of electric service in this State to generate, acquire or save electricity from renewable energy systems or efficiency measures in a certain percentage of the total amount of electricity sold by the provider to its retail customers in this State during a calendar year. (NRS 704.7821) Section 22 of this bill revises the portfolio standard for calendar year 2021 and each calendar year thereafter so that by calendar year 2030 and for each calendar year thereafter, each provider of electric service will be required to generate, acquire or save electricity from renewable energy systems or efficiency measures not less than 50 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year. Section 22 also: (1) eliminates the requirement that a minimum percentage of the amount of electricity that the provider is required to generate, acquire or save be generated or acquired from solar renewable energy systems; (2) revises, for the purposes of compliance with the portfolio standard, the provisions governing the calculation of the total amount of electricity sold by a provider to its retail customers in this State; and (3) authorizes the Commission to exempt a provider from some or all of the requirements of its portfolio standard for a calendar year if the provider is unable to obtain a sufficient supply of electricity to comply with the standard due to a delay in the completion of a renewable energy system or the underperformance of an existing renewable energy system under the control of a person or entity other than the provider. ~~[Section 22 also provides that a provider may satisfy its portfolio standard for a calendar year if the total amount of electricity generated, acquired or saved from portfolio energy systems or energy efficiency measures during a 3-year period ending with that calendar year represents a percentage of the total amount of electricity sold by the provider to retail customers in that period is not less than the percentage required for the portfolio standard for that year.]~~

Section 19 of this bill provides that a portfolio energy system or energy efficiency measure includes a renewable energy system placed into operation before July 1, 1997, that uses waterpower to generate electricity if the waterpower is acquired by a provider from another party who is not a provider of electricity pursuant to a contract for a term of not less than 10 years ~~[.]~~ and the provider began acquiring the waterpower pursuant to the contract before the effective date of this act.

Section 20 of this bill expands the definition of "provider of electric service" for the purposes of compliance with the portfolio standard. Sections 10 and 24 of this bill provide that ~~[the State and instrumentalities of the State are]~~ certain providers of electric service are not subject to the jurisdiction of the

Commission and are not required to provide certain reports to the Commission . ~~[, even if the State or instrumentality of the State is a provider of electric service.]~~ Section 24 also provides that certain providers are not required to provide certain reports to the Commission during any year in which the total amount of electricity sold by the provider to its retail customers during that calendar year is less than 1,000,000 megawatt-hours. Section 9 of this bill requires ~~[the State, or an instrumentality of the State, if it is a provider of electric service,]~~ certain providers of electric service to provide reports to the Director of the Office of Energy. Section 22 requires certain providers to submit to the Commission a report during any year in which the total amount of electricity sold by the provider to its retail customers during that calendar year is less than 1,000,000 megawatt-hours.

Section 21 of this bill expands the definition of "renewable energy" with respect to the kinds of waterpower that are considered renewable energy. Sections 1-3, 11, 12, 15, 17 and 25-27 of this bill make conforming changes so that the amendments to existing law set forth in section 21 do not affect other provisions of existing law governing renewable energy.

Sections 22 and 23 of this bill provide that the revised portfolio standard established by section 22 is applicable to providers of new electric resources, and also eliminates a limitation on the authority for a provider of new electric resources to use energy efficiency measures to comply with the portfolio standard. Section 28 of this bill requires the Commission to revise certain portfolio standards established for a provider of new electric resources to comply with the revised portfolio standard established by section 22.

Existing law provides that certain cooperatives, nonprofit corporations and associations supplying utility services in this State solely to their own members are subject to the jurisdiction of the Commission only for certain limited purposes. (NRS 704.675) Section 11.7 of this bill provides that such cooperatives, nonprofit corporations and associations are subject to the jurisdiction of the Commission for the purpose of complying with the renewable portfolio standard. Section 21.5 of this bill makes conforming changes.

Existing law authorizes the Commission to impose an administrative fine or take administrative action against a provider that does not comply with its portfolio standard and has not been excused from such compliance. (NRS 704.7828) Section 24.5 of this bill provides that the Commission may only impose an administrative fine or take administrative action against a provider that does not comply with its portfolio standard during any calendar year after 2018 and before 2030 if the provider also did not comply with its portfolio standard for the immediately preceding 2 calendar years.

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

Section 1. NRS 701.055 is hereby amended to read as follows:

701.055 "Energy development project" means a project for the generation, transmission and development of energy located on public or private land. The

term includes, without limitation:

1. A utility facility, as defined in NRS 704.860, constructed on private land; and

2. Electric generating plants and their associated facilities which use or will use renewable energy, as defined in NRS ~~[704.7811,]~~ *704.7715*, as their primary source of energy to generate electricity.

Sec. 2. NRS 701.380 is hereby amended to read as follows:

701.380 1. The Director shall:

(a) Coordinate the activities and programs of the Office of Energy with the activities and programs of the Consumer's Advocate and the Public Utilities Commission of Nevada, and with other federal, state and local officers and agencies that promote, fund, administer or operate activities and programs related to the use of renewable energy and the use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy.

(b) Spend the money in the Trust Account for Renewable Energy and Energy Conservation to:

(1) Educate persons and entities concerning renewable energy and measures which conserve or reduce the demand for energy or which result in more efficient use of energy.

(2) Create incentives for investment in and the use of renewable energy and measures which conserve or reduce the demand for energy or which result in more efficient use of energy.

(3) Distribute grants and other money to establish programs and projects which incorporate the use of renewable energy and measures which conserve or reduce the demand for energy or which result in more efficient use of energy.

(4) Conduct feasibility studies, including, without limitation, any feasibility studies concerning the establishment or expansion of any grants, incentives, rebates or other programs to enable or assist persons to reduce the cost of purchasing distributed generation systems and on-site generation systems and net metering systems that use renewable energy.

(c) Take any other actions that the Director deems necessary to carry out the duties of the Office of Energy, including, without limitation, contracting with consultants, if necessary, for the purposes of program design or to assist the Director in carrying out the duties of the Office.

2. The Director shall prepare an annual report concerning the activities and programs of the Office of Energy and submit the report to the Legislative Commission and the Governor on or before January 30 of each year. The annual report must include, without limitation:

(a) A description of the objectives of each activity and program;

(b) An analysis of the effectiveness and efficiency of each activity and program in meeting the objectives of the activity or program;

(c) The amount of money distributed for each activity and program from the Trust Account for Renewable Energy and Energy Conservation and a detailed description of the use of that money for each activity and program;

(d) An analysis of the coordination between the Office of Energy and other officers and agencies; and

(e) Any changes planned for each activity and program.

3. As used in this section:

(a) "Distributed generation system" means a facility or system for the generation of electricity that is in close proximity to the place where the electricity is consumed:

(1) That uses renewable energy as defined in NRS ~~[704.7811]~~ *704.7715* to generate electricity;

(2) That is located on the property of a customer of an electric utility;

(3) That is connected on the customer's side of the electricity meter;

(4) That provides electricity primarily to offset customer load on that property; and

(5) The excess generation from which is periodically exported to the grid in accordance with the provisions governing net metering systems used by customer-generators pursuant to NRS 704.766 to 704.777, inclusive.

(b) "Electric utility" has the meaning ascribed to it in NRS 704.7571.

Sec. 3. NRS 701B.790 is hereby amended to read as follows:

701B.790 "Waterpower" has the meaning ascribed to it in subsection 3 of NRS ~~[704.7811.]~~ *704.7715*.

Sec. 4. Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 to 10, inclusive, of this act.

Sec. 5. *"Renewable energy facility" has the meaning ascribed to it in NRS 704.7315.*

Sec. 6. ~~*[A utility may, without any additional approval of the Commission, acquire an existing renewable energy facility or a renewable energy facility that is being developed if:*~~

~~*1. The Commission has accepted a provision of a plan or an amendment to a plan pursuant to NRS 704.751 that provides for the purchase of the electricity generated by the renewable energy facility pursuant to an agreement for the purchase of that electricity.*~~

~~*2. The utility provides a notice to the Commission which states:*~~

~~*(a) That the utility will not include the renewable energy facility in its rate base and will use the mechanism established by the regulations adopted by the Commission pursuant to subsection 3 of section 7 of this act to account for the electricity generated by the renewable energy facility and charge a just and reasonable price for that electricity to its customers through the deferred accounting mechanism set forth in NRS 704.187;*~~

~~*(b) The competitive market price for the electricity generated by the facility that was used to establish a just and reasonable price that the utility will charge its customers for electricity generated by the renewable energy facility is a competitive market price approved by the Commission; and*~~

~~*(c) The utility agrees to be bound by all of the terms and conditions of the agreement for the purchase of the electricity that was accepted by the Commission pursuant to NRS 704.751.)*~~

1. A utility or two or more utilities under common ownership may, in a plan filed pursuant to NRS 704.741 or an amendment to such a plan, request that the Commission establish a just and reasonable price for the energy produced by a renewable energy facility owned by such utility or utilities by means of reference to a competitive market rate. A request pursuant to this subsection must include a request that the Commission exclude any capital investment associated with the renewable energy facility from the rate base of the utility or utilities and expenses associated with such facility from the revenue requirement of the utility or utilities.

2. If a utility or utilities make a request pursuant to subsection 1, the Commission may grant the request. If the Commission grants the request, any capital investment made by the utility or utilities in such a renewable energy facility must be excluded from the rate base of the utility or utilities and all expenses associated with the facility must be excluded from the revenue requirement of the utility or utilities. The just and reasonable price for the electricity generated by the renewable energy facility must be established by reference to a competitive market price for the electricity, without regard or reference to the principles of cost of service or rate of return price setting. The Commission may determine a competitive market price based on the results of a reasonably contemporaneous competitive request for proposals for a substantially similar product with substantially similar terms and conditions, including duration of the proposal.

3. In an order approving or modifying a plan filed by a utility or utilities pursuant to NRS 704.741 or an amendment to such a plan that includes a provision for the acquisition of a renewable energy facility, the Commission may establish reasonable performance terms and conditions for the generation and sale of the electricity.

4. The Commission shall establish by regulation a mechanism by which a utility that is authorized to charge its customers a just and reasonable price established by the Commission for the electricity generated by a renewable energy facility may account for the electricity generated by the renewable energy facility and charge the just and reasonable price for that electricity to its customers through the mechanism set forth in NRS 704.187. The regulations adopted pursuant to this subsection also must ensure that no costs shall be borne by customers of the utility other than those costs approved by the Commission to be reflected in the mechanism set forth in NRS 704.187 for the term specified in the Commission's order. At the conclusion of the term, the Commission shall not allow the utility to include the remaining capital investment, if any, associated with such a facility in the utility's rate base or to include any expenses associated with the facility in the utility's revenue requirement. The Commission may establish regulations for the utility to make a proposal regarding recovery of a just and reasonable price for energy

produced by the facility beyond the initial term approved by the Commission by filing a plan pursuant to NRS 704.741 or an amendment to such a plan. Any such proposal must be reviewed and approved by the Commission before any other costs associated with the facility are charged to customers through the mechanism set forth in NRS 704.187.

5. As part of any order issued by the Commission approving or modifying a plan filed by a utility or utilities pursuant to NRS 704.741 or an amendment to such plan that includes a provision for the acquisition of a renewable energy facility pursuant to subsection 2, the Commission shall make all findings necessary to support the conclusion that the facility is not public utility property as defined in section 168(i) of the Internal Revenue Code, 26 U.S.C. § 168(i).

Sec. 7. ~~*[1. A utility or utilities that have filed a plan pursuant to NRS 704.741 or an amendment to such a plan that includes a provision for the acquisition or construction of a renewable energy facility may request that the Commission exclude the renewable energy facility from the rate base of the utility. If a utility makes such a request, the Commission may exclude the renewable energy facility from the rate base of the utility and authorize the utility to charge from its customers a just and reasonable price established by the Commission for the electricity generated by the renewable energy facility. The just and reasonable price for the electricity generated by the renewable energy facility must be established by reference to a competitive market price for the electricity, without regard to the principles of cost of service or rate of return. The Commission may determine a competitive market price based on the results of competitive requests for proposals for a substantially similar product.*~~

~~*2. In an order approving or modifying a plan filed by a utility pursuant to NRS 704.741 or an amendment to such a plan that includes a provision for the acquisition or construction of a facility for the generation of electricity from solar energy, the Commission may establish reasonable performance terms and conditions for the generation and sale of the electricity.*~~

~~*3. The Commission shall establish by regulation a mechanism by which a utility that is authorized to charge its customers a just and reasonable price established by the Commission for the electricity generated by a renewable energy facility may account for the electricity generated by the renewable energy facility and charge the just and reasonable price for that electricity to its customers through the mechanism set forth in NRS 704.187.]*~~

A utility may, without any additional approval of the Commission, acquire an existing renewable energy facility or a renewable energy facility that is being developed if:

1. The Commission has accepted a provision of a plan or an amendment to a plan pursuant to NRS 704.751 that provides for the purchase of the electricity generated by the renewable energy facility pursuant to an agreement for the purchase of that electricity.

2. The utility provides a notice to the Commission which states:

(a) That the utility will not include the renewable energy facility in its rate base or expenses associated with the facility in its revenue requirement and, instead, will use the mechanism established by the regulations adopted by the Commission pursuant to subsection 4 of section 6 of this act to account for the electricity generated by the renewable energy facility and charge a just and reasonable price for that electricity to its customers through the deferred accounting mechanism set forth in NRS 704.187;

(b) The contract price originally approved by the Commission will be the just and reasonable price that the utility will charge its customers for electricity generated by the renewable energy facility pursuant to the accounting mechanism set forth in NRS 704.187;

(c) The utility agrees to be bound by all of the terms and conditions of the agreement for the purchase of the electricity that was accepted by the Commission pursuant to NRS 704.751 and acknowledges that, following the conclusion of the term of the agreement, the utility may not include:

(1) Any capital investment associated with the renewable energy facility in the utility's rate base; or

(2) Any expense associated with the renewable energy facility in the utility's revenue requirement; and

(d) That the utility acknowledges that, at the conclusion of the existing term of the agreement, the utility may not include a just and reasonable charge for the price of the electricity produced by the renewable energy facility in the deferred accounting mechanism set forth in NRS 704.187 unless the Commission approves a just and reasonable charge by reference to a competitive market price through a plan filed pursuant to NRS 704.741, or an amendment to such plan, filed by the utility pursuant to the regulations adopted by the Commission pursuant to subsection 4 of section 6 of this act.

Sec. 8. *The Legislature finds and declares that it is the policy of this State to:*

1. Encourage and accelerate the development of new renewable energy projects for the economic, health and environmental benefits provided to the people of this State;

2. Become a leading producer and consumer of clean and renewable energy, with a goal of achieving by 2050 an amount of energy production from zero carbon dioxide emission resources equal to the total amount of electricity sold by providers of electric service in this State; and

3. Ensure that the benefits of the increased use of portfolio energy systems and energy efficiency measures are received by the residents of this State. Such benefits include, without limitation, improved air quality, reduced water use, a more diverse portfolio of resources for generating electricity, reduced fossil fuel consumption and more stable rates for retail customers of electric service.

Sec. 9. *A provider of electric service that is ~~[an agency or instrumentality of this State]~~ subject to NRS 704.787 shall, on or before July 1 of each year, submit to the Director of the Office of Energy appointed pursuant to*

NRS 701.150 a report that contains the information described in subsection 4 of NRS 704.7825.

Sec. 10. *Notwithstanding any provision of law to the contrary, a provider of electric service that is ~~[an agency or instrumentality of this State]~~ subject to NRS 704.787 is not subject to the jurisdiction of the Commission.*

Sec. 11. NRS 704.021 is hereby amended to read as follows:

704.021 "Public utility" or "utility" does not include:

1. Persons engaged in the production and sale of natural gas, other than sales to the public, or engaged in the transmission of natural gas other than as a common carrier transmission or distribution line or system.

2. Persons engaged in the business of furnishing, for compensation, water or services for the disposal of sewage, or both, to persons within this State if:

(a) They serve 25 persons or less; and

(b) Their gross sales for water or services for the disposal of sewage, or both, amounted to $25,000 or less during the immediately preceding 12 months.

3. Persons not otherwise engaged in the business of furnishing, producing or selling water or services for the disposal of sewage, or both, but who sell or furnish water or services for the disposal of sewage, or both, as an accommodation in an area where water or services for the disposal of sewage, or both, are not available from a public utility, cooperative corporations and associations or political subdivisions engaged in the business of furnishing water or services for the disposal of sewage, or both, for compensation, to persons within the political subdivision.

4. Persons who are engaged in the production and sale of energy, including electricity, to public utilities, cities, counties or other entities which are reselling the energy to the public.

5. Persons who are subject to the provisions of NRS 590.465 to 590.645, inclusive.

6. Persons who are engaged in the sale or use of special fuel as defined in NRS 366.060.

7. Persons who provide water from water storage, transmission and treatment facilities if those facilities are for the storage, transmission or treatment of water from mining operations.

8. Persons who are video service providers, as defined in NRS 711.151, except for those operations of the video service provider which consist of providing a telecommunication service to the public, in which case the video service provider is a public utility only with regard to those operations of the video service provider which consist of providing a telecommunication service to the public.

9. Persons who own or operate a net metering system described in paragraph (c) of subsection 1 of NRS 704.771.

10. Persons who for compensation own or operate individual systems which use renewable energy to generate electricity and sell the electricity

generated from those systems to not more than one customer of the public utility per individual system if each individual system is:

(a) Located on the premises of another person;

(b) Used to produce not more than 150 percent of that other person's requirements for electricity on an annual basis for the premises on which the individual system is located; and

(c) Not part of a larger system that aggregates electricity generated from renewable energy for resale or use on premises other than the premises on which the individual system is located.

➥ As used in this subsection, "renewable energy" has the meaning ascribed to it in NRS ~~[704.7811.]~~ *704.7715*.

11. Persons who own, control, operate or manage a facility that supplies electricity only for use to charge electric vehicles.

Sec. 11.3. NRS 704.187 is hereby amended to read as follows:

704.187 1. An electric utility that ~~[purchases]~~ *:*

(a) Purchases fuel or power shall use deferred accounting by recording upon its books and records in deferred accounts all increases and decreases in costs for purchased fuel and purchased power that are prudently incurred by the electric utility.

(b) Pursuant to section 6 of this act is approved by the Commission to charge a just and reasonable price for the electricity generated by a renewable energy facility shall use deferred accounting in accordance with the regulations adopted by that section.

2. An electric utility using deferred accounting *:*

(a) Pursuant to paragraph (a) of subsection 1 shall include in its annual report to the Commission a statement showing, for the period of recovery, the allocated rate of return for each of its operating departments in this State using deferred accounting.

(b) Pursuant to paragraph (b) of subsection 1 shall include in its annual report to the Commission any information that is required to be included in the annual report by the regulations adopted pursuant to section 6 of this act.

3. Except as otherwise provided in this section, an electric utility using deferred accounting shall file an annual deferred energy accounting adjustment application on or before March 1, 2008, and on or before March 1 of each year thereafter.

4. An electric utility that purchases fuel or power and has received approval from the Commission to make quarterly adjustments to its deferred energy accounting adjustment pursuant to subsection 10 of NRS 704.110 is not eligible to request an adjustment to its deferred energy accounting adjustment in its annual deferred energy accounting adjustment application.

5. *An electric utility that, pursuant to section 6 of this act, is approved by the Commission to charge a just and reasonable price for the electricity generated by a renewable energy facility shall file deferred energy accounting adjustments in accordance with the regulations adopted pursuant to section 6 of this act.*

6. As used in this section:

(a) "Annual deferred energy accounting adjustment application" means an application filed by an electric utility pursuant to this section and subsection 11 of NRS 704.110.

(b) "Costs for purchased fuel and purchased power" means all costs which are prudently incurred by an electric utility and which are required to purchase fuel, to purchase capacity and to purchase energy. The term does not include any costs that the Commission determines are not recoverable pursuant to subsection 11 of NRS 704.110.

(c) "Electric utility" means any public utility or successor in interest that:

(1) Is in the business of providing electric service to customers;

(2) Holds a certificate of public convenience and necessity issued or transferred pursuant to this chapter; and

(3) In the most recently completed calendar year or in any other calendar year within the 7 calendar years immediately preceding the most recently completed calendar year, had a gross operating revenue of $250,000,000 or more in this State.

➥ The term does not include a cooperative association, nonprofit corporation, nonprofit association or provider of electric service which is declared to be a public utility pursuant to NRS 704.673 and which provides service only to its members.

(d) "Renewable energy facility" has the meaning ascribed to it in NRS 704.7315.

Sec. 11.7. NRS 704.675 is hereby amended to read as follows:

704.675 Every cooperative association or nonprofit corporation or association and every other supplier of services described in this chapter supplying those services for the use of its own members only is hereby declared to be affected with a public interest, to be a public utility, and to be subject to the jurisdiction, control and regulation of the Commission for the purposes of NRS 703.191, 704.330 *,* ~~[and]~~ 704.350 to 704.410, inclusive, *and 704.7821,* but not to any other jurisdiction, control and regulation of the Commission or to the provisions of any section not specifically mentioned in this section.

Sec. 12. NRS 704.7315 is hereby amended to read as follows:

704.7315 "Renewable energy facility" means an electric generating facility that uses renewable energy to produce electricity. As used in this section, "renewable energy" has the meaning ascribed to it in NRS ~~[704.7811.]~~ *704.7715*.

Sec. 13. NRS 704.736 is hereby amended to read as follows:

704.736 The application of NRS 704.736 to 704.754, inclusive, *and sections 5, 6 and 7 of this act* is limited to any public utility in the business of supplying electricity which has an annual operating revenue in this state of $2,500,000 or more.

Sec. 14. NRS 704.7362 is hereby amended to read as follows:

704.7362 As used in NRS 704.736 to 704.754, inclusive, *and sections 5, 6 and 7 of this act,* unless the context otherwise requires, the words and terms defined in NRS 704.7364 and 704.7366 *and section 5 of this act* have the meanings ascribed to them in those sections.

Sec. 15. NRS 704.738 is hereby amended to read as follows:

704.738 1. A utility which supplies electricity in this state may apply to the Commission for authority to charge, as part of a program of optional pricing, a higher rate for electricity that is generated from renewable energy.

2. The program may provide the customers of the utility with the option of paying a higher rate for electricity to support the increased use by the utility of renewable energy in the generation of electricity.

3. As used in this section, "renewable energy" has the meaning ascribed to it in NRS ~~[704.7811.]~~ *704.7715.*

Sec. 16. ~~[NRS 704.741 is hereby amended to read as follows:~~

~~704.741 1. A utility which supplies electricity in this State shall, on or before June 1 of every third year, in the manner specified by the Commission, submit a plan to increase its supply of electricity or decrease the demands made on its system by its customers to the Commission. Two or more utilities that are affiliated through common ownership and that have an interconnected system for the transmission of electricity shall submit a joint plan.~~

~~2. The Commission shall, by regulation:~~

~~(a) Prescribe the contents of such a plan, including, but not limited to, the methods or formulas which are used by the utility or utilities to:~~

~~(1) Forecast the future demands; and~~

~~(2) Determine the best combination of sources of supply to meet the demands or the best method to reduce them; and~~

~~(b) Designate renewable energy zones and revise the designated renewable energy zones as the Commission deems necessary.~~

~~3. The Commission shall require the utility or utilities to include in the plan:~~

~~(a) An energy efficiency program for residential customers which reduces the consumption of electricity or any fossil fuel and which includes, without limitation, the use of new solar thermal energy sources.~~

~~(b) A proposal for the expenditure of not less than 5 percent of the total expenditures related to energy efficiency and conservation programs on energy efficiency and conservation programs directed to low-income customers of the electric utility.~~

~~(c) A comparison of a diverse set of scenarios of the best combination of sources of supply to meet the demands or the best methods to reduce the demands, which must include at least one scenario of low carbon intensity that includes the deployment of distributed generation.~~

~~(d) An analysis of the effects of the requirements of NRS 704.766 to 704.777, inclusive, on the reliability of the distribution system of the utility or utilities and the costs to the utility or utilities to provide electric service to all~~

~~customers. The analysis must include an evaluation of the costs and benefits of addressing issues of reliability through investment in the distribution system.~~

~~(e) A list of the utility's or utilities' assets described in NRS 704.7338.~~

~~(f) A surplus asset retirement plan as required by NRS 704.734.~~

~~4. The Commission shall require the utility or utilities to include in the plan a plan for construction or expansion of transmission facilities to serve renewable energy zones and to facilitate the utility or utilities in meeting the portfolio standard established by NRS 704.7821. *The plan for the construction or expansion of transmission facilities must identify and evaluate:*~~

~~*(a) Transmission network upgrades that could be implemented within renewable energy zones to expedite or facilitate the development of portfolio energy systems within such zones.*~~

~~*(b) Options for construction or expansion of transmission facilities meeting the portfolio standard, including, without limitation, transmission facilities which are jointly owned by the utility or utilities.*~~

~~5. The Commission shall require the utility or utilities to include in the plan a distributed resources plan. The distributed resources plan must:~~

~~(a) Evaluate the locational benefits and costs of distributed resources. This evaluation must be based on reductions or increases in local generation capacity needs, avoided or increased investments in distribution infrastructure, safety benefits, reliability benefits and any other savings the distributed resources provide to the electricity grid for this State or costs to customers of the electric utility or utilities.~~

~~(b) Propose or identify standard tariffs, contracts or other mechanisms for the deployment of cost effective distributed resources that satisfy the objectives for distribution planning.~~

~~(c) Propose cost-effective methods of effectively coordinating existing programs approved by the Commission, incentives and tariffs to maximize the locational benefits and minimize the incremental costs of distributed resources.~~

~~(d) Identify any additional spending necessary to integrate cost effective distributed resources into distribution planning consistent with the goal of yielding a net benefit to the customers of the electric utility or utilities.~~

~~(e) Identify barriers to the deployment of distributed resources, including, without limitation, safety standards related to technology or operation of the distribution system in a manner that ensures reliable service.~~

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

~~(a) "Carbon intensity" means the amount of carbon by weight emitted per unit of energy consumed.~~

~~(b) "Distributed generation system" has the meaning ascribed to it in NRS 701.380.~~

~~(c) "Distributed resources" means distributed generation systems, energy efficiency, energy storage, electric vehicles and demand response technologies.~~

~~(d) *"Portfolio energy system" means any renewable energy system described in subsection 1 of NRS 704.7804.*~~

~~*(e)* "Renewable energy zones" means specific geographic zones where renewable energy resources are sufficient to develop generation capacity and where transmission constrains the delivery of electricity from those resources to customers.~~] (Deleted by amendment.)

Sec. 17. NRS 704.7715 is hereby amended to read as follows:

704.7715 *1.* "Renewable energy" ~~[has the meaning ascribed to it in NRS 704.7811.]~~ *means:*

(a) Biomass;

(b) Geothermal energy;

(c) Solar energy;

(d) Waterpower; and

(e) Wind.

2. The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.

3. As used in this section, "waterpower" means power derived from standing, running or falling water which is used for any plant, facility, equipment or system to generate electricity if the generating capacity of the plant, facility, equipment or system is not more than 30 megawatts. Except as otherwise provided in this subsection, the term includes, without limitation, power derived from water that has been pumped from a lower to a higher elevation if the generating capacity of the plant, facility, equipment or system for which the water is used is not more than 30 megawatts. The term does not include power:

(a) Derived from water stored in a reservoir by a dam or similar device, unless:

(1) The water is used exclusively for irrigation;

(2) The dam or similar device was in existence on January 1, 2003; and

(3) The generating capacity of the plant, facility, equipment or system for which the water is used is not more than 30 megawatts;

(b) That requires a new or increased appropriation or diversion of water for its creation; or

(c) That requires the use of any fossil fuel for its creation, unless:

(1) The primary purpose of the use of the fossil fuel is not the creation of the power; and

(2) The generating capacity of the plant, facility, equipment or system for which the water is used is not more than 30 megawatts.

Sec. 18. NRS 704.7801 is hereby amended to read as follows:

704.7801 As used in NRS 704.7801 to 704.7828, inclusive, *and sections 8, 9 and 10 of this act,* unless the context otherwise requires, the words and terms defined in NRS 704.7802 to 704.7819, inclusive, have the meanings ascribed to them in those sections.

Sec. 19. NRS 704.7804 is hereby amended to read as follows:

704.7804 "Portfolio energy system or efficiency measure" means:

1. Any renewable energy system:

(a) Placed into operation before July 1, 1997, if a provider of electric service used electricity generated or acquired from the renewable energy system to satisfy its portfolio standard before July 1, 2009; ~~[or]~~

(b) *Placed into operation before July 1, 1997, that uses waterpower from a plant, facility, equipment or system to generate electricity, if the waterpower is acquired by the provider of electric service from another party pursuant to a contract for a term of not less than 10 years* ~~*[; or]*~~ *and the provider of electric service began acquiring the waterpower pursuant to the contract before the effective date of this act; or*

(c) Placed into operation on or after July 1, 1997 . ~~[; or]~~

2. Any energy efficiency measure installed on or before December 31, 2019.

Sec. 20. NRS 704.7808 is hereby amended to read as follows:

704.7808 1. "Provider of electric service" and "provider" mean any person or entity that is in the business of selling electricity to retail customers for consumption in this State, regardless of whether the person or entity is otherwise subject to regulation by the Commission.

2. The term includes, without limitation, a provider of new electric resources that is selling electricity to an eligible customer for consumption in this State pursuant to the provisions of chapter 704B of NRS.

3. The term does not include:

(a) ~~[This State or an agency or instrumentality of this State.~~

~~(b) A rural electric cooperative established pursuant to chapter 81 of NRS.~~

~~(c) A general improvement district established pursuant to chapter 318 of NRS.~~

~~(d) A utility established pursuant to chapter 709 or 710 of NRS.~~

~~(e) A cooperative association, nonprofit corporation, nonprofit association or provider of electric service which is declared to be a public utility pursuant to NRS 704.673 and which provides service only to its members.~~

~~(f)]~~ A landlord of a manufactured home park or mobile home park or owner of a company town who is subject to any of the provisions of NRS 704.905 to 704.960, inclusive.

~~[(g)]~~ *(b)* A landlord who pays for electricity that is delivered through a master meter and who distributes or resells the electricity to one or more tenants for consumption in this State.

Sec. 21. NRS 704.7811 is hereby amended to read as follows:

704.7811 1. "Renewable energy" means:

(a) Biomass;

(b) Geothermal energy;

(c) Solar energy;

(d) Waterpower; and

(e) Wind.

2. The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.

3. As used in this section, "waterpower" means power derived from standing, running or falling water which is used for any plant, facility, equipment or system to generate electricity . ~~[if the generating capacity of the plant, facility, equipment or system is not more than 30 megawatts.]~~ Except as otherwise provided in this subsection, the term includes, without limitation, power derived from water that has been pumped from a lower to a higher elevation if the generating capacity of the plant, facility, equipment or system for which the water is used is not more than 30 megawatts ~~[.]~~ *, and the plant, facility, equipment or system* ~~*[used for both the electricity generation and the water pumping were]*~~ *was in existence* ~~*[on]*~~ *and used to derive power from pumped water before January 1, 2019.* The term does not include power:

(a) ~~[Derived from water stored in a reservoir by a dam or similar device, unless:~~

~~(1) The water is used exclusively for irrigation;~~

~~(2) The dam or similar device was in existence on January 1, 2003; and~~

~~(3) The generating capacity of the plant, facility, equipment or system for which the water is used is not more than 30 megawatts;~~

~~(b)]~~ That requires a new or increased appropriation or diversion of water for its creation; ~~[or~~

~~(c)]~~ *(b)* That requires the use of any fossil fuel for its creation, unless ~~[:~~

~~(1) The]~~ *the* primary purpose of the use of the fossil fuel is not the creation of the power ~~[; and~~

~~(2) The generating capacity of the plant, facility, equipment or system for which the water is used is not more than 30 megawatts.]~~ *; or*

~~*[(b)]*~~ *(c) That was produced before the effective date of this act from a renewable energy system with a generating capacity of more than 30 megawatts placed into operation before July 1, 1997.*

Sec. 21.5. NRS 704.7818 is hereby amended to read as follows:

704.7818 1. "Retail customer" means ~~[an]~~ *:*

(a) An end-use customer that purchases electricity for consumption in this state ~~[.]~~ *; or*

(b) An end-use member that purchases electricity for consumption in this state from a cooperative association, nonprofit corporation, nonprofit association or provider of electric service which is declared to be a public utility pursuant to NRS 704.675 and which provides service only to its members.

2. The term includes, without limitation:

(a) This state, a political subdivision of this state or an agency or instrumentality of this state or political subdivision of this state when it is an end-use customer that purchases electricity for consumption in this state, including, without limitation, when it is an eligible customer that purchases electricity for consumption in this state from a provider of new electric resources pursuant to the provisions of chapter 704B of NRS.

(b) A residential, commercial or industrial end-use customer that purchases electricity for consumption in this state, including, without limitation, an

eligible customer that purchases electricity for consumption in this state from a provider of new electric resources pursuant to the provisions of chapter 704B of NRS.

(c) A landlord of a manufactured home park or mobile home park or owner of a company town who is subject to any of the provisions of NRS 704.905 to 704.960, inclusive.

(d) A landlord who pays for electricity that is delivered through a master meter and who distributes or resells the electricity to one or more tenants for consumption in this state.

Sec. 22. NRS 704.7821 is hereby amended to read as follows:

704.7821 1. For each provider of electric service, the Commission shall establish a portfolio standard. ~~[The]~~ *Except as otherwise provided in subsections ~~[5,]~~ 6, 8 and 9, the* portfolio standard must require each provider to generate, acquire or save electricity from portfolio energy systems or efficiency measures in an amount that is:

(a) For calendar years 2005 and 2006, not less than 6 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(b) For calendar years 2007 and 2008, not less than 9 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(c) For calendar years 2009 and 2010, not less than 12 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(d) For calendar years 2011 and 2012, not less than 15 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(e) For calendar years 2013 and 2014, not less than 18 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(f) For calendar years 2015 through 2019, inclusive, not less than 20 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(g) For calendar ~~[years]~~ *year* 2020 , ~~[through 2024, inclusive,]~~ not less than 22 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(h) *For calendar year 2021, not less than 24 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.*

(i) For calendar years 2022 and 2023, not less than 29 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(j) For calendar years 2024 through 2026, inclusive, not less than 34 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(k) For calendar years 2027 through 2029, inclusive, not less than 42 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(l) For calendar year ~~[2025]~~ *2030* and for each calendar year thereafter, not less than ~~[25]~~ *50* percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

2. In addition to the requirements set forth in subsection 1, the portfolio standard for each provider must require that:

(a) ~~[Of the total amount of electricity that the provider is required to generate, acquire or save from portfolio energy systems or efficiency measures during each calendar year, not less than:~~

~~(1) For calendar years 2009 through 2015, inclusive, 5 percent of that amount must be generated or acquired from solar renewable energy systems.~~

~~(2) For calendar year 2016 and for each calendar year thereafter, 6 percent of that amount must be generated or acquired from solar renewable energy systems.~~

~~(b)]~~ Of the total amount of electricity that the provider is required to generate, acquire or save from portfolio energy systems or efficiency measures:

(1) During calendar years 2013 and 2014, not more than 25 percent of that amount may be based on energy efficiency measures;

(2) During each calendar year 2015 to 2019, inclusive, not more than 20 percent of that amount may be based on energy efficiency measures;

(3) During each calendar year 2020 to 2024, inclusive, not more than 10 percent of that amount may be based on energy efficiency measures; and

(4) For calendar year 2025 and each calendar year thereafter, no portion of that amount may be based on energy efficiency measures.

➥ If the provider intends to use energy efficiency measures to comply with its portfolio standard during any calendar year, of the total amount of electricity saved from energy efficiency measures for which the provider seeks to obtain portfolio energy credits pursuant to this paragraph, at least 50 percent of that amount must be saved from energy efficiency measures installed at service locations of residential customers of the provider, unless a different percentage is approved by the Commission.

~~[(c)]~~ *(b)* If the provider acquires or saves electricity from a portfolio energy system or efficiency measure pursuant to a renewable energy contract or energy efficiency contract with another party:

(1) The term of the contract must be not less than 10 years, unless the other party agrees to a contract with a shorter term; and

(2) The terms and conditions of the contract must be just and reasonable, as determined by the Commission. If the provider is a utility provider and the Commission approves the terms and conditions of the contract between the utility provider and the other party, the contract and its terms and conditions shall be deemed to be a prudent investment and the utility provider may recover all just and reasonable costs associated with the contract.

3. If, for the benefit of one or more retail customers in this State, the provider has paid for or directly reimbursed, in whole or in part, the costs of the acquisition or installation of a solar energy system which qualifies as a renewable energy system and which reduces the consumption of electricity, the total reduction in the consumption of electricity during each calendar year that results from the solar energy system shall be deemed to be electricity that the provider generated or acquired from a renewable energy system for the purposes of complying with its portfolio standard.

4. The Commission shall adopt regulations that establish a system of portfolio energy credits that may be used by a provider to comply with its portfolio standard.

5. Except as otherwise provided in subsection 6, each provider shall comply with its portfolio standard during each calendar year. ~~*[For calendar year 2022 and each calendar year thereafter, a provider shall be deemed to have complied with its portfolio standard during that calendar year if the total amount of electricity generated, acquired or saved from portfolio energy systems or efficiency measures during that calendar year and the immediately preceding 2 calendar years is a percentage of the total amount of electricity sold by the provider to its retail customers in this State during those years that is not less than the percentage required for that calendar year pursuant to subsection 1.]*~~

6. If, for any calendar year, a provider is unable to comply with its portfolio standard through the generation of electricity from its own renewable energy systems or, if applicable, through the use of portfolio energy credits, the provider shall take actions to acquire or save electricity pursuant to one or more renewable energy contracts or energy efficiency contracts. ~~[If the Commission determines that, for a calendar year, there is not or will not be a sufficient supply of electricity or a sufficient amount of energy savings made available to the provider pursuant to renewable energy contracts and energy efficiency contracts with just and reasonable terms and conditions, the]~~ *The* Commission shall exempt the provider, for that calendar year, from the remaining requirements of its portfolio standard or from any appropriate portion thereof, as determined by the Commission ~~[.]~~ *if the Commission determines that:*

(a) For the calendar year, there is not or will not be a sufficient supply of electricity or a sufficient amount of energy savings made available to the provider pursuant to renewable energy contracts and energy efficiency contracts with just and reasonable terms and conditions, after the provider has made reasonable efforts to secure such contracts; or

(b) The provider is unable to obtain a sufficient supply of electricity to comply with the portfolio standard because of a delay in the completion of the construction of a renewable energy system , or the underperformance of an existing renewable energy system, that is under the control of a person or entity other than the provider and that was intended to provide such electricity.

7. The Commission shall adopt regulations that establish:

(a) Standards for the determination of just and reasonable terms and conditions for the renewable energy contracts and energy efficiency contracts that a provider must enter into to comply with its portfolio standard.

(b) Methods to classify the financial impact of each long-term renewable energy contract and energy efficiency contract as an additional imputed debt of a utility provider. The regulations must allow the utility provider to propose an amount to be added to the cost of the contract, at the time the contract is approved by the Commission, equal to a compensating component in the capital structure of the utility provider. In evaluating any proposal made by a utility provider pursuant to this paragraph, the Commission shall consider the effect that the proposal will have on the rates paid by the retail customers of the utility provider.

8. ~~[Except as otherwise provided in NRS 704.78213, the provisions of this section do not apply to a provider of new electric resources as defined in NRS 704B.130.]~~ *For the purposes of subsection 1, for calendar year 2019 and for each calendar year thereafter, the total amount of electricity sold by a provider to its retail customers in this State during a calendar year does not include the amount of electricity sold by the provider as part of a program of optional pricing authorized by the Commission pursuant to ~~[NRS 704.738,]~~ which the provider either transfers portfolio energy credits to the customer or retires portfolio energy credits above the renewable energy portfolio standard on behalf of the customer.*

9. For the purposes of subsection 1, for calendar year 2019 and for each calendar year thereafter, ~~[unless the provider makes the election authorized by subsection 10,]~~ the total amount of electricity sold by the following providers to their retail customers in this State during a calendar year does not include the first 1,000,000 megawatt-hours of electricity sold by the provider to such customers during that calendar year:

(a) A rural electric cooperative established pursuant to chapter 81 of NRS that is in existence on the effective date of this act.

(b) A general improvement district established pursuant to chapter 318 of NRS that is in existence on the effective date of this act . ~~[;]~~

(c) A utility established pursuant to chapter 244, 268, 709 or 710 of NRS that is in existence on the effective date of this act.

(d) A cooperative association, nonprofit corporation, nonprofit association or provider of electric service which is declared to be a public utility pursuant to NRS 704.673, which provides service only to its members and which is in existence and providing retail electric service on the effective date of this act.

➥ Such providers do not earn energy portfolio credits under the system of energy portfolio credits established by the Commission pursuant to subsection 4 for electricity generated or acquired by the provider from renewable energy systems to make the first 1,000,000 megawatt-hours of sales to retail customers within this State within a calendar year . ~~[, unless the provider makes the election provided by subsection 10.]~~ The provisions of this subsection do not apply to any successor in interest of such a provider.

10. ~~[A provider listed in subsection 9 may elect to have the Commission establish a portfolio standard for the provider which applies to the total amount of electricity sold by the provider to its retail customers in this State during the calendar year, including the first 1,000,000 megawatt-hours of sales to such customers. To make the election described by this subsection, the provider shall provide written notification of the election to the Commission on or before September 30 of the year immediately preceding the first calendar year for which the provider is requesting that the portfolio standard apply to the total amount of electricity sold by the provider to its retail customers in this State during that calendar year. Within 90 days after receiving such a notification, the Commission shall issue an order establishing a portfolio standard for the provider. The portfolio standard established pursuant to this subsection applies to the provider for each calendar year thereafter.~~

~~11.]~~ A provider listed in subsection 9 ~~[who has not made the election described in subsection 10]~~ shall, during any calendar year in which the total amount of electricity sold by the provider to its retail customers in this State during that calendar year is less than 1,000,000 megawatt-hours, submit to the Commission, after the end of the calendar year and within the time prescribed by the Commission, a report of the total amount of electricity sold to its retail customers in this State for that calendar year. The providers described in paragraphs (a) and (d) of subsection 9 shall submit the report required by this subsection to the Commission as part of the annual report filed by such a provider as required by NRS 703.191.

~~[9. 12.]~~ *11.* As used in this section:

(a) "Energy efficiency contract" means a contract to attain energy savings from one or more energy efficiency measures owned, operated or controlled by other parties.

(b) "Renewable energy contract" means a contract to acquire electricity from one or more renewable energy systems owned, operated or controlled by other parties.

(c) "Terms and conditions" includes, without limitation, the price that a provider must pay to acquire electricity pursuant to a renewable energy contract or to attain energy savings pursuant to an energy efficiency contract.

Sec. 23. NRS 704.78213 is hereby amended to read as follows:

704.78213 1. If the Commission issues an order approving an application that is filed pursuant to NRS 704B.310 or a request that is filed pursuant to NRS 704B.325 regarding a provider of new electric resources and an eligible customer, the Commission must establish in the order a portfolio standard applicable to the electricity sold by the provider of new electric resources to the eligible customer in accordance with the order. The portfolio standard must require the provider of new electric resources to generate, acquire or save electricity from portfolio energy systems or efficiency measures in the amounts described in the portfolio standard set forth in NRS 704.7821 . ~~[which is effective on the date on which the order approving the application or request is approved.]~~

2. ~~[Of]~~ *Except as otherwise provided in this subsection, of* the total amount of electricity that a provider of new electric resources is required to generate, acquire or save from portfolio energy systems or efficiency measures during each calendar year, not more than 25 percent of that amount may be based on energy efficiency measures. *The provisions of this subsection apply to an order of the Commission approving an application that is filed pursuant to NRS 704B.310 or a request filed pursuant to NRS 704B.325 regarding a provider of new electric resources and an eligible customer only:*

(a) If the order was issued by the Commission before January 1, 2019; and

(b) For calendar years before 2025.

3. If, for the benefit of one or more eligible customers, the eligible customer of a provider of new electric resources has paid for or directly reimbursed, in whole or in part, the costs of the acquisition or installation of a solar energy system which qualifies as a renewable energy system and which reduces the consumption of electricity, the total reduction in the consumption of electricity during each calendar year that results from the solar energy system shall be deemed to be electricity that the provider of new electric resources generated or acquired from a renewable energy system for the purposes of complying with its portfolio standard.

4. ~~*[3.]*~~ As used in this section:

(a) "Eligible customer" has the meaning ascribed to it in NRS 704B.080.

(b) "Provider of new electric resources" has the meaning ascribed to it in NRS 704B.130.

Sec. 24. NRS 704.7825 is hereby amended to read as follows:

704.7825 1. ~~[Each]~~ *Except as otherwise provided in subsection 6, each* provider of electric service shall submit to the Commission an annual report that provides information relating to the actions taken by the provider to comply with its portfolio standard.

2. Each provider shall submit the annual report to the Commission after the end of each calendar year and within the time prescribed by the Commission. The report must be submitted in a format approved by the Commission.

3. The Commission may adopt regulations that require providers to submit to the Commission additional reports during each calendar year.

4. Each annual report and each additional report must include clear and concise information that sets forth:

(a) The amount of electricity which the provider generated, acquired or saved from portfolio energy systems or efficiency measures during the reporting period and, if applicable, the amount of portfolio energy credits that the provider acquired, sold or traded during the reporting period to comply with its portfolio standard;

(b) The capacity of each renewable energy system owned, operated or controlled by the provider, the total amount of electricity generated by each such system during the reporting period and the percentage of that total amount which was generated directly from renewable energy;

(c) Whether, during the reporting period, the provider began construction on, acquired or placed into operation any renewable energy system and, if so, the date of any such event;

(d) Whether, during the reporting period, the provider participated in the acquisition or installation of any energy efficiency measures and, if so, the date of any such event; and

(e) Any other information that the Commission by regulation may deem relevant.

5. Based on the reports submitted by providers pursuant to this section, the Commission shall compile information that sets forth whether any provider has used energy efficiency measures to comply with its portfolio standard and, if so, the type of energy efficiency measures used and the amount of energy savings attributable to each such energy efficiency measure. The Commission shall report such information to:

(a) The Legislature, not later than the first day of each regular session; and

(b) The Legislative Commission, if requested by the Chair of the Commission.

6. The provisions of this section do not apply to:

(a) A provider of electric service that is ~~[an agency or instrumentality of this State; or]~~ subject to NRS 704.787; or

(b) A provider of electric service that is listed in subsection 9 of NRS 704.7821 ~~[who has not made the election described in subsection 10 of that section,]~~ during any calendar year in which the total amount of electricity sold by the provider to its retail customers in this State during that calendar year is less than 1,000,000 megawatt-hours.

Sec. 24.5. NRS 704.7828 is hereby amended to read as follows:

704.7828 1. The Commission shall adopt regulations to carry out and enforce the provisions of NRS 704.7801 to 704.7828, inclusive ~~[.]~~ *, and sections 8, 9 and 10 of this act.* The regulations adopted by the Commission may include any enforcement mechanisms which are necessary and reasonable to ensure that each provider of electric service complies with its portfolio standard. Such enforcement mechanisms may include, without limitation, the imposition of administrative fines.

2. If a provider exceeds the portfolio standard for any calendar year:

(a) The Commission shall authorize the provider to carry forward to subsequent calendar years for the purpose of complying with the portfolio standard for those subsequent calendar years any excess kilowatt-hours of electricity that the provider generates, acquires or saves from portfolio energy systems or efficiency measures;

(b) By more than 10 percent but less than 25 percent of the amount of portfolio energy credits necessary to comply with its portfolio standard for the subsequent calendar year, the provider may sell any portfolio energy credits which are in excess of 10 percent of the amount of portfolio energy credits necessary to comply with its portfolio standard for the subsequent calendar year; and

(c) By 25 percent or more of the amount of portfolio energy credits necessary to comply with its portfolio standard for the subsequent calendar year, the provider shall use reasonable efforts to sell any portfolio energy credits which are in excess of 25 percent of the amount of portfolio energy credits necessary to comply with its portfolio standard for the subsequent calendar year.

➥ Any money received by a provider from the sale of portfolio energy credits pursuant to paragraphs (b) and (c) must be credited against the provider's costs for purchased fuel and purchased power pursuant to NRS 704.187 in the same calendar year in which the money is received, less any verified administrative costs incurred by the provider to make the sale, including any costs incurred to qualify the portfolio energy credits for potential sale regardless of whether such sales are made.

3. If a provider does not comply with its portfolio standard for any calendar year and the Commission has not exempted the provider from the requirements of its portfolio standard pursuant to NRS 704.7821 or 704.78213, the Commission ~~[:~~

~~(a) Shall]~~ *shall* require the provider to carry forward to subsequent calendar years the amount of the deficiency in kilowatt-hours of electricity that the provider does not generate, acquire or save from portfolio energy systems or efficiency measures during a calendar year in violation of its portfolio standard . ~~[; and~~

~~(b) May]~~

4. If the Commission has not exempted a provider from the requirements of its portfolio standard pursuant to NRS 704.7821 or 704.78213 and the provider does not comply with its portfolio standard:

(a) During any calendar year after 2018 but before 2030, and did not comply with its portfolio standard for the 2 immediately preceding calendar years; or

(b) During calendar year 2030 or any subsequent calendar year,

➥ *The Commission may* impose an administrative fine against the provider or take other administrative action against the provider, or do both.

~~[4.]~~ *5.* Except as otherwise provided in ~~[subsection 5,]~~ *subsections 4 and 6,* the Commission may impose an administrative fine against a provider based upon:

(a) Each kilowatt-hour of electricity that the provider does not generate, acquire or save from portfolio energy systems or efficiency measures during a calendar year in violation of its portfolio standard; or

(b) Any other reasonable formula adopted by the Commission.

~~[5.]~~ *6.* If a provider sells any portfolio energy credits pursuant to paragraph (b) or (c) of subsection 2 in any calendar year in which the Commission determines that the provider did not comply with its portfolio standard, the Commission shall not make any adjustment to the provider's expenses or revenues and shall not impose on the provider any administrative fine authorized by this section for that calendar year if:

(a) In the calendar year immediately preceding the calendar year in which the portfolio energy credits were sold, the amount of portfolio energy credits held by the provider and attributable to electricity generated, acquired or saved from portfolio energy systems or efficiency measures by the provider exceeded the amount of portfolio energy credits necessary to comply with the provider's portfolio standard by more than 10 percent;

(b) The price received for any portfolio energy credits sold by the provider was not lower than the most recent value of portfolio energy credits, net of any energy value if the price was for bundled energy and credits, as determined by reference to the last long-term renewable purchased power agreements approved by the Commission in the most recent proceeding that included such agreements; and

(c) The provider would have complied with the portfolio standard in the relevant year even after the sale of portfolio energy credits based on the load forecast of the provider at the time of the sale.

~~[6.]~~ *7.* In the aggregate, the administrative fines imposed against a provider for all violations of its portfolio standard for a single calendar year must not exceed the amount which is necessary and reasonable to ensure that the provider complies with its portfolio standard, as determined by the Commission.

~~[7.]~~ *8.* If the Commission imposes an administrative fine against a utility provider:

(a) The administrative fine is not a cost of service of the utility provider;

(b) The utility provider shall not include any portion of the administrative fine in any application for a rate adjustment or rate increase; and

(c) The Commission shall not allow the utility provider to recover any portion of the administrative fine from its retail customers.

~~[8.]~~ *9.* All administrative fines imposed and collected pursuant to this section must be deposited in the State General Fund.

Sec. 25. NRS 704.860 is hereby amended to read as follows:

704.860 "Utility facility" means:

1. Electric generating plants and their associated facilities, except electric generating plants and their associated facilities which use or will use renewable energy, as defined in NRS ~~[704.7811,]~~ *704.7715,* as their primary source of energy to generate electricity and which have or will have a nameplate capacity of not more than 70 megawatts, including, without limitation, a net metering system, as defined in NRS 704.771. As used in this subsection, "associated facilities" includes, without limitation, any facilities for the storage, transmission or treatment of water, including, without limitation, facilities to supply water or for the treatment or disposal of wastewater, which support or service an electric generating plant.

2. Electric transmission lines and transmission substations that:

(a) Are designed to operate at 200 kilovolts or more;

(b) Are not required by local ordinance to be placed underground; and

(c) Are constructed outside any incorporated city.

3. Gas transmission lines, storage plants, compressor stations and their associated facilities when constructed outside any incorporated city.

4. Water storage, transmission and treatment facilities, other than facilities for the storage, transmission or treatment of water from mining operations.

5. Sewer transmission and treatment facilities.

Sec. 26. NRS 704.890 is hereby amended to read as follows:

704.890 1. Except as otherwise provided in subsection 3, the Commission may not grant a permit for the construction, operation and maintenance of a utility facility, either as proposed or as modified by the Commission, to a person unless it finds and determines:

(a) The nature of the probable effect on the environment;

(b) If the utility facility emits greenhouse gases and does not use renewable energy as its primary source of energy to generate electricity, the extent to which the facility is needed to ensure reliable utility service to customers in this State;

(c) That the need for the facility balances any adverse effect on the environment;

(d) That the facility represents the minimum adverse effect on the environment, considering the state of available technology and the nature and economics of the various alternatives;

(e) That the location of the facility as proposed conforms to applicable state and local laws and regulations issued thereunder and the applicant has obtained, or is in the process of obtaining, all other permits, licenses, registrations and approvals required by federal, state and local statutes, regulations and ordinances;

(f) That the surplus asset retirement plan filed pursuant to NRS 704.870:

(1) Complies with federal, state and local laws;

(2) Provides for the remediation and reuse of the facility within a reasonable period; and

(3) Is able to be reasonably completed under the funding plan contained in the application; and

(g) That the facility will serve the public interest.

2. If the Commission determines that the location of all or a part of the proposed facility should be modified, it may condition its permit upon such a modification. If the applicant has not obtained all the other permits, licenses, registrations and approvals required by federal, state and local statutes, regulations and ordinances as of the date on which the Commission decides to issue a permit, the Commission shall condition its permit upon the applicant obtaining those permits and approvals.

3. The requirements set forth in paragraph (g) of subsection 1 do not apply to any application for a permit which is filed by a state government or political subdivision thereof.

4. As used in this section, "renewable energy" has the meaning ascribed to it in NRS ~~[704.7811.]~~ *704.7715*.

Sec. 27. NRS 271.197 is hereby amended to read as follows:

271.197 "Renewable energy" has the meaning ascribed to it in NRS ~~[704.7811.]~~ *704.7715*.

Sec. 28. Notwithstanding the provisions of any other law or any ruling or order issued by or portfolio standard established by the Public Utilities Commission of Nevada to the contrary, for any portfolio standard established by the Commission pursuant to the provisions of subsection 1 of NRS 704.78213, as that section existed on or after July 1, 2012, and before the effective date of this act, the Commission shall, for calendar year 2020 and for each calendar year thereafter, revise the portfolio standard to require the provider of new electric resources as defined in NRS 704B.130 to generate, acquire or save electricity from portfolio energy systems or energy efficiency measures in the amounts described in the portfolio standard set forth in NRS 704.7821, as amended by section 22 of this act.

Sec. 29. 1. This act becomes effective upon passage and approval.

2. Section 3 of this act expires by limitation on December 31, 2025.

Senator Brooks moved the adoption of the amendment.

Remarks by Senators Brooks and Hardy.

SENATOR BROOKS:

Amendment No. 174 makes four changes to Senate Bill No. 358. The amendment revises provisions relating to the price charged by certain electric utilities for electricity generated by certain renewable facilities. It deletes provisions governing certain plans for the construction or expansion of transmission facilities to serve renewable energy zones and to facilitate compliance with the portfolio standard. The bill revises the manner in which providers of electric service may comply with portfolio standards. It revises the authority of the Public Utilities Commission of Nevada to impose administrative fines or take administrative actions.

SENATOR HARDY:

Does this solve the 278 and the 266 for Fallon and Boulder City?

SENATOR BROOKS:

There will be an individual amendment which will address that forthcoming, hopefully tomorrow.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 424.

Bill read second time and ordered to third reading.

Senate Bill No. 425.

Bill read second time and ordered to third reading.

Senate Bill No. 426.

Bill read second time and ordered to third reading.

Senate Bill No. 483.

Bill read second time and ordered to third reading.

Assembly Bill No. 65.

Bill read second time.

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

Amendment No. 92.

SUMMARY—Revises provisions relating to notaries public. (BDR 19-472)

AN ACT relating to notaries public; revising provisions related to certain fees charged by a notary public and electronic notary; revising provisions related to the authentication of certain notarized documents by the Secretary of State; revising the requirements to register as an electronic notary; revising the certificate of acknowledgment of a notary public on the form required to request to nominate a court-appointed guardian; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that an oath or affirmation administered by a notarial officer must be signed by the affiant in the presence of the notarial officer. (NRS 240.1655) Sections 1 and 4 of this bill eliminate obsolete language that refers to fees that a notary public or an electronic notary may charge to administer an oath or affirmation without a signature. (NRS 240.100, 240.197)

Existing law requires the Secretary of State to authenticate the signature and office of a notarial officer on a document intended for use in the United States. (NRS 240.1657) Section 2 of this bill eliminates this requirement and provides that the Secretary of State is only required to authenticate the signature and office of a notarial officer on a document intended for use in a foreign country.

Under existing law, a person must be a notarial officer in this State for not less than 4 years to register as an electronic notary public. (NRS 240.192) Section 3 of this bill eliminates this requirement and authorizes the Secretary of State to establish a process for a person to submit an application to register as an electronic notary public simultaneously with an application for appointment as a notary public.

Under current law, a person may nominate another person to be his or her appointed guardian by completing a notarized form witnessed by two persons. (NRS 159.0753) Section 5 of this bill eliminates the requirement that the certificate of acknowledgment of notary public used on this form include language indicating the notarial officer declares under penalty of perjury that the persons whose names are subscribed to the document appear to be of sound mind and under no duress, fraud or undue influence.

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

Section 1. NRS 240.100 is hereby amended to read as follows:

240.100 1. Except as otherwise provided in subsection 3, a notary public may charge the following fees and no more:

For taking an acknowledgment, for the first signature of each signer $5.00

For each additional signature of each signer 2.50
For administering an oath or affirmation ~~[without a signature]~~ 2.50
For a certified copy 2.50
For a jurat, for each signature on the affidavit 5.00
For performing a marriage ceremony..... 75.00

2. All fees prescribed in this section are payable in advance, if demanded.

3. A notary public may charge an additional fee for traveling to perform a notarial act if:

(a) The person requesting the notarial act asks the notary public to travel;

(b) The notary public explains to the person requesting the notarial act that the fee is in addition to the fee authorized in subsection 1 and is not required by law;

(c) The person requesting the notarial act agrees in advance upon the hourly rate that the notary public will charge for the additional fee; and

(d) The additional fee does not exceed:

(1) If the person requesting the notarial act asks the notary public to travel between the hours of 6 a.m. and 7 p.m., $10 per hour.

(2) If the person requesting the notarial act asks the notary public to travel between the hours of 7 p.m. and 6 a.m., $25 per hour.

➥ The notary public may charge a minimum of 2 hours for such travel and shall charge on a pro rata basis after the first 2 hours.

4. A notary public is entitled to charge the amount of the additional fee agreed to in advance by the person requesting the notarial act pursuant to subsection 3 if:

(a) The person requesting the notarial act cancels the request after the notary public begins his or her travel to perform the requested notarial act.

(b) The notary public is unable to perform the requested notarial act as a result of the actions of the person who requested the notarial act or any other person who is necessary for the performance of the notarial act.

5. For each additional fee that a notary public charges for traveling to perform a notarial act pursuant to subsection 3, the notary public shall enter in the journal that he or she keeps pursuant to NRS 240.120:

(a) The amount of the fee; and

(b) The date and time that the notary public began and ended such travel.

6. A person who employs a notary public may prohibit the notary public from charging a fee for a notarial act that the notary public performs within the scope of the employment. Such a person shall not require the notary public whom the person employs to surrender to the person all or part of a fee charged by the notary public for a notarial act performed outside the scope of the employment of the notary public.

Sec. 2. NRS 240.1657 is hereby amended to read as follows:

240.1657 1. Except as otherwise provided in subsection 2, the Secretary of State shall, upon request and payment of a fee of $20, issue an authentication to verify that the signature of the notarial officer on a document *intended for*

use in a foreign country is genuine and that the notarial officer holds the office indicated on the document. If the document:

(a) Is intended for use in a foreign country that is a participant in the Hague Convention of October 5, 1961, the Secretary of State must issue an apostille in the form prescribed by the Hague Convention of October 5, 1961.

(b) Is intended for use in ~~[the United States or in]~~ a foreign country that is not a participant in the Hague Convention of October 5, 1961, the Secretary of State must issue a certification.

2. The Secretary of State shall not issue an authentication pursuant to subsection 1 if:

(a) The document has not been notarized in accordance with the provisions of this chapter;

(b) The Secretary of State has reasonable cause to believe that the document may be used to accomplish any fraudulent, criminal or other unlawful purpose; or

(c) The request to issue an authentication does not include a statement, in the form prescribed by the Secretary of State and signed under penalty of perjury, that the document for which the authentication is requested will not be used to:

(1) Harass a person; or

(2) Accomplish any fraudulent, criminal or other unlawful purpose.

3. No civil action may be brought against the Secretary of State on the basis that:

(a) The Secretary of State has issued an authentication pursuant to subsection 1; and

(b) The document has been used to:

(1) Harass a person; or

(2) Accomplish any fraudulent, criminal or other unlawful purpose.

4. A person who uses a document for which an authentication has been issued pursuant to subsection 1 to:

(a) Harass a person; or

(b) Accomplish any fraudulent, criminal or other unlawful purpose,

➥ 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.

5. The Secretary of State may adopt regulations to carry out the provisions of this section.

Sec. 3. NRS 240.192 is hereby amended to read as follows:

240.192 1. ~~[Each]~~ *Except as otherwise provided in subsection 5, each* person registering as an electronic notary public must:

(a) At the time of registration, be a notarial officer in this State who has complied with the requirements pertaining to taking an oath and filing a bond set forth in NRS 240.030 and 240.033 ~~[, have been a notarial officer in this~~

~~State for not less than 4 years]~~ and have complied with all applicable notarial requirements set forth in this chapter;

(b) Register with the Secretary of State by submitting an electronic registration pursuant to subsection 2;

(c) Pay to the Secretary of State a registration fee of $50, which is in addition to the application fee required pursuant to NRS 240.030 to be a notarial officer in this State; and

(d) Submit to the Secretary of State with the registration proof satisfactory to the Secretary of State that the registrant has:

(1) Successfully completed any required course of study on electronic notarization provided pursuant to NRS 240.195; and

(2) Complied with the requirements pertaining to taking an oath and filing a bond set forth in NRS 240.030 and 240.033.

2. Unless the Secretary of State establishes a different process for submitting a registration as an electronic notary public, the registration as an electronic notary public must be submitted as an electronic document by electronic mail to nvnotary@sos.nv.gov or, if another electronic mail address is designated by the Secretary of State, to such other designated electronic mail address, and must contain, without limitation, the following information:

(a) All information required to be included in an application for appointment as a notary public pursuant to NRS 240.030.

(b) A description of the technology or device that the registrant intends to use to create his or her electronic signature in performing electronic notarial acts.

(c) The electronic signature of the registrant.

(d) Any other information required pursuant to any rules or regulations adopted by the Secretary of State.

3. Unless the Secretary of State establishes a different process for the payment of the registration fee required pursuant to paragraph (c) of subsection 1, the registration fee must be paid by check or draft, made payable to the Secretary of State and transmitted to the Office of the Secretary of State.

4. ~~[Registration]~~ *Except as otherwise provided in subsection 5, registration* as an electronic notary public shall be deemed effective upon the payment of the registration fee required pursuant to paragraph (c) of subsection 1 if the registrant has satisfied all other applicable requirements.

5. The Secretary of State may establish a process for a person to simultaneously apply for appointment as a notary public and register as an electronic notary public. If the Secretary of State establishes such a process, registration as an electronic notary public shall be deemed effective upon the person complying with:

(a) The requirements pertaining to taking an oath and filing a bond set forth in NRS 240.030 and 240.033 and with all other applicable notarial requirements set forth in this chapter; and

(b) The requirements set forth in this section to register as an electronic notary.

Sec. 4. NRS 240.197 is hereby amended to read as follows:

240.197 1. Except as otherwise provided in this section:

(a) An electronic notary public may charge the following fees:

(1) For taking an acknowledgment, for each signature $25

(2) For executing a jurat, for each signature $25

(3) For administering an oath or affirmation ~~[without a signature]~~ $25

(b) An electronic notary public shall not charge a fee to perform an electronic notarial act unless he or she is authorized to charge a fee for such an electronic notarial act pursuant to this section.

(c) All fees prescribed in this section are payable in advance, if demanded.

(d) An electronic notary public may charge an additional fee for traveling to perform an electronic notarial act if:

(1) The person requesting the electronic notarial act asks the electronic notary public to travel;

(2) The electronic notary public explains to the person requesting the electronic notarial act that the fee for travel is in addition to the fee authorized in paragraph (a) and is not required by law;

(3) The person requesting the electronic notarial act agrees in advance upon the hourly rate that the electronic notary public will charge for the additional fee for travel; and

(4) The additional fee for travel does not exceed:

(I) If the person requesting the electronic notarial act asks the electronic notary public to travel between the hours of 6 a.m. and 7 p.m., $10 per hour.

(II) If the person requesting the electronic notarial act asks the electronic notary public to travel between the hours of 7 p.m. and 6 a.m., $25 per hour.

➥ The electronic notary public may charge a minimum of 2 hours for such travel and shall charge on a pro rata basis after the first 2 hours.

(e) An electronic notary public is entitled to charge the amount of the additional fee for travel agreed to in advance by the person requesting the electronic notarial act pursuant to paragraph (d) if:

(1) The person requesting the electronic notarial act cancels the request after the electronic notary public begins traveling to perform the requested electronic notarial act.

(2) The electronic notary public is unable to perform the requested electronic notarial act as a result of the actions of the person who requested the electronic notarial act or any other person who is necessary for the performance of the electronic notarial act.

(f) For each additional fee for travel that an electronic notary public charges pursuant to paragraph (d), the electronic notary public shall enter in the electronic journal that he or she keeps pursuant to NRS 240.201:

(1) The amount of the fee; and

(2) The date and time that the electronic notary public began and ended such travel.

(g) An electronic notary public may charge a reasonable fee to recover any cost of providing a copy of an entry or a recording of an audio-video communication in an electronic journal maintained pursuant to NRS 240.201.

2. A person who employs an electronic notary public may prohibit the electronic notary public from charging a fee for an electronic notarial act that the electronic notary public performs within the scope of the employment. Such a person shall not require the electronic notary public whom the person employs to surrender to the person all or part of a fee charged by the electronic notary public for an electronic notarial act performed outside the scope of the employment of the electronic notary public.

3. An electronic notary public who is an officer or employee of the State or a local government shall not charge a fee for an electronic notarial act that the electronic notary public performs within the scope of such employment.

4. This section does not apply to any compensation for services provided by an electronic notary public which do not constitute electronic notarial acts or comply with the other requirements of this chapter.

Sec. 5. NRS 159.0753 is hereby amended to read as follows:

159.0753 1. Any person who wishes to request to nominate another person to be appointed as his or her guardian may do so by completing a form requesting to nominate a guardian in accordance with this section.

2. A form requesting to nominate a guardian must be:

(a) Signed by the person requesting to nominate a guardian;

(b) Signed by two impartial adult witnesses who have no interest, financial or otherwise, in the estate of the person requesting to nominate a guardian and who attest that the person has the mental capacity to understand and execute the form; and

(c) Notarized.

3. A request to nominate a guardian may be in substantially the following form, and must be witnessed and executed in the same manner as the following form:

REQUEST TO NOMINATE GUARDIAN

I, ... (insert your name), residing at ..... (insert your address), am executing this notarized document as my written declaration and request for the person(s) designated below to be appointed as my guardian should it become necessary. I am advising the court and all persons and entities as follows:

1. As of the date I am executing this request to nominate a guardian, I have the mental capacity to understand and execute this request.

2. This request pertains to a (circle one): (guardian of the person)/(guardian of the estate)/(guardian of the person and estate).

3. Should the need arise, I request that the court give my preference to the person(s) designated below to serve as my appointed guardian.

4. I request that my ..... (insert relation), ... (insert name), serve as my appointed guardian.

5. If ..... (insert name) is unable or unwilling to serve as my appointed guardian, then I request that my ..... (insert relation), ... (insert name), serve as my appointed guardian.

6. I do not, under any circumstances, desire to have any private, for-profit guardian serve as my appointed guardian.

(YOU MUST DATE AND SIGN THIS DOCUMENT)

I sign my name to this document on ..... (date)

.....

(Signature)

(YOU MUST HAVE TWO QUALIFIED
ADULT WITNESSES DATE
AND SIGN THIS DOCUMENT)

I declare under penalty of perjury that the principal is personally known to me, that the principal signed this request to nominate a guardian in my presence, that the principal appears to be of sound mind, has the mental capacity to understand and execute this document and is under no duress, fraud or undue influence, and that I have no interest, financial or otherwise, in the estate of the principal.

.....

(Signature of first witness)

.....

(Print name)

.....

(Date)

.....

(Signature of second witness)

.....

(Print name)

.....

(Date)

CERTIFICATE OF ACKNOWLEDGMENT
OF NOTARY PUBLIC

State of Nevada }
}
County of .....}

On this ..... day of ....., in the year ...., before me, ... (insert name of notary public), personally appeared ..... (insert name of principal), ... (insert name of first witness) and ..... (insert name of second witness), personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are

subscribed to this instrument, and acknowledged that they have signed this instrument. ~~[I declare under penalty of perjury that the persons whose names are subscribed to this instrument appear to be of sound mind and under no duress, fraud or undue influence.]~~

.....

(Signature of notarial officer)

(Seal, if any)

4. The Secretary of State shall make the form established in subsection 3 available on the Internet website of the Secretary of State.

5. The Secretary of State may adopt any regulations necessary to carry out the provisions of this section.

Sec. 6. The validity of a certificate of acknowledgment of a notary public that was included on a request to nominate a guardian on or before ~~[June 30, 2019,]~~ the passage and approval of this act is not affected by the amendatory provisions of section 5 of this act.

Sec. 7. 1. This section and sections 1, 2, 4, 5 and 6 of this act ~~[becomes]~~ become effective ~~[:~~

~~1. Upon]~~ 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. Section 3 of this act becomes effective:

(a) On the date that the Secretary of State has established a process by which a person may submit an application to register as an electronic notary public simultaneously with an application for appointment as a notary public; or

(b) On July 1, 2019, ~~[for all other purposes.]~~

➥ whichever is earlier.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Amendment. No. 92 to Assembly Bill No. 65 relates to notary public. The amendment changes the effective date, at the request of the Office of the Secretary of State, to allow the Office to implement the process as soon as it is established for a person to submit an application to register as an electronic notary public simultaneously with an application for appointment as a notary public. Testimony indicated the Office thought they could get this process completed a little more quickly than they initially had anticipated. I encourage your support.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Woodhouse moved that Senate Bill Nos. 425, 483 be taken from the General File and re-referred to the Committee on Finance, upon return from reprint.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 39.

Bill read third time.

Remarks by Senator Seevers Gansert.

Senate Bill No. 39 adopts several provisions of the federal Dodd-Frank Wall Street Reform and Consumer Protection Act regarding the registration and supervision of appraisers. The bill requires the Real Estate Division of the Department of Business and Industry to establish, by regulation, certain fees that relate to registering and licensing an Appraisal Management Company (AMC). The Division must forward such fees and submit certain reports related to AMCs to the Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

The bill authorizes a person who has had a license suspended, revoked or voluntarily surrendered in lieu of suspension or revocation to qualify to obtain a registration as an AMC if the suspended, revoked or surrendered license was subsequently reinstated. This bill makes several conforming changes as required by federal law.

Roll call on Senate Bill No. 39:

YEAS—21.

NAYS—None.

Senate Bill No. 39 having received a two-thirds majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 56.

Bill read third time.

Remarks by Senator Harris.

Senate Bill No. 56 revises provisions related to forestry practices. The bill updates existing law to reflect national fire industry standards and practices. It clarifies procedures and permit requirements to remove any flora that has been placed on the list of fully protected species. It changes the term "controlled fire" to "prescribed fire" and defines "ground-based equipment" and provides that a logging permit may be suspended or revoked for operating ground-based equipment on saturated soil. The bill updates postharvest minimum stocking standards and modifies regulated stream zone definitions. It establishes snag retention guidelines for wildlife benefit. It enacts slash-disposal practices for logging debris and revises other provisions related to logging operations.

Roll call on Senate Bill No. 56:

YEAS—21.

NAYS—None.

Senate Bill No. 56 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 186.

Bill read third time.

Remarks by Senator Seevers Gansert.

Senate Bill No. 186 enacts the Physical Therapy Licensure Compact. The interstate Compact allows a person, who is licensed as a physical therapist or physical-therapist assistant in a state that is a member of the Compact, to provide services in person in other states that are members of the Compact. Before providing such services, the Compact requires a physical therapist or physical-therapist assistant to meet certain specified requirements.

The Compact authorizes the Nevada Physical Therapy Board to adopt regulations to comply with the Compact, including regulations to charge a fee for granting a compact privilege. The Physical Therapy Compact Commission is the governing board of the Compact and is comprised of the member states established to implement the provisions of the Compact. The Commission is authorized to establish bylaws and make rules that facilitate and coordinate implementation and

administration of the Compact to hold meetings, including closed meetings, levy on and collect an annual assessment from each state that is a member of the Compact. It is to develop, maintain and utilize a coordinated database and reporting system and resolve disputes related to the Compact among states that are members of the Compact.

The measure clarifies that a physical therapist or physical-therapist assistant who is authorized to practice in this State, pursuant to the Compact, is authorized to engage in the same activities as a physical therapist or physical assistant who is licensed in another state.

Roll call on Senate Bill No. 186:

YEAS—21.

NAYS—None.

Senate Bill No. 186 having received a two-thirds majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 234.

Bill read third time.

Remarks by Senator Ratti.

Senate Bill No. 234 requires the Commissioner of Insurance, Division of Insurance, Department of Business and Industry, to develop and make available on the Division's website a form that a health carrier must use to notify a healthcare provider of the denial of his or her application to be included in the health carrier's network of providers. A health carrier must send a copy of the letter to the Commissioner at the same time the letter is sent to the healthcare provider whose application to be included in the health carrier's network is denied. The bill requires the Commissioner to compile an annual report on trends including, without limitation, information such as the number of denials and reasons for application denials. The report must be provided to the Legislature, the Governor and posted publicly on the Division's website.

Roll call on Senate Bill No. 234:

YEAS—21.

NAYS—None.

Senate Bill No. 234 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 235.

Bill read third time.

Remarks by Senators Ratti and Kieckhefer.

SENATOR RATTI:

Senate Bill No. 235 aligns Nevada law with certain provisions of the federal Patient Protection and Affordable Care Act by requiring all insurers to offer health-insurance coverage regardless of a person's health status. It prohibits an insurer from denying, limiting or excluding a covered benefit or requiring an insured to pay a higher premium, deductible, coinsurance or copay based on the health status of the insured or that of the insured's covered spouse or dependent.

The bill removes existing statutory language related to preexisting conditions that conflicts with federal law. It authorizes group-health benefit plans to include a wellness program that offers discounts based on health status under the same conditions prescribed by federal regulations.

There was a lot of good discussion about this bill. What it does is ensure that if the Affordable Care Act is rolled back at the federal level, in Nevada, those with preexisting conditions will not be affected in how much they pay for insurance or in their ability to obtain insurance. It is an important bill, and I urge your support.

SENATOR KIECKHEFER:

I did want to mark the occasion because this is a significant piece of legislation we are passing today. It does not necessarily change anything on the ground in Nevada right now, but it does continue to protect Nevada consumers and Nevada residents if federal law changes. This is a mandatory issue that does not stand alone in terms of the dynamic within healthcare pricing. It works best when more people are insured. We need to continue to encourage people to sign up for healthcare so the problem, issues like this, do not increase the cost of premiums. It is an important piece of legislation to pass out of our Chamber today, and we can vote "yes" knowing we are protecting Nevada consumers of healthcare.

Roll call on Senate Bill No. 235:

YEAS—21.

NAYS—None.

Senate Bill No. 235 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 267.

Bill read third time.

Remarks by Senator Spearman.

Senate Bill No. 267 requires the State Board of Education to adopt regulations requiring the board of trustees of each school district and the governing body of each charter school to identify for each school the social and environmental factors that affect a student's educational experience. These entities must report such factors to the Nevada Department of Education and consider these factors when making decisions concerning the school, including decisions affecting the allocation of money, the provisions of integrated student supports, evaluations of school staff, salaries of school staff and the discipline of students.

This will not change the STAR rating, but it will mandate that alongside every STAR rating, especially if it is negative, that those social determinants are included. We talk about them but never consider it when we are talking about school education. If a child is living in a food desert or a child who has not eaten, they come to school, and they are not going to be ready and able to learn. It is not the teacher's fault the child cannot learn, and we should take these outlying factors into consideration when we are looking at public education and looking at schools. This is a good bill, and I urge your passage.

Roll call on Senate Bill No. 267:

YEAS—21.

NAYS—None.

Senate Bill No. 267 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 311.

Bill read third time.

Remarks by Senator Harris.

Senate Bill No. 311 expands the protection against discrimination against a person seeking credit to include race, color, creed, religion, disability, national origin or ancestry, sexual orientation and gender identity or expression. The bill requires the Commissioner of the Financial Institutions Division of the Department of Business and Industry to study the nature and extent of any discrimination of the expanded protections and to cooperate with and assist in programs to prevent or eliminate such discrimination.

Roll call on Senate Bill No. 311:
YEAS—21.
NAYS—None.

Senate Bill No. 311 having received a constitutional majority, Madam President declared it passed.
Bill ordered transmitted to the Assembly.

Senate Bill No. 451.
Bill read third time.
Remarks by Senator Harris.
Senate Bill No. 451 changes the renewal term for charter school contracts from six years to not less than three years but not more than ten years.

Roll call on Senate Bill No. 451:
YEAS—21.
NAYS—None.

Senate Bill No. 451 having received a constitutional majority, Madam President declared it passed.
Bill ordered transmitted to the Assembly.

Senator Cannizzaro moved that the Senate recess subject to the call of the Chair.
Motion carried.

Senate in recess at 1:17 p.m.

SENATE IN SESSION

At 1:40 p.m.
President Marshall presiding.
Quorum present.

WAIVERS AND EXEMPTIONS
NOTICE OF EXEMPTION

April 15, 2019

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bill No. 494.

MARK KRMPOTIC
Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

Senator Ratti has approved the addition of Senators Brooks, Denis, Dondero Loop, Hammond, Hardy, Harris, Parks, Seevers Gansert, Settelmeyer, Spearman and Woodhouse as sponsors of Senate Bill No. 293.

SECOND READING AND AMENDMENT

Senate Bill No. 2.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 76.

SUMMARY—Revises provisions relating to the Advisory Commission on the Administration of Justice. (BDR 14-407)

AN ACT relating to the criminal justice system; creating the Subcommittee on Specialty Courts of the Advisory Commission on the Administration of Justice; revising the membership and quorum requirements of the Advisory Commission; revising certain provisions related to the Subcommittee on Victims of Crime of the Advisory Commission; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) establishes the Advisory Commission on the Administration of Justice and various subcommittees of the Advisory Commission, including the Subcommittee on Victims of Crime; and (2) directs the Advisory Commission and subcommittees, among other duties, to identify and study elements of the criminal justice system of this State. (NRS 176.0123-176.0125) Section 1 of this bill creates the Subcommittee on Specialty Courts of the Advisory Commission whose duties include examining specialty courts to determine their efficacy and need for expansion. Section 1 defines "specialty court" as a court that establishes a program for the treatment of certain persons under its jurisdiction who suffer from mental illness or abuses of drugs or alcohol.

Section 3 of this bill revises the membership of the Advisory Commission ~~[: (1)]~~ to include the Ombudsman for Victims of Domestic Violence of the Office of the Attorney General . ~~[; and (2) eliminates the membership of the municipal judge or justice of the peace, appointed by the governing body of the Nevada Judges of Limited Jurisdiction, the district judge, appointed by the governing body of the Nevada District Judges Association and the justice or retired justice of the Nevada Supreme Court, appointed by the Chief Justice of the Nevada Supreme Court.]~~

Existing law defines a quorum for the transaction of business as a majority of the members of the Advisory Commission and further provides that a majority of the members present at any Advisory Commission meeting is sufficient to conduct official action. (NRS 176.0123) Section 3 instead requires that a majority of the members of the Advisory Commission is necessary to conduct official action.

Existing law establishes the Subcommittee on Victims of Crime of the Advisory Commission and requires the Chair of the Advisory Commission to appoint a Chair and members of the Subcommittee. (NRS 176.01245) Section 4 of this bill designates the Attorney General as the Chair of the Subcommittee and requires the Attorney General, as Chair, to appoint members to the Subcommittee. Section 4 also requires that the Chair of the Subcommittee appoint: (1) a Vice Chair who must be a member of the Advisory Commission; and (2) a member who is a representative of the Victims of Crime Program within the Department of Administration. Section 4 additionally requires the Subcommittee, in consultation with the Department

of Administration, to provide certain input regarding the Victims of Crime Program. (NRS 176.01245)

Section 5 of this bill prohibits the Advisory Commission from dividing into subgroups or working groups to carry out its duties, except those subcommittees designated by law ~~.~~ under certain circumstances.

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

Section 1. Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:

1. There is hereby created the Subcommittee on Specialty Courts of the Commission.

2. The Subcommittee consists of:

(a) One member who is a member of the Commission, appointed by the Chair of the Commission, who shall serve as Chair of the Subcommittee;

(b) One member who is a municipal judge or justice of the peace, appointed by the governing body of the Nevada Judges of Limited Jurisdiction;

(c) One member who is a district judge, appointed by the governing body of the Nevada District Judges Association;

(d) 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;

(e) One member who is a district attorney, appointed by the governing body of the Nevada District Attorneys Association;

(f) The Attorney General or a member who is a representative of the Office of the Attorney General, appointed by the Attorney General; and

(g) Two members who are experienced in defending criminal actions, appointed by the governing body of the State Bar of Nevada.

➥ *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.*

3. The Subcommittee shall meet at 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.

4. The Subcommittee shall:

(a) Examine specialty courts to determine the efficacy of the programs and the need for expansion of one or more of the specialty courts; and

(b) In consultation with the Office of Court Administrator created pursuant to NRS 1.320 and the Specialty Court Funding Committee, submit a report to the Commission with the recommendations concerning specialty courts for inclusion in the comprehensive report of the Commission to the Legislature pursuant to NRS 176.0125.

5. 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.

6. 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.

7. As used in this section, "specialty court" means a court that establishes a program to facilitate the testing, treatment and oversight of certain persons over whom the court has jurisdiction and to whom the court has determined suffer from mental illness or abuses of alcohol or drugs. Such programs include, without limitation, a program established pursuant to NRS 176A.250, 176A.280 or 453.580.

Sec. 2. NRS 176.0121 is hereby amended to read as follows:

176.0121 As used in NRS 176.0121 to 176.0129, inclusive, *and section 1 of this act,* "Commission" means the Advisory Commission on the Administration of Justice.

Sec. 3. 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) ~~*[(b)]*~~ 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) ~~*[(c)]*~~ One member who is a public defender, appointed by the governing body of the State Bar of Nevada;

(g) ~~*[(d)]*~~ One member who is a representative of a law enforcement agency, appointed by the Governor;

(h) ~~*[(e)]*~~ One member who is a representative of the Division of Parole and Probation of the Department of Public Safety, appointed by the Governor;

(i) ~~*[(f)]*~~ One member who is a representative of the Central Repository for Nevada Records of Criminal History, appointed by the Governor;

(j) One member who

~~*[(g) Two members, each of whom]*~~ 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) ~~*[(h)]*~~ *The Ombudsman for Victims of Domestic Violence within the Office of the Attorney General;*

~~[(i)]~~ *(l)* One member who is a representative of an organization that advocates on behalf of inmates, appointed by the Governor;

~~[(l) (j)]~~ *(m)* One member who is a representative of the Nevada Sheriffs' and Chiefs' Association, appointed by the Nevada Sheriffs' and Chiefs' Association;

~~[(m) (k)]~~ *(n)* One member who is a member of the State Board of Parole Commissioners, appointed by the State Board of Parole Commissioners;

~~[(n) (l)]~~ *(o)* The Director of the Department of Corrections;

~~[(o) (m)]~~ *(p)* 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) (n)]~~ *(q)* 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 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]~~ *the* members ~~[present at any meeting]~~ *of the Commission* 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. 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. 4. NRS 176.01245 is hereby amended to read as follows:

176.01245 1. There is hereby created the Subcommittee on Victims of Crime of the Commission.

2. *The Attorney General shall serve as the Chair of the Subcommittee.*

3. The Chair of the ~~[Commission]~~ *Subcommittee* shall appoint the members of the Subcommittee and designate one of the members of the Subcommittee as *Vice* Chair of the Subcommittee ~~[.]~~ *:*

(a) The *Vice* Chair of the Subcommittee must be a member of the Commission ~~[.~~

~~3.]~~ *; and*

(b) One member of the Subcommittee must be a representative of the Nevada Victims of Crime Program within the Department of Administration.

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.

~~[4.]~~ *5.* The Subcommittee shall consider issues related to victims of crime and shall evaluate, review and submit a report to the Commission with recommendations concerning such issues.

~~[5.]~~ *6. In consultation with the Department of Administration, the Subcommittee shall provide input on the Nevada Victims of Crime Program policies, procedures and regulations.*

7. 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.

~~[6.]~~ *8.* 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.

9. The Attorney General shall provide the Subcommittee with such staff as is necessary to carry out the duties of the Subcommittee.

Sec. 5. 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, evaluate and study the elements of this State's system of criminal justice.

2. ~~*[Fulfill]*~~ *Except as otherwise provided in NRS 176.01249, fulfill all duties as outlined in this section without division into subgroups or working groups, other than those statutorily designated as subcommittees pursuant to this chapter.*

3. 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.]~~ *4.* 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.]~~ *5.* 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.]~~ *6.* 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.]~~ *7.* 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.]~~ *8.* 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.]~~ *9.* Evaluate the policies and practices relating to the involuntary civil commitment of sexually dangerous persons.

~~[9.]~~ *10.* 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.]~~ *11.* 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.]~~ *12.* Provide a copy of any recommendations described in subsection ~~[10]~~ *11* to the Director of the Department of Public Safety.

~~[12.]~~ *13.* 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 1 of each even-numbered year.

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. This act becomes effective upon passage and approval.

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 76 to Senate Bill No. 2 revises and restores certain members to the Advisory Commission on the Administration of Justice and makes a minor, technical correction regarding subcommittee appointments.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 3.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 79.

SUMMARY—Revises provisions governing postconviction petitions for a writ of habeas corpus that challenge the computation of time served in incarceration by an offender. (BDR 3-411)

AN ACT relating to criminal procedure; requiring an offender to exhaust all available administrative remedies before filing a postconviction petition for a writ of habeas corpus challenging the computation of time the offender has served; revising provisions governing the county in which an offender must file a postconviction petition for a writ of habeas corpus challenging the computation of time the offender has served; requiring the Department of Corrections to adopt regulations concerning expedited resolution of certain challenges to the computation of time an offender has served; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes an offender who is convicted of a crime and under

a sentence of death or imprisonment and who claims that the time served by the offender has been improperly computed to file a postconviction petition for a writ of habeas corpus. (NRS 34.724) Section 1 of this bill requires an offender to exhaust all administrative remedies available to resolve a challenge to the computation of time that the offender has served before the offender may file such a petition. Section 3 of this bill requires a court to dismiss without prejudice a petition for a writ of habeas corpus that challenges the computation of time that the offender has served if the court determines that the offender has not exhausted all available administrative remedies. Section 4 of this bill requires the Department of Corrections to adopt regulations to establish procedures for the resolution of a challenge to the computation of time that an offender has served that is brought within 180 days immediately preceding the expiration date ~~[projected]~~ of the offender's term of imprisonment as calculated by the Department . ~~[for the release of the offender.]~~ Section 5 of this bill makes a conforming change.

Existing law further requires a petition for a writ of habeas corpus challenging the validity of a conviction or sentence to be filed with the clerk of the district court for the county in which the conviction occurred. Existing law also requires any other petition for a writ of habeas corpus to be filed in the district court for the county in which the person is incarcerated. (NRS 34.738) Section 2 of this bill requires a person incarcerated outside this State, while serving a Nevada sentence, to file such a petition in the First Judicial District Court in Carson City.

Section 6 of this bill provides that the amendatory provisions of this bill do not apply to a postconviction petition for a writ of habeas corpus that challenges the computation of time that a petitioner has served that is filed on or before January 1, 2020.

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

Section 1. NRS 34.724 is hereby amended to read as follows:

34.724 1. Any person convicted of a crime and under sentence of death or imprisonment who claims that the conviction was obtained, or that the sentence was imposed, in violation of the Constitution of the United States or the Constitution or laws of this State, or who , *after exhausting all available administrative remedies,* claims that the time the person has served pursuant to the judgment of conviction has been improperly computed, may, without paying a filing fee, file a postconviction petition for a writ of habeas corpus to obtain relief from the conviction or sentence or to challenge the computation of time that the person has served.

2. Such a petition:

(a) Is not a substitute for and does not affect any remedies which are incident to the proceedings in the trial court or the remedy of direct review of the sentence or conviction.

(b) Comprehends and takes the place of all other common-law, statutory or other remedies which have been available for challenging the validity of the conviction or sentence, and must be used exclusively in place of them.

(c) Is the only remedy available to an incarcerated person to challenge the computation of time that the person has served pursuant to a judgment of conviction ~~[.]~~ *, after all available administrative remedies have been exhausted.*

3. For the purposes of this section, a motion to withdraw a plea of guilty, guilty but mentally ill or nolo contendere pursuant to NRS 176.165 that is made after sentence is imposed or imposition of sentence is suspended is a remedy which is incident to the proceedings in the trial court if:

(a) The person has not filed a prior motion to withdraw the plea and has not filed a prior postconviction petition for a writ of habeas corpus;

(b) The motion is filed within 1 year after the date on which the person was convicted, unless the person pleads specific facts demonstrating that some impediment external to the defense precluded bringing the motion earlier;

(c) At the time the person files the motion to withdraw the plea, the person is not incarcerated for the charge for which the person entered the plea; and

(d) The motion is not barred by the doctrine of laches. A motion filed more than 5 years after the date on which the person was convicted creates a rebuttable presumption of prejudice to the State on the basis of laches.

4. The court shall not appoint counsel to represent a person for the purpose of subsection 3.

Sec. 2. NRS 34.738 is hereby amended to read as follows:

34.738 1. A petition that challenges the validity of a conviction or sentence must be filed with the clerk of the district court for the county in which the conviction occurred. Any other petition must be filed with the clerk of ~~[the district court for the]~~ *:*

(a) The *district court for the* county in which the petitioner is incarcerated ~~[.]~~ *; or*

(b) ~~*[If]*~~ *The First Judicial District Court, if the petitioner is incarcerated outside this State while serving a term of imprisonment imposed by a court of this State* *.* ~~*[, in Carson City.]*~~

2. A petition that is not filed in the district court for the appropriate county:

(a) Shall be deemed to be filed on the date it is received by the clerk of the district court in which the petition is initially lodged; and

(b) Must be transferred by the clerk of that court to the clerk of the district court for the appropriate county.

3. A petition must not challenge both the validity of a judgment of conviction or sentence and the computation of time that the petitioner has served pursuant to that judgment. If a petition improperly challenges both the validity of a judgment of conviction or sentence and the computation of time that the petitioner has served pursuant to that judgment, the district court for the appropriate county shall resolve that portion of the petition that challenges

the validity of the judgment of conviction or sentence and dismiss the remainder of the petition without prejudice.

Sec. 3. NRS 34.810 is hereby amended to read as follows:

34.810 1. The court shall dismiss a petition if the court determines that:

(a) The petitioner's conviction was upon a plea of guilty or guilty but mentally ill and the petition is not based upon an allegation that the plea was involuntarily or unknowingly entered or that the plea was entered without effective assistance of counsel.

(b) The petitioner's conviction was the result of a trial and the grounds for the petition could have been:

(1) Presented to the trial court;

(2) Raised in a direct appeal or a prior petition for a writ of habeas corpus or postconviction relief; or

(3) Raised in any other proceeding that the petitioner has taken to secure relief from the petitioner's conviction and sentence,

➥ unless the court finds both cause for the failure to present the grounds and actual prejudice to the petitioner.

2. A second or successive petition must be dismissed if the judge or justice determines that it fails to allege new or different grounds for relief and that the prior determination was on the merits or, if new and different grounds are alleged, the judge or justice finds that the failure of the petitioner to assert those grounds in a prior petition constituted an abuse of the writ.

3. Pursuant to subsections 1 and 2, the petitioner has the burden of pleading and proving specific facts that demonstrate:

(a) Good cause for the petitioner's failure to present the claim or for presenting the claim again; and

(b) Actual prejudice to the petitioner.

➥ The petitioner shall include in the petition all prior proceedings in which the petitioner challenged the same conviction or sentence.

4. *The court shall dismiss a petition* ~~*[that]*~~ *without prejudice if:*

(a) The petition challenges the computation of time that the petitioner has served pursuant to a judgment of conviction ~~*[if the]*~~ *; and*

(b) The court determines that the petitioner did not exhaust all available administrative remedies to resolve such a challenge as required by NRS 34.724.

5. The court may dismiss a petition that fails to include any prior proceedings of which the court has knowledge through the record of the court or through the pleadings submitted by the respondent.

Sec. 4. Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:

The Department shall adopt regulations to establish procedures for the expedited resolution of a challenge to the computation of time that an offender has served which is brought by the offender within 180 days immediately preceding the expiration date ~~*[projected]*~~ *of his or her term of imprisonment as calculated by the Department .* ~~*[for the release of the offender.]*~~

Sec. 5. NRS 209.432 is hereby amended to read as follows:

209.432 As used in NRS 209.432 to 209.451, inclusive, *and section 4 of this act,* unless the context otherwise requires:

1. "Offender" includes:

(a) A person who is convicted of a felony under the laws of this State and sentenced, ordered or otherwise assigned to serve a term of residential confinement.

(b) A person who is convicted of a felony under the laws of this State and assigned to the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888.

2. "Residential confinement" means the confinement of a person convicted of a felony to his or her place of residence under the terms and conditions established pursuant to specific statute. The term does not include any confinement ordered pursuant to NRS 176A.530 to 176A.560, inclusive, 176A.660 to 176A.690, inclusive, 213.15105, 213.15193 or 213.152 to 213.1528, inclusive.

Sec. 6. The amendatory provisions of this act do not apply to a postconviction petition for a writ of habeas corpus that challenges the computation of time which a petitioner has served pursuant to a judgment of conviction that is filed before January 1, 2020.

Sec. 7. This act becomes effective:

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

2. On January 1, 2020, for all other purposes.

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 79 to Senate Bill No. 3 clarifies procedures when an offender challenges the computation of time he or she has served, and it specifies that Nevada inmates who are incarcerated outside of the State must file certain petitions for a writ of habeas corpus in the First Judicial District Court in Carson City.

Amendment adopted.

Senator Woodhouse moved that the bill be re-referred to the Committee on Finance, upon return from reprint.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Finance.

Senate Bill No. 14.

Bill read second time and ordered to third reading.

Senate Bill No. 28.

Bill read second time and ordered to third reading.

Senate Bill No. 40.

Bill read second time.

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

Amendment No. 7.

SUMMARY—Revises provisions governing penalties for violating occupational safety laws. (BDR 53-222)

AN ACT relating to occupational safety; ~~[requiring]~~ revising the period of time in which an employer must notify the Division of Industrial Relations of the Department of Business and Industry ~~[to establish by rule or regulation]~~ of the employer's intent to contest the issuance of a citation or proposed assessment of a penalty by the Division; revising provisions governing the ~~[monetary]~~ amounts of administrative fines ~~[, consistent with federal law, for certain violations of occupational safety and health laws; revising the amounts of administrative fines]~~ which the Division is authorized or required to assess against an employer for certain violations of occupational safety and health laws; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that an employer has 15 working days within which to notify the Division of Industrial Relations of the Department of Business and Industry that the employer wishes to contest the issuance of a citation or proposed assessment of a penalty by the Division after an inspection of a workplace or an investigation of an imminent danger or suspected violation of certain safety or health standards. (NRS 618.475) Section 1 of this bill increases the notification period to 30 calendar days.

Existing law authorizes the Division ~~[of Industrial Relations of the Department of Business and Industry]~~ to assess against an employer administrative fines in monetary amounts established in statute for violations of certain occupational safety and health laws. (NRS 618.625) Section ~~[1]~~ 1.5 of this bill ~~[requires the Division to establish by rule or regulation]~~ provides that the monetary amounts of those administrative fines ~~[consistent with]~~ may not be greater than the monetary amounts set forth for those violations in the federal Occupational Safety and Health Act, 29 U.S.C. § 666, including any adjustments to the monetary amounts in that Act which are made pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Pub. L. 114-74.

Existing law: (1) authorizes the Division to assess against an employer an administrative fine of not more than $70,000, but not less than $5,000, for each willful or repeated violation of the requirements of chapter 618 of NRS or standard, rule, regulation or order promulgated or prescribed pursuant to that chapter; (2) requires the Division to assess an administrative fine of not more than $7,000 for each serious violation and authorizes the Division to assess an administrative fine of not more than $7,000 for each nonserious violation; (3) authorizes the Division to assess an administrative fine of not more than $7,000 for each day during which an employer's failure to correct a cited violation continues; and (4) requires the Division to assess an administrative fine of not more than $7,000 for each violation consisting of the failure to post and

maintain certain required notices and records. (NRS 618.635, 618.645, 618.655, 618.675) Sections 2-5 of this bill revise these provisions to ~~[authorize or require, as applicable, the Division to instead assess]~~ provide that those administrative fines ~~[in]~~ may not be greater than the monetary amounts ~~[which the Division establishes]~~ authorized pursuant to section ~~[1.]~~ 1.5.

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

Section 1. NRS 618.475 is hereby amended to read as follows:

618.475 1. If, after an inspection or investigation, the Division issues a citation under the provisions of this chapter, it shall, within a reasonable time after the termination of the inspection or investigation, notify the employer by certified mail of the penalty, if any, proposed to be assessed under this chapter and that the employer has ~~[15 working]~~ *30 calendar* days within which to notify the Division that the employer wishes to contest the citation or proposed assessment of penalty. If, within ~~[15 working]~~ *30 calendar* days from the receipt of the notice issued by the Division, the employer fails to notify the Division that the employer intends to contest the citation or proposed assessment of penalty, and no notice is filed by any employee or representative of employees under this chapter within such time, the citation and assessment as proposed shall be deemed a final order of the review board and not subject to review by any court or agency. Upon a showing by an employer of a good faith effort to comply with the abatement requirements of a citation, and that the abatement has not been completed because of factors beyond the reasonable control of the employer, the Division shall issue an order affirming or modifying the abatement requirements in the citation.

2. In the case of an accident or motor vehicle crash occurring in the course of employment which is fatal to one or more employees, if an employer notifies the Division that the employer wishes to contest a citation or proposed assessment of penalty, the Division shall provide the Board with information as to how to contact the immediate family of each deceased employee.

3. Any employee or the representative of the employee alleging that the time fixed in the citation for the abatement of a violation by his or her employer is unreasonable may, within ~~[15 working]~~ *30 calendar* days after the date of posting of the notice of abatement pursuant to this chapter, file an appeal with the Division to contest the reasonableness of the period of time for abatement of the violation and must be notified in writing as to the time and place of hearing before the review board.

4. If no appeal is filed by an employee or the representative of the employee under subsection 3 within the time limit of ~~[15 working]~~ *30 calendar* days, the period of time fixed for the abatement of the violation is final and not subject to review by any court or the review board.

Sec. 1.5. NRS 618.625 is hereby amended to read as follows:

618.625 1. The Division may assess administrative fines provided for in this chapter, giving due consideration to the appropriateness of the penalty

with respect to the size of the employer, the gravity of the violation, the good faith of the employer and the history of previous violations.

2. *The ~~[Division shall, through rule and regulation, establish the amounts of]~~ administrative fines which may be imposed pursuant to NRS 618.635, 618.645, 618.655 and 618.675 ~~[. The monetary amount of each of those administrative fines]~~ may not be ~~[established at a monetary amount that is]~~ greater than the monetary amount of the corresponding civil penalty for the applicable violation pursuant to 29 U.S.C. § 666, including any adjustments made to the civil penalty pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Pub. L. 114-74.*

3. For purposes of this chapter, a serious violation exists in a place of employment if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations or processes which have been adopted or are in use in that place of employment unless the employer did not and could not, with the exercise of reasonable diligence, know of the presence of the violation.

~~[3.]~~ *4.* Administrative fines owed under this chapter must be paid to the Division. The fines may be recovered in a civil action in the name of the Division brought in a court of competent jurisdiction in the county where the violation is alleged to have occurred or where the employer has his or her principal office.

Sec. 2. NRS 618.635 is hereby amended to read as follows:

618.635 Any employer who willfully or repeatedly violates any requirements of this chapter, any standard, rule, regulation or order promulgated or prescribed pursuant to this chapter, may be assessed an administrative fine ~~[of not more than $70,000 for each violation, but not less than $5,000]~~ *in a monetary amount ~~[established by the Division for willful or repeated violations]~~ authorized pursuant to subsection 2 of NRS 618.625* for each willful violation.

Sec. 3. NRS 618.645 is hereby amended to read as follows:

618.645 Any employer who has received a citation for a serious violation of any requirement of this chapter, or any standard, rule, regulation or order promulgated or prescribed pursuant to this chapter, must be assessed an administrative fine ~~[of not more than $7,000]~~ *in a monetary amount ~~[established by the Division for a serious violation]~~ authorized pursuant to subsection 2 of NRS 618.625* for each such violation. If a violation is specifically determined to be of a nonserious nature an administrative fine ~~[of not more than $7,000]~~ *in a monetary amount ~~[established by the Division for a nonserious violation]~~ authorized pursuant to subsection 2 of NRS 618.625* may be assessed.

Sec. 4. NRS 618.655 is hereby amended to read as follows:

618.655 Any employer who fails to correct a violation for which a citation has been issued under this chapter within the period permitted for its correction may be assessed an administrative fine ~~[of not more than $7,000]~~ *in a monetary*

amount ~~[established by the Division for a failure to correct a violation for which a citation has been issued]~~ authorized pursuant to subsection 2 of NRS 618.625 for each day during which the failure or violation continues. If a review proceeding is initiated by the employer in good faith and not solely to delay or avoid any penalties, the period permitted to correct a violation does not begin until the date of the final order of the Division.

Sec. 5. NRS 618.675 is hereby amended to read as follows:

618.675 1. An employer who fails to post the notice and records as required under the provisions of this chapter must be assessed an administrative fine ~~[of not more than $7,000]~~ *in a monetary amount ~~[established by the Division for a failure to post the notice and records]~~ authorized pursuant to subsection 2 of NRS 618.625* for each violation.

2. An employer who fails to maintain the notice or notices and records required by this chapter must be assessed an administrative fine ~~[of not more than $7,000]~~ *in a monetary amount ~~[established by the Division for a failure to maintain the notice or notices and records]~~ authorized pursuant to subsection 2 of NRS 618.625* for each violation.

Sec. 6. This act becomes effective:

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

2. On ~~[July]~~ October 1, 2019, for all other purposes.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 7 makes three changes to Senate Bill No. 40. The amendment increases, from 15 working days to 30 calendar days, the period of time an employer may file a notice of contest for a citation or proposed penalty. It eliminates provisions requiring the Division of Industrial Relations of the Department of Business and Industry to establish by rule or regulation the monetary amounts of an administrative fine assessed against an employer. It also changes the effective date of the bill to October 1, 2019.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 45.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 81.

SUMMARY—Revises provisions governing business. (BDR 7-471)

AN ACT relating to business; revising the circumstances under which a person is not required to obtain a state business license; revising provisions governing the location at which certain documents of certain limited-liability partnerships, limited partnerships, foreign business trusts, and professional entities and associations are required to be maintained; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person to obtain a state business license and pay a

fee before conducting business in this State. Under existing law, a person is deemed not to conduct a business in this State and, thus, is exempt from the requirement to obtain a state business license if the business for which the person is responsible: (1) is not a business entity organized under the law of this State; (2) does not have an office or base of operations in this State; (3) does not have a registered agent in this State; (4) is conducting activity in this State solely to provide vehicles or equipment on a short-term basis in response to a wildland fire, a flood, an earthquake or other emergency; and (5) only pays wages or other remuneration to natural persons in this State in connection with that activity. (NRS 76.100) Section 1 of this bill ~~[clarifies that this exemption from the requirements to obtain a state business license applies only to a person who satisfies all of the criteria for the exemption.]~~ provides that a person is exempt from the requirement to obtain a business license if: (1) the business for which the person is responsible is not a business organized under the laws of this State, does not have an office or base of operations in this State, does not have a registered agent in this State and does not pay wages or other remuneration to certain natural persons in this State; (2) the business for which the person is responsible is conducting activity in this State solely to provide vehicles or equipment on a short-term basis in response to a wildland fire, a flood, an earthquake or another emergency; or (3) the Secretary of State determines that the person is not conducting a business in this State. Section 9 of this bill makes a conforming change to the existing law which authorizes the State to contract with a person who qualifies for this exemption even if the person does not hold a state business license.

~~[Existing law sets forth the circumstances under which a person is deemed to conduct a business in this State and, thus, is required to obtain a state business license. (NRS 76.100) Section 1 clarifies that a person is not required to obtain a state business license if the Secretary of State determines that the person is not conducting a business in this State.]~~

Existing law requires certain types of business entities, including, without limitation, corporations, nonprofit corporations and limited-liability companies, to maintain certain documents at the principal place of business in this State or with a custodian of records whose name and street address are available at the office of the registered agent of the business entity in this State. (NRS 78.105, 78.152, 80.113, 82.181, 86.241, 86.54615) Under existing law, certain limited-liability partnerships, limited partnerships, foreign business trusts, and professional entities and associations are required to maintain certain documents at the office of the registered agent of the business entity or at the principal place of the business entity in this State. (NRS 87.515, 87.5413, 87A.200, 87A.640, 88A.7345, 89.045, 89.251) Sections 2-8 of this bill remove the authority of these limited-liability partnerships, limited partnerships, foreign business trusts, and professional entities and associations to maintain the required documents at the office of the registered agent of the business entity and, instead, require these limited-liability partnerships, limited partnerships, foreign business trusts, and professional entities and associations

to maintain the required documents at the principal place of business of the entity or with the custodian of records of the business entity.

Section 10 of this bill provides that this bill becomes effective upon passage and approval.

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

Section 1. NRS 76.100 is hereby amended to read as follows:

76.100 1. A person shall not conduct a business in this State unless and until the person obtains a state business license issued by the Secretary of State. If the person is:

(a) An entity required to file an initial or annual list with the Secretary of State pursuant to this title, the person must obtain the state business license at the time of filing the initial or annual list.

(b) Not an entity required to file an initial or annual list with the Secretary of State pursuant to this title, the person must obtain the state business license before conducting a business in this State.

2. An application for a state business license must:

(a) Be made upon a form prescribed by the Secretary of State;

(b) Set forth the name under which the applicant transacts or intends to transact business, or if the applicant is an entity organized pursuant to this title and on file with the Secretary of State, the exact name on file with the Secretary of State, the business identification number as assigned by the Secretary of State pursuant to NRS 225.082, and the location in this State of the place or places of business;

(c) Be accompanied by a fee in the amount of $200, except that if the applicant is a corporation organized pursuant to chapter 78, 78A or 78B of NRS, or a foreign corporation required to file an initial or annual list with the Secretary of State pursuant to chapter 80 of NRS, the application must be accompanied by a fee of $500; and

(d) Include any other information that the Secretary of State deems necessary.

➥ If the applicant is an entity organized pursuant to this title and on file with the Secretary of State and the applicant has no location in this State of its place of business, the address of its registered agent shall be deemed to be the location in this State of its place of business.

3. The application must be signed pursuant to NRS 239.330 by:

(a) The owner of a business that is owned by a natural person.

(b) A member or partner of an association or partnership.

(c) A general partner of a limited partnership.

(d) A managing partner of a limited-liability partnership.

(e) A manager or managing member of a limited-liability company.

(f) An officer of a corporation or some other person specifically authorized by the corporation to sign the application.

4. If the application for a state business license is defective in any respect or the fee required by this section is not paid, the Secretary of State may return the application for correction or payment.

5. A state business license issued pursuant to this section must contain the business identification number assigned by the Secretary of State pursuant to NRS 225.082.

6. The state business license required to be obtained pursuant to this section is in addition to any license to conduct business that must be obtained from the local jurisdiction in which the business is being conducted.

7. For the purposes of this chapter, a person:

(a) Shall be deemed to conduct a business in this State if a business for which the person is responsible:

(1) Is organized pursuant to this title, other than a business organized pursuant to:

(I) Chapter 82 or 84 of NRS; or

(II) Chapter 81 of NRS if the business is a nonprofit unit-owners' association or a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c);

(2) Has an office or other base of operations in this State;

(3) Except as otherwise provided in NRS 76.103, has a registered agent in this State; or

(4) Pays wages or other remuneration to a natural person who performs in this State any of the duties for which he or she is paid.

(b) Shall be deemed not to conduct a business in this State if ~~[the]~~ *:*

(1) The business for which the person is responsible:

~~[(1)]~~ *(I)* Is not organized pursuant to this title;

~~[(2)]~~ *(II)* Does not have an office or base of operations in this State;

~~[(3)]~~ *(III)* Does not have a registered agent in this State; *and*

~~[(4)]~~ *(IV)* Does not pay wages or other remuneration to a natural person who performs in this State any of the duties for which he or she is paid, other than wages or other remuneration paid to a natural person for performing duties in connection with an activity described in subparagraph ~~[(5); and~~

~~(5) Is]~~ *(2);*

(2) The business for which the person is responsible ~~[satisfies all of the criteria set forth in subparagraph (1) and]~~ is conducting activity in this State solely to provide vehicles or equipment on a short-term basis in response to a wildland fire, a flood, an earthquake or another emergency ~~[.]~~ *; or*

(3) The Secretary of State determines that the person is not conducting a business in this State.

8. As used in this section, "registered agent" has the meaning ascribed to it in NRS 77.230.

Sec. 2. NRS 87.515 is hereby amended to read as follows:

87.515 1. A registered limited-liability partnership shall maintain at its ~~[registered office or]~~ principal place of business in this State ~~[.]~~ *or with its custodian of records:*

(a) A current list of its managing partners; or

(b) A statement indicating where such a list is maintained.

2. Upon the request of the Secretary of State, the registered limited-liability partnership shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a registered limited liability partnership to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a registered limited-liability partnership fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the certificate of registration.

5. The Secretary of State shall not reinstate or revive a certificate of registration that was revoked or suspended pursuant to subsection 4 unless:

(a) The registered limited-liability partnership complies with the requirements of subsection 3; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the certificate of registration.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 3. NRS 87.5413 is hereby amended to read as follows:

87.5413 1. A foreign registered limited-liability partnership shall maintain at its ~~[registered office or]~~ principal place of business in this State ~~[.]~~ *or with its custodian of records:*

(a) A current list of its managing partners; or

(b) A statement indicating where such a list is maintained.

2. Upon the request of the Secretary of State, the foreign registered limited-liability partnership shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a foreign registered limited-liability partnership to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a foreign registered limited-liability partnership fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the right of the foreign registered limited-liability partnership to transact business in this State.

5. The Secretary of State shall not reinstate or revive the right of a foreign registered limited-liability partnership to transact business in this State that was revoked or suspended pursuant to subsection 4 unless:

(a) The registered limited-liability partnership complies with the requirements of subsection 3; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the right of the foreign registered limited-liability partnership to transact business in this State.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 4. NRS 87A.200 is hereby amended to read as follows:

87A.200 1. A limited partnership shall maintain at its ~~[registered office or]~~ principal office in this State *or with its custodian of records* a statement indicating where the list required pursuant to subsection 1 of NRS 87A.195 is maintained.

2. Upon the request of the Secretary of State, the limited partnership shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the custodian of the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a limited partnership to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1 of NRS 87A.195; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a limited partnership fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the right of the limited partnership to transact any business in this State.

5. The Secretary of State shall not reinstate or revive the right of a limited partnership to transact any business in this State that was revoked or suspended pursuant to subsection 4 unless:

(a) The limited partnership complies with the requirements of subsection 3; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the right of the limited partnership to transact business in this State.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 5. NRS 87A.640 is hereby amended to read as follows:

87A.640 1. A registered limited-liability limited partnership shall maintain at its ~~[registered office or]~~ principal place of business in this State ~~[.]~~ *or with its custodian of records:*

(a) A current list of each general partner; or

(b) A statement indicating where such a list is maintained.

2. Upon the request of the Secretary of State, the registered limited liability limited partnership shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a registered limited liability limited partnership to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a registered limited-liability limited partnership fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the certificate of registration.

5. The Secretary of State shall not reinstate or revive a certificate of registration that was revoked or suspended pursuant to subsection 4 unless:

(a) The registered limited-liability limited partnership complies with the requirements of subsection 3; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the certificate of registration.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 6. NRS 88A.7345 is hereby amended to read as follows:

88A.7345 1. A foreign business trust shall maintain at its ~~[registered office:]~~ *principal place of business in this State or with its custodian of records:*

(a) A current list of its beneficial owners; or

(b) A statement indicating where such a list is maintained.

2. Upon the request of the Secretary of State, the foreign business trust shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a foreign business trust to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a foreign business trust fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the right of the foreign business trust to transact business in this State.

5. The Secretary of State shall not reinstate or revive the right of a foreign business trust to transact business in this State that was revoked or suspended pursuant to subsection 4 unless:

(a) The foreign business trust complies with the requirements of subsection 3; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the right of the foreign business trust to transact business in this State.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 7. NRS 89.045 is hereby amended to read as follows:

89.045 1. A professional entity shall maintain at its ~~[registered office or]~~ principal place of business in this State ~~[:]~~ *or with its custodian of records:*

(a) A current list of its owners of record; or

(b) A statement indicating where such a list is maintained.

2. Upon the request of the Secretary of State, the professional entity shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a professional entity to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a professional entity fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the corporate charter.

5. The Secretary of State shall not reinstate or revive a charter that was revoked or suspended pursuant to subsection 4 unless:

(a) The professional entity complies with the requirements of subsection 3; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the corporate charter.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 8. NRS 89.251 is hereby amended to read as follows:

89.251 1. A professional association shall maintain at its ~~[registered office or]~~ principal place of business in this State ~~[.]~~ *or with its custodian of records:*

(a) A current list of each member; or

(b) A statement indicating where such a list is maintained.

2. Upon the request of the Secretary of State, the professional association shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a professional association to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a professional association fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the articles of association.

5. The Secretary of State shall not reinstate or revive articles of association that were revoked or suspended pursuant to subsection 4 unless:

(a) The professional association complies with the requirements of subsection 3; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the articles of association.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 9. NRS 353.007 is hereby amended to read as follows:

353.007 1. Except as otherwise provided in subsection 2, a person shall not enter into a contract with the State of Nevada unless the person is a holder of a state business license issued pursuant to chapter 76 of NRS.

2. A person who is not a holder of a state business license may enter into a contract with the State of Nevada if ~~[the business for which]~~ *, pursuant to ~~[subparagraph (2) of]~~ paragraph (b) of subsection 7 of NRS 76.100,* the person is ~~[responsible:~~

~~(a) Is not organized pursuant to title 7 of NRS;~~

~~(b) Does not have an office or base of operations in this State;~~

~~(c) Does not have a registered agent in this State;~~

~~(d) Does not pay wages or other remuneration to a natural person who performs in this State any of the duties for which he or she is paid, other than wages or other remuneration paid to a natural person for performing duties in connection with an activity described in paragraph (e); and~~

~~(e) Is conducting activity in this State solely to provide vehicles or equipment on a short-term basis in response to a wildland fire, a flood, an earthquake or another emergency.]~~ *not required to obtain a state business license.*

3. The provisions of this section apply to all offices, departments, divisions, boards, commissions, institutions, agencies or any other units of:

(a) The Legislative, Executive and Judicial Departments of the State Government;

(b) The Nevada System of Higher Education; and

(c) The Public Employees' Retirement System.

Sec. 10. This act becomes effective upon passage and approval.

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 81 to Senate Bill No. 45 deletes language in order to clarify applicability regarding a person who is not required to hold a business license and deletes an erroneous statutory reference.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 57.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 166.

SUMMARY—Revises provisions relating to school property. (BDR 34-415)

AN ACT relating to school property; making a blueprint or diagram of the layout of a public school confidential; authorizing or requiring the disclosure

of a blueprint or diagram of the layout of a public or private school in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the principal of a public school and the principal or person in charge of a private school to contact all appropriate local agencies to respond to a crisis or an emergency that requires immediate action. (NRS 388.257, 394.1696) Section 2 of this bill makes a blueprint or diagram of the layout of a public school confidential. Section 2 also: (1) requires the most current version of a blueprint or diagram of the layout of a public school be disclosed to a public safety agency upon its request; and (2) authorizes the disclosure of such a blueprint or diagram to certain persons or governmental entities for purposes related to the public school. Section 3 of this bill requires the principal or person in charge of a private school to provide a copy of the most current blueprint of the school or a diagram of the most current layout of the school of which he or she is in charge to a public safety agency upon its request. Sections 2 and 3 prohibit any person or governmental entity to which a blueprint or diagram of a school is disclosed from disclosing the blueprint or diagram except pursuant to a court order. Section 5 of this bill makes a conforming change.

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

Section 1. NRS 388.259 is hereby amended to read as follows:

388.259 A plan developed pursuant to NRS 388.243 or updated pursuant to NRS 388.245, a deviation and any information submitted to a development committee pursuant to NRS 388.249, a deviation approved pursuant to NRS 388.251 and the model plan developed pursuant to NRS 388.253 are confidential and, except as otherwise provided in NRS 239.0115 and 388.229 to 388.266, inclusive, *and section 2 of this act,* must not be disclosed to any person or government, governmental agency or political subdivision of a government.

Sec. 2. Chapter 393 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in NRS 239.0115, a blueprint or diagram of the layout of a public school, including, without limitation, a charter school or university school for profoundly gifted pupils, or any revision thereto, is confidential and:

(a) Must be disclosed in its most current version to a public safety agency upon its request.

(b) May be disclosed, upon request, to:

(1) ~~[A registered]~~ An architect ~~[, licensed]~~ registered pursuant to chapter 623 of NRS, a landscape architect registered pursuant to chapter 623A of NRS, a contractor licensed pursuant to chapter 624 of NRS, a professional engineer or professional land surveyor licensed pursuant to chapter 625 of NRS or a designated employee of any such architect ~~[or]~~ , landscape architect, contractor , professional engineer or professional land

surveyor who uses the blueprint or diagram in his or her professional capacity for a purpose related to the public school; or

(2) Any other person or governmental entity if necessary for a purpose related to the public school.

2. A person or governmental entity to which a blueprint or diagram is disclosed pursuant to this section shall not disclose the blueprint or diagram except pursuant to the provisions of NRS 239.0115.

3. As used in this section, "public safety agency" means:

(a) A public fire department, fire protection district or other agency of this State or a political subdivision of this State, the primary functions of which are to prevent, control, extinguish ~~[and]~~ or suppress fires;

(b) A law enforcement agency as defined in NRS 277.035; or

(c) An emergency medical service.

Sec. 3. Chapter 394 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The principal or other person in charge of a private school or his or her designated representative shall provide a copy of the most current blueprint of the school or a diagram of the most current layout of the school to a public safety agency upon its request.

2. A public safety agency to which a blueprint or diagram is disclosed pursuant to this section shall not disclose the blueprint or diagram except pursuant to the provisions of NRS 239.0115.

3. As used in this section, "public safety agency" has the meaning ascribed to it in section 2 of this act.

Sec. 4. NRS 394.1698 is hereby amended to read as follows:

394.1698 A plan developed pursuant to NRS 394.1687 or updated pursuant to NRS 394.1688, a deviation and any information submitted to a development committee pursuant to NRS 394.1691 and a deviation approved pursuant to NRS 394.1692 are confidential and, except as otherwise provided in NRS 239.0115, 388.253 and 394.168 to 394.1699, inclusive, *and section 3 of this act,* must not be disclosed to any person or government, governmental agency or political subdivision of a government.

Sec. 5. 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 2 and 3 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. 6. This act becomes effective upon passage and approval.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 166 to Senate Bill No. 57 clarifies the entities a school principal may disclose blueprints and floor plan diagrams to, limiting access to those who are properly licensed to perform work on or around a school and restricts the disclosure of such blueprints and diagrams to the individuals who are actively engaged in bids or construction work. The amendment further defines a "public safety agency" and their responsibilities.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 94.

Bill read second time.

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

Amendment No. 134.

SUMMARY—Revises provisions governing the Account for Family Planning. (BDR 40-446)

AN ACT relating to family planning; revising provisions governing expenditures from the Account for Family Planning; making an appropriation to the Account; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Account for Family Planning for the purpose of awarding grants of money to local governmental entities and nonprofit organizations to provide certain family planning services, including the distribution of certain contraceptives, the installation of certain contraceptive devices and the performance of certain contraceptive procedures. The Account is administered by the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services. (NRS 442.725) Section 1 of this bill authorizes the Administrator to also use the money to pay for family planning services offered by providers of health care or for other services offered by a department or division of the Executive Department of State Government through a contract with the recipient of the grant money. Section 1 also requires family planning services paid for with money from the Account to be made available to all persons who would otherwise have difficulty obtaining such services.

Existing law requires insurers to cover certain types of contraception. (NRS 689A.0417, 689B.0378, 689C.1676, 695A.1865, 695B.1919, 695C.1696, 695G.1715) Section 1 revises the types of contraception for which money from the Account may be used to correspond to the types of contraceptives that insurers are required to cover. Section 1 additionally authorizes the use of money from the Account to pay for voluntary sterilization for men and certain federally recommended vaccinations. Section 1 also prohibits the Administrator or any entity that receives a grant from the Account or enters into a contract with the Administrator from discriminating against ~~[the use of any specific type of contraceptive, contraceptive device or contraceptive procedure for which grant funding is authorized when awarding grants.]~~ a provider of family planning services. Section 2 of this bill makes an appropriation to the Account for the purpose of providing family planning services during the 2019-2021 biennium.

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

Section 1. NRS 442.725 is hereby amended to read as follows:

442.725 1. The Account for Family Planning is hereby created in the State General Fund. The Administrator shall administer the Account.

2. Except as otherwise provided in subsection ~~[5,]~~ *6*, the money in the Account must be expended to ~~[award]~~ *:*

(a) Award grants of money to local governmental entities and nonprofit organizations to provide the family planning services described in ~~[this section]~~ *subsection 3* to *all* persons who would otherwise have difficulty obtaining such services because of poverty, lack of insurance or transportation or any other reason ~~[. Grants of money awarded pursuant to this section]~~ *; or*

(b) Pay for family planning services described in subsection 3 which are provided by a department or division of the Executive Department of State Government or pursuant to a contract with such a department or division, which may include, without limitation, a contract with a community health nurse, a consultant or any other person or entity.

3. Money in the Account may only be used to ~~[fund:]~~ *pay for:*

(a) The provision of education by trained personnel concerning family planning;

(b) The distribution of information concerning family planning;

(c) The referral of persons to appropriate agencies, organizations and providers of health care for consultation, examination, treatment, genetic counseling and prescriptions for the purpose of family planning;

(d) The distribution of contraceptives, the installation of contraceptive devices and the performance of contraceptive procedures approved by the United States Food and Drug Administration, which must be limited to:

(1) ~~[Sterilization surgery]~~ *Voluntary sterilization* for *men and* women;

(2) Surgical sterilization implants for women;

(3) Implantable rods;

(4) ~~[Copper]~~ *Copper-based* intrauterine devices ~~[and]~~ *;*

(5) Progesterone-based intrauterine devices *;* ~~[with progestin;~~

~~(5) Contraceptive injections and patches;]~~

(6) *Injections;*

(7) Combined ~~[oral contraceptive pills, progestin only oral contraceptives and oral contraceptives for extended or continuous use;~~

~~(7)]~~ *estrogen- and progestin-based drugs;*

(8) Progestin-based drugs;

(9) Extended- or continuous-regimen drugs;

(10) Estrogen- and progestin-based patches;

(11) Vaginal contraceptive rings;

~~[(8)]~~ *(12)* Diaphragms ~~[,~~

~~(9) Contraceptive sponges;~~

~~(10)]~~ *with spermicide;*

(13) Sponges with spermicide;

(14) Cervical caps ~~[,~~

~~(11)]~~ *with spermicide;*

(15) Female condoms;

~~[(12)]~~ *(16)* Spermicide; ~~[and~~

~~(13) Levonorgestrel and ulipristal]~~

(17) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(18) Ulipristal acetate ~~[;]~~ *for emergency contraception;*

(e) The provision of or referral of persons for preconception health services and assistance to achieve pregnancy; ~~[and]~~

(f) The provision of or referral of persons for testing for and treatment of sexually transmitted infections ~~[.~~

~~3.]~~ *; and*

(g) The provision of any vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization.

4. Family planning services funded by a local governmental entity using a grant awarded pursuant to ~~[this section]~~ *paragraph (a) of subsection 2* may be provided wholly or partially through a contract between the local governmental entity and another local governmental entity, an agency of the State, a community health nurse, a consultant or any other person or entity.

~~[4.]~~ *5.* Family planning services ~~[funded using a grant awarded]~~ *paid for* pursuant to this section must be made available to *all* persons requesting such services:

(a) In a manner that protects the dignity of the recipient;

(b) Without regard to religion, race, color, national origin, physical or mental disability, age, sex, gender identity or expression, sexual orientation, number of previous pregnancies or marital status;

(c) In accordance with written clinical protocols that are in accordance with nationally recognized standards of care; and

(d) By persons who are required by NRS 432B.220 to report the abuse or neglect of a child.

~~[5.]~~ *6.* The Administrator may not use more than 10 percent of the money in the Account to administer the Account.

~~[6.]~~ *7.* The Administrator shall award grants of money from the Account *pursuant to paragraph (a) of subsection 2* based entirely on the need for family planning services in the community served by the local governmental entity or the nonprofit organization and the ability of the local governmental entity or nonprofit organization to effectively deliver family planning services.

~~[7.]~~ *8.* ~~*[When making a determination about a grant or expenditure, the Administrator shall not give any preference based upon the type of contraceptive, contraceptive device or contraceptive procedure made available by the entity.]*~~ *The Administrator or any entity that receives a grant or enters into a contract pursuant to subsection 2 shall not discriminate against any provider of family planning services in any manner, including, without limitation, by:*

(a) Refusing to allow a provider of family planning services to provide family planning services paid with money from the Account; or

(b) Failing to provide timely or appropriate reimbursement for such family planning services.

9. The existence of the Account does not create a right in any local government or nonprofit organization *or other entity* to receive money from the Account.

~~[8.]~~ *10.* As used in this section, "preconception health services" means the promotion of proper health practices, screenings and interventions conducted before pregnancy to identify and modify biomedical, behavioral and social risks to a woman's health or pregnancy outcome through prevention and management.

Sec. 2. 1. There is hereby appropriated from the State General Fund to the Account for Family Planning created by NRS 442.725 the sum of ~~[$12,000,000]~~ $6,000,000 to carry out the purposes set forth in that section.

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

Sec. 3. This act becomes effective on July 1, 2019.

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 134 revises Senate Bill No. 94 to revise the list of contraceptives, devices and procedures for which money in the Account for Family Planning may be used. It requires family planning services paid for with money from the Account be made available to all persons who would otherwise have difficulty obtaining such services. It prohibits certain discrimination against a provider of family-planning services, and it reduces, from $12 million to $6 million, the appropriation from the State General Fund to the Account.

Amendment adopted.

Senator Woodhouse moved that the bill be re-referred to the Committee on Finance, upon return from reprint.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Finance.

Senate Bill No. 96.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 176.

SUMMARY—Creates a grant program to award grants of money to certain organizations applying for federal funds to finance certain projects related to public lands. (BDR 26-510)

AN ACT relating to public lands; creating the Nevada Public Lands Grant Program within the State Department of Conservation and Natural Resources; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the State Department of Conservation and Natural Resources and the Division of State Lands within the Department. (NRS 232.020, 232.090) Section 6 of this bill creates the Nevada Public Lands Grant Program within the Department to award grants to certain local governments and other organizations to be used as matching funds required for the local governments and organizations to secure federal grants for projects related to public lands issues. Sections 6 and 7 of this bill require the Director of the Department to administer the Program and adopt regulations establishing the eligibility requirements, application procedures and criteria for the award of grants. Sections 8 and 9 of this bill create the Account for the Nevada Public Lands Grant Program to allow the Program to accept donations, grants and other types of funding for the award of grants and operation of the Program. Section 10 of this bill makes an appropriation of $500,000 from the State General Fund to the Department for the operation of the Program and to award grants pursuant to the Program.

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

Section 1. Chapter 321 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. *As used in sections 2 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections*.

Sec. 3. *"Department" means the State Department of Conservation and Natural Resources.*

Sec. 4. *"Director" means the Director of the State Department of Conservation and Natural Resources.*

Sec. 5. *"Program" means the Nevada Public Lands Grant Program created by section 6 of this act.*

Sec. 6. *1. The Nevada Public Lands Grant Program is hereby created within the Department for the purpose of awarding grants to eligible recipients to be used to provide matching funds required as a condition of any federal grant that will be used to finance a project designed to address any issue related to public lands.*

2. The Director or his or her designee shall administer the Program.

3. A grant may be awarded pursuant to the Program to a county, city, town, conservation district, community organization or nonprofit organization which has demonstrated financial need for assistance and meets the eligibility requirements set forth in the regulations adopted by the Director pursuant to section 7 of this act.

4. A grant awarded pursuant to the Program may only be used for the purposes described in subsection 1.

Sec. 7. *The Director:*

1. Shall adopt regulations establishing the eligibility requirements, application procedures and criteria that will be used in determining whether to award a grant of money through the Program;

2. May adopt any other regulations necessary to carry out the Program; and

3. Shall administer the Account created pursuant to section 8 of this act.

Sec. 8. *1. The Account for the Nevada Public Lands Grant Program is hereby created in the State General Fund.*

2. The Director shall administer the Account and may apply for and accept any donation, gift, grant, bequest or other source of money for deposit in the Account.

3. Any money appropriated from the State General Fund to the Program must be deposited into the Account.

4. The money in the Account must be used to:

(a) Award grants to eligible recipients selected in accordance with the regulations adopted pursuant to section 7 of this act; and

(b) Pay any reasonable administrative expenses incurred by the Director or his or her designee to carry out the Program.

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

6. Any claims against the Account must be paid as other claims against the State are paid.

7. Any money in the Account remaining at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

Sec. 9. NRS 232.070 is hereby amended to read as follows:

232.070 1. As executive head of the Department, the Director is responsible for the administration, through the divisions and other units of the Department, of all provisions of law relating to the functions of the Department, except functions assigned by law to the State Environmental Commission, the State Conservation Commission, the Commission for Cultural Centers and Historic Preservation, the Commission on Off-Highway Vehicles or the Sagebrush Ecosystem Council.

2. Except as otherwise provided in subsection 4, the Director shall:

(a) Establish departmental goals, objectives and priorities.

(b) Approve divisional goals, objectives and priorities.

(c) Approve divisional and departmental budgets, legislative proposals, contracts, agreements and applications for federal assistance.

(d) Coordinate divisional programs within the Department and coordinate departmental and divisional programs with other departments and with other levels of government.

(e) Appoint the executive head of each division within the Department.

(f) Delegate to the executive heads of the divisions such authorities and responsibilities as the Director deems necessary for the efficient conduct of the business of the Department.

(g) Establish new administrative units or programs which may be necessary for the efficient operation of the Department, and alter departmental organization and reassign responsibilities as the Director deems appropriate.

(h) From time to time adopt, amend and rescind such regulations as the Director deems necessary for the administration of the Department.

(i) Consider input from members of the public, industries and representatives of organizations, associations, groups or other entities concerned with matters of conservation and natural resources on the following:

(1) Matters relating to the establishment and maintenance of an adequate policy of forest and watershed protection;

(2) Matters relating to the park and recreational policy of the State;

(3) The use of land within this State which is under the jurisdiction of the Federal Government;

(4) The effect of state and federal agencies' programs and regulations on the users of land under the jurisdiction of the Federal Government, and on the problems of those users of land; and

(5) The preservation, protection and use of this State's natural resources.

3. Except as otherwise provided in subsection 4, the Director may enter into cooperative agreements with any federal or state agency or political subdivision of the State, any public or private institution located in or outside the State of Nevada, or any other person, in connection with studies and investigations pertaining to any activities of the Department.

4. This section does not confer upon the Director any powers or duties which are delegated by law to the State Environmental Commission, the State Conservation Commission, the Commission for Cultural Centers and Historic Preservation, the Commission on Off-Highway Vehicles or the Sagebrush Ecosystem Council, but the Director may foster cooperative agreements and coordinate programs and activities involving the powers and duties of the Commissions and the Council.

5. Except as otherwise provided in NRS 232.159 and 232.161 ~~[,]~~ *and section 8 of this act,* all gifts of money and other property which the Director is authorized to accept must be accounted for in the Department of Conservation and Natural Resources Gift Fund which is hereby created as a trust fund.

Sec. 10. There is hereby appropriated from the State General Fund to the State Department of Conservation and Natural Resources the sum of $500,000 for the operation of the Nevada Public Lands Grant Program created by section 6 of this act, including, without limitation, administrative expenses and the award of grants of money pursuant to the Program.

Sec. 11. 1. Any remaining balance of the appropriation made by section 10 of this act must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which

money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2023.

2. The appropriation made by the provisions of this act is not intended finance ongoing expenditures of state agencies, and the expenditures financed with the appropriation must not be included as a base budget expenditure in the proposed budget for the Executive Branch of State Government for the 2021-2023 biennium.

Sec. 12. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On January 1, 2020, for all other purposes.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 176 to Senate Bill No. 96 revises section 6, subsection 3, of the bill to add "conservation districts" to the list of eligible entities that may be awarded grants under the Nevada Public Lands Grant Program.

Amendment adopted.

Senator Woodhouse moved that the bill be re-referred to the Committee on Finance, upon return from reprint.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Finance.

Senate Bill No. 101.

Bill read second time and ordered to third reading.

Senate Bill No. 136.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 112.

SUMMARY—Revises the provisions of the Tahoe Regional Planning Compact. (BDR 22-736)

AN ACT relating to the Tahoe Regional Planning Compact; revising the composition of the board of directors of the Tahoe transportation district; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the Tahoe Regional Planning Compact, an interstate agreement between the States of California and Nevada pursuant to which the bistate Tahoe Regional Planning Agency regulates environmental and land-use matters within the Lake Tahoe Basin. (NRS 277.190-277.220) The Tahoe Regional Planning Compact provides for the creation of the Tahoe

transportation district as a special purpose district managed by a board of directors which develops and implements transportation plans and programs for the Lake Tahoe Basin. (NRS 277.200)

Section 1 of this bill: (1) changes the composition of the board of directors of the Tahoe transportation district by ~~[replacing certain board positions with an appointee]~~ eliminating members of each local transportation district in the region and adding appointees chosen by the Governor of California, ~~[an appointee chosen by]~~ the Governor of Nevada and ~~[a member of]~~ the governing body of the Tahoe Regional Planning Agency; and (2) requires members of the board of directors of the Tahoe transportation district to elect a chairman and vice chairman. Section 3 of this bill provides that these changes become effective if the State of California enacts amendments to the Tahoe Regional Planning Compact that are substantially identical.

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

Section 1. NRS 277.200 is hereby amended to read as follows:

277.200 The Tahoe Regional Planning Compact is as follows:

Tahoe Regional Planning Compact

ARTICLE I. Findings and Declarations of Policy

(a) It is found and declared that:

(1) The waters of Lake Tahoe and other resources of the region are threatened with deterioration or degeneration, which endangers the natural beauty and economic productivity of the region.

(2) The public and private interests and investments in the region are substantial.

(3) The region exhibits unique environmental and ecological values which are irreplaceable.

(4) By virtue of the special conditions and circumstances of the region's natural ecology, developmental pattern, population distribution and human needs, the region is experiencing problems of resource use and deficiencies of environmental control.

(5) Increasing urbanization is threatening the ecological values of the region and threatening the public opportunities for use of the public lands.

(6) Maintenance of the social and economic health of the region depends on maintaining the significant scenic, recreational, educational, scientific, natural and public health values provided by the Lake Tahoe Basin.

(7) There is a public interest in protecting, preserving and enhancing these values for the residents of the region and for visitors to the region.

(8) Responsibilities for providing recreational and scientific opportunities, preserving scenic and natural areas, and safeguarding the public who live, work and play in or visit the region are divided among local governments, regional agencies, the states of California and Nevada, and the Federal Government.

(9) In recognition of the public investment and multistate and national significance of the recreational values, the Federal Government has an interest

in the acquisition of recreational property and the management of resources in the region to preserve environmental and recreational values, and the Federal Government should assist the states in fulfilling their responsibilities.

(10) In order to preserve the scenic beauty and outdoor recreational opportunities of the region, there is a need to insure an equilibrium between the region's natural endowment and its man-made environment.

(b) In order to enhance the efficiency and governmental effectiveness of the region, it is imperative that there be established a Tahoe Regional Planning Agency with the powers conferred by this compact including the power to establish environmental threshold carrying capacities and to adopt and enforce a regional plan and implementing ordinances which will achieve and maintain such capacities while providing opportunities for orderly growth and development consistent with such capacities.

(c) The Tahoe Regional Planning Agency shall interpret and administer its plans, ordinances, rules and regulations in accordance with the provisions of this compact.

ARTICLE II. Definitions

As used in this compact:

(a) "Region," includes Lake Tahoe, the adjacent parts of Douglas and Washoe counties and Carson City, which for the purposes of this compact shall be deemed a county, lying within the Tahoe Basin in the State of Nevada, and the adjacent parts of the Counties of Placer and El Dorado lying within the Tahoe Basin in the State of California, and that additional and adjacent part of the County of Placer outside of the Tahoe Basin in the State of California which lies southward and eastward of a line starting at the intersection of the basin crestline and the north boundary of Section 1, thence west to the northwest corner of Section 3, thence south to the intersection of the basin crestline and the west boundary of Section 10; all sections referring to Township 15 North, Range 16 East, M.D.B. & M. The region defined and described herein shall be as precisely delineated on official maps of the agency.

(b) "Agency" means the Tahoe Regional Planning Agency.

(c) "Governing body" means the governing board of the Tahoe Regional Planning Agency.

(d) "Regional plan" means the long-term general plan for the development of the region.

(e) "Planning commission" means the advisory planning commission appointed pursuant to subdivision (h) of Article III.

(f) "Gaming" means to deal, operate, carry on, conduct, maintain or expose for play any banking or percentage game played with cards, dice or any mechanical device or machine for money, property, checks, credit or any representative of value, including, without limiting the generality of the foregoing, faro, monte, roulette, keno, bingo, fantan, twenty-one, blackjack, seven-and-a-half, big injun, klondike, craps, stud poker, draw poker or slot machine, but does not include social games played solely for drinks, or cigars or cigarettes served individually, games played in private homes or residences

for prizes or games operated by charitable or educational organizations, to the extent excluded by applicable state law.

(g) "Restricted gaming license" means a license to operate not more than 15 slot machines on which a quarterly fee is charged pursuant to NRS 463.373 and no other games.

(h) "Project" means an activity undertaken by any person, including any public agency, if the activity may substantially affect the land, water, air, space or any other natural resources of the region.

(i) "Environmental threshold carrying capacity" means an environmental standard necessary to maintain a significant scenic, recreational, educational, scientific or natural value of the region or to maintain public health and safety within the region. Such standards shall include but not be limited to standards for air quality, water quality, soil conservation, vegetation preservation and noise.

(j) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

(k) "Areas open to public use" means all of the areas within a structure housing gaming under a nonrestricted license except areas devoted to the private use of guests.

(l) "Areas devoted to private use of guests" means hotel rooms and hallways to serve hotel room areas, and any parking areas. A hallway serves hotel room areas if more than 50 percent of the areas on each side of the hallway are hotel rooms.

(m) "Nonrestricted license" means a gaming license which is not a restricted gaming license.

ARTICLE III. Organization

(a) There is created the Tahoe Regional Planning Agency as a separate legal entity.

The governing body of the agency shall be constituted as follows:

(1) California delegation:

(A) One member appointed by each of the County Boards of Supervisors of the Counties of El Dorado and Placer and one member appointed by the City Council of the City of South Lake Tahoe. Any such member may be a member of the county board of supervisors or city council, respectively, and shall reside in the territorial jurisdiction of the governmental body making the appointment.

(B) Two members appointed by the Governor of California, one member appointed by the Speaker of the Assembly of California and one member appointed by the Senate Rules Committee of the State of California. The members appointed pursuant to this subparagraph shall not be residents of the region and shall represent the public at large within the State of California.

(2) Nevada delegation:

(A) One member appointed by each of the boards of county commissioners of Douglas and Washoe counties and one member appointed by the board of

supervisors of Carson City. Any such member may be a member of the board of county commissioners or board of supervisors, respectively, and shall reside in the territorial jurisdiction of the governmental body making the appointment.

(B) One member appointed by the governor of Nevada, the secretary of state of Nevada or his designee, and the director of the state department of conservation and natural resources of Nevada or his designee. Except for the secretary of state and the director of the state department of conservation and natural resources, the members or designees appointed pursuant to this subparagraph shall not be residents of the region. All members appointed pursuant to this subparagraph shall represent the public at large within the State of Nevada.

(C) One member appointed for a 1-year term by the six other members of the Nevada delegation. If at least four members of the Nevada delegation are unable to agree upon the selection of a seventh member within 60 days after the effective date of the amendments to this compact or the occurrence of a vacancy on the governing body for that state the governor of the State of Nevada shall make such an appointment. The member appointed pursuant to this subparagraph may, but is not required to, be a resident of the region within the State of Nevada.

(3) If any appointing authority under paragraph (1)(A), (1)(B), (2)(A) or (2)(B) fails to make such an appointment within 60 days after the effective date of the amendments to this compact or the occurrence of a vacancy on the governing body, the governor of the state in which the appointing authority is located shall make the appointment. The term of any member so appointed shall be 1 year.

(4) The position of any member of the governing body shall be deemed vacant if such a member is absent from three consecutive meetings of the governing body in any calendar year.

(5) Each member and employee of the agency shall disclose his economic interests in the region within 10 days after taking his seat on the governing board or being employed by the agency and shall thereafter disclose any further economic interest which he acquires, as soon as feasible after he acquires it. As used in this paragraph, "economic interests" means:

(A) Any business entity operating in the region in which the member or employee has a direct or indirect investment worth more than $1,000;

(B) Any real property located in the region in which the member or employee has a direct or indirect interest worth more than $1,000;

(C) Any source of income attributable to activities in the region, other than loans by or deposits with a commercial lending institution in the regular course of business, aggregating $250 or more in value received by or promised to the member within the preceding 12 months; or

(D) Any business entity operating in the region in which the member or employee is a director, officer, partner, trustee, employee or holds any position of management.

➥ No member or employee of the agency shall make, or attempt to influence, an agency decision in which he knows or has reason to know he has an economic interest. Members and employees of the agency must disqualify themselves from making or participating in the making of any decision of the agency when it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the economic interests of the member or employee.

(b) The members of the agency shall serve without compensation, but the expenses of each member shall be met by the body which he represents in accordance with the law of that body. All other expenses incurred by the governing body in the course of exercising the powers conferred upon it by this compact unless met in some other manner specifically provided, shall be paid by the agency out of its own funds.

(c) Except for the secretary of state and director of the state department of conservation and natural resources of Nevada and the member appointed pursuant to subdivision (a)(2)(C), the members of the governing body serve at the pleasure of the appointing authority in each case, but each appointment shall be reviewed no less often than every 4 years. Members may be reappointed.

(d) The governing body of the agency shall meet at least monthly. All meetings shall be open to the public to the extent required by the law of the State of California or the State of Nevada, whichever imposes the greater requirement, applicable to local governments at the time such meeting is held. The governing body shall fix a date for its regular monthly meeting in such terms as "the first Monday of each month," and shall not change such date more often than once in any calendar year. Notice of the date so fixed shall be given by publication at least once in a newspaper or combination of newspapers whose circulation is general throughout the region and in each county a portion of whose territory lies within the region. Notice of any special meeting, except an emergency meeting, shall be given by so publishing the date and place and posting an agenda at least 5 days prior to the meeting.

(e) The position of a member of the governing body shall be considered vacated upon his loss of any of the qualifications required for his appointment and in such event the appointing authority shall appoint a successor.

(f) The governing body shall elect from its own members a chairman and vice chairman, whose terms of office shall be 2 years, and who may be reelected. If a vacancy occurs in either office, the governing body may fill such vacancy for the unexpired term.

(g) Four of the members of the governing body from each state constitute a quorum for the transaction of the business of the agency. The voting procedures shall be as follows:

(1) For adopting, amending or repealing environmental threshold carrying capacities, the regional plan, and ordinances, rules and regulations, and for granting variances from the ordinances, rules and regulations, the vote of at least four of the members of each state agreeing with the vote of at least

four members of the other state shall be required to take action. If there is no vote of at least four of the members from one state agreeing with the vote of at least four of the members of the other state on the actions specified in this paragraph, an action of rejection shall be deemed to have been taken.

(2) For approving a project, the affirmative vote of at least five members from the state in which the project is located and the affirmative vote of at least nine members of the governing body are required. If at least five members of the governing body from the state in which the project is located and at least nine members of the entire governing body do not vote in favor of the project, upon a motion for approval, an action of rejection shall be deemed to have been taken. A decision by the agency to approve a project shall be supported by a statement of findings, adopted by the agency, which indicates that the project complies with the regional plan and with applicable ordinances, rules and regulations of the agency.

(3) For routine business and for directing the agency's staff on litigation and enforcement actions, at least eight members of the governing body must agree to take action. If at least eight votes in favor of such action are not cast, an action of rejection shall be deemed to have been taken.

➥ Whenever under the provisions of this compact or any ordinance, rule, regulation or policy adopted pursuant thereto, the agency is required to review or approve any project, public or private, the agency shall take final action by vote, whether to approve, to require modification or to reject such project, within 180 days after the application for such project is accepted as complete by the agency in compliance with the agency's rules and regulations governing such delivery unless the applicant has agreed to an extension of this time limit. If a final action by vote does not take place within 180 days, the applicant may bring an action in a court of competent jurisdiction to compel a vote unless he has agreed to an extension. This provision does not limit the right of any person to obtain judicial review of agency action under subdivision (h) of Article VI. The vote of each member of the governing body shall be individually recorded. The governing body shall adopt its own rules, regulations and procedures.

(h) An advisory planning commission shall be appointed by the agency. The commission shall include: the chief planning officers of Placer County, El Dorado County, and the City of South Lake Tahoe in California and of Douglas County, Washoe County and Carson City in Nevada, the executive officer of the Lahontan Regional Water Quality Control Board of the State of California, the executive officer of the Air Resources Board of the State of California, the director of the state department of conservation and natural resources of the State of Nevada, the administrator of the division of environmental protection in the state department of conservation and natural resources of the State of Nevada, the administrator of the Lake Tahoe Management Unit of the United States Forest Service, and at least four lay members with an equal number from each state, at least half of whom shall be residents of the region. Any official member may designate an alternate.

The term of office of each lay member of the advisory planning commission shall be 2 years. Members may be reappointed.

The position of each member of the advisory planning commission shall be considered vacated upon loss of any of the qualifications required for appointment, and in such an event the appointing authority shall appoint a successor.

The advisory planning commission shall elect from its own members a chairman and a vice chairman, whose terms of office shall be 2 years and who may be reelected. If a vacancy occurs in either office, the advisory planning commission shall fill such vacancy for the unexpired term.

A majority of the members of the advisory planning commission constitutes a quorum for the transaction of the business of the commission. A majority vote of the quorum present shall be required to take action with respect to any matter.

(i) The agency shall establish and maintain an office within the region, and for this purpose the agency may rent or own property and equipment. Every plan, ordinance and other record of the agency which is of such nature as to constitute a public record under the law of either the State of California or the State of Nevada shall be open to inspection and copying during regular office hours.

(j) Each authority charged under this compact or by the law of either state with the duty of appointing a member of the governing body of the agency shall by certified copy of its resolution or other action notify the Secretary of State of its own state of the action taken.

ARTICLE IV. Personnel

(a) The governing body shall determine the qualification of, and it shall appoint and fix the salary of, the executive officer of the agency, and shall employ such other staff and legal counsel as may be necessary to execute the powers and functions provided for under this compact or in accordance with any intergovernmental contracts or agreements the agency may be responsible for administering.

(b) Agency personnel standards and regulations shall conform insofar as possible to the regulations and procedures of the civil service of the State of California or the State of Nevada, as may be determined by the governing body of the agency; and shall be regional and bistate in application and effect; provided that the governing body may, for administrative convenience and at its discretion, assign the administration of designated personnel arrangements to an agency of either state, and provided that administratively convenient adjustments be made in the standards and regulations governing personnel assigned under intergovernmental agreements.

(c) The agency may establish and maintain or participate in such additional programs of employee benefits as may be appropriate to afford employees of the agency terms and conditions of employment similar to those enjoyed by employees of California and Nevada generally.

ARTICLE V. Planning

(a) In preparing each of the plans required by this article and each amendment thereto, if any, subsequent to its adoption, the planning commission after due notice shall hold at least one public hearing which may be continued from time to time, and shall review the testimony and any written recommendations presented at such hearing before recommending the plan or amendment. The notice required by this subdivision shall be given at least 20 days prior to the public hearing by publication at least once in a newspaper or combination of newspapers whose circulation is general throughout the region and in each county a portion of whose territory lies within the region.

The planning commission shall then recommend such plan or amendment to the governing body for adoption by ordinance. The governing body may adopt, modify or reject the proposed plan or amendment, or may initiate and adopt a plan or amendment without referring it to the planning commission. If the governing body initiates or substantially modifies a plan or amendment, it shall hold at least one public hearing thereon after due notice as required in this subdivision.

If a request is made for the amendment of the regional plan by:

(1) A political subdivision a part of whose territory would be affected by such amendment; or

(2) The owner or lessee of real property which would be affected by such amendment,

➥ the governing body shall complete its action on such amendment within 180 days after such request is accepted as complete according to standards which must be prescribed by ordinance of the agency.

(b) The agency shall develop, in cooperation with the states of California and Nevada, environmental threshold carrying capacities for the region. The agency should request the President's Council on Environmental Quality, the United States Forest Service and other appropriate agencies to assist in developing such environmental threshold carrying capacities. Within 18 months after the effective date of the amendments to this compact, the agency shall adopt environmental threshold carrying capacities for the region.

(c) Within 1 year after the adoption of the environmental threshold carrying capacities for the region, the agency shall amend the regional plan so that, at a minimum, the plan and all of its elements, as implemented through agency ordinances, rules and regulations, achieves and maintains the adopted environmental threshold carrying capacities. Each element of the plan shall contain implementation provisions and time schedules for such implementation by ordinance. The planning commission and governing body shall continuously review and maintain the regional plan. The regional plan shall consist of a diagram, or diagrams, and text, or texts setting forth the projects and proposals for implementation of the regional plan, a description of the needs and goals of the region and a statement of the policies, standards and elements of the regional plan.

The regional plan shall be a single enforceable plan and includes all of the following correlated elements:

(1) A land-use plan for the integrated arrangement and general location and extent of, and the criteria and standards for, the uses of land, water, air, space and other natural resources within the region, including but not limited to an indication or allocation of maximum population densities and permitted uses.

(2) A transportation plan for the integrated development of a regional system of transportation, including but not limited to parkways, highways, transportation facilities, transit routes, waterways, navigation facilities, public transportation facilities, bicycle facilities, and appurtenant terminals and facilities for the movement of people and goods within the region. The goal of transportation planning shall be:

(A) To reduce dependency on the automobile by making more effective use of existing transportation modes and of public transit to move people and goods within the region; and

(B) To reduce to the extent feasible air pollution which is caused by motor vehicles.

➥ Where increases in capacity are required, the agency shall give preference to providing such capacity through public transportation and public programs and projects related to transportation. The agency shall review and consider all existing transportation plans in preparing its regional transportation plan pursuant to this paragraph.

The plan shall provide for an appropriate transit system for the region.

The plan shall give consideration to:

(A) Completion of the Loop Road in the states of Nevada and California;

(B) Utilization of a light rail mass transit system in the South Shore area; and

(C) Utilization of a transit terminal in the Kingsbury Grade area.

➥ Until the regional plan is revised, or a new transportation plan is adopted in accordance with this paragraph, the agency has no effective transportation plan.

(3) A conservation plan for the preservation, development, utilization, and management of the scenic and other natural resources within the basin, including but not limited to, soils, shoreline and submerged lands, scenic corridors along transportation routes, open spaces, recreational and historical facilities.

(4) A recreation plan for the development, utilization, and management of the recreational resources of the region, including but not limited to, wilderness and forested lands, parks and parkways, riding and hiking trails, beaches and playgrounds, marinas, areas for skiing and other recreational facilities.

(5) A public services and facilities plan for the general location, scale and provision of public services and facilities, which, by the nature of their

function, size, extent and other characteristics are necessary or appropriate for inclusion in the regional plan.

In formulating and maintaining the regional plan, the planning commission and governing body shall take account of and shall seek to harmonize the needs of the region as a whole, the plans of the counties and cities within the region, the plans and planning activities of the state, federal and other public agencies and nongovernmental agencies and organizations which affect or are concerned with planning and development within the region.

(d) The regional plan shall provide for attaining and maintaining federal, state, or local air and water quality standards, whichever are strictest, in the respective portions of the region for which the standards are applicable.

The agency may, however, adopt air or water quality standards or control measures more stringent than the applicable state implementation plan or the applicable federal, state, or local standards for the region, if it finds that such additional standards or control measures are necessary to achieve the purposes of this compact. Each element of the regional plan, where applicable, shall, by ordinance, identify the means and time schedule by which air and water quality standards will be attained.

(e) Except for the Regional Transportation Plan of the California Tahoe Regional Planning Agency, the regional plan, ordinances, rules and regulations adopted by the California Tahoe Regional Planning Agency in effect on July 1, 1980, shall be the regional plan, ordinances, rules and regulations of the Tahoe Regional Planning Agency for that portion of the Tahoe region located in the State of California. Such plan, ordinance, rule or regulation may be amended or repealed by the governing body of the agency. The plans, ordinances, rules and regulations of the Tahoe Regional Planning Agency that do not conflict with, or are not addressed by, the California Tahoe Regional Planning Agency's plans, ordinances, rules and regulations referred to in this subdivision shall continue to be applicable unless amended or repealed by the governing body of the agency. No provision of the regional plan, ordinances, rules and regulations of the California Tahoe Regional Planning Agency referred to in this subdivision shall apply to that portion of the region within the State of Nevada, unless such provision is adopted for the Nevada portion of the region by the governing body of the agency.

(f) The regional plan, ordinances, rules and regulations of the Tahoe Regional Planning Agency apply to that portion of the region within the State of Nevada.

(g) The agency shall adopt ordinances prescribing specific written findings that the agency must make prior to approving any project in the region. These findings shall relate to environmental protection and shall insure that the project under review will not adversely affect implementation of the regional plan and will not cause the adopted environmental threshold carrying capacities of the region to be exceeded.

(h) The agency shall maintain the data, maps and other information developed in the course of formulating and administering the regional plan, in

a form suitable to assure a consistent view of developmental trends and other relevant information for the availability of and use by other agencies of government and by private organizations and individuals concerned.

(i) Where necessary for the realization of the regional plan, the agency may engage in collaborative planning with local governmental jurisdictions located outside the region, but contiguous to its boundaries. In formulating and implementing the regional plan, the agency shall seek the cooperation and consider the recommendations of counties and cities and other agencies of local government, of state and federal agencies, of educational institutions and research organizations, whether public or private, and of civic groups and private persons.

ARTICLE VI. Agency's Powers

(a) The governing body shall adopt all necessary ordinances, rules, and regulations to effectuate the adopted regional plan. Except as otherwise provided in this compact, every such ordinance, rule or regulation shall establish a minimum standard applicable throughout the region. Any political subdivision or public agency may adopt and enforce an equal or higher requirement applicable to the same subject of regulation in its territory. The regulations of the agency shall contain standards including but not limited to the following: water purity and clarity; subdivision; zoning; tree removal; solid waste disposal; sewage disposal; land fills, excavations, cuts and grading; piers, harbors, breakwaters or channels and other shoreline developments; waste disposal in shoreline areas; waste disposal from boats; mobile-home parks; house relocation; outdoor advertising; floodplain protection; soil and sedimentation control; air pollution; and watershed protection. Whenever possible without diminishing the effectiveness of the regional plan, the ordinances, rules, regulations and policies shall be confined to matters which are general and regional in application, leaving to the jurisdiction of the respective states, counties and cities the enactment of specific and local ordinances, rules, regulations and policies which conform to the regional plan.

The agency shall prescribe by ordinance those activities which it has determined will not have substantial effect on the land, water, air, space or any other natural resources in the region and therefore will be exempt from its review and approval.

Every ordinance adopted by the agency shall be published at least once by title in a newspaper or combination of newspapers whose circulation is general throughout the region. Except an ordinance adopting or amending the regional plan, no ordinance shall become effective until 60 days after its adoption. Immediately after its adoption, a copy of each ordinance shall be transmitted to the governing body of each political subdivision having territory within the region.

(b) No project other than those to be reviewed and approved under the special provisions of subdivisions (d), (e), (f) and (g) may be developed in the region without obtaining the review and approval of the agency and no project may be approved unless it is found to comply with the regional plan and with

the ordinances, rules and regulations enacted pursuant to subdivision (a) to effectuate that plan.

The agency may approve a project in the region only after making the written findings required by this subdivision or subdivision (g) of Article V. Such findings shall be based on substantial evidence in the record.

Before adoption by the agency of the ordinances required in subdivision (g) of Article V, the agency may approve a project in the region only after making written findings on the basis of substantial evidence in the record that the project is consistent with the regional plan then in effect and with applicable plans, ordinances, regulations, and standards of federal and state agencies relating to the protection, maintenance and enhancement of environmental quality in the region.

(c) The legislatures of the states of California and Nevada find that in order to make effective the regional plan as revised by the agency, it is necessary to halt temporarily works of development in the region which might otherwise absorb the entire capability of the region for further development or direct it out of harmony with the ultimate plan. Subject to the limitation provided in this subdivision, from the effective date of the amendments to this compact until the regional plan is amended pursuant to subdivision (c) of Article V, or until May 1, 1983, whichever is earlier:

(1) Except as otherwise provided in this paragraph, no new subdivision, planned unit development, or condominium project may be approved unless a complete tentative map or plan has been approved before the effective date of the amendments to this compact by all agencies having jurisdiction. The subdivision of land owned by a general improvement district, which existed and owned the land before the effective date of the amendments to this compact, may be approved if subdivision of the land is necessary to avoid insolvency of the district.

(2) Except as provided in paragraph (3), no apartment building may be erected unless the required permits for such building have been secured from all agencies having jurisdiction, prior to the effective date of the amendments to this compact.

(3) During each of the calendar years 1980, 1981 and 1982, no city or county may issue building permits which authorize the construction of a greater number of new residential units within the region than were authorized within the region by building permits issued by that city or county during the calendar year 1978. For the period of January through April, 1983, building permits authorizing the construction of no more than one-third of that number may be issued by each such city or county. For purposes of this paragraph a "residential unit" means either a single family residence or an individual residential unit within a larger building, such as an apartment building, a duplex or a condominium.

The legislatures find the respective numbers of residential units authorized within the region during the calendar year 1978 to be as follows:

1. City of South Lake Tahoe and El Dorado County (combined)…… 252

2. Placer County 278
3. Carson City ..... -0-
4. Douglas County 339
5. Washoe County 739

(4) During each of the calendar years 1980, 1981 and 1982, no city or county may issue building permits which authorize construction of a greater square footage of new commercial buildings within the region than were authorized within the region by building permits for commercial purposes issued by that city or county during the calendar year 1978. For the period of January through April, 1983, building permits authorizing the construction of no more than one-third the amount of that square footage may be issued by each such city or county.

The legislatures find the respective square footages of commercial buildings authorized within the region during calendar year 1978 to be as follows:

1. City of South Lake Tahoe and El Dorado County (combined) .. 64,324
2. Placer County 23,000
3. Carson City ..... -0-
4. Douglas County 57,354
5. Washoe County 50,000

(5) No structure may be erected to house gaming under a nonrestricted license.

(6) No facility for the treatment of sewage may be constructed or enlarged except:

(A) To comply, as ordered by the appropriate state agency for the control of water pollution, with existing limitations of effluent under the Clean Water Act, 33 U.S.C. §§ 1251 et seq., and the applicable state law for control of water pollution;

(B) To accommodate development which is not prohibited or limited by this subdivision; or

(C) In the case of Douglas County Lake Tahoe Sewer Authority, to modify or otherwise alter sewage treatment facilities existing on the effective date of the amendments to this compact so that such facilities will be able to treat the total volume of effluent for which they were originally designed, which is 3.0 million gallons per day. Such modification or alteration is not a "project"; is not subject to the requirements of Article VII; and does not require a permit from the agency. Before commencing such modification or alteration, however, the Authority shall submit to the agency its report identifying any significant soil erosion problems which may be caused by such modifications or alterations and the measures which the Authority proposes to take to mitigate or avoid such problems.

The moratorium imposed by this subdivision does not apply to work done pursuant to a right vested before the effective date of the amendments to this compact. Notwithstanding the expiration date of the moratorium imposed by this subdivision, no new highway may be built or existing highway widened

to accommodate additional continuous lanes for automobiles until the regional transportation plan is revised and adopted.

The moratorium imposed by this subdivision does not apply to the construction of any parking garage which has been approved by the agency prior to May 4, 1979, whether that approval was affirmative or by default. The provisions of this paragraph are not an expression of legislative intent that any such parking garage, the approval of which is the subject of litigation which was pending on the effective date of the amendments to this compact, should or should not be constructed. The provisions of this paragraph are intended solely to permit construction of such a parking garage if a judgment sustaining the agency's approval to construct that parking garage has become final and no appeal is pending or may lawfully be taken to a higher court.

(d) Subject to the final order of any court of competent jurisdiction entered in litigation contesting the validity of an approval by the Tahoe Regional Planning Agency, whether that approval was affirmative or by default, if that litigation was pending on May 4, 1979, the agency and the states of California and Nevada shall recognize as a permitted and conforming use:

(1) Every structure housing gaming under a nonrestricted license which existed as a licensed gaming establishment on May 4, 1979, or whose construction was approved by the Tahoe Regional Planning Agency affirmatively or deemed approved before that date. The construction or use of any structure to house gaming under a nonrestricted license not so existing or approved, or the enlargement in cubic volume of any such existing or approved structure is prohibited.

(2) Every other nonrestricted gaming establishment whose use was seasonal and whose license was issued before May 4, 1979, for the same season and for the number and type of games and slot machines on which taxes or fees were paid in the calendar year 1978.

(3) Gaming conducted pursuant to a restricted gaming license issued before May 4, 1979, to the extent permitted by that license on that date.

➥ The area within any structure housing gaming under a nonrestricted license which may be open to public use (as distinct from that devoted to the private use of guests and exclusive of any parking area) is limited to the area existing or approved for public use on May 4, 1979. Within these limits, any external modification of the structure which requires a permit from a local government also requires approval from the agency. The agency shall not permit restaurants, convention facilities, showrooms or other public areas to be constructed elsewhere in the region outside the structure in order to replace areas existing or approved for public use on May 4, 1979.

(e) Any structure housing licensed gaming may be rebuilt or replaced to a size not to exceed the cubic volume, height and land coverage existing or approved on May 4, 1979, without the review or approval of the agency or any planning or regulatory authority of the State of Nevada whose review or approval would be required for a new structure.

(f) The following provisions apply to any internal or external modification, remodeling, change in use, or repair of a structure housing gaming under a nonrestricted license which is not prohibited by Article VI (d):

(1) The agency's review of an external modification of the structure which requires a permit from a local government is limited to determining whether the external modification will do any of the following:

(A) Enlarge the cubic volume of the structure;

(B) Increase the total square footage of area open to or approved for public use on May 4, 1979;

(C) Convert an area devoted to the private use of guests to an area open to public use;

(D) Increase the public area open to public use which is used for gaming beyond the limits contained in paragraph (3); and

(E) Conflict with or be subject to the provisions of any of the agency's ordinances that are generally applicable throughout the region.

➥ The agency shall make this determination within 60 days after the proposal is delivered to the agency in compliance with the agency's rules or regulations governing such delivery unless the applicant has agreed to an extension of this time limit. If an external modification is determined to have any of the effects enumerated in subparagraphs (A) through (C), it is prohibited. If an external modification is determined to have any of the effects enumerated in subparagraph (D) or (E), it is subject to the applicable provisions of this compact. If an external modification is determined to have no such effect, it is not subject to the provisions of this compact.

(2) Except as provided in paragraph (3), internal modification, remodeling, change in use or repair of a structure housing gaming under a nonrestricted license is not a project and does not require the review or approval of the agency.

(3) Internal modification, remodeling, change in use or repair of areas open to public use within a structure housing gaming under a nonrestricted license which alone or in combination with any other such modification, remodeling, change in use or repair will increase the total portion of those areas which is actually used for gaming by more than the product of the total base area, as defined below, in square feet existing on or approved before August 4, 1980, multiplied by 15 percent constitutes a project and is subject to all of the provisions of this compact relating to projects. For purposes of this paragraph and the determination required by Article VI (g), base area means all of the area within a structure housing gaming under a nonrestricted license which may be open to public use, whether or not gaming is actually conducted or carried on in that area, except retail stores, convention centers and meeting rooms, administrative offices, kitchens, maintenance and storage areas, rest rooms, engineering and mechanical rooms, accounting rooms and counting rooms.

(g) In order to administer and enforce the provisions of paragraphs (d), (e) and (f) the State of Nevada, through its appropriate planning or regulatory

agency, shall require the owner or licensee of a structure housing gaming under a nonrestricted license to provide:

(1) Documents containing sufficient information for the Nevada agency to establish the following relative to the structure:

(A) The location of its external walls;

(B) Its total cubic volume;

(C) Within its external walls, the area in square feet open or approved for public use and the area in square feet devoted to or approved for the private use of guests on May 4, 1979;

(D) The amount of surface area of land under the structure; and

(E) The base area as defined in paragraph (f)(3) in square feet existing on or approved before August 4, 1980.

(2) An informational report whenever any internal modification, remodeling, change in use, or repair will increase the total portion of the areas open to public use which is used for gaming.

The Nevada agency shall transmit this information to the Tahoe Regional Planning Agency.

(h) Gaming conducted pursuant to a restricted gaming license is exempt from review by the agency if it is incidental to the primary use of the premises.

(i) The provisions of subdivisions (d) and (e) are intended only to limit gaming and related activities as conducted within a gaming establishment, or construction designed to permit the enlargement of such activities, and not to limit any other use of property zoned for commercial use or the accommodation of tourists, as approved by the agency.

(j) Legal actions arising out of or alleging a violation of the provisions of this compact, of the regional plan or of an ordinance or regulation of the agency or of a permit or a condition of a permit issued by the agency are governed by the following provisions:

(1) This subdivision applies to:

(A) Actions arising out of activities directly undertaken by the agency.

(B) Actions arising out of the issuance to a person of a lease, permit, license or other entitlement for use by the agency.

(C) Actions arising out of any other act or failure to act by any person or public agency.

➥ Such legal actions may be filed and the provisions of this subdivision apply equally in the appropriate courts of California and Nevada and of the United States.

(2) Venue lies:

(A) If a civil or criminal action challenges an activity by the agency or any person which is undertaken or to be undertaken upon a parcel of real property, in the state or federal judicial district where the real property is situated.

(B) If an action challenges an activity which does not involve a specific parcel of land (such as an action challenging an ordinance of the agency), in any state or federal court having jurisdiction within the region.

(3) Any aggrieved person may file an action in an appropriate court of the State of California or Nevada or of the United States alleging noncompliance with the provisions of this compact or with an ordinance or regulation of the agency. In the case of governmental agencies, "aggrieved person" means the Tahoe Regional Planning Agency or any state, federal or local agency. In the case of any person other than a governmental agency who challenges an action of the Tahoe Regional Planning Agency, "aggrieved person" means any person who has appeared, either in person, through an authorized representative, or in writing, before the agency at an appropriate administrative hearing to register objection to the action which is being challenged, or who had good cause for not making such an appearance.

(4) A legal action arising out of the adoption or amendment of the regional plan or of any ordinance or regulation of the agency, or out of the granting or denial of any permit, shall be commenced within 60 days after final action by the agency. All other legal actions shall be commenced within 65 days after discovery of the cause of action.

(5) In any legal action filed pursuant to this subdivision which challenges an adjudicatory act or decision of the agency to approve or disapprove a project, the scope of judicial inquiry shall extend only to whether there was prejudicial abuse of discretion. Prejudicial abuse of discretion is established if the agency has not proceeded in a manner required by law or if the act or decision of the agency was not supported by substantial evidence in light of the whole record. In making such a determination the court shall not exercise its independent judgment on evidence but shall only determine whether the act or decision was supported by substantial evidence in light of the whole record. In any legal action filed pursuant to this subdivision which challenges a legislative act or decision of the agency (such as the adoption of the regional plan and the enactment of implementing ordinances), the scope of the judicial inquiry shall extend only to the questions of whether the act or decision has been arbitrary, capricious or lacking substantial evidentiary support or whether the agency has failed to proceed in a manner required by law.

(6) In addition to the provisions of paragraph (5) relating to judicial inquiry:

(A) When adopting or amending a regional plan, the agency shall act in accordance with the requirements of the compact and the implementing ordinances, rules and regulations, and a party challenging the regional plan has the burden of showing that the regional plan is not in conformance with those requirements.

(B) When taking an action or making a decision, the agency shall act in accordance with the requirements of the compact and the regional plan, including the implementing ordinances, rules and regulations, and a party challenging the action or decision has the burden of showing that the act or decision is not in conformance with those requirements.

(7) The provisions of this subdivision do not apply to any legal proceeding pending on the date when this subdivision becomes effective. Any

such legal proceeding shall be conducted and concluded under the provisions of law which were applicable prior to the effective date of this subdivision.

(8) The security required for the issuance of a temporary restraining order or preliminary injunction based upon an alleged violation of this compact or any ordinance, plan, rule or regulation adopted pursuant thereto is governed by the rule or statute applicable to the court in which the action is brought, unless the action is brought by a public agency or political subdivision to enforce its own rules, regulations and ordinances in which case no security shall be required.

(k) The agency shall monitor activities in the region and may bring enforcement actions in the region to ensure compliance with the regional plan and adopted ordinances, rules, regulations and policies. If it is found that the regional plan, or ordinances, rules, regulations and policies are not being enforced by a local jurisdiction, the agency may bring action in a court of competent jurisdiction to ensure compliance.

(l) Any person who violates any provision of this compact or of any ordinance or regulation of the agency or of any condition of approval imposed by the agency is subject to a civil penalty not to exceed $5,000. Any such person is subject to an additional civil penalty not to exceed $5,000 per day, for each day on which such a violation persists. In imposing the penalties authorized by this subdivision, the court shall consider the nature of the violation and shall impose a greater penalty if it was willful or resulted from gross negligence than if it resulted from inadvertence or simple negligence.

(m) The agency is hereby empowered to initiate, negotiate and participate in contracts and agreements among the local governmental authorities of the region, or any other intergovernmental contracts or agreements authorized by state or federal law.

(n) Each intergovernmental contract or agreement shall provide for its own funding and staffing, but this shall not preclude financial contributions from the local authorities concerned or from supplementary sources.

(o) Every record of the agency, whether public or not, shall be open for examination to the Legislature and Controller of the State of California and the legislative auditor of the State of Nevada.

(p) Approval by the agency of any project expires 3 years after the date of final action by the agency or the effective date of the amendments to this compact, whichever is later, unless construction is begun within that time and diligently pursued thereafter, or the use or activity has commenced. In computing the 3-year period any period of time during which the project is the subject of a legal action which delays or renders impossible the diligent pursuit of that project shall not be counted. Any license, permit or certificate issued by the agency which has an expiration date shall be extended by that period of time during which the project is the subject of such legal action as provided in this subdivision.

(q) The governing body shall maintain a current list of real property known to be available for exchange with the United States or with other owners of

real property in order to facilitate exchanges of real property by owners of real property in the region.

ARTICLE VII. Environmental Impact Statements

(a) The Tahoe Regional Planning Agency when acting upon matters that have a significant effect on the environment shall:

(1) Utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man's environment;

(2) Prepare and consider a detailed environmental impact statement before deciding to approve or carry out any project. The detailed environmental impact statement shall include the following:

(A) The significant environmental impacts of the proposed project;

(B) Any significant adverse environmental effects which cannot be avoided should the project be implemented;

(C) Alternatives to the proposed project;

(D) Mitigation measures which must be implemented to assure meeting standards of the region;

(E) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity;

(F) Any significant irreversible and irretrievable commitments of resources which would be involved in the proposed project should it be implemented; and

(G) The growth-inducing impact of the proposed project;

(3) Study, develop and describe appropriate alternatives to recommended courses of action for any project which involves unresolved conflicts concerning alternative uses of available resources;

(4) Make available to states, counties, municipalities, institutions and individuals, advice and information useful in restoring, maintaining and enhancing the quality of the region's environment; and

(5) Initiate and utilize ecological information in the planning and development of resource-oriented projects.

(b) Prior to completing an environmental impact statement, the agency shall consult with and obtain the comments of any federal, state or local agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate federal, state and local agencies which are authorized to develop and enforce environmental standards shall be made available to the public and shall accompany the project through the review processes. The public shall be consulted during the environmental impact statement process and views shall be solicited during a public comment period not to be less than 60 days.

(c) Any environmental impact statement required pursuant to this article need not repeat in its entirety any information or data which is relevant to such a statement and is a matter of public record or is generally available to the

public, such as information contained in an environmental impact report prepared pursuant to the California Environmental Quality Act or a federal environmental impact statement prepared pursuant to the National Environmental Policy Act of 1969. However, such information or data shall be briefly described in the environmental impact statement and its relationship to the environmental impact statement shall be indicated.

In addition, any person may submit information relative to a proposed project which may be included, in whole or in part, in any environmental impact statement required by this article.

(d) In addition to the written findings specified by agency ordinance to implement the regional plan, the agency shall make either of the following written findings before approving a project for which an environmental impact statement was prepared:

(1) Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less than significant level; or

(2) Specific considerations, such as economic, social or technical, make infeasible the mitigation measures or project alternatives discussed in the environmental impact statement on the project.

➥ A separate written finding shall be made for each significant effect identified in the environmental impact statement on the project. All written findings must be supported by substantial evidence in the record.

(e) The agency may charge and collect a reasonable fee from any person proposing a project subject to the provisions of this compact in order to recover the estimated costs incurred by the agency in preparing an environmental impact statement under this article.

(f) The agency shall adopt by ordinance a list of classes of projects which the agency has determined will not have a significant effect on the environment and therefore will be exempt from the requirement for the preparation of an environmental impact statement under this article. Prior to adopting the list, the agency shall make a written finding supported by substantial evidence in the record that each class of projects will not have a significant effect on the environment.

ARTICLE VIII. Finances

(a) On or before September 30 of each calendar year the agency shall establish the amount of money necessary to support its activities for the next succeeding fiscal year commencing July 1 of the following year. The agency shall apportion $75,000 of this amount among the counties within the region on the same ratio to the total sum required as the full cash valuation of taxable property within the region in each county bears to the total full cash valuation of taxable property within the region. In addition, each county within the region in California shall pay $18,750 to the agency and each county within the region in Nevada, including Carson City, shall pay $12,500 to the agency, from any funds available therefor. The State of California and the State of Nevada may pay to the agency by July 1 of each year any additional sums

necessary to support the operations of the agency pursuant to this compact. If additional funds are required, the agency shall make a request for the funds to the states of California and Nevada. Requests for state funds must be apportioned two-thirds from California and one-third from Nevada. Money appropriated shall be paid within 30 days.

(b) The agency may fix and collect reasonable fees for any services rendered by it.

(c) The agency shall submit an itemized budget to the states for review with any request for state funds, shall be strictly accountable to any county in the region and the states for all funds paid by them to the agency and shall be strictly accountable to all participating bodies for all receipts and disbursement.

(d) The agency is authorized to receive gifts, donations, subventions, grants, and other financial aids and funds; but the agency may not own land except as provided in subdivision (i) of Article III.

(e) The agency shall not obligate itself beyond the moneys due under this article for its support from the several counties and the states for the current fiscal year, plus any moneys on hand or irrevocably pledged to its support from other sources. No obligation contracted by the agency shall bind either of the party states or any political subdivision thereof.

ARTICLE IX. Transportation District

(a) The Tahoe transportation district is hereby established as a special purpose district. The boundaries of the district are coterminous with those of the region.

(b) The business of the district shall be managed by a board of directors consisting of:

(1) One member of the county board of supervisors of each of the counties of El Dorado and Placer who must be appointed by his respective board of supervisors;

(2) One member of the city council of the City of South Lake Tahoe who must be appointed by the city council;

(3) One member each of the board of county commissioners of Douglas County and of Washoe County who must be appointed by his respective board of county commissioners;

(4) One member of the board of supervisors of Carson City who must be appointed by the board of supervisors;

(5) One member of the South Shore Transportation Management Association or its successor organization who must be appointed by the association or its successor organization; ~~*[Governor of California;]*~~

(6) One member of the North Shore Transportation Management Association or its successor organization who must be appointed by the association or its successor organization; ~~*[Governor of Nevada;]*~~

(7) One member ~~[of each local transportation district in the region that is authorized by the State of Nevada or the State of California]~~ *appointed by the*

governing body of the agency ; ~~[who must be appointed by his respective transportation district; *a majority of the other members of the governing body;]*~~

(8) One member appointed by a majority of the other voting directors who represents a public or private transportation system operating in the region;

(9) The director of the California Department of Transportation; ~~[and]~~

(10) The director of the department of transportation of the State of Nevada ~~[.]~~ ;

(11) One member appointed by the Governor of California; and

(12) One member appointed by the Governor of Nevada.

➥ Any entity that appoints a member to the board of directors, the director of the California Department of Transportation or the director of the department of transportation of the State of Nevada may designate an alternate.

(c) ~~[Before a local transportation district appoints a member to the board of directors pursuant to paragraph (7) of subdivision (b), the local transportation district must enter into a written agreement with the Tahoe transportation district that sets forth the responsibilities of the districts for the establishment of policies and the management of financial matters, including, but not limited to, the distribution of revenue among the districts.~~

~~(d)]~~ The directors of the California Department of Transportation and the department of transportation of the State of Nevada, or their designated alternates, serve as nonvoting directors, but shall provide technical and professional advice to the district as necessary and appropriate.

(d) The board of directors shall elect from its own members a chairman and vice chairman, whose terms of office shall be 2 years. If a vacancy occurs in either office, the board may fill such vacancy for the unexpired term. A member who is elected to serve as chairman or vice chairman pursuant to this subdivision may ~~[not]~~ be elected to serve a subsequent term as chairman or vice chairman, as applicable . ~~[, unless every member has already served in that office.]~~

(e) The vote of a majority of the directors must agree to take action. If a majority of votes in favor of an action are not cast, an action of rejection shall be deemed to have been taken.

(f) The Tahoe transportation district may by resolution establish procedures for the adoption of its budgets, the appropriation of its money and the carrying on of its other financial activities. These procedures must conform insofar as is practicable to the procedures for financial administration of the State of California or the State of Nevada or one or more of the local governments in the region.

(g) The Tahoe transportation district may in accordance with the adopted transportation plan:

(1) Own and operate a public transportation system to the exclusion of all other publicly owned transportation systems in the region.

(2) Own and operate support facilities for public and private systems of transportation, including, but not limited to, parking lots, terminals, facilities

for maintenance, devices for the collection of revenue and other related equipment.

(3) Acquire or agree to operate upon mutually agreeable terms any publicly or privately owned transportation system or facility within the region.

(4) Hire the employees of existing public transportation systems that are acquired by the district without loss of benefits to the employees, bargain collectively with employee organizations, and extend pension and other collateral benefits to employees.

(5) Contract with private companies to provide supplementary transportation or provide any of the services needed in operating a system of transportation for the region.

(6) Contract with local governments in the region to operate transportation facilities or provide any of the services necessary to operate a system of transportation for the region.

(7) Fix the rates and charges for transportation services provided pursuant to this subdivision.

(8) Issue revenue bonds and other evidence of indebtedness and make other financial arrangements appropriate for developing and operating a public transportation system.

(9) By resolution, determine and propose for adoption a tax for the purpose of obtaining services of the district. The tax proposed must be general and of uniform operation throughout the region, and may not be graduated in any way, except for a sales and use tax. If a sales and use tax is approved by the voters as provided in this paragraph, it may be administered by the states of California and Nevada respectively in accordance with the laws that apply within their respective jurisdictions and must not exceed a rate of 1 percent of the gross receipts from the sale of tangible personal property sold in the district. The district is prohibited from imposing any other tax measured by gross or net receipts on business, an ad valorem tax, a tax or charge that is assessed against people or vehicles as they enter or leave the region, and any tax, direct or indirect, on gaming tables and devices. Any such proposition must be submitted to the voters of the district and shall become effective upon approval of the voters voting on the proposition who reside in the State of California in accordance with the laws that apply within that state and approval of the voters voting on the proposition who reside in the State of Nevada in accordance with the laws that apply within that state. The revenues from any such tax must be used for the service for which it was imposed, and for no other purpose.

(10) Provide service from inside the region to convenient airport, railroad and interstate bus terminals without regard to the boundaries of the region.

(h) The legislatures of the states of California and Nevada may, by substantively identical enactments, amend this article.

ARTICLE X. Miscellaneous

(a) It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate the purposes thereof. Except as provided in

subdivision (c), the provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining state and in full force and effect as to the state affected as to all severable matters.

(b) The agency shall have such additional powers and duties as may hereafter be delegated or imposed upon it from time to time by the action of the Legislature of either state concurred in by the Legislature of the other.

(c) A state party to this compact may withdraw therefrom by enacting a statute repealing the compact. Notice of withdrawal shall be communicated officially and in writing to the Governor of the other state and to the agency administrators. This provision is not severable, and if it is held to be unconstitutional or invalid, no other provision of this compact shall be binding upon the State of Nevada or the State of California.

(d) No provision of this compact shall have any effect upon the allocation, distribution or storage of interstate waters or upon any appropriative water right.

Sec. 2. The Secretary of State shall transmit a certified copy of this act to the Governor of the State of California, and two certified copies of this act to the Secretary of State of the State of California for delivery to the respective houses of its Legislature. The Director of the Legislative Counsel Bureau shall transmit copies of this act to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation.

Sec. 3. 1. This section and section 2 of this act become effective on July 1, 2019.

2. Section 1 of this act becomes effective upon proclamation by the Governor of this State of the enactment by the State of California of amendments that are substantially identical to the amendments to the Tahoe Regional Planning Compact contained in section 1 of this act.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 112 makes two changes to Senate Bill No. 136. It retains one member of the South Shore Transportation Management Association, or its successor organization, and one member of the North Shore Transportation Management Association, or its successor organization, on the board of the Tahoe Transportation District, and it provides that a member of the board who is elected to serve as chairman or vice chairman may be elected to serve a subsequent term as chairman or vice chairman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 145.

Bill read second time and ordered to third reading.

Senate Bill No. 164.

Bill read second time.

The following amendment was proposed by the Committee on Revenue and Economic Development:

Amendment No. 152.

SUMMARY—Recognizes certain virtual currencies as a form of intangible personal property for purposes of taxation. (BDR 32-878)

AN ACT relating to taxation; clarifying that certain virtual currencies are intangible personal property for the purposes of taxation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Shares of stock and certain other forms of intangible personal property are exempt from property taxation under existing law. (Nev. Const. Art. 10, §1; NRS 361.228) This bill clarifies that certain virtual currencies are intangible personal property for this purpose. This bill defines "virtual currency" to mean a digital representation of value that: (1) is created, issued and maintained on a public blockchain; (2) is not attached to a tangible asset or fiat currency; (3) is accepted as a means of payment; and (4) may only be transferred, stored or traded electronically.

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

Section 1. NRS 361.228 is hereby amended to read as follows:

361.228 1. All intangible personal property is exempt from taxation, including, without limitation:

(a) Shares of stock, bonds, mortgages, notes, bank deposits, *virtual currencies,* book accounts such as an acquisition adjustment and credits, and securities and choses in action of like character; and

(b) Goodwill, customer lists, contracts and contract rights, patents, trademarks, trade names, custom computer programs, copyrights, trade secrets, franchises and licenses.

2. The value of intangible personal property must not enhance or be reflected in the value of real property or tangible personal property.

3. The attributes of real property, such as zoning, location, water rights, view and geographic features, are not intangible personal property and must be considered in valuing the real property, if appropriate.

4. As used in this section:

(a) "Public blockchain" means an electronic record of transactions or other data which:

(1) Is uniformly ordered;

(2) Is processed using a decentralized method by which two or more unaffiliated computers or machines verify the recorded transactions or other data;

(3) Is redundantly maintained by two or more unaffiliated computers or machines to guarantee the consistency or nonrepudiation of the recorded transactions or other data;

(4) Is validated by the use of cryptography; and

(5) Does not restrict the ability of any computer or machine to:

(I) View the network on which the record is maintained; or

(II) Maintain or validate the state of the public blockchain.

(b) "State of the public blockchain" means the cumulative record of data on a public blockchain, consisting of the first block of the public blockchain, all finalized transactions on the public blockchain and all block rewards recorded on the public blockchain.

(c) "Unaffiliated computers or machines" means computers or machines that are not under common ownership or control.

(d) "Virtual currency" means a digital representation of value that:

(1) Is created, issued and maintained on a public blockchain;

(2) Is not attached to any tangible asset or fiat currency;

(3) Is accepted as a means of payment; and

(4) May only be transferred, stored or traded electronically.

Sec. 2. This act becomes effective on July 1, 2019.

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

Amendment No. 152 to Senate Bill No. 164 inserts a definition of the term "unaffiliated computers or machines" for the purpose of clarifying this term as it is used within the definition of "public blockchain" within the bill.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 179.

Bill read second time.

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

Amendment No. 136.

SUMMARY—Revises provisions relating to abortions. (BDR 40-567)

AN ACT relating to abortions; revising provisions relating to informed consent to an abortion; repealing criminal penalties on certain actions relating to the termination of a pregnancy ; ~~[or concealing birth;]~~ repealing the prohibition on the excusal of a person on certain grounds from testifying as a witness in a prosecution relating to the termination of a pregnancy; ~~[repealing parental notification requirements for abortions performed upon pregnant minors;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law in NRS 442.250 regulates the medical conditions under which abortions may be performed in this State. Because NRS 442.250 was submitted to and approved by a referendum of the voters at the 1990 general election, Section 1 of Article 19 of the Nevada Constitution dictates that the

provisions of NRS 442.250 may not be amended, annulled, repealed, set aside, suspended or in any way made inoperative except by the direct vote of the people. In addition to the provisions of NRS 442.250, ~~[Nevada's abortion laws contain certain parental notification requirements that apply only to abortions performed upon pregnant minors. (NRS 442.255, 442.2555, 442.268)]~~ Nevada's abortion laws also contain certain requirements for informed consent to an abortion. (NRS 442.253) Because the ~~[parental notification requirements and the]~~ requirements concerning informed consent were not part of the referendum in 1990, they may be amended or repealed by the Legislature without being approved by the direct vote of the people.

This bill ~~[repeals the existing parental notification requirements for pregnant minors and]~~ revises the requirements in existing law relating to informed consent. This bill conforms with Section 1 of Article 19 of the Nevada Constitution because this bill does not amend, annul, repeal, set aside, suspend or in any way make inoperative the provisions of NRS 442.250. Instead, this bill serves a different governmental purpose than the provisions of NRS 442.250 and revises laws that are separate and complete by themselves and are not amendatory of the provisions of NRS 442.250. (*Matthews v. State ex rel. Nev. Tax Comm'n*, 83 Nev. 266, 267-69 (1967))

~~[In 1985, the Legislature enacted the existing parental notification requirements for pregnant minors which prohibit a physician, with certain exceptions, from knowingly performing an abortion upon a pregnant minor unless: (1) a custodial parent or guardian of the minor is notified in the statutorily-prescribed manner before the abortion; or (2) upon the request of the minor, the district court authorizes the abortion without parental notification when the minor meets certain criteria. (Chapter 681, Statutes of Nevada 1985, pp. 2306-09 (codified in NRS 442.255, 442.2555, 442.268)) Before the requirements became effective in 1985, Nevada's federal district court enjoined their implementation on the grounds that they unconstitutionally burden a woman's fundamental right to make the highly personal choice of whether to have an abortion, thereby violating the woman's interests in personal liberty protected by the Due Process Clause of the Fourteenth Amendment to the United States Constitution. (Glick v. McKay, 616 F. Supp. 322, 323-28 (D. Nev. 1985))~~

~~In 1991, the United States Court of Appeals for the Ninth Circuit affirmed the federal district court's decision in Glick v. McKay, 937 F.2d 434, 437-42 (9th Cir. 1991). The Ninth Circuit relied upon two reasons for invalidating Nevada's existing parental notification requirements: (1) the requirements impermissibly narrowed the criteria under which the district court could give judicial authorization for an abortion without parental notification when the abortion would be in the minor's best interests; and (2) the requirements did not place any time limit on the period within which the district court must rule upon a request for judicial authorization and therefore they did not facially ensure that the minor's interests would be protected by the expedited judicial review. (Glick v. McKay, 937 F.2d 434, 437-42 (9th Cir. 1991))~~

~~— In 1997, when the United States Supreme Court reversed a different Ninth Circuit decision that struck down Montana's parental notification requirements, the United States Supreme Court disapproved the first reason relied upon by the Ninth Circuit in the Glick decision to strike down Nevada's parental notification requirements. (Lambert v. Wicklund, 520 U.S. 292, 294-99 (1997)) However, the United States Supreme Court did not address the second reason relied upon by the Ninth Circuit in the Glick decision to strike down Nevada's parental notification requirements. As a result, based upon the second reason, the Ninth Circuit's Glick decision is still in effect in Nevada, which means that Nevada's existing parental notification requirements remain unconstitutional because they do not place any time limit on the period within which the district court must rule upon a request for judicial authorization and therefore they do not facially ensure that the minor's interests will be protected by expedited judicial review. (Glick v. McKay, 937 F.2d 434, 440-42 (9th Cir. 1991); Planned Parenthood of S. Ariz. v. Lawall (Lawall I), 180 F.3d 1022, 1029 n.9 (9th Cir. 1999) ("Nothing in Wicklund, however, affects Glick's holding regarding the failure of Nevada's law to facially comply with Bellotti II's expediency requirement."), amended on denial of reh'g, 193 F.3d 1042, 1043 (9th Cir. 1999)) Section 6 of this bill repeals Nevada's existing parental notification requirements. Sections 3 and 4 of this bill make conforming changes.]~~

Existing law requires a physician to certify in writing that a woman gave her informed written consent before performing an abortion in this State. Existing law additionally requires a physician to certify in writing the pregnant woman's marital status and age before performing an abortion. (NRS 442.252) Existing law further requires that an attending physician or a person meeting the qualifications adopted by the Division of Public and Behavioral Health of the Department of Health and Human Services: (1) take certain action to notify a pregnant woman that she is pregnant; (2) inform a pregnant woman of the number of weeks which have elapsed from the probable time of conception; and (3) explain the physical and emotional implications of having the abortion. (NRS 442.253)

Sections 1 and 2 of this bill revise the requirements for informed consent for an abortion. Section 1 removes the requirement that a physician certify a pregnant woman's marital status and age before performing an abortion. Section 1 also removes the requirement that a physician certify in writing that a woman gave her informed written consent. Section 2 requires an attending physician or person meeting the qualifications adopted by the Division to: (1) provide orally the explanation required in existing law to a pregnant woman that she is pregnant and a copy of her pregnancy test is available; and (2) orally inform her of the estimated gestational age. Section 2 additionally requires an attending physician or a person meeting the qualifications adopted by the Division to explain orally to a pregnant woman in an accurate and thorough manner: (1) the procedure to be used and the proper procedures for her care after the abortion; (2) the discomforts and risks that may accompany or follow

the performance of a procedure; and (3) if an interpreter is available to assist the woman because the woman does not understand the language used on a form indicating consent or the language used by the persons providing her with information concerning the procedure, that an interpreter is available to provide the explanation. Section 2 also requires an attending physician or a person meeting the qualifications adopted by the Division to: (1) offer to answer any questions the woman has concerning the procedure; and (2) provide the woman with a copy of a form indicating consent. Section 2 provides that informed consent shall be deemed to have been given by a woman seeking an abortion when: (1) the form indicating consent has been signed and dated by certain persons; and (2) if the form indicating consent is not written in a language understood by the pregnant woman, the person who explains certain information to the pregnant woman certifies that the information has been presented in such a manner as to be understood by the woman.

Existing law criminalizes certain actions relating to the termination of a pregnancy and ~~[concealing birth and]~~ prohibits a person from being excused from testifying as a witness in any prosecution relating to the termination of a pregnancy on the grounds that the testimony would tend to incriminate the person. (NRS ~~[201.120 - 201.150)]~~ 201.120, 201.130, 201.140) Section 6 repeals these provisions.

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

Section 1. NRS 442.252 is hereby amended to read as follows:

442.252 No physician may perform an abortion in this state unless, before the physician performs it, he or she ~~[certifies in writing that]~~ *obtains* the ~~[woman gave her]~~ informed ~~[written]~~ consent ~~[, freely and without coercion. The physician shall further certify in writing the pregnant woman's marital status and age based upon proof of age offered by her.]~~ *of the woman seeking the abortion pursuant to NRS 442.253.*

Sec. 2. NRS 442.253 is hereby amended to read as follows:

442.253 1. The attending physician or a person meeting the qualifications established by regulations adopted by the Division shall ~~[accurately and in a]~~ *:*

(a) In an accurate and thorough manner which is reasonably likely to be understood by the pregnant woman ~~[:~~

~~(a)]~~ *, orally:*

(1) Explain that, in his or her professional judgment, she is pregnant and a copy of her pregnancy test is available to her.

~~[(b)]~~ *(2)* Inform her of the ~~[number of weeks which have elapsed from the probable time of conception.~~

~~(c)]~~ *estimated gestational age;*

(3) Explain ~~[the physical and emotional implications of having the abortion.~~

~~(d) Describe the medical, explain orally:]~~ *:*

~~[(1)]~~ *(I) The* procedure to be used ~~[, its consequences]~~ and the proper procedures for her care after the abortion.

~~[(2)]~~ *(II) The discomforts and risks that may accompany or follow the procedure.*

~~[(3)]~~ *(III) If an interpreter is available to assist the woman because the woman does not understand the language used on a form indicating consent or the language used by the attending physician or person meeting the qualifications established by regulations adopted by the Division, that an interpreter is available to provide the explanation.*

(b) Offer to answer any questions the woman has concerning the procedure.

(c) Provide the woman with a copy of a form indicating consent.

2. ~~[The attending physician shall verify that all material facts and information, which in the professional judgment of the physician are necessary to allow the woman to give her informed consent, have been provided to her and that her consent is informed.]~~ *The form indicating consent provided pursuant to subsection 1 must clearly describe the nature and consequences of the procedure to be used.*

3. ~~[If the woman does not understand English, the form indicating consent must be written in a language understood by her, or the attending physician shall certify on the form that the information required to be given has been presented in such a manner as to be understandable by her. If an interpreter is used, the interpreter must be named and reference to this use must be made on the form for]~~ *Informed* consent ~~[.]~~ *shall be deemed to have been given by a woman seeking an abortion for the purposes of NRS 442.252 when:*

(a) The form indicating consent provided pursuant to paragraph (c) of subsection 1 has been signed and dated by:

(1) The woman;

(2) The interpreter, if an interpreter is used;

(3) The attending physician who will perform the procedure; and

(4) The person meeting the qualifications established by regulations adopted by the Division if such a person performs the duties prescribed in subsection 1; and

(b) If the form indicating consent is not written in a language understood by the woman, the person who performs the duties prescribed in subsection 1 has certified on the form that the information described in subsection 1 has been presented in such a manner as to be understood by the woman.

Sec. 3. NRS 442.256 is hereby amended to read as follows:

442.256 A physician who performs an abortion shall maintain a record of it for at least 5 years after it is performed. The record must contain:

1. The ~~[written]~~ *form indicating* consent ~~[of the woman;]~~ *completed in compliance with subsection 3 of NRS 442.253.*

2. A statement of the information which was provided to the woman pursuant to NRS 442.253 . ~~[; and]~~

3. A description of efforts to give any notice required by NRS 442.255.

Sec. 4. ~~[NRS 3.223 is hereby amended to read as follows:~~

~~3.223 1. Except if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq., in each judicial district in which it is established, the family court has original, exclusive jurisdiction in any proceeding:~~

~~(a) Brought pursuant to title 5 of NRS or chapter 31A, 123, 125, 125A, 125B, 125C, 126, 127, 128, 129, 130, 159A, 425 or 432B of NRS, except to the extent that a specific statute authorizes the use of any other judicial or administrative procedure to facilitate the collection of an obligation for support.~~

~~(b) [Brought pursuant to NRS 442.255 and 442.2555 to request the court to issue an order authorizing an abortion.~~

~~(c)] For judicial approval of the marriage of a minor.~~

~~[(d)] *(c)* Otherwise within the jurisdiction of the juvenile court.~~

~~[(e)] *(d)* To establish the date of birth, place of birth or parentage of a minor.~~

~~[(f)] *(e)* To change the name of a minor.~~

~~[(g)] *(f)* For a judicial declaration of the sanity of a minor.~~

~~[(h)] *(g)* To approve the withholding or withdrawal of life-sustaining procedures from a person as authorized by law.~~

~~[(i)] *(h)* Brought pursuant to NRS 433A.200 to 433A.330, inclusive, for an involuntary court-ordered admission to a mental health facility.~~

~~[(j)] *(i)* Brought pursuant to NRS 441A.510 to 441A.720, inclusive, for an involuntary court-ordered isolation or quarantine.~~

~~2. The family court, where established and, except as otherwise provided in paragraph (m) of subsection 1 of NRS 4.370, the justice court have concurrent jurisdiction over actions for the issuance of a temporary or extended order for protection against domestic violence.~~

~~3. The family court, where established, and the district court have concurrent jurisdiction over any action for damages brought pursuant to NRS 41.134 by a person who suffered injury as the proximate result of an act that constitutes domestic violence.]~~ (Deleted by amendment.)

Sec. 5. NRS 41A.110 is hereby amended to read as follows:

41A.110 ~~[A]~~ *Except as otherwise provided in subsection 3 of NRS 442.253, a* physician licensed to practice medicine under the provisions of chapter 630 or 633 of NRS, or a dentist licensed to practice dentistry under the provisions of chapter 631 of NRS, has conclusively obtained the consent of a patient for a medical, surgical or dental procedure, as appropriate, if the physician or dentist has done the following:

1. Explained to the patient in general terms, without specific details, the procedure to be undertaken;

2. Explained to the patient alternative methods of treatment, if any, and their general nature;

3. Explained to the patient that there may be risks, together with the general nature and extent of the risks involved, without enumerating such risks; and

4. Obtained the signature of the patient to a statement containing an explanation of the procedure, alternative methods of treatment and risks involved, as provided in this section.

Sec. 6. NRS 201.120, 201.130 ~~[,]~~ and 201.140 ~~[, 201.150, 442.255, 442.2555 and 442.268]~~ are hereby repealed.

Sec. 7. This act becomes effective on July 1, 2019.

TEXT OF REPEALED SECTIONS

201.120 Abortion: Definition; penalty. A person who:

1. Prescribes, supplies or administers to a woman, whether pregnant or not, or advises or causes her to take any medicine, drug or substance; or

2. Uses or causes to be used, any instrument or other means,

➥ to terminate a pregnancy, unless done pursuant to the provisions of NRS 442.250, or by a woman upon herself upon the advice of a physician acting pursuant to the provisions of NRS 442.250, is guilty of abortion which is a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000.

201.130 Selling drugs to produce miscarriage; penalty. Every person who shall manufacture, sell or give away any instrument, drug, medicine or other substance, knowing or intending that the same may be unlawfully used in procuring the miscarriage of a woman, shall be guilty of a gross misdemeanor.

201.140 Evidence. In any prosecution for abortion, attempting abortion, or selling drugs unlawfully, no person shall be excused from testifying as a witness on the ground that the testimony would tend to incriminate him or her, but such testimony shall not be used against the person testifying in any criminal prosecution except for perjury in giving such testimony.

~~[201.150 Concealing birth; penalty. Every person who shall endeavor to conceal the birth of a child by any disposition of its dead body, whether the child died before or after its birth, shall be guilty of a gross misdemeanor.~~

~~442.255 Notice to custodial parent or guardian; request for authorization for abortion; rules of civil procedure inapplicable.~~

~~1. Unless in the judgment of the attending physician an abortion is immediately necessary to preserve the patient's life or health or an abortion is authorized pursuant to subsection 2 or NRS 442.2555, a physician shall not knowingly perform or induce an abortion upon an unmarried and unemancipated woman who is under the age of 18 years unless a custodial parent or guardian of the woman is personally notified before the abortion. If the custodial parent or guardian cannot be so notified after a reasonable effort, the physician shall delay performing the abortion until the physician has notified the parent or guardian by certified mail at the last known address of the parent or guardian.~~

~~2. An unmarried or unemancipated woman who is under the age of 18 years may request a district court to issue an order authorizing an abortion.~~

~~If so requested, the court shall interview the woman at the earliest practicable time, which must be not more than 2 judicial days after the request is made. If the court determines, from any information provided by the woman and any other evidence that the court may require, that:~~

~~(a) She is mature enough to make an intelligent and informed decision concerning the abortion;~~

~~(b) She is financially independent or is emancipated; or~~

~~(c) The notice required by subsection 1 would be detrimental to her best interests,~~

~~the court shall issue an order within 1 judicial day after the interview authorizing a physician to perform the abortion in accordance with the provisions of NRS 442.240 to 442.270, inclusive.~~

~~3. If the court does not find sufficient grounds to authorize a physician to perform the abortion, it shall enter an order to that effect within 1 judicial day after the interview. If the court does not enter an order either authorizing or denying the performance of the abortion within 1 judicial day after the interview, authorization shall be deemed to have been granted.~~

~~4. The court shall take the necessary steps to ensure that the interview and any other proceedings held pursuant to this subsection or NRS 442.2555 are confidential. The rules of civil procedure do not apply to any action taken pursuant to this subsection.~~

~~442.2555 Procedure if district court denies request for authorization for abortion: Petition; hearing on merits; appeal.~~

~~1. If the order is denied pursuant to NRS 442.255, the court shall, upon request by the minor if it appears that she is unable to employ counsel, appoint an attorney to represent her in the preparation of a petition, a hearing on the merits of the petition, and on an appeal, if necessary. The compensation and expenses of the attorney are a charge against the county as provided in the following schedule:~~

~~(a) For consultation, research and other time reasonably spent on the matter, except court appearances, $20 per hour.~~

~~(b) For court appearances, $30 per hour.~~

~~2. The petition must set forth the initials of the minor, the age of the minor, the estimated number of weeks elapsed from the probable time of conception, and whether maturity, emancipation, notification detrimental to the minor's best interests or a combination thereof are relied upon in avoidance of the notification required by NRS 442.255. The petition must be initialed by the minor.~~

~~3. A hearing on the merits of the petition, on the record, must be held as soon as possible and within 5 judicial days after the filing of the petition. At the hearing the court shall hear evidence relating to:~~

~~(a) The minor's emotional development, maturity, intellect and understanding;~~

~~(b) The minor's degree of financial independence and degree of emancipation from parental authority;~~

~~(c) The minor's best interests relative to parental involvement in the decision whether to undergo an abortion; and~~

~~(d) Any other evidence that the court may find useful in determining whether the minor is entitled to avoid parental notification.~~

~~4. In the decree, the court shall, for good cause:~~

~~(a) Grant the petition, and give judicial authorization to permit a physician to perform an abortion without the notification required in NRS 442.255; or~~

~~(b) Deny the petition, setting forth the grounds on which the petition is denied.~~

~~5. An appeal from an order issued under subsection 4 may be taken to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to Section 4 of Article 6 of the Nevada Constitution, which shall suspend the Nevada Rules of Appellate Procedure pursuant to NRAP 2 to provide for an expedited appeal. The notice of intent to appeal must be given within 1 judicial day after the issuance of the order. The record on appeal must be perfected within 5 judicial days after the filing of the notice of appeal and transmitted to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court. The appellate court of competent jurisdiction, shall, by court order or rule, provide for a confidential and expedited appellate review of cases appealed under this section.~~

~~442.268 Civil immunity of person performing judicially authorized abortion in accordance with provisions of NRS 442.240 to 442.270, inclusive. If an abortion is judicially authorized and the provisions of NRS 442.240 to 442.270, inclusive, are complied with, an action by the parents or guardian of the minor against persons performing the abortion is barred. This civil immunity extends to the performance of the abortion and any necessary accompanying services which are performed in a competent manner. The costs of the action, if brought, must be borne by the parties respectively.]~~

Senator Cancela moved the adoption of the amendment.

Remarks by Senator Cancela.

Amendment No. 136 to Senate Bill No. 179 requires an attending physician or other person meeting certain qualifications to orally provide the explanation required in existing law to a pregnant woman that she is pregnant and a copy of her pregnancy test is available and orally inform her of the estimated gestational age. That language was changed to reflect best standards of care as advised by medical practitioners. The amendment also maintains existing provisions of *Nevada Revised Statutes* regarding the penalty for concealing a birth-and parental-notification requirements regarding an abortion performed on a pregnant minor.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 212.

Bill read second time.

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

Amendment No. 23.

SUMMARY—Revises provisions relating to the notice required before towing a motor vehicle from a residential complex. (BDR 58-373)

AN ACT relating to tow cars; revising provisions governing the notice required before towing a motor vehicle from a residential complex; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes certain conditions on the towing of a motor vehicle from a residential complex when the towing is requested by a person other than the owner of the motor vehicle. Those conditions require that the owner of the real property, or an authorized agent of the owner: (1) may only have a vehicle towed for a parking violation, for an issue related to the health, safety or welfare of the residents of the complex or because the vehicle is unregistered or the registration on the vehicle is expired; and (2) may not have a vehicle towed until 48 hours after affixing a notice to the vehicle which explains when the vehicle is to be towed, unless the tow is requested for an issue related to the health, safety or welfare of the residents of the complex. (NRS 706.4477) Existing law makes a violation of any of these provisions a misdemeanor. (NRS 706.756)

Section 1 of this bill allows the tow operator to affix the notice as the authorized agent of the owner of the property if they have entered into an agreement for that purpose. In addition, section 1 provides some exceptions to the requirement to provide notice and allows a vehicle to be towed immediately when a notice was previously affixed to the vehicle: (1) for the same or a similar reason within the residential complex; or (2) three or more times for any reason during the immediately preceding 6 months, regardless of whether the vehicle was subsequently towed.

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

Section 1. 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]~~ *Except as otherwise provided in subsection 2, 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 ~~[.]~~ *, which may be the tow operator if the tow operator has entered into a contract for that purpose with the owner of the real property:*

(a) Must:

(1) Meet the requirements of subsection 1.

(2) ~~[If]~~ *Except as otherwise provided in this subparagraph, 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. *The provisions of this subparagraph do not apply and the vehicle may be immediately towed if it is a vehicle for which a notice was previously affixed:*

(I) For the same or a similar reason within the same residential complex.

(II) Three or more times during the immediately preceding 6 months within the same residential complex for any reason, regardless of whether the vehicle was subsequently towed.

(b) May only have a vehicle towed:

(1) Because of a parking violation;

(2) If the vehicle is not registered pursuant to chapter 482 or 706 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 ~~[.]~~ *, which may include, without limitation, if the vehicle is parked in a space that is clearly marked for a specific resident or the use of a specific unit in 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. 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 responsible for the cost of removal and storage of the motor vehicle.

5. The registered owner may rebut the presumption in subsection 4 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. As used in this section:

(a) "Parking violation" means a violation of any:

(1) State or local law or ordinance governing parking; or

(2) Parking rule promulgated by the owner or manager of the residential complex that applies to vehicles on the property of the residential complex.

(b) "Residential complex" means a group of apartments, condominiums or townhomes intended for use as residential units and for which a common parking area is provided, regardless of whether each resident or unit has been assigned a specific parking space in the common parking area.

Sec. 2. This act becomes effective on July 1, 2019.

Senator Cancela moved the adoption of the amendment.

Remarks by Senator Cancela.

Amendment No. 23 makes one change to Senate Bill No. 212. The amendment notes an exception in a confirming subsection. This is a technical correction to the bill.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 228.

Bill read second time.

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

Amendment No. 135.

SUMMARY—Revises provisions relating to ~~[marijuana and]~~ industrial hemp. (BDR 54-180)

AN ACT relating to ~~[marijuana;]~~ industrial hemp; authorizing the medical use of ~~[marijuana or]~~ products containing industrial hemp or certain similar products by certain licensed professionals ~~[or persons who provide wellness services]~~ on a patient or client; prohibiting disciplinary action against such professionals for administering or , for a licensed veterinarian, recommending the use of ~~[marijuana or]~~ products containing industrial hemp ~~[; prohibiting~~

~~certain medical professionals from refusing to prescribe certain controlled substances for the treatment of pain solely because the patient uses marijuana; creating the Cannabis Control Commission; prohibiting the Department of Taxation from issuing certain licenses related to marijuana without the approval of the Commission;~~ or certain similar products; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law exempts a person who holds a valid registry identification card from state prosecution for the possession, delivery and production of marijuana. (NRS 453A.200)~~ Section 1 of this bill authorizes a provider of health care, massage therapist, nail technologist, reflexologist ~~[,]~~ or structural integration practitioner ~~[or person who provides wellness services]~~ to ~~[: (1)]~~ administer a ~~[marijuana-infused product or a similar]~~ product containing industrial hemp or any other product containing CBD that has a concentration of not more than 0.3 percent THC to a patient or client if the patient or client provides the product for administration . ~~[; and (2) recommend the use of marijuana or industrial hemp by a patient or client to treat a condition.]~~ Section 1 also ~~[exempts such licensed professionals from certain crimes for making such an administration or recommendation. Finally, section 1]~~ prohibits a professional licensing board from taking disciplinary action against a provider of health care, massage therapist, nail technologist, reflexologist or structural integration practitioner for making such an administration . ~~[or recommendation. Section 2 of this bill makes a conforming change.~~

~~Existing law imposes various requirements on a medical practitioner, other than]~~ Section 2.5 of this bill authorizes a licensed veterinarian ~~[, who prescribes or dispenses]~~ to ~~[a patient certain controlled substances for the treatment of pain. (NRS 639.2391-639.23916) Section 3 of this bill]~~ : (1) administer to an animal a product containing industrial hemp or any other product containing CBD that has a concentration of not more than 0.3 percent THC if the owner of the animal provides the product for administration; and (2) recommend the use of such products to the owner of an animal for the treatment of a condition of the animal. Section 2.5 also prohibits ~~[a practitioner, other than a veterinarian, from refusing to prescribe or dispense certain controlled substances for the treatment of pain solely because the patient uses marijuana or any other cannabinoid compound.~~

~~Existing law requires the Department of Taxation to issue a medical marijuana establishment registration certificate authorizing its holder to operate a medical marijuana establishment to an applicant who submits an application, submits certain fees and meets certain criteria. (NRS 453A.322, 453A.328) Existing law imposes similar requirements for a license to operate a marijuana establishment. (NRS 453D.210) Section 6 of this bill creates the Cannabis Control Commission and prescribes its membership, consisting of five members appointed by the Governor, the Majority Leader of the Senate and the Speaker of the Assembly. Sections 8 and 12 of this bill require the Commission to approve or deny any application for a certificate or license to~~

~~operate a medical marijuana establishment or marijuana establishment, respectively, and prohibit the Department from issuing such a certificate or license without the approval of the Commission. Sections 10 and 14 of this bill require the Department to submit a recommendation for each application for such a certificate or license to the Commission recommending the approval or denial of the application.~~

~~Section 11 of this bill makes a conforming change.]~~ the Nevada State Board of Veterinary Medical Examiners from taking disciplinary action against a licensed veterinarian or the facility in which the licensed veterinarian practices veterinary medicine for making such an administration or recommendation.

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

Section 1. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A provider of health care, massage therapist, nail technologist, reflexologist ~~[,]~~ or structural integration practitioner ~~[or person who provides wellness services]~~ may ~~[:~~

~~*(a) Administer a marijuana-infused product or]*~~ *administer a product containing industrial hemp or any other product containing CBD that has a concentration of not more than 0.3 percent THC which is intended for use or consumption by humans through means other than inhalation or oral ingestion to a patient or client if the patient or client provides the product to the provider of health care, massage therapist, nail technologist, reflexologist ~~[,]~~ or structural integration practitioner ~~[or person who provides wellness services]~~ to administer to the patient or client . ~~[; and~~*

~~*(b) Recommend to a patient or client the use of marijuana or industrial hemp to treat a condition.]*~~

2. ~~[A provider of health care, massage therapist, nail technologist, reflexologist, structural integration practitioner or person who provides wellness services who administers a marijuana-infused product or a product containing industrial hemp or recommends the use of marijuana or industrial hemp pursuant to subsection 1 is exempt from state prosecution for:~~

~~*(a) Possession, delivery or production of marijuana or industrial hemp;*~~

~~*(b) Possession or delivery of paraphernalia;*~~

~~*(c) Aiding and abetting another in the possession, delivery or production of marijuana or industrial hemp;*~~

~~*(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 marijuana or industrial hemp or the possession or delivery of paraphernalia is an element,*~~

~~*→ for such an administration or recommendation.*~~

~~3.]~~ *A professional licensing board shall not take any disciplinary action against a provider of health care, massage therapist, nail technologist, reflexologist or structural integration practitioner licensed by the board on the basis that the person has administered ~~[a marijuana-infused product or]~~ a product containing industrial hemp or ~~[recommended the use of marijuana or industrial hemp]~~ any other product containing CBD that has a concentration of not more than 0.3 percent THC pursuant to subsection 1.*

~~[4.]~~ *3. As used in this section:*

(a) "CBD" has the meaning ascribed to it in NRS 453.033.

(b) "Industrial hemp" has the meaning ascribed to it in NRS 557.040.

~~[(b) "Marijuana" has the meaning ascribed to it in NRS 453.096.]~~

(c) ~~["Marijuana-infused product" has the meaning ascribed to it in NRS 453A.112.~~

~~(d)~~ *"Massage therapist" means a person who is licensed to engage in the practice of massage therapy pursuant to chapter 640C of NRS.*

~~[(e)]~~ *(d) "Nail technologist" means a person who is licensed to engage in the practice of nail technology pursuant to chapter 644A of NRS.*

~~[(f) "Paraphernalia" has the meaning ascribed to it in NRS 453A.125.~~

~~(g)~~ *(e) "Reflexologist" means a person who is licensed to engage in the practice of reflexology pursuant to chapter 640C of NRS.*

~~[(h)]~~ *(f) "Structural integration practitioner" means a person who is licensed to engage in the practice of structural integration pursuant to chapter 640C of NRS.*

~~[(i) "Wellness services"]~~

(g) "THC" has the meaning ascribed to it in NRS ~~[629.580.]~~ 453A.155.

Sec. 2. ~~[NRS 629.580 is hereby amended to read as follows:~~

~~629.580 1. A person who provides wellness services in accordance with this section, but who is not licensed, certified or registered in this State as a provider of health care, is not in violation of any law based on the unlicensed practice of health care services or a health care profession unless the person:~~

~~(a) Performs surgery or any other procedure which punctures the skin of any person;~~

~~(b) Sets a fracture of any bone of any person;~~

~~(c) Prescribes or administers X-ray radiation to any person;~~

~~(d) [Prescribes] *Except as otherwise provided in section 1 of this act, prescribes* or administers a prescription drug or device or a controlled substance to any person;~~

~~(e) Recommends to a client that he or she discontinue or in any manner alter current medical treatment prescribed by a provider of health care licensed, certified or registered in this State;~~

~~(f) Makes a diagnosis of a medical disease of any person;~~

~~(g) Performs a manipulation or a chiropractic adjustment of the articulations of joints or the spine of any person;~~

~~(h) Treats a person's health condition in a manner that intentionally or recklessly causes that person recognizable and imminent risk of serious or permanent physical or mental harm;~~

~~(i) Holds out, states, indicates, advertises or implies to any person that he or she is a provider of health care;~~

~~(j) Engages in the practice of medicine in violation of chapter 630 or 633 of NRS, the practice of homeopathic medicine in violation of chapter 630A of NRS or the practice of podiatry in violation of chapter 635 of NRS, unless otherwise expressly authorized by this section;~~

~~(k) Performs massage therapy as that term is defined in NRS 640C.060, reflexology as that term is defined in NRS 640C.080 or structural integration as that term is defined in NRS 640C.085; or~~

~~(l) Provides mental health services that are exclusive to the scope of practice of a psychiatrist licensed pursuant to chapter 630 or 633 of NRS, or a psychologist licensed pursuant to chapter 641 of NRS.~~

~~2. Any person providing wellness services in this State who is not licensed, certified or registered in this State as a provider of health care and who is advertising or charging a fee for wellness services shall, before providing those services, disclose to each client in a plainly worded written statement:~~

~~(a) The person's name, business address and telephone number;~~

~~(b) The fact that he or she is not licensed, certified or registered as a provider of health care in this State;~~

~~(c) The nature of the wellness services to be provided;~~

~~(d) The degrees, training, experience, credentials and other qualifications of the person regarding the wellness services to be provided; and~~

~~(e) A statement in substantially the following form:~~

~~It is recommended that before beginning any wellness plan, you notify your primary care physician or other licensed providers of health care of your intention to use wellness services, the nature of the wellness services to be provided and any wellness plan that may be utilized. It is also recommended that you ask your primary care physician or other licensed providers of health care about any potential drug interactions, side effects, risks or conflicts between any medications or treatments prescribed by your primary care physician or other licensed providers of health care and the wellness services you intend to receive.~~

~~A person who provides wellness services shall obtain from each client a signed copy of the statement required by this subsection, provide the client with a copy of the signed statement at the time of service and retain a copy of the signed statement for a period of not less than 5 years.~~

~~3. A written copy of the statement required by subsection 2 must be posted in a prominent place in the treatment location of the person providing wellness services in at least 12-point font. Reasonable accommodations must be made for clients who:~~

~~(a) Are unable to read;~~

~~(b) Are blind or visually impaired;~~

~~(c) Have communication impairments; or~~

~~(d) Do not read or speak English or any other language in which the statement is written.~~

~~4. Any advertisement for wellness services authorized pursuant to this section must disclose that the provider of those services is not licensed, certified or registered as a provider of health care in this State.~~

~~5. A person who violates any provision of this section is guilty of a misdemeanor. Before a criminal proceeding is commenced against a person for a violation of a provision of this section, a notification, educational or mediative approach must be utilized by the regulatory body enforcing the provisions of this section to bring the person into compliance with such provisions.~~

~~6. This section does not apply to or control:~~

~~(a) Any health care practice by a provider of health care pursuant to the professional practice laws of this State, or prevent such a health care practice from being performed.~~

~~(b) Any health care practice if the practice is exempt from the professional practice laws of this State, or prevent such a health care practice from being performed.~~

~~(c) A person who provides health care services if the person is exempt from the professional practice laws of this State, or prevent the person from performing such a health care service.~~

~~(d) A medical assistant, as that term is defined in NRS 630.0129 and 633.075, an advanced practitioner of homeopathy, as that term is defined in NRS 630A.015, or a homeopathic assistant, as that term is defined in NRS 630A.035.~~

~~7. As used in this section, "wellness services" means healing arts therapies and practices, and the provision of products, that are based on the following complementary health treatment approaches and which are not otherwise prohibited by subsection 1:~~

~~(a) Anthroposophy.~~

~~(b) Aromatherapy.~~

~~(c) Traditional cultural healing practices.~~

~~(d) Detoxification practices and therapies.~~

~~(e) Energetic healing.~~

~~(f) Folk practices.~~

~~(g) Gerson therapy and colostrum therapy.~~

~~(h) Healing practices using food, dietary supplements, nutrients and the physical forces of heat, cold, water and light.~~

~~(i) Herbology and herbalism.~~

~~(j) Reiki.~~

~~(k) Mind-body healing practices.~~

~~(l) Nondiagnostic iridology.~~

~~(m) Noninvasive instrumentalities.~~

~~(n) Holistic kinesiology.~~] (Deleted by amendment.)

Sec. 2.5. Chapter 638 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A licensed veterinarian may:

(a) Administer to an animal a product containing industrial hemp or any other product containing CBD that has a concentration of not more than 0.3 percent THC which is intended for use or consumption through means other than inhalation or oral ingestion if the owner of the animal provides the product to the licensed veterinarian; and

(b) Recommend to the owner of an animal the use of a product containing industrial hemp or any other product containing CBD that has a concentration of not more than 0.3 percent THC to treat a condition of the animal.

2. The Board shall not take any disciplinary action against a licensed veterinarian or the facility in which the licensed veterinarian engages in the practice of veterinary medicine on the basis that the licensed veterinarian has administered a product containing industrial hemp or any other product containing CBD that has a concentration of not more than 0.3 percent THC or recommended the use of such products pursuant to subsection 1.

3. As used in this section:

(a) "CBD" has the meaning ascribed to it in NRS 453.033.

(b) "Industrial hemp" has the meaning ascribed to it in NRS 557.040.

(c) "THC" has the meaning ascribed to it in NRS 453A.155.

Sec. 3. ~~[NRS 639.2391 is hereby amended to read as follows:~~

~~"639.2391 1. If a practitioner, other than a veterinarian, prescribes or dispenses to a patient for the treatment of pain a quantity of controlled substance that exceeds the amount prescribed by this subsection, the practitioner must document in the medical record of the patient the reasons for prescribing that quantity. A practitioner shall document the information required by this subsection if the practitioner prescribes for or dispenses for the treatment of pain:~~

~~(a) In any period of 365 consecutive days, a larger quantity of a controlled substance listed in schedule II, III or IV than will be used in 365 days if the patient adheres to the dose prescribed; or~~

~~(b) At any one time, a larger quantity of a controlled substance listed in schedule II, III or IV than will be used in 90 days if the patient adheres to the dose prescribed.~~

~~2. A practitioner, other than a veterinarian, shall not issue an initial prescription of a controlled substance listed in schedule II, III or IV for the treatment of acute pain that prescribes:~~

~~(a) An amount of the controlled substance that is intended to be used for more than 14 days; and~~

~~(b) If the controlled substance is an opioid and a prescription for an opioid has never been issued to the patient or the most recent prescription issued to the patient for an opioid was issued more than 19 days before the date of the initial prescription for the treatment of acute pain, a dose of the controlled~~

~~substance that exceeds 90 morphine milligram equivalents per day. For the purposes of this paragraph, the daily dose of a controlled substance must be calculated in accordance with the most recent guidelines prescribed by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services.~~

~~*3. A practitioner, other than a veterinarian, shall not refuse to prescribe or dispense to a patient a controlled substance for the treatment of pain solely because the patient uses marijuana or any other cannabinoid compound.]~~ (Deleted by amendment.)

Sec. 4. ~~[Chapter 453A of NRS is hereby amended by adding thereto the provisions set forth as sections 5 to 8, inclusive, of this act.]~~ (Deleted by amendment.)

Sec. 5. ~~*[*"Commission" means the Cannabis Control Commission created by section 6 of this act.*]*~~ (Deleted by amendment.)

Sec. 6. ~~*[1. The Cannabis Control Commission is hereby created.*~~

~~*2. The Commission consists of five members as follows:*~~

~~*(a) Three members appointed by the Governor as follows:*~~

~~*(1) One member who possesses knowledge, skill and experience in the marijuana industry.*~~

~~*(2) One member who has at least 10 years' experience in the field of investment, finance or banking.*~~

~~*(3) One member who possesses knowledge, skill and experience in matters relating to health care and public health.*~~

~~*(b) One member appointed by the Majority Leader of the Senate.*~~

~~*(c) One member appointed by the Speaker of the Assembly.*~~

~~*3. In appointing the members of the Commission, the Governor, the Majority Leader of the Senate and the Speaker of the Assembly shall coordinate the appointments when practicable so that the members of the Commission represent the ethnic and geographical diversity of this State.*~~

~~*4. A person is ineligible for appointment to or continued service on the Commission if the person or the spouse of the person owns an interest in or is employed by a marijuana establishment or medical marijuana establishment.*~~

~~*5. After the initial terms, each member of the Commission serves for a term of 4 years. A vacancy on the Commission must be filled in the same manner as the original appointment. A member may be reappointed to the Commission.*~~

~~*6. The members of the Commission serve without compensation, except that the members are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally while engaged in the official business of the Commission.]*~~ (Deleted by amendment.)

Sec. 7. ~~*[1. The members of the Commission shall elect a Chair and Vice Chair by majority vote. After the initial election, the Chair and Vice Chair shall hold office for a term of 1 year beginning on July 1 of each year. If a vacancy occurs in the office of Chair or Vice Chair, the members of the Commission shall elect a Chair or Vice Chair from among their members to serve for the remainder of the unexpired term.*~~

~~*2. Any three members of the Commission constitute a quorum and a majority vote of the quorum is required to take action with respect to any matter.*~~

~~*3. The Commission shall adopt:*~~

~~*(a) Rules for its own management; and*~~

~~*(b) Such rules of practice and procedure as are necessary to carry out its duties.*~~

~~*4. The Commission shall meet as necessary to carry out its duties.]*~~ (Deleted by amendment.)

Sec. 8. ~~*[1. The Cannabis Control Commission has the final authority to approve or deny an application for a medical marijuana establishment registration certificate. The Department shall not issue a medical marijuana establishment registration certificate without the approval of the Commission.*~~

~~*2. The Commission shall:*~~

~~*(a) Review each application for a medical marijuana establishment registration certificate submitted to the Department pursuant to NRS 453A.322.*~~

~~*(b) Approve or deny each application within 90 days after its submission.*~~

~~*3. In determining whether to approve or deny an application for a medical marijuana establishment registration certificate, the Commission shall consider:*~~

~~*(a) The recommendation of the Department.*~~

~~*(b) The criteria of merit set forth in NRS 453A.328.*~~

~~*(c) Any other criteria of merit that the Commission determines to be relevant.]*~~ (Deleted by amendment.)

Sec. 9. ~~[NRS 453A.010 is hereby amended to read as follows:~~

~~453A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 453A.020 to 453A.170, inclusive, *and section 5 of this act* have the meanings ascribed to them in those sections.]~~ (Deleted by amendment.)

Sec. 10. ~~[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. The Department shall review each application submitted pursuant to this section and submit a recommendation to the Commission recommending the approval or denial of the application.*~~

~~*4.* 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;~~

~~(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 [.]~~ *; and*

~~*(e) The application for registration as a medical marijuana establishment has been approved by the Commission pursuant to section 8 of this act.*~~

~~[4.]~~ *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 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.]~~ *6.* ~~Except as otherwise provided in subsection [6,]~~ *7,* ~~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] 5 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.]~~ *7.* ~~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.]~~ *8.* ~~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.]~~ *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.]~~ (Deleted by amendment.)

Sec. 11. ~~[NRS 453A.334 is hereby amended to read as follows:~~

~~453A.334 1. Except as otherwise provided in subsection 2, the following are nontransferable:~~

~~(a) A medical marijuana establishment agent registration card.~~

~~(b) A medical marijuana establishment registration certificate.~~

~~2. A medical marijuana establishment may, upon submission of a statement signed by a person authorized to submit such a statement by the governing documents of the medical marijuana establishment, transfer all or any portion of its ownership to another party, and the Department shall transfer the medical marijuana establishment registration certificate issued to the establishment to the party acquiring ownership, if the party who will acquire the ownership of the medical marijuana establishment submits:~~

~~(a) If the party will acquire the entirety of the ownership interest in the medical marijuana establishment, evidence satisfactory to the Department that~~

~~the party has complied with the provisions of sub-subparagraph (III) of subparagraph (2) of paragraph (a) of subsection [3] *4* of NRS 453A.322 for the purpose of operating the medical marijuana establishment.~~

~~(b) For the party and each person who is proposed to be an owner, officer or board member of the proposed medical marijuana establishment, the name, address and date of birth of the person, 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.~~

~~(c) Proof satisfactory to the Department that, as a result of the transfer of ownership, no person, group of persons or entity will, in a county whose population is 100,000 or more, hold more than one medical marijuana establishment registration certificate or more than 10 percent of the medical marijuana establishment registration certificates allocated to the county, whichever is greater.]~~ (Deleted by amendment.)

Sec. 12. ~~[Chapter 453D of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. The Cannabis Control Commission created by section 6 of this act has the final authority to approve or deny an application for a license to operate a marijuana establishment. The Department shall not issue a license to operate a marijuana establishment without the approval of the Commission.*~~

~~*2. The Commission shall:*~~

~~*(a) Review each application for a license to operate a marijuana establishment submitted to the Department pursuant to NRS 453D.210.*~~

~~*(b) Approve or deny each application within 90 days after its submission.*~~

~~*3. In determining whether to approve or deny an application for a license to operate a marijuana establishment, the Commission shall consider:*~~

~~*(a) The recommendation of the Department.*~~

~~*(b) The criteria set forth in NRS 453D.210.*~~

~~*(c) Any other criteria that the Commission determines to be relevant.]*~~ (Deleted by amendment.)

Sec. 13. ~~[NRS 453D.030 is hereby amended to read as follows:~~

~~453D.030 As used in this chapter, unless the context otherwise requires:~~

~~*1. "Commission" means the Cannabis Control Commission created by section 6 of this act.*~~

~~2. "Community facility" means a facility licensed to provide day care to children, a public park, a public playground, a public swimming pool, a center or facility the primary purpose of which is to provide recreational opportunities or services to children or adolescents, or a church, synagogue, or other building, structure, or place used for religious worship or other religious purpose.~~

~~[2.]~~ *3.* ~~"Concentrated marijuana" means the separated resin, whether crude or purified, obtained from marijuana.~~

~~[3.] *4.* "Consumer" means a person who is 21 years of age or older who purchases marijuana or marijuana products for use by persons 21 years of age or older, but not for resale to others.~~

~~[4.] *5.* "Department" means the Department of Taxation.~~

~~[5.] *6.* "Dual licensee" means a person or group of persons who possess a current, valid registration certificate to operate a medical marijuana establishment pursuant to chapter 453A of NRS and a license to operate a marijuana establishment under this chapter.~~

~~[6.] *7.* "Excluded felony offense" means a conviction of an offense that would constitute a category A felony if committed in Nevada or convictions for two or more offenses that would constitute felonies if committed in Nevada. "Excluded felony offense" 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 chapter 453A of NRS, except that the conduct occurred before the effective date of chapter 453A of NRS (October 1, 2001), or was prosecuted by an authority other than the State of Nevada.~~

~~[7.] *8.* "Locality" means a city or town, or, in reference to a location outside the boundaries of a city or town, a county.~~

~~[8.] *9.* "Marijuana" means all parts of any plant of the genus Cannabis, whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Marijuana" does not include:~~

~~(a) The mature stems of the plant, fiber produced from the stems, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stems (except the resin extracted therefrom), fiber, oil, or cake, the sterilized seed of the plant which is incapable of germination; or~~

~~(b) The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.~~

~~[9.] *10.* "Marijuana cultivation facility" means an entity licensed to cultivate, process, and package marijuana, to have marijuana tested by a marijuana testing facility, and to sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.~~

~~[10.] *11.* "Marijuana distributor" means an entity licensed to transport marijuana from a marijuana establishment to another marijuana establishment.~~

~~[11.] *12.* "Marijuana establishment" means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, a marijuana distributor, or a retail marijuana store.~~

~~[12.] *13.* "Marijuana product manufacturing facility" means an entity licensed to purchase marijuana, manufacture, process, and package marijuana and marijuana products, and sell marijuana and marijuana products to other~~

~~marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.~~

~~[13.]~~ *14.* ~~"Marijuana products" means products comprised of marijuana or concentrated marijuana and other ingredients that are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.~~

~~[14.]~~ *15.* ~~"Marijuana paraphernalia" means any equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, preparing, testing, analyzing, packaging, repacking, storing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.~~

~~[15.]~~ *16.* ~~"Marijuana testing facility" means an entity licensed to test marijuana and marijuana products, including for potency and contaminants.~~

~~[16.]~~ *17.* ~~"Process" means to harvest, dry, cure, trim, and separate parts of the marijuana plant by manual or mechanical means, such as sieving or ice water separation, but not by chemical extraction or chemical synthesis.~~

~~[17.]~~ *18.* ~~"Public place" means an area to which the public is invited or in which the public is permitted regardless of age. "Public place" does not include a retail marijuana store.~~

~~[18.]~~ *19.* ~~"Retail marijuana store" means an entity licensed to purchase marijuana from marijuana cultivation facilities, to purchase marijuana and marijuana products from marijuana product manufacturing facilities and retail marijuana stores, and to sell marijuana and marijuana products to consumers.~~

~~[19.]~~ *20.* ~~"Unreasonably impracticable" means that the measures necessary to comply with the regulations require such a high investment of risk, money, time, or any other resource or asset that the operation of a marijuana establishment is not worthy of being carried out in practice by a reasonably prudent businessperson.~~] (Deleted by amendment.)

Sec. 14. ~~[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 [:] , *review the application, submit a recommendation to the Commission recommending the approval or denial of the application and:*~~

~~(a) Issue the appropriate license if the license application is approved [;] *by the Commission;* or~~

~~(b) Send a notice of rejection setting forth the reasons why the [Department] *Commission* did not approve the license application.~~

~~5. The Department shall [approve] *recommend the approval of* 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;~~

~~(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 *recommended to be* approved.]~~ (Deleted by amendment.)

Sec. 15. ~~[As soon as practicable after October 1, 2019:~~

~~1. The Governor shall appoint to the Cannabis Control Commission created by section 6 of this act:~~

~~(a) The members identified in subparagraphs (1) and (2) of paragraph (a) of subsection 2 of section 6 of this act to an initial term of office which expires on June 30, 2021; and~~

~~(b) The member identified in subparagraph (3) of paragraph (a) of subsection 2 of section 6 of this act to an initial term of office which expires on June 30, 2023.~~

~~2. The Majority Leader of the Senate and the Speaker of the Assembly shall appoint to the Cannabis Control Commission created by section 6 of this act one member each to an initial term of office which expires on June 30, 2023.]~~ (Deleted by amendment.)

Sec. 16. ~~[1. This section and sections 1 to 11, inclusive, and 15 of this act become effective on October 1, 2019.~~

~~2. Sections 12, 13 and 14 of this act become effective on January 2, 2020.]~~ (Deleted by amendment.)

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 135 to Senate Bill No. 228 deletes references to marijuana, marijuana-infused products, persons who provide wellness services and the Cannabis Control Commission. It adds provisions authorizing a licensed veterinarian to administer to an animal and recommend to the owner of an animal certain products containing industrial hemp or cannabidiol with a concentration of not more than 0.3 percent THC.

Conflict of interest declared by Senator Ohrenschall.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 233.

Bill read second time and ordered to third reading.

Senate Bill No. 254.

Bill read second time.

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

Amendment No. 53.

SUMMARY—Revises provisions relating to carbon reduction. (BDR 40-907)

AN ACT relating to greenhouse gas emissions; requiring the State Department of Conservation and Natural Resources to issue an annual report concerning greenhouse gas emissions in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Department of Conservation and Natural Resources to issue, at least every 4 years, a statewide inventory of greenhouse gases released in this State, including the origins, types and amounts of the greenhouse gases, together with the Department's analysis of that information. The Department's inventory is required to be supported with documentation. (NRS 445B.380)

This bill requires the Department to submit an annual report that includes a statewide inventory of greenhouse gas emissions and a projection of annual greenhouse gas emissions in this State for the 20 years immediately following the date of the report. For each year of the inventory and projection, this bill requires a statement of the sources and amounts of greenhouse gas emissions in this State and the sources and amounts of reductions of greenhouse gas emissions in this State from the following sectors: (1) electricity production; and (2) transportation. ~~[; (3)]~~ For the first year and every fourth year thereafter, the statement must also include the same information relating to the following sectors: (1) industry; ~~[(4)]~~ (2) commercial and residential; ~~[(5)]~~ (3) agriculture; and ~~[(6)]~~ (4) land use and forestry. This bill also requires the report to ~~[identify]~~ provide policies, identified by an entity or entities designated by the Governor, that could achieve reductions in greenhouse gas emissions and a qualitative assessment of whether such policies support long-term reductions of greenhouse gas emissions in this State to zero or near-zero by the year 2050. In preparing the report, this bill requires the Department to consult with certain state agencies ~~[.]~~ and entities.

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

Section 1. The Legislature hereby finds and declares that:

1. Human activities, including the burning of fossil fuels for electricity, transportation and heat in buildings, cause the release of greenhouse gases that trap heat in the Earth's atmosphere, and these human activities have been and continue to be the primary driver of global climate change.

2. Climate change is already affecting Nevada and it threatens the health, lives and safety of Nevada's residents, as well as Nevada's diverse ecosystems, wildlands and wildlife. Rising temperatures have increased the severity and length of droughts and the frequency and intensity of wildfires.

3. Climate change threatens Nevada's economy. Rising temperatures, compounded by the urban heat island effect, will likely make summers in southern Nevada dangerously hot, potentially deterring visitors and reducing the hours where it is safe to engage in outdoor activities, like construction. In

northern Nevada, rising temperatures have been shrinking the snowpack since the 1950's, which shortens the season for skiing and other winter sports and recreation.

4. Throughout the State, rising temperatures will impact public health by increasing heat stress on vulnerable populations and increasing air pollution from more frequent wildfires.

5. The State of Nevada would benefit from the diversification and economic growth driven by a transition to a low-carbon emission and clean-energy economy.

6. Greenhouse gas emissions need to be decreased globally to reduce the harm caused by global warming to Nevadans, and to keep the average increase of near-surface air temperatures to well below 3.6 degrees Fahrenheit, or 2 degrees Celsius.

7. The State of Nevada must act now to ensure that Nevada's greenhouse gas emissions decrease on a trajectory consistent with emissions reduction commitments made by the United States to implement the Paris Agreement adopted in 2015 at the 21st Conference of the Parties of the United Nations Framework Convention on Climate Change.

Sec. 2. NRS 445B.380 is hereby amended to read as follows:

445B.380 1. The Department shall, not later than December 31, ~~[2008,]~~ *2019,* and ~~[at least every 4 years]~~ *each year* thereafter, issue a *report that includes a* statewide inventory of greenhouse ~~[gases released]~~ *gas emissions* in this State ~~[.]~~ *and a projection of annual greenhouse gas emissions in this State for the 20 years immediately following the date of the report.*

2. The ~~[inventory]~~ *report* must include, without limitation:

(a) *For each year of the inventory and projection required by subsection 1:*

(1) The ~~[origins, types]~~ *sources* and amounts of ~~[those]~~ greenhouse ~~[gases;]~~ *gas emissions in this State from each of the following sectors:*

(I) Electricity production; and

(II) Transportation . ~~[;~~

~~*(III) Industry;*~~

~~*(IV) Commercial and residential;*~~

~~*(V) Agriculture; and*~~

~~*(VI) Land use and forestry.]*~~

(2) The sources and amounts of reductions in greenhouse gas emissions in this State from each of the sectors set forth in subparagraph (1).

(b) *For the first and every fourth year thereafter of the inventory and projection required by subsection 1:*

(1) The sources and amounts of greenhouse gas emissions in this State from each of the following sectors:

(I) Industry;

(II) Commercial and residential;

(III) Agriculture; and

(IV) Land use and forestry.

(2) The sources and amounts of reductions in greenhouse gas emissions in this State from each of the sectors set forth in subparagraph (1).

(c) A statement of policies, including, without limitation, regulations, identified by the ~~[Department]~~ entity or entities designated by the Governor pursuant to subsection 4 that could achieve reductions in projected greenhouse gas emissions by the sectors set forth in subparagraph (1) of paragraph (a) ~~[,]~~ and subparagraph (1) of paragraph (b), if applicable, and:

(1) For each report due on or before December 31, 2024, a quantification of the reductions in greenhouse gas emissions in this State that would be required to achieve a statewide reduction of net greenhouse gas emissions of 28 percent by the year 2025, as compared to the level of greenhouse gas emissions in this State in 2005.

(2) For each report due on or before December 31, 2029, a quantification of the reductions in greenhouse gas emissions in this State that would be required to achieve a statewide reduction in net greenhouse gas emissions of 45 percent by the year 2030, as compared to the level of greenhouse gas emissions in this State in 2005.

~~[(c)]~~ (d) A qualitative assessment of whether the policies identified in the statement of policies required by paragraph (c) support long-term reductions of greenhouse gas emissions to zero or near-zero by the year 2050.

~~[(d)]~~ (e) The Department's analysis of the information set forth in ~~[~~paragraph (a); and ~~(c)]~~ *paragraphs (a) ~~[, (b) and (c).]~~ to (d), inclusive.*

~~[(e)]~~ (f) Documentation for the information set forth in paragraphs (a) ~~[and (b). (a)]~~ *to ~~[(d).]~~ (e), inclusive.*

3. In preparing the report required by this section, the Department shall consult with the Public Utilities Commission of Nevada, the Office of Energy, the Department of Transportation , ~~[and]~~ the Department of Motor Vehicles ~~[.]~~ and the entity or entities designated by the Governor pursuant to subsection 4.

4. The Governor shall designate an entity or entities to consult with the Department and identify for the Department the policies required pursuant to paragraph (c) of subsection 2.

Senator Cancela moved the adoption of the amendment.

Remarks by Senator Cancela.

Amendment No. 53 to Senate Bill No. 254 provides that the Governor may appoint or designate one or more agencies to identify the policies that could achieve reductions in projected greenhouse gas emissions. It adds that the Governor may designate additional agencies or agencies to consult with the agencies identified in the bill, and it revises the schedule of inventory and projection of annual greenhouse gas emissions sources and amounts in this State from certain sectors, which must be included in the report.

Amendment adopted.

Senator Woodhouse moved that the bill be re-referred to the Committee on Finance, upon return from reprint.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Finance.

Senate Bill No. 262.

Bill read second time and ordered to third reading.

Senate Bill No. 299.

Bill read second time.

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

Amendment No. 143.

SUMMARY—Revises provisions relating to the Electric Vehicle Infrastructure Demonstration Program. (BDR 58-916)

AN ACT relating to vehicles; revising provisions governing the Electric Vehicle Infrastructure Demonstration Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates an Electric Vehicle Infrastructure Demonstration Program, in connection with which a public utility is required to submit to the Public Utilities Commission of Nevada an annual plan for carrying out the Program in the service area of the utility. The annual plan submitted by the utility is authorized to include any measure to promote or incentivize the deployment of electric vehicle infrastructure, including, without limitation, the payment of an incentive to a customer of the utility that installs or provides electric vehicle infrastructure. (NRS 701B.670) Existing law further establishes the total amount of incentives that may be authorized for payment by the Public Utilities Commission of Nevada to the Program, as well as to the Solar Energy Systems Incentive Program, the Wind Energy Systems Demonstration Program and the Waterpower Energy Systems Demonstration Program. (NRS 701B.005) This bill provides that a public utility may include in its annual plan to promote or incentivize the deployment of electric vehicle infrastructure ~~[one of the following: (1)]~~ an incentive whereby a public school may receive 75 percent of the cost to install electric vehicle infrastructure or a school district may receive 75 percent of the cost to purchase electric vehicles for transporting students . ~~[; or (2) a plan for the purchase and ownership of an energy storage system by the utility in partnership with a school district.]~~

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

Section 1. NRS 701B.670 is hereby amended to read as follows:

701B.670 1. The Legislature hereby finds and declares that it is the policy of this State to expand and accelerate the deployment of electric vehicles and supporting infrastructure throughout this State.

2. The Electric Vehicle Infrastructure Demonstration Program is hereby created.

3. The Commission shall adopt regulations to carry out the provisions of the Electric Vehicle Infrastructure Demonstration Program, including, without limitation, regulations that require a utility to submit to the Commission an annual plan for carrying out the Program in its service area. The annual plan submitted by a utility may include any measure to promote or incentivize the deployment of electric vehicle infrastructure, including, without limitation:

(a) The payment of an incentive to a customer of the utility that installs or provides electric vehicle infrastructure;

(b) Qualifications and requirements an applicant must meet to be eligible to be awarded an incentive;

(c) The imposition of a rate by the utility to require the purchase of electric service for the charging of an electric vehicle at a rate which is based on the time of day, day of the week or time of year during which the electricity is used, or which otherwise varies based upon the time during which the electricity is used, if a customer of the utility participates in the Electric Vehicle Infrastructure Demonstration Program; ~~[and]~~

(d) The establishment of programs directed by the utility to promote electric vehicle infrastructure, including, without limitation, education and awareness programs for customers of the utility, programs to provide technical assistance related to the charging of electric vehicles to governmental entities or the owners or operators of large fleets of motor vehicles and programs to create partnerships with private organizations to promote the development of electric vehicle infrastructure ~~[.]~~ *; and*

(e) ~~*[One of the following:*~~

~~*(1)]*~~ *The payment of an incentive to a customer of the utility that is a public school, as defined in NRS 385.007, that installs electric vehicle infrastructure on the property of the public school or purchases electric vehicles dedicated to the transportation of students, not to exceed 75 percent of the cost to install such infrastructure or purchase such vehicles* . ~~*[; or*~~

~~*(2) The purchase and ownership of an energy storage system by the utility in partnership with a school district and the use of the energy storage system by the school district to facilitate the transportation of students via electric vehicles and, when not put to that use, by the utility to:*~~

~~*(I) Reduce peak demand for electricity;*~~

~~*(II) Avoid or defer investment by the utility in assets for the generation, transmission or distribution of electricity; or*~~

~~*(III) Improve the reliability of the operation of the transmission or distribution grid.]*~~

4. The Commission shall:

(a) Review each annual plan submitted by a utility pursuant to the regulations adopted pursuant to subsection 3 for compliance with the requirements established by the Commission; and

(b) Approve each annual plan with such modifications and upon such terms and conditions as the Commission finds necessary or appropriate to facilitate the Electric Vehicle Infrastructure Demonstration Program.

5. Each utility:

(a) Shall carry out and administer the Electric Vehicle Infrastructure Demonstration Program within its service area in accordance with its annual plan as approved by the Commission pursuant to subsection 4; and

(b) May recover its reasonable and prudent costs, including, without limitation, customer incentives, that are associated with carrying out and administering the Program within its service area by seeking recovery of those costs in an appropriate proceeding before the Commission pursuant to NRS 704.110.

6. As used in this section:

(a) "Electric vehicle" means a vehicle powered solely by one or more electric motors.

(b) "Electric vehicle infrastructure" includes, without limitation, electric vehicles and the charging stations for the recharging of electric vehicles.

Sec. 2. This act becomes effective on July 1, 2019, and expires by limitation on December 31, 2025.

Senator Cancela moved the adoption of the amendment.

Remarks by Senator Cancela.

Amendment No. 143 to Senate Bill No. 299 removes that a public utility may include in its annual plan to promote or incentivize the deployment of electric vehicle infrastructure, in connection with carrying out the Electric Vehicle Infrastructure Demonstration Program, the purchase and ownership of an energy-storage system by the utility and partnership of the school district.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 328.

Bill read second time and ordered to third reading.

Senate Bill No. 329.

Bill read second time.

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

Amendment No. 239.

SUMMARY—Revises provisions relating to the prevention of natural disasters. (BDR 58-1132)

AN ACT relating to the prevention of natural disasters; requiring an electric utility to submit a natural disaster protection plan to the Public Utilities Commission of Nevada; setting forth the requirements for such a plan; authorizing an electric utility to recover costs relating to the development and implementation of a natural disaster protection plan; prohibiting, with certain exceptions, a person who is not a qualified electrical worker from performing certain work on the electric infrastructure of an electric utility; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the regulation of electric utilities by the Public Utilities Commission of Nevada. (Chapter 704 of NRS) ~~[This]~~ Section 1.3 of this bill requires an electric utility to, on or before June 1 of every third year, submit a natural disaster protection plan to the Commission. ~~[This bill]~~ Section 1.3 generally requires a natural disaster protection plan to contain certain information, procedures and protocols relating to the efforts of the electric utility to prevent or respond to a fire or other natural disaster.

Existing law generally requires a public utility to submit an application and obtain the approval of the Public Utilities Commission of Nevada for a change in any schedule of rates or services. (NRS 704.110) ~~[This bill]~~ Section 1.3 provides that any expenditures made by an electric utility in developing and implementing a natural disaster protection plan are required to be recovered ~~[from rates]~~ as a separate monthly rate charged to all customers of the electric utility.

Section 1.7 of this bill prohibits a person from performing work on the electric infrastructure of an electric utility unless that person is a qualified electrical worker or an apprentice electrical lineman under the direct supervision of a qualified electrical worker. Section 1.7 authorizes the Commission to authorize persons who are not qualified electrical workers to perform certain tree trimming relating to line clearance under the direction of a certified arborist.

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

Section 1. Chapter 704 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ the provisions set forth as sections 1.3 and 1.7 of this act.

Sec. 1.3. 1. An electric utility shall, on or before June 1, 2020, and on or before June 1 of every third year thereafter, in the manner specified by the Commission, submit a natural disaster protection plan to the Commission.

2. A natural disaster protection plan submitted to the Commission pursuant to subsection 1 must:

(a) Identify areas within the service territory of the electric utility that are subject to a heightened threat of a fire or other natural disaster.

(b) Propose an approach for the mitigation of potential fires or other natural disasters that is cost effective ~~[.]~~ , prudent and reasonable.

(c) Describe the preventive measures and programs the electric utility will implement to minimize the risk of its electric infrastructure causing a fire.

(d) Describe the participation of the electric utility, including, without limitation, any commitments made, in any community wildfire protection plans, as defined in 16 U.S.C. § 6511, established in this State.

(e) Propose protocols for de-energizing distribution lines and disabling reclosers on those lines in the event of a fire or other natural disaster. Such protocols must consider the associated impact of such actions on public safety and mitigate any adverse impact on public safety plans, including, without

limitation, impact on critical first responders and on health and communication infrastructure.

(f) Describe the procedures the electric utility intends to use to inspect the electric infrastructure of the electric utility.

(g) Describe the procedures the electric utility intends to use for vegetation management.

(h) Describe the procedures the electric utility intends to use to restore its distribution system in the event of a natural disaster.

(i) Demonstrate that the natural disaster protection plan is consistent with the emergency response plan submitted by the electric utility pursuant to NRS 239C.270.

(j) Describe the ability of the electric utility to implement the natural disaster protection plan and identify additional funding needed for the implementation of the plan.

3. The procedures, protocols and measures set forth in a natural disaster protection plan submitted pursuant to subsection 1 must comply with all applicable requirements of the most recent version of the International Wildland-Urban Interface Code, published by the International Code Council or its successor organization, including, without limitation, the requirements relating to clearances set forth in Appendix A of the Code. Nothing in this subsection shall be construed to prohibit an electric utility from setting forth in a natural disaster response plan procedures, protocols and measures that are more restrictive than those set forth in the Code.

4. The Commission shall adopt regulations to provide for the method and schedule for preparing, submitting, reviewing and approving a plan submitted pursuant to subsection 1.

~~[4.]~~ 5. An electric utility whose natural disaster protection plan has been approved by the Commission in accordance with the regulations adopted by the Commission pursuant to subsection 4 shall provide a copy of the approved plan to the chief officer of each fire department and each state, city and county emergency manager within the service territory of the electric utility.

6. All prudent and reasonable expenditures made by an electric utility to develop and implement a plan submitted pursuant to subsection 1 must be recovered ~~[from the rates]~~ as a separate monthly rate charged to the customers of the electric utility. The electric utility shall designate the amount ~~[recovered from]~~ charged to each customer as a separate line item on the bill of the customer.

~~[5.]~~ 7. A rural electric cooperative established pursuant to chapter 81 of NRS may submit to the Commission a natural disaster protection plan containing the information set forth in subsection 2. The Commission shall review a plan submitted by a rural electric cooperative and provide advice and recommendations. The board of directors of a rural electric cooperative may allow the rural electric cooperative to recover expenditures made to develop and implement a natural disaster protection plan from the rates charged to the customers of the rural electric cooperative.

~~[6.]~~ *8. As used in this section, "electric utility" has the meaning ascribed to it in NRS 704.7571.*

Sec. 1.7. 1. Except as otherwise provided in subsections 2 and 3, a person shall not perform work on the electric infrastructure of an electric utility, including, without limitation, the construction, installation, maintenance, repair or removal of such infrastructure, unless the person is a qualified electrical worker.

2. An apprentice electrical lineman may perform work on the electric infrastructure of an electric utility, including, without limitation, the construction, installation, maintenance, repair or removal of such infrastructure, under the direct supervision of a qualified electrical worker.

3. The Commission may authorize a person who is not an employee of an electric utility to perform tree trimming related to line clearance in an easement or right-of-way dedicated or restricted for use by an electric utility. If a person who is not an employee of an electric utility performs tree trimming related to line clearance in such an easement or right-of-way, the tree trimming must be performed under the direction of an arborist certified by the International Society of Arboriculture.

4. As used in this section:

(a) "Apprentice electrical lineman" means a person employed and individually registered in a bona fide electrical lineman apprenticeship program with:

(1) The Office of Apprenticeship of the Employment and Training Administration of the United States Department of Labor or its successor agency; or

(2) The State Apprenticeship Council pursuant to chapter 610 of NRS.

(b) "Electric utility" has the meaning ascribed to it in NRS 704.7571.

(c) "Qualified electrical worker" means:

(1) A person who has completed an electrical lineman apprenticeship program lasting at least 4 years that was approved by the Office of Apprenticeship of the Employment and Training Administration of the United States Department of Labor or its successor agency or the State Apprenticeship Council pursuant to chapter 610 of NRS; or

(2) A person who has completed 10,000 hours or more as a journeyman lineman and has performed at least 1,500 hours of documented live-line work on electrical conductors at a voltage of at least 4,160 kilovolts.

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

Senator Cancela moved the adoption of the amendment.

Remarks by Senator Cancela.

Amendment No. 239 makes conforming changes to Senate Bill No. 329.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 344.

Bill read second time and ordered to third reading.

Senate Bill No. 354.
Bill read second time and ordered to third reading.

Senate Bill No. 361.
Bill read second time and ordered to third reading.

Senate Bill No. 367.
Bill read second time and ordered to third reading.

Senate Bill No. 407.
Bill read second time and ordered to third reading.

Senate Bill No. 410.
Bill read second time and ordered to third reading.

Senate Bill No. 416.
Bill read second time and ordered to third reading.

Senate Bill No. 431.
Bill read second time and ordered to third reading.

Senate Bill No. 464.
Bill read second time and ordered to third reading.

Senate Bill No. 469.
Bill read second time.
The following amendment was proposed by the Committee on Education:
Amendment No. 281.
SUMMARY—Revises provisions relating to the reorganization of certain school districts. (BDR 34-818)
AN ACT relating to education; revising the number of local school precincts in a large school district that a school associate superintendent is authorized to oversee; revising ~~[provisions relating to]~~ the ~~[allocation of money by such]~~ manner in which a large school district is required to determine the allocation that will be made to each local school ~~[precincts to carry out the responsibilities transferred to the precincts;]~~ precinct for the next school year; and providing other matters properly relating thereto.
Legislative Counsel's Digest:
Existing law prescribes requirements for the transition and restructuring of school districts which have more than 100,000 pupils enrolled in its public schools (currently the Clark County School District) from a centralized operational model to a more decentralized and autonomous site-based operational model. (NRS 388G.500-388G.810) To accomplish this, existing law: (1) deems each public school within a large school district, other than a charter school or a university school for profoundly gifted pupils, to be a local school precinct which is operated under site-based decision-making; and (2) provides to the local school precincts the authority to carry out certain

responsibilities which have traditionally been carried out by the large school district. (NRS 388G.600)

Existing law requires the superintendent of schools of a large school district to assign a school associate superintendent to oversee local school precincts, but prohibits such a person from being assigned to oversee more than 25 local school precincts. (NRS 388G.620) Section 1 of this bill removes this prohibition, therefore authorizing a school associate superintendent to oversee more than 25 local school precincts.

~~[Existing law requires the superintendent of schools of a large school district to annually make certain estimates regarding the funding received by the school district and to estimate the amount of money that will be allocated to the local school precincts for the next school year. Existing law prescribes certain money of the large school district as restricted and requires that the amount allocated to the local school precincts be a certain percentage of the total amount of unrestricted money of the large school district. (NRS 388G.660) Section 2 of this bill classifies as restricted the money that is necessary for a large school district to carry out the responsibilities that are not transferred to the local school precinct.]~~

Existing law sets forth the manner in which a large school district is required to determine the allocation that will be made to each local school precinct, which must be on a per pupil basis. (NRS 388G.670) Existing law requires the superintendent of schools of a large school district to inform each local school precinct on or before January 15 of each year of the estimated amount of money that will be allocated to the local school precinct for the next school year, based upon: (1) for an existing local school precinct, the actual number of pupils who attended the local school precinct as reported during the previous calendar quarter; or (2) for a new local school precinct, the estimated number of pupils who will attend the new school and the effect on any existing local school precinct. (NRS 388G.680) For purposes of this allocation, section 3 of this bill changes the measure for determining the number of pupils for existing local school precincts from actual numbers to estimates by the large school district, which is the same measure as is used for determining the number of pupils for a new local school precinct.

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

Section 1. NRS 388G.620 is hereby amended to read as follows:

388G.620 1. The superintendent shall assign a school associate superintendent to oversee ~~[each]~~ *one or more* local school ~~[precinct. Each school associate superintendent must not be assigned to oversee more than 25 local school]~~ precincts.

2. Whenever a vacancy occurs in the position of school associate superintendent, the superintendent shall post notice of the vacancy. The superintendent shall interview qualified candidates for the vacant position. At least one, but not more than two representatives of the principals of the local school precincts overseen by the vacant position must be allowed to participate

in interviewing candidates for the vacant position. If the local governmental agency which has the most schools that are overseen by the vacant position is:

(a) A city, the governing body of the city may appoint one representative to participate in interviewing candidates for the vacant position.

(b) Not a city, the board of county commissioners for the county in which the large school district is located may appoint one representative to participate in interviewing candidates for the vacant position.

3. Each person who participates in interviewing candidates pursuant to subsection 2 shall comply with all laws that apply to an employer when making a decision about employment.

4. Upon completion of the interviews pursuant to subsection 2 and before the superintendent makes a final determination about which candidate to hire, the superintendent must notify the governing body of the city or the board of county commissioners for the county, as applicable, regarding the candidate whom the superintendent intends to hire. After receiving such notice, the governing body of the city or the board of county commissioners, as applicable, may hold a public meeting within 10 days to question the superintendent and the candidate for the vacant position and receive public input. After any such meeting or, if no such meeting is held, after 10 days, the superintendent shall, in his or her sole discretion, hire a candidate for the vacant position.

5. After the school associate superintendent is hired, the superintendent may, in his or her sole discretion, reassign and make other employment decisions concerning the school associate superintendent.

Sec. 2. ~~[NRS 388G.660 is hereby amended to read as follows:~~

~~388G.660 1. On or before January 15 of each year, the superintendent shall establish for the next school year:~~

~~(a) The estimated total amount of money to be received by the large school district from all sources, including any year-end balance that is carried forward, and shall identify the sources of such a year-end balance and whether the year-end balance is restricted. If the year-end balance is restricted, the superintendent shall identify the source of the restriction and the total of amount of money to be received by the large school district that is unrestricted. Money may only be identified as restricted if it [is] :~~

~~*(1) Is* required by state or federal law [, if it is] ;~~

~~*(2) Is* prescribed by the Department ;~~

~~*(3) Is necessary for the large school district to carry out its responsibilities pursuant to subsection 3 of NRS 388G.610;* or [if it has]~~

~~*(4) Has* been otherwise encumbered.~~

~~(b) The estimated percentage of the amount of money determined pursuant to paragraph (a) to be unrestricted that will be allocated to the local school precincts. The percentage must equal:~~

~~(1) For the first school year in which the large school district operates pursuant to the provisions of NRS 388G.500 to 388G.810, inclusive, not less~~

~~than 80 percent of the total amount of money from all sources received by the large school district that is unrestricted for the school year; and~~

~~(2) For each subsequent school year, 85 percent of the total amount of money from all sources received by the large school district that is unrestricted for the school year.~~

~~(c) The estimated amount of categorical funding to be received by the large school district and whether such funding is restricted in a manner that prohibits the large school district from including that categorical funding in the amount of funding per pupil that is allocated to the local school precincts.~~

~~(d) The total estimated amount of money that will be allocated to each local school precinct as determined pursuant to NRS 388G.680.~~

~~2. The superintendent shall post the information established pursuant to subsection 1 on the Internet website of the large school district and make the information available to any person upon request.]~~ (Deleted by amendment.)

Sec. 3. NRS 388G.680 is hereby amended to read as follows:

388G.680 1. On or before January 15 of each year, the superintendent shall inform each local school precinct of the estimated amount of money that will be allocated to the local school precinct for the next school year. The allocation must be based upon *estimates by the large school district of* the number of pupils in each category who *will* attend the local school precinct after applying the appropriate weight to each category of pupil as determined pursuant to NRS 388G.670.

2. ~~[Except as otherwise provided in subsections 3 and 4, the number and category of pupils must be determined based upon the report of the pupils attending each local school precinct for the previous calendar quarter pursuant to NRS 387.1223.~~

~~3.]~~ If an additional local school precinct is added in the large school district, for the purpose of determining the first allocation for the new local school precinct, the large school district must estimate the number of pupils in each category who will attend the new local school precinct and the effect on any existing local school precinct. If the opening of a new local school precinct is anticipated to reduce the number of pupils who will attend another local school precinct, for purposes of determining the allocation, the number of pupils must be adjusted accordingly.

~~[4.]~~ *3.* The estimated amount of money allocated to each local school precinct for the next school year must be adjusted on or before November 1 of each year to reflect the actual number of pupils in each category who attend the local school precinct.

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

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 281 to Senate Bill No. 469 removes section 2 of the bill which provides restrictions on funds used by a large school district, currently the Clark County School District, to pay for certain activities.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 470.

Bill read second time.

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

Amendment No. 206.

SUMMARY—Revises provisions relating to ~~[certain professions.]~~ health care. (BDR ~~[54-785)]~~ 40-785)

AN ACT relating to ~~[professions;]~~ health care; requiring the State Board of ~~[Medical Examiners and the State Board of Osteopathic Medicine]~~ Health to require a ~~[physician and an osteopathic physician, respectively,]~~ medical facility to ~~[complete at least 1 hour of]~~ conduct training relating specifically to cultural competency ~~[; providing that failure to obtain such cultural competency training constitutes grounds for initiating disciplinary action or denying licensure;]~~ for certain agents and employees of the medical facility; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires the Board of Medical Examiners and the State Board of Osteopathic Medicine to require each holder of a license issued by the respective Boards to submit evidence of compliance with continuing education requirements established by the respective Boards. (NRS 630.253, 633.471) Existing law further requires the respective Boards to, by regulation, require each physician and osteopathic physician, respectively, who are registered to dispense controlled substances to complete at least 2 hours of training relating specifically to the misuse and abuse of controlled substances, the prescribing of opioids or addiction during each period of licensure. (NRS 630.2535, 633.473) Sections 1 and 3]~~ Section 4.5 of this bill ~~[require]~~ requires the ~~[respective Boards]~~ State Board of Health to, by regulation, require a ~~[physician and an osteopathic physician, respectively,]~~ medical facility to ~~[complete at least 1 hour of]~~ conduct training relating specifically to cultural competency ~~[during each period of licensure. Sections 1 and 3 provide]~~ for any agent or employee of the medical facility who provides care to a patient of the medical facility. Section 4.5 provides that such cultural competency training is required so that ~~[a physician and an osteopathic physician, respectively,]~~ such an agent or employee may better understand patients who are from different cultures ~~[,]~~ and backgrounds, including patients who are: (1) from various gender, racial and ethnic backgrounds; (2) from various religious backgrounds; (3) lesbian, gay, bisexual, transgender and questioning persons; (4) children and senior citizens; (5) persons with a mental or physical disability; and (6) part of any other population, as determined by the ~~[respective Boards. Sections 1 and 3 authorize a licensee to use such cultural competency training to satisfy 1 hour of any continuing education requirement established by the respective Boards. Sections 1 and 3 require]~~ Board.

Section 4.5 requires such training to be provided through a course or program that is approved by the ~~[respective Boards.~~

~~Existing law provides that the failure to comply with certain continuing education requirements constitutes grounds for initiating disciplinary action or denying of licensure. (NRS 630.306, 633.511) Sections 2 and 4 of this bill provide that the failure to comply with sections 1 and 3, respectively, constitutes grounds for initiating disciplinary action or denying of licensure.]~~ Department of Health and Human Services.

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

Section 1. ~~[Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. To enable a physician to more effectively treat patients, the Board shall, by regulation, require a physician to complete at least 1 hour of training relating specifically to cultural competency during each period of licensure so that a physician may better understand patients who are from different cultures, including, without limitation, patients who are:*~~

~~*(a) From various gender, racial and ethnic backgrounds;*~~

~~*(b) From various religious backgrounds;*~~

~~*(c) Lesbian, gay, bisexual, transgender and questioning persons;*~~

~~*(d) Children and senior citizens;*~~

~~*(e) Persons with a mental or physical disability; and*~~

~~*(f) Part of any other population that a physician may need to better understand, as determined by the Board.*~~

~~*2. A licensee may use training relating specifically to cultural competency required pursuant to subsection 1 to satisfy 1 hour of any continuing education requirement established by the Board.*~~

~~*3. The training relating specifically to cultural competency required pursuant to subsection 1 must be provided through a course or program that is approved by the Board.]~~* (Deleted by amendment.)

Sec. 2. ~~[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 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.~~

~~(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 [.] *or section 1 of this act.*~~

~~(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.]~~ (Deleted by amendment.)

Sec. 3. ~~[Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. To enable an osteopathic physician to more effectively treat patients, the Board shall, by regulation, require an osteopathic physician to complete at least 1 hour of training relating specifically to cultural competency during each period of licensure so that an osteopathic physician may better understand patients who are from different cultures, including, without limitation, patients who are:*~~

~~*(a) From various gender, racial and ethnic backgrounds;*~~

~~*(b) From various religious backgrounds;*~~

~~*(c) Lesbian, gay, bisexual, transgender and questioning persons;*~~

~~*(d) Children and senior citizens;*~~

~~*(e) Persons with a mental or physical disability; and*~~

~~*(f) Part of any other population that an osteopathic physician may need to better understand, as determined by the Board.*~~

~~*2. A licensee may use training relating specifically to cultural competency required pursuant to subsection 1 to satisfy 1 hour of any continuing education requirement established by the Board.*~~

~~*3. The training relating specifically to cultural competency required pursuant to subsection 1 must be provided through a course or program that is approved by the Board.]~~* (Deleted by amendment.)

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.~~

~~The 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 [.] *or section 3 of this act.*~~

~~(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.]~~ (Deleted by amendment.)

Sec. 4.5. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To enable an agent or employee of a medical facility who provides care to a patient of the medical facility to more effectively treat patients, the Board shall, by regulation, require a medical facility to conduct training relating specifically to cultural competency for any agent or employee of the medical facility who provides care to a patient of the medical facility so that such an agent or employee may better understand patients who are from different cultures and backgrounds, including, without limitation, patients who are:

(a) From various gender, racial and ethnic backgrounds;

(b) From various religious backgrounds;

(c) Lesbian, gay, bisexual, transgender and questioning persons;

(d) Children and senior citizens;

(e) Persons with a mental or physical disability; and

(f) Part of any other population that such an agent or employee may need to better understand, as determined by the Board.

2. The training relating specifically to cultural competency conducted by a medical facility pursuant to subsection 1 must be provided through a course or program that is approved by the Department of Health and Human Services.

Sec. 5. This act becomes effective on July 1, 2019.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 206 makes two changes to Senate Bill No. 470. The amendment deletes all sections of the bill as introduced, and it amends the bill to require a medical facility to conduct cultural-competency training for all employees that provide direct care. Additionally, The Department of Health and Human Services must approve the curriculum and training model.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 472.

Bill read second time and ordered to third reading.

Senate Bill No. 485.

Bill read second time and ordered to third reading.

Senate Bill No. 493.

Bill read second time and ordered to third reading.

Senate Bill No. 494.

Bill read second time and ordered to third reading.

Senate Bill No. 495.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Woodhouse moved that Senate Bills Nos. 145, 344, 361, 472, 494, 495 be taken from the General File and re-referred to the Committee on Finance, upon return from reprint.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Brooks, the privilege of the floor of the Senate Chamber for this day was extended to Maria Nieto and Jaret Reyes.

On request of Senator Cancela, the privilege of the floor of the Senate Chamber for this day was extended to Rose Marie Jones-Wade, Sukhjit Narwal and Andrew Sierra.

On request of Senator Cannizzaro, the privilege of the floor of the Senate Chamber for this day was extended to Esmeralda Ortiz, Estefania Pineda and Jose Silva-Solis.

On request of Senator Denis, the privilege of the floor of the Senate Chamber for this day was extended to Deisy Castro and Joseline Cuevas.

On request of Senator Goicoechea, the privilege of the floor of the Senate Chamber for this day was extended to Bill Brewer and Katie Coleman.

On request of Senator Harris, the privilege of the floor of the Senate Chamber for this day was extended to Karam Alkherej, Luka Bukize Bwaye, Princesse Kubuya and Kevine Ochembe.

On request of Senator Kieckhefer, the privilege of the floor of the Senate Chamber for this day was extended to Kim Estrada and Kyle Matthews.

On request of Senator Ohrenschall, the privilege of the floor of the Senate Chamber for this day was extended to Alberto Gregario.

On request of Senator Parks, the privilege of the floor of the Senate Chamber for this day was extended to Jana Pleggenkuhle.

On request of Senator Ratti, the privilege of the floor of the Senate Chamber for this day was extended to Piera Mburia, Manuel Mederos and Rawdhah Al Salihi.

On request of Senator Scheible, the privilege of the floor of the Senate Chamber for this day was extended to Eric Jeng and Amanda Khan.

On request of Senator Settelmeyer, the privilege of the floor of the Senate Chamber for this day was extended to Bruce Atkinson, Nancy Brown and Greta Seidman.

On request of Senator Spearman, the privilege of the floor of the Senate Chamber for this day was extended to Erika Castro and Laura Martin.

On request of Senator Woodhouse, the privilege of the floor of the Senate Chamber for this day was extended to Mayra Salinas-Menjivar.

Senator Cannizzaro moved that the Senate adjourn in memory of Jackie Robinson until Tuesday, April 16, 2019, at 11:00 a.m.

Motion carried.

Senate adjourned at 2:10 p.m.

Approved:

KATE MARSHALL
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate