THE SEVENTY-THIRD DAY

CARSON CITY (Wednesday), April 17, 2019

Senate called to order at 11:32 a.m.

President Marshall presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Peggy Locke.

O Most High, our prayers continue for those serving in harm's way. Show Yourself strong, O God, and be a refuge and fortress to all who trust in You. We pray for our families and loved ones and for our coworkers today. Protect and bless them with Your grace and peace.

Please join me in the Lord's prayer:

Our Father, who art in heaven, hallowed be Thy Name. Thy kingdom come, Thy will be done on earth as it is in heaven. Give us this day our daily bread. And forgive us our trespasses as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil: for Thine is the kingdom and the power and the glory, forever.

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 was referred Senate Bill No. 482, 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. 91, 255, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MOISES DENIS, *Chair*

Madam President:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 25, 111, 135, 153, 206, 398, 463, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID R. PARKS, *Chair*

Madam President:

Your Committee on Growth and Infrastructure, to which was referred Senate Bill No. 154 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 was referred Senate Bill No. 363, 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. 9, 72, 163, 223, 382, 433, 435, 436, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

NICOLE J. CANNIZZARO, *Chair*

Madam President:

Your Committee on Legislative Operations and Elections, to which were referred Senate Bills Nos. 24, 51, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OHRENSCHALL, *Chair*

Madam President:

Your Committee on Natural Resources, to which were referred Senate Bills Nos. 275, 442, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MELANIE SCHEIBLE, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, April 16, 2019

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bills Nos. 24, 39, 63, 93, 112, 232, 334, 361, 367, 377, 407, 410, 412, 424, 458, 464, 478, 479, 481; Assembly Joint Resolutions Nos. 3, 7, 8.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 10, 16, 17, 25, 54, 64, 69, 71, 83, 85, 89, 95, 126, 131, 139, 158, 163, 169, 181, 186, 194, 205, 207, 221, 222, 226, 230, 231; Assembly Joint Resolution No. 4.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

April 17, 2019

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 51, 363.

MARK KRMPOTIC
Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

Senator Kieckhefer has approved the addition of Senator Spearman as a sponsor of Senate Bill No. 161.

Senator Scheible has approved the addition of Senator Ohrenschall as a sponsor of Senate Joint Resolution No. 3.

Assembly Joint Resolution No. 3.

Senator Ratti moved that the resolution be referred to the Committee on Natural Resources.

Motion carried.

Assembly Joint Resolution No. 4.
Senator Ratti moved that the resolution be referred to the Committee on Legislative Operations and Elections.
Motion carried.

Assembly Joint Resolution No. 7.
Senator Ratti moved that the resolution be referred to the Committee on Natural Resources.
Motion carried.

Assembly Joint Resolution No. 8.
Senator Ratti moved that the resolution be referred to the Committee on Natural Resources.
Motion carried.

Senator Cancela moved that Senate Bill No. 201 be taken from the General File and placed on the General File for the next legislative day.
Motion carried.

Senator Cancela moved that Senate Bill No. 262 be taken from the Secretary's desk and placed at the top of the General File on the third Agenda.
Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 10.
Senator Ratti moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Assembly Bill No. 16.
Senator Ratti moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Assembly Bill No. 17.
Senator Ratti moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Assembly Bill No. 24.
Senator Ratti moved that the bill be referred to the Committee on Growth and Infrastructure.
Motion carried.

Assembly Bill No. 25.
Senator Ratti moved that the bill be referred to the Committee on Commerce and Labor.
Motion carried.

Assembly Bill No. 39.
Senator Ratti moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

Assembly Bill No. 54.

Senator Ratti moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Assembly Bill No. 63.

Senator Ratti moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Assembly Bill No. 64.

Senator Ratti moved that the bill be referred to the Committee on Finance.

Motion carried.

Assembly Bill No. 69.

Senator Ratti moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 71.

Senator Ratti moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assembly Bill No. 83.

Senator Ratti moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

Assembly Bill No. 85.

Senator Ratti moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Assembly Bill No. 89.

Senator Ratti moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Assembly Bill No. 93.

Senator Ratti moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

Assembly Bill No. 95.

Senator Ratti moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

Assembly Bill No. 112.
Senator Ratti moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Assembly Bill No. 126.
Senator Ratti moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Assembly Bill No. 131.
Senator Ratti moved that the bill be referred to the Committee on Health and Human Services.
Motion carried.

Assembly Bill No. 139.
Senator Ratti moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Assembly Bill No. 158.
Senator Ratti moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Assembly Bill No. 163.
Senator Ratti moved that the bill be referred to the Committee on Natural Resources.
Motion carried.

Assembly Bill No. 169.
Senator Ratti moved that the bill be referred to the Committee on Health and Human Services.
Motion carried.

Assembly Bill No. 181.
Senator Ratti moved that the bill be referred to the Committee on Commerce and Labor.
Motion carried.

Assembly Bill No. 186.
Senator Ratti moved that the bill be referred to the Committee on Legislative Operations and Elections.
Motion carried.

Assembly Bill No. 194.
Senator Ratti moved that the bill be referred to the Committee on Health and Human Services.
Motion carried.

Assembly Bill No. 205.
Senator Ratti moved that the bill be referred to the Committee on Education.
Motion carried.

Assembly Bill No. 207.
Senator Ratti moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Assembly Bill No. 221.
Senator Ratti moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Assembly Bill No. 222.
Senator Ratti moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Assembly Bill No. 226.
Senator Ratti moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Assembly Bill No. 230.
Senator Ratti moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

Assembly Bill No. 231.
Senator Ratti moved that the bill be referred to the Committee on Growth and Infrastructure.
Motion carried.

Assembly Bill No. 232.
Senator Ratti moved that the bill be referred to the Committee on Health and Human Services.
Motion carried.

Assembly Bill No. 334.
Senator Ratti moved that the bill be referred to the Committee on Commerce and Labor.
Motion carried.

Assembly Bill No. 361.
Senator Ratti moved that the bill be referred to the Committee on Commerce and Labor.
Motion carried.

Assembly Bill No. 367.
Senator Ratti moved that the bill be referred to the Committee on Legislative Operations and Elections.
Motion carried.

Assembly Bill No. 377.

Senator Ratti moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Assembly Bill No. 407.

Senator Ratti moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Assembly Bill No. 410.

Senator Ratti moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 412.

Senator Ratti moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assembly Bill No. 424.

Senator Ratti moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 458.

Senator Ratti moved that the bill be referred to the Committee on Revenue and Economic Development.

Motion carried.

Assembly Bill No. 464.

Senator Ratti moved that the bill be referred to the Committee on Education.

Motion carried.

Assembly Bill No. 478.

Senator Ratti moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assembly Bill No. 479.

Senator Ratti moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

Assembly Bill No. 481.

Senator Ratti moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 381.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 71.

Bill read third time.

Remarks by Senator Cancela.

Senate Bill No. 71 authorizes a registered owner, who is required to register through the Motor Carrier Division, Department of Motor Vehicles, to provide evidence of registration in an electronic format that can be displayed on an electronic device and must be carried in the vehicle or accessible to law enforcement or other emergency personnel by other means.

Roll call on Senate Bill No. 71:

YEAS—21.

NAYS—None.

Senate Bill No. 71 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 85.

Bill read third time.

Remarks by Senator Goicoechea.

Senate Bill No. 85 makes it unlawful to knowingly bring into the State or knowingly possess the carcass or parts of certain animals obtained in another state which are susceptible to chronic wasting disease. The bill provides exceptions for certain parts of such an animal and authorizes a game warden or other law enforcement officer to seize, destroy or send the prohibited animal carcass or parts out of the State. Finally, the bill adds moose and alternative livestock to elk, mule deer and white-tailed deer on the list of animals prohibited from importation.

Roll call on Senate Bill No. 85:

YEAS—21.

NAYS—None.

Senate Bill No. 85 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 86.

Bill read third time.

Remarks by Senator Brooks.

Senate Bill No. 86 is the omnibus bill of the Division of Insurance, Department of Business and Industry, which makes numerous changes to provisions governing insurance, including modifying certain provisions related to expenses incurred for administrative supervision of insurers; revising requirements for physicians when reporting to the Division certain information about closed claims. It revises various provisions related to financial statements submitted to the Division. It adopts a recommendation of the National Association of Insurance Commissioners to require insurers to submit quarterly statements to the Commissioner, as well as to the National Association of Insurance Commissioners. The bill makes changes to the certificate of registration as a service-contract provider and makes changes to provisions related to adjustors, administrators, captive insurers and domestic surplus-lines insurers. It authorizes the Commissioner to assess against an insurer the expenses incurred for the external actuarial review of a proposal to make changes to a rate of a health plan. It establishes provisions related to a certificate of dormancy and makes various other technical changes affecting the regulation of insurance.

Roll call on Senate Bill No. 86:
YEAS—21.
NAYS—None.

Senate Bill No. 86 having received a two-thirds majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 87.

Bill read third time.

Remarks by Senator Spearman.

Senate Bill No. 87 makes several changes concerning the Nevada Life and Health Insurance Guaranty Association. Among other things, the bill requires that long-term care benefits added to a life-insurance policy or annuity contract by a member of the Association are protected in the event that a member insurer becomes unable to meet its obligations. It clarifies the applicability of various provisions relating to the Association, including clarifying that the Association does not cover a policy or contract for Medicaid benefits. The bill requires health-maintenance organizations that operate in this State to become members of the Association. It revises provisions related to actuarially justified rates and premium increases, as well as the calculation of assessments and the recoupment of assessments by member insurers. It also provides that certain current limitations on the coverage obligations of the Association apply instead to health-benefit plans. It repeals provisions requiring a nonprofit corporation for hospital, medical or dental service or a health-maintenance organization to take certain measures to continue coverage for insureds or enrollees in case of insolvency or as those provisions become obsolete if such entities are required to participate in the Association.

Roll call on Senate Bill No. 87:
YEAS—21.
NAYS—None.

Senate Bill No. 87 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 103.

Bill read third time.

Remarks by Senator Ratti.

Senate Bill No.103 authorizes certain local governments, in Clark and Washoe Counties, to reduce or subsidize impact fees, fees for the issuance of building permits and fees imposed for the purpose for which an enterprise fund was created in order to incentivize the maintenance or development of a project for affordable housing if the following criteria are satisfied: the project meets certain requirements relating to the affordability of the housing; the governing body has adopted an ordinance setting forth criteria for a project to qualify for such assistance; the affordable housing project satisfies the criteria set forth in the adopted ordinance; the governing body has made a determination that reducing or subsidizing such fees will not impair any bond obligations or other obligations, and the governing body has held a public hearing concerning the effect of the reduction or subsidization on the economic viability of the general fund of the city or county and the economic viability of any affected enterprise fund.

This is one of several bills moving forward that came out of the Interim Committee on Affordable Housing. We are seeking to have an all-hands-on-deck approach, and this is one of the tools we are hoping local government will be able to use to make sure we are bringing more affordable housing to our communities.

Roll call on Senate Bill No. 103:
YEAS—21.
NAYS—None.

Senate Bill No. 103 having received a constitutional majority, Madam President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Senate Bill No. 106.
Bill read third time.
Remarks by Senator Kieckhefer.
Senate Bill No. 106 authorizes a school district, charter school or university school for profoundly gifted pupils to request from Nevada's Department of Education a reduction in the minimum amount required to be spent on textbooks and instructional supplies, software and hardware if such material is available free of charge. The bill requires the Department to provide notice of the new minimum amount required. Any materials acquired free of charge that prompt the minimum expenditure requirement waiver request must be aligned to the Nevada Academic Content Standards and be reviewed by any existing district adoption procedure.

Roll call on Senate Bill No. 106:
YEAS—21.
NAYS—None.

Senate Bill No. 106 having received a constitutional majority, Madam President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Senate Bill No. 131.
Bill read third time.
Remarks by Senator Woodhouse.
Senate Bill No. 131 revises existing deceptive trade laws to impose additional requirements related to the sale of tickets to athletic contests and live entertainment events. The bill prohibits a reseller of a secondary ticket exchange or any affiliate from reselling a ticket without first disclosing to the purchaser certain information, reselling or advertising to resell a ticket unless the reseller has possession of the ticket or who has a contract with the person who has the initial ownership rights to the ticket, also known as the rights holder to obtain a ticket, advertising or representing themselves as primary ticket providers or rights holders without the prior contractual authorization from the rights holder; reselling a ticket prior to the ticket being made available to the public by the rights holder unless authorized by the rights holder and reselling or offering for resale a ticket, if the person participated in or had the ability to control the use of an internet robot or had reasonable knowledge the ticket was acquired with the use of an internet robot.

Finally, the bill increases the amount of damages a court is required to award for the first violation of the requirements related to the ticket sales and provides for increasing damages and penalties for each subsequent violation. I appreciate your support.

Roll call on Senate Bill No. 131:
YEAS—21.
NAYS—None.

Senate Bill No. 131 having received a constitutional majority, Madam President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Senate Bill No. 140.

Bill read third time.

Remarks by Senators Goicoechea, Denis and Scheible.

SENATOR GOICOECHEA:

Senate Bill No. 140 requires the State Engineer in any basin in which there is groundwater that has not been committed for use to reserve ten percent of the remaining groundwater. The bill also provides that the reserved groundwater is not available for any use except on a temporary basis in an emergency if the basin is located within a county under a declaration of drought. I urge your support.

SENATOR DENIS:

I understand there is an amendment coming from the Assembly to deal with the double-stacking issue. Is there a commitment to address that double-stacking issue; has it moved over?

SENATOR SCHEIBLE:

I was alerted to this issue earlier which is why I wanted to respond to my colleague's question. I understand there are still stakeholders who are concerned about clarifying language in the bill to ensure its interpretation is as intended. My colleague and I will be continuing conversations in the other House for that clarification in the bill which will not change the spirit of the bill.

Roll call on Senate Bill No. 140:

YEAS—21.

NAYS—None.

Senate Bill No. 140 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 147.

Bill read third time.

Remarks by Senator Dondero Loop.

Senate Bill No. 147 requires each public school and charter school that enrolls students at the high school grade level to: identify whether a student is homeless, unaccompanied or living in foster care; and review and adjust such a student's academic plan, as appropriate, to maximize accrual of credits and progress towards graduation.

This measure authorizes a public school to award such students full or partial credit for a course regardless of the student's attendance or hours of classroom instruction received if the student completes the coursework in compliance with procedures adopted by the board of trustees of a school district or sponsor of the charter school.

A school district or sponsor of a charter school must award the appropriate high school diploma to such students who transfer into a public school during their 11th or 12th grade year and who satisfy graduation requirements prescribed by the State Board of Education. In certain circumstances, the school district or sponsor of a charter school, the student and the student's parent or legal guardian must agree on a modified course leading to the student receiving a diploma as quickly as possible.

Roll call on Senate Bill No. 147:

YEAS—21.

NAYS— None.

Senate Bill No. 147 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 158.

Bill read third time.

Remarks by Senator Harris.

Senate Bill No. 158 provides that a police officer, firefighter or certain other persons who have the powers of a peace officer cannot be deemed a supervisory employee for purposes of collective bargaining solely because he or she engages in some but not all of the employment actions of a supervisory employee under a paramilitary command structure.

Roll call on Senate Bill No. 158:

YEAS—21.

NAYS—None.

Senate Bill No. 158 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 161.

Bill read third time.

Remarks by Senator Kieckhefer.

Senate Bill No. 161 requires the Director of the Department of Business and Industry to establish and administer the Regulatory Experimentation Program for Product Innovation. Under this Program, a person could apply to obtain limited market access to test an innovative financial product in this State without applying or otherwise complying with certain licensing and regulatory requirements. These innovative financial products may include the use of a new or emerging technology or a novel use of an existing technology to provide a financial product or service that is determined by the Director not to be widely available in this State.

The period of participation in the Program is limited to two years, at which time a participant must cease to offer or provide the product or service. A participant may request an extension of this period to apply for any license or other authorization otherwise required for the product or service.

Additionally, the Director must submit an annual report to the Legislature on the status of the Program. Finally, the bill authorizes an Internet lender to obtain a license from the Commissioner of the Division of Financial Institutions to engage in the business of lending in this State.

Roll call on Senate Bill No. 161:

YEAS—21.

NAYS—None.

Senate Bill No. 161 having received a two-thirds majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 181.

Bill read third time.

Remarks by Senator Settelmeyer.

Senate Bill No. 181 requires the Department of Motor Vehicles to design, prepare and issue special license plates for a passenger car or light commercial vehicle that is wholly powered by an electric motor. The fee for the initial issuance of the special license plate is $125 in addition to applicable governmental services taxes and $80 for the renewal. The Department must deposit into the State Highway Fund any money remaining from the initial issuance and renewal of the plate after it deducts from the fee the amount of all applicable registration, license and license plate fees.

The measure also requires the Department to reinstitute the issuance of license plates commemorating the 150th anniversary of Nevada's admission into the Union. The fee for the initial

issuance of the special license plate is $25 and $20 for renewal of the plate. These funds will return to the museums. I proposed that based on the idea that, previously, there used to be 25,000 of those plates; that number has diminished to 21,000 plates. That means they have seen a decline in funds, and since other people can no longer get these plates, this will once again allow people to get a nice looking plate and give money to the museums.

Roll call on Senate Bill No. 181:
YEAS—21.
NAYS—None.

Senate Bill No. 181 having received a two-thirds majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 184.

Bill read third time.

The following amendment was proposed by Senator Seevers Gansert:

Amendment No. 525.

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 request the consent of the parent or guardian of the child for the school to provide the contact information of the parent or guardian of the child to the agency investigating the report ~~[.]~~ and provide such contact information in certain circumstances. 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 1.3 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]*~~ *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]*~~ *request consent from the parent or guardian of the child for the school to provide his or her contact information to the agency investigating the report and:*

(a) Upon receiving such consent, the school shall provide the agency investigating the report with that contact information.

(b) If the school is unable to obtain such consent, the school shall, provide the agency investigating the report with the contact information of the parent or guardian of the child ~~*[.]*~~ *to the extent not prohibited by federal law.*

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 Seevers Gansert moved the adoption of the amendment.

Remarks by Senators Seevers Gansert and Denis.

SENATOR SEEVERS GANSERT:

Amendment No. 525 to Senate Bill No. 184 clarifies in section 1 of the bill that a school must request the consent of the parent or guardian of the child witness for the school to release contact information of the parent or guardian to the agency investigating the report.

SENATOR DENIS:

After this bill was in Committee, the sponsor came to me, and we looked at the amendment. After discussing the matter with several people, we are good with the amendment moving forward.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 231.

Bill read third time.

Remarks by Senators Brooks and Kieckhefer.

SENATOR BROOKS:

Senate Bill No. 231 requires the Labor Commissioner to adopt regulations authorizing a contractor or subcontractor to file the copies of certain records about the workers, who are employed by the contractor or subcontractor in connection with the public work, with the public body electronically and prescribing the process to do so. The bill repeals certain provisions regarding agreements with labor organizations.

SENATOR KIECKHEFER:

I rise in objection to Senate Bill No. 231, particularly the repealed chapter that is in place. Repealing this section will allow any government entity to mandate in bid documents that any contractor who bids on the proposal must have a project labor agreement in place to be awarded that contract. It puts the government in a position of mandating a specific type of employment structure in order to be awarded public works. I think it is a bad policy for the State to take. I have no problem with a project labor agreement being executed by an awarded contractor for a public work. That seems to make sense if that individual business decides this is how they want to do their employment structure. Mandating this as a contingency on getting a public work is inappropriate, and I object.

Roll call on Senate Bill No. 231:

YEAS—13.

NAYS—Goicoechea, Hammond, Hansen, Hardy, Kieckhefer, Pickard, Seevers Gansert, Settelmeyer—8.

Senate Bill No. 231 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 239.

Bill read third time.

Remarks by Senator Seevers Gansert.

Senate Bill No. 239 authorizes a school administrator to extend the two- or three-day period for conducting an investigation into reported cyber-bullying to not more than five days after the report is received in certain circumstances. After the completion of an investigation, any action taken to address the bullying or cyber-bullying must be carried out in a manner that causes the least possible disruption to each victim and, when necessary, the administrator or his or her

designee must give priority to protecting the victim over any interest of the perpetrator when determining actions to take.

The bill requires that if the administrator or his or her designee defers an investigation because of a pending criminal investigation by a law enforcement agency, the administrator or his or her designee shall immediately develop and carry out a plan to protect the safety of each pupil directly involved in the alleged violation.

Roll call on Senate Bill No. 239:
YEAS—21.
NAYS—None.

Senate Bill No. 239 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 296.

Bill read third time.

Remarks by Senator Hammond.

Senate Bill No. 296 directs the Commission on Professional Standards in Education to adopt regulations authorizing the issuance of a license by endorsement to applicants who hold an equivalent license or authorization from another country. The qualifications for the equivalent license or authorization must be substantially similar to those prescribed for an applicant for a State license, as determined by the State Superintendent of Public Instruction.

The bill authorizes the State Superintendent to enter into reciprocal agreements with appropriate officials of other countries concerning the licensing of teachers.

Roll call on Senate Bill No. 296:
YEAS—21.
NAYS—None.

Senate Bill No. 296 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 320.

Bill read third time.

Remarks by Senator Dondero Loop.

Senate Bill No. 320 requires the State Board of Education to adopt regulations that provide for the identification of certain students for placement in advanced coursework. A school must place the student in such a course unless the student's parent or guardian submits written notice of their objection to the placement. If financial resources are available, the bill requires the board of trustees of a school district or the governing body of a charter school to establish certain advanced courses.

Roll call on Senate Bill No. 320:
YEAS—21.
NAYS—None.

Senate Bill No. 320 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 356.

Bill read third time.

Remarks by Senator Hammond.

Senate Bill No. 356 requires the Department of Motor Vehicles, upon receipt of 25 applications, to design, prepare and issue special license plates for retired military vehicles that are at least 20 years old on the date of application. The vehicle may only be used for charitable events, exhibitions, fundraisers, parades or similar activities. The owner of a retired military vehicle must submit an affidavit indicating the vehicle is safe to be operated on the highway. Further, a holder of a class A noncommercial driver's license is authorized to operate a retired military vehicle with a special license plate regardless of the weight of the vehicle. The Department may not impose an annual registration fee or governmental services tax on the owner of the vehicle. In addition, such retired military vehicles are exempt from emissions-testing requirements.

Roll call on Senate Bill No. 356:

YEAS—21.

NAYS—None.

Senate Bill No. 356 having received a two-thirds majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 395.

Bill read third time.

Remarks by Senator Denis.

Senate Bill No. 395 authorizes a tow car and a vehicle owned by a person who contracts with the Department of Transportation to aid motorists or mitigate traffic incidents to be equipped with rear-facing lamps that emit nonflashing blue lights.

The measure also provides that a property owner must give notice to law enforcement regarding a nonconsensual tow of a vehicle from the property only if the notice has not been provided by the tow-car operator. A tow-car operator and an owner in lawful possession of the real property may enter into an agreement where the owner makes a voluntary payment to the tow operator if they agree the vehicle is likely to be ultimately disposed of as an abandoned vehicle and the estimated disposition value of the vehicle to be towed is less than the estimated cost for towing, storage and disposition of the vehicle. Such a payment does not reduce the amount of the costs incurred by the owner of the vehicle and may not be a condition for towing the vehicle.

Roll call on Senate Bill No. 395:

YEAS—21.

NAYS—None.

Senate Bill No. 395 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Denis moved that Senate Bill No. 403 be taken from the General File and placed on the Secretary's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 430.

Bill read third time.

Remarks by Senator Cannizzaro.

Senate Bill No. 430 expands the definition of "chronic or debilitating medical condition" as used for certain purposes relating to the medical use of marijuana. The bill adds to the definition an anxiety disorder, an autism spectrum disorder, an autoimmune disease, dependence upon or

addiction to opioids, anorexia or cachexia, chronic pain, a medical condition related to acquired immune-deficiency syndrome or the Human Immunodeficiency Virus and a neuropathic condition regardless of whether it causes seizures.

Conflict of interest declared by Senator Ohrenschall.

Roll call on Senate Bill No. 430:
YEAS—20.
NAYS—None.
NOT VOTING—Ohrenschall.

Senate Bill No. 430 having received a constitutional majority, Madam President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Senate Bill No. 457.
Bill read third time.
Remarks by Senator Ratti.
Senate Bill No. 457 revises the definition of a "sentinel event" to include any death at a medical facility, facility for the dependent or home operated by a provider of community-based living arrangement services. Such facilities must report to the Division of Public and Behavioral Health of the Department of Health and Human Services the date, time and a brief description of each sentinel event, including each death that occurs at the facility. The bill also broadens the applicability of existing law regarding reporting and investigating sentinel events to apply to these facilities and homes. The bill provides that a health facility is not required to investigate a death confirmed to have resulted from natural causes, and certain facilities that care for elderly or terminally ill persons are not required to investigate a death that appears to have resulted from natural causes. The bill requires the Division to compile and post on an Internet website it maintains information concerning the licensing status and quality of certain facilities and programs for the treatment of alcohol or drugs.

Roll call on Senate Bill No. 457:
YEAS—21.
NAYS—None.

Senate Bill No. 457 having received a constitutional majority, Madam President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Senate Bill No. 465.
Bill read third time.
Remarks by Senator Parks.
Senate Bill No. 465 relates to redevelopment areas. It revises provisions governing the amount of the proceeds of certain taxes levied in a redevelopment area that must be allocated to the redevelopment agency and used for certain purposes related to redevelopment. Specifically, the bill authorizes a redevelopment agency to adopt a resolution requiring that property taxes attributable to certain tax rates levied for the public schools in the county be allocated to the county school district such that the redevelopment agency would not receive any portion of the property taxes attributable to such tax rates.

Roll call on Senate Bill No. 465:
YEAS—21.
NAYS—None.

Senate Bill No. 465 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 468.

Bill read third time.

Remarks by Senator Denis.

Senate Bill No. 468 exempts a private school that provides a prekindergarten program and does not receive any public money from the requirement that such a school be licensed as a childcare facility and any other statutory requirements for such a facility.

Roll call on Senate Bill No. 468:

YEAS—21.

NAYS—None.

Senate Bill No. 468 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Harris moved that Senate Bill No. 496 be taken from the General File and placed on the Secretary's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Joint Resolution No. 3.

Resolution read third time.

Remarks by Senators Scheible, Hansen and Settelmeyer.

SENATOR SCHEIBLE:

Senate Joint Resolution No. 3 urges the United States Congress to oppose the proposed expansion of the United States Air Force in the Desert National Wildlife Refuge. The resolution opposes the range of alternatives set forth in the final legislative environmental impact statement and urges Congress to work collaboratively with interested parties to develop a compromise alternative that would both enhance training opportunities for the United States Air Force and continue to provide essential protections for Nevada's wildlife and outdoor recreational experiences for Nevadans and visitors.

SENATOR HANSEN:

As a cosponsor of Senate Joint Resolution No. 3, I urge its passage. Let the record reflect I have a son-in-law who is an officer in the Air Force, a daughter-in-law who is an officer in the Marine Corps, and my son is an officer in the Navy. I am sensitive to military issues. Nevada does more than its fair share in sharing our public domain in order to help the military. This has been a wildlife refuge area since 1936 and is especially popular with the people in the southern Nevada.

After hearing Congressman Amodei yesterday, I realize we share this with the rest of the United States. We have one-fiftieth of a vote as to how the public lands within the boundaries of the State of Nevada can function. Until we do something to gain control over the public domain in the State of Nevada, resolutions like this, I would not say are pointless, but there are 49 other states who will be determining how the public lands within the boundaries of our State are utilized. We must do something at some point. If we want to block Yucca Mountain, if we want to block the Naval expansion or block this type of thing, we need to have some level of control of public domain within our State boundaries. The constitutional intent was for a state to be sovereign and the lands within its boundaries could only be used by the federal government with the approval of the legislative bodies.

In the 2013 Session, we passed a bill in order to study this. Teachers are equally concerned about public domain as I. Historically, in Nevada when public land was sold, the proceeds were used to help finance education. In the 2013 Session, we passed Assembly Bill No. 227 whereby a report was issued by the Nevada Land Management Task Force to the Nevada Interim Legislative Committee on Public Lands. All 17 counties voted in favor of this study in order to move forward allowing us to have more control over the public domain, yet this concept has disappeared. In order to be serious about blocking some of these issues, I urge my colleagues to come up with some kind of mechanism to develop control. We need to negotiate to protect our public domain, perhaps a quid pro quo: we will support the naval expansion into the wildlife areas in exchange for something. Although I do not like this concept, I understand the pragmatism behind it.

Congressman Amodei also mentioned the Southern Nevada Public Lands Management Act; there were 70,000 acres, half of which sold for $3.5 billion. Unfortunately, Nevada's share was only $500 million. With more control, Nevada could have possibly had $3.27 million to invest in education.

I support this resolution. Yet, I am concerned as large portions of existing public lands in the United States diminish and as our population grows, more and more of these efforts to eliminate public domain use in Nevada as federal use, whether military or the storage of nuclear waste, becomes more prevalent. I urge my colleagues to pass this today, realizing concepts of constitutionally-limited government and allowing the State to have more sovereignty over the land within its own borders needs revisiting, or this type of situation will indefinitely arise in the future.

SENATOR SETTELMEYER:

I rise in support of Senate Joint Resolution No. 3. I agree with my colleague from District 14. I appreciate the military. We can all agree the Department of Defense needs more land potentially for training exercises. As we have seen in northern Nevada in relation to the Fallon expansion, we are willing to give up more acreage but in less sensitive areas.

Roll call on Senate Joint Resolution No. 3:

YEAS—21.

NAYS—None.

Senate Joint Resolution No. 3 having received a constitutional majority, Madam President declared it passed, as amended.

Resolution ordered transmitted to the Assembly.

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

April 17, 2019

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 111, 153, 206.

MARK KRMPOTIC
Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

The Sergeant at Arms announced that Assemblywoman Jauregui and Assemblyman Hafen were at the bar of the Senate. Assemblywoman Jauregui invited the Senate to meet in Joint Session with the Assembly to hear Representative Susie Lee.

Madam President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 4:57 p.m.

IN JOINT SESSION

At 5:05 p.m.
President Marshall presiding.

The Secretary of the Senate called the Senate roll.
All present.

The Chief Clerk of the Assembly called the Assembly roll.
All present except for Assemblyman Hambrick, who was excused.

Madam President appointed a Committee on Escort consisting of Senator Dondero Loop and Assemblywoman Swank to wait upon the Honorable Representative Susie Lee and escort her to the Assembly Chamber.

Representative Lee delivered her message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
80TH SESSION, 2019

Thank you all for coming here and being with me tonight. When I think about our great State, I think of a few things. First, small but mighty, diverse and independent and, perhaps, the thing I love most about our State is you do not need an invitation to make a difference in Nevada. Despite what our ad campaign says, "What happens in Nevada does not stay in Nevada," we have and will continue to set the tone for the rest of the country. It is happening right here in these Chambers, and I thank you all. That is what makes our State so dynamic and beautiful. As I look out into this Chamber, I am struck by the diversity and by your independence. I see teachers, retired police officers, mothers, fathers, grandparents, community leaders, activists and veterans. Besides being Nevadans, we all have one thing in common: You are all hard-working Legislators with the will to work together and ensure that all Nevadans have a chance to live in dignity and security. I can only hope the rest of the country follows the example of electing the first woman majority Legislature, our first woman majority Supreme Court, our first African-American Speaker and first woman Senate Majority Leader.

When I walked in here tonight, I had a flashback of being sworn in on the Floor of the House of Representatives. I stood there with my children, my hand in the air, my husband was in the stand, and by the way, my husband, Dan, is here this evening. I actually think Dan really came up north to do the Tesla tour. Taking the oath of office was really the most profound and humbling experience of my life. I am sure that all of you in this Chamber have shared that feeling. I want to thank you all for your service, the time away from your families, the scrutiny, the criticism, the long hours. I am sure you can all agree that compared to the challenges of many of our fellow Nevadans, it is well worth it. I would like to thank Speaker Frierson, Majority Leaders Benitez-Thompson and Cannizzaro, President pro Tempore Denis, Minority Leaders Settelmeyer and Wheeler and all of the members of the Assembly and Senate for having me today. I would like to extend my gratitude to Governor Sisolak, Lieutenant Governor Marshall, all of the Constitutional Officers, our Treasurer is here, Zach Conine, and members of the Supreme Court. To all of the men and women who work behind the scenes, thank you for all you do. I understand that today is the 100th day. Is today the 100th day? Saturday marked my 100th day in Congress. I am happy to report that I can actually, on my own, get from my office to the Floor of the House. I am very proud of that.

I went to Washington expecting the division and partisanship that we all hear about day in and day out. It does exist, to some extent, but here is how I approach it. It is easy to find fault, and it is easy to demonize someone you do not know. You cannot solve problems with someone you do not talk to. Perhaps, the biggest challenge is finding those opportunities to find my way across the aisle to have those tough discussions. It is easy to throw out the insults from your phone, but as you all know, the real work gets done when we actually get together and find that common ground and talk to one another. I am finding common ground with friends on both sides of the aisle. In fact, nearly every piece of legislation I have introduced has had bipartisan support. Working with

members of our delegation, I introduced the Jobs, Not Waste Act which will finally prohibit the government from making Yucca Mountain the country's nuclear-waste dumping ground. It is time for the Department of Energy to take their nuclear waste, take the secret plutonium shipments to somewhere else. We do not want it in Nevada. We want good-paying jobs, and that is what that bill is all about.

As many of you know, I spent my career working to improve the lives of Nevada's children by making sure they all have the opportunity to get access to a quality education. I ran for Congress because I want to do my part to make sure that high-quality education is not just a state issue, but is also a national priority. Last week, Secretary of Education Betsy DeVos made her way to the Education and Labor Committee, which I sit on. I have to be honest, it was a little frustrating. There was much talk about using public money, $50 billion to be exact, to support scholarships for private schools. I keep scratching my head and thinking, how about this? What if we did this grand experiment in this country instead and actually fully invested in quality public education? Let us address the critical digital and physical infrastructure needs in schools across the country, ensure every teacher has the proper materials in their classrooms so they can stop dipping into their own pockets and invest in every child, not just those in certain zip codes. Let us focus on the mental-health needs of our students. These proposals are not that controversial. I am proud to be doing my part by introducing the Rebuild America's Schools Act and the Keep Our PACT Act, which actually calls for the federal government to finally begin fully funding Title I and The Individuals with Disabilities Education Act. I do not need to remind you of the work that needs to be done at the State.

I commend the Governor for putting a three-percent raise for teachers and support staff in your budget. I applaud all of the work that is being done by Education Chairs Denis and Thompson and the others taking on the massive challenge of fixing our funding formula and making the necessary changes so we can reduce class sizes, provide teachers with proper materials and strengthen what works in our school system. We all know it takes money. Once and for all, let our children know they are an investment worth making. Our future depends on it.

Sadly, the future for many of our young people is bleak because of the student-loan crisis. Rising costs, loosening quality standards and predatory for-profit colleges are forcing far too many students to take out loans they cannot afford for an education that often leaves them no better off than before they began. We need to continue to make our public schools more accessible and secure programs like the Millennium and Promise Scholarships and provide our students with the support they need to complete school sooner. Finally, we need to realize that four-year college may not be an option for everyone. Let us invest in career and technical education and quality apprenticeship programs that give students the skills they need to compete in the economy of tomorrow.

Nevada is home to more than 200,000 veterans, and I am honored to serve them all as a member of the House Veterans Affairs Committee. I am one of 18 freshmen to chair a subcommittee, the Technology Modernization Subcommittee. Just an aside, I was in my apartment one night in Washington; I called my son and said, "How do I change my TV? It's not working." And he said, "Says the Chair of Technology Modernization." Seriously, it is a big task to oversee our medical records to make sure that veterans receive a seamless handoff after active duty and can have the flexibility to see doctors in their communities if that is the preferred option. I am proud that I introduced a bipartisan bill that will ensure veterans can access childcare at all veterans' facilities while they are receiving treatment. I will soon introduce bipartisan legislation to expand transition assistance programs that put our veterans on a path to dignity through full employment right when they leave the service. There should be nothing partisan about caring for our vets because there was nothing partisan about their decision to put their lives on the line for our freedom. To all of our veterans here tonight, could you please stand so we can all say thank you.

Nevada finally has the opportunity to do something that is long overdue and give our workers a much-needed raise. I applaud Speaker Frierson for taking on this problem head-on and pushing to raise the wage incrementally to $12 an hour by 2023. I also applaud the work of Senator David Parks who is laying the groundwork to ensure our workers are empowered to bargain collectively. Many will argue these efforts are not perfect, but I am certain they are a move in the right direction.

Speaking of moving in the right direction, we made much-needed progress by passing the Affordable Care Act, but we have so much more work to do to ensure that families do not have to make those tough decisions between medical care and putting food on the table. I am proud that Nevada stood up and set aside partisan differences to expand Medicaid. I commend Attorney General Aaron Ford for making clear to this Administration that their reckless attempt to withdraw our healthcare coverage will not stand in this State. Thank you. Preexisting conditions need to be covered, premiums need to come down, and prescription drug prices need to be reined in. I thank Senator Cancela for leading the way in prescription-price transparency.

I will continue to work with our delegation to ensure we are increasing residencies in our State and filling the pipeline for all medical professions, from mental health to nurses and other technicians. Of course, I thank the Governor for signing gun background checks into law, finally, two years after Nevadans made it clear we need them. And thank you to Congressional District 3 resident Assemblywoman Sandra Jauregui for taking on this issue so boldly and bravely. This legislation will make our State safer, prevent senseless gun violence and keep guns out of the hands of people who should not have them. It is that simple. Nevada cleared the way, as we so often do. I am proud to have supported the Bipartisan Background Checks Act of 2019 in Congress with, you guessed it, bipartisan support. Hopefully, Mitch McConnell will bring it to the Senate, as he should, so that it will become the law of the land.

There are few things as important to me in Nevada as protecting our public lands. From Gold Butte, to Basin and Range, and, of course, Red Rock Canyon, these are the places that make home mean Nevada to me. I spend many hours out in Red Rock hiking with my dogs. I have even taken a few constituents out on some hikes. I invite you all to join me when your Session is over. Together with Congresswoman Titus, Congressmen Horsford and Amodei, and Senators Cortez Masto and Rosen, we passed a huge public lands package on the federal level that expanded public lands and conservation across the country. It is a great start, but we also need more investment in local and state Bureau of Land Management offices. We absolutely need to make sure that our State keeps benefiting from the Southern Nevada Public Land Management Act. This is for our environment and great for our economy. Thanks to efforts of the entire Nevada delegation, the House just passed the bipartisan Colorado River Drought Contingency Plan Authorization Act. This will address the historic drought conditions and help protect one of our State's main sources of water. From Henderson to Elko to Carson City, no corner of Nevada should be left behind. That means making sure our infrastructure, especially in rural communities, is as modern and efficient as possible. It is great that Nevada received $29 million in funding to expand rural broadband access. We have more to go.

In Congress, infrastructure, and we have been talking about this for a long time, it gets praised as a bipartisan issue that we all think is a priority. For years there has been a lot of talk and no action. I want you to know this is the one area in this Congress for which I believe we can produce some bipartisan action. The Problem Solvers Caucus, which is a bipartisan caucus I am a member of, has made our top priority an infrastructure package that can become law. I know Nevada will benefit from it. Nevada also has the opportunity to be a leader in renewable energy. Thanks to efforts led by Senator Chris Brooks, we are moving towards a cleaner, greener, more sustainable energy in Nevada. These efforts will diversify our economy, bring new jobs to the State and reduce our carbon footprint. We used to talk about solar and renewable energy as our future, but it needs to be our now.

Now, it is pretty clear there is a lot on the agenda. I am not going to read the rest of my speech. It is going to take time, but in a few short months, you have already found real solutions to some of Nevada's problems. There is more to do, but let us keep moving, let us keep talking and listening to each other. Let us keep finding that common ground. We can do this as long as we work as a team. Both of my offices are ready and willing to help you in whatever way you may need. Please, please do not hesitate to reach out.

With fewer than 50 days left, I will let you all get back to work. Thank you for taking the time tonight. It has been truly an honor to address you, and thank you all for all of the work you do for our great State.

Assemblywoman Neal moved that the Senate and Assembly in Joint Session extend a vote of thanks to Representative Lee for her timely, able and constructive message.

Motion carried.

The Committee on Escort escorted Representative Lee to the bar of the Assembly.

Senator Hardy moved that the Joint Session be dissolved.

Motion carried.

Joint Session dissolved at 5:28 p.m.

SENATE IN SESSION

At 5:38 p.m.

President Marshall presiding.

Quorum present.

REPORTS OF COMMITTEE

Madam President:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 26, 154, 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. 21, 88, 197 has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Senate Bill No. 322, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Finance.

PAT SPEARMAN, *Chair*

Madam President:

Your Committee on Education, to which were referred Senate Bills Nos. 109, 475, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MOISES DENIS, *Chair*

Madam President:

Your Committee on Growth and Infrastructure, to which were referred Senate Bills Nos. 298, 396, 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. 258, 283, 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*

SECOND READING AND AMENDMENT

Senate Bill No. 9.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 78.

SUMMARY— ~~[Revises provisions governing the]~~ Provides that there is no limitation of time ~~[for commencing]~~ within which a criminal prosecution for ~~[crimes associated with]~~ a sexual assault arising out of the same facts and circumstances as a murder ~~[, sexual assault and sex trafficking.]~~ must be commenced. (BDR 14-422)

AN ACT relating to criminal procedure; ~~[revising provisions governing the]~~ providing that there is no limitation of time ~~[for commencing]~~ within which a criminal prosecution for ~~[crimes associated with]~~ a sexual assault arising out of the same facts and circumstances as a murder ~~[, sexual assault and sex trafficking;]~~ must be commenced; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that there is no limitation of the time within which a prosecution for murder must be commenced. (NRS 171.080) Section 1 of this bill additionally provides that there is no limitation of time within which a prosecution for ~~[any crime committed during or in furtherance of]~~ a sexual assault arising out of the same facts and circumstances as a murder must be commenced.

~~[Existing law generally provides that an indictment for: (1) sexual assault must be found, or an information or complaint filed, within 20 years after the commission of the offense; and (2) sex trafficking must be found, or an information or complaint filed, within 4 years after the commission of the offense. (NRS 171.085) Section 3 of this bill provides that an indictment for sex trafficking or any crime committed during or in furtherance of a sexual assault or sex trafficking generally must be found, or an information or complaint filed, within 20 years after the commission of the offense.~~

~~Existing law provides that if, at any time during the applicable period of limitation a victim of a sexual assault or sex trafficking, or a person authorized to act on behalf of such a victim, files with a law enforcement officer a written report concerning the sexual assault or sex trafficking, the period of limitation is removed and there is no limitation of time within which a prosecution for the sexual assault or sex trafficking must be commenced. (NRS 171.083) Section 2 of this bill additionally provides that there is no limitation of time within which a prosecution for any crime committed during or in furtherance of the sexual assault or sex trafficking must be commenced if such a written report is filed with a law enforcement officer.]~~ Section ~~[4]~~ 2 of this bill makes a conforming change.

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

Section 1. NRS 171.080 is hereby amended to read as follows:

171.080 There is no limitation of the time within which a prosecution for:

1. Murder , *or* ~~*[any crime committed during or in furtherance of]*~~ *a sexual assault arising out of the same facts and circumstances as a murder*, must be commenced. It may be commenced at any time after the death of the person killed.

2. A violation of NRS 202.445 must be commenced. It may be commenced at any time after the violation is committed.

Sec. 2. NRS 171.083 is hereby amended to read as follows:

171.083 1. ~~[If,]~~ *Except as otherwise provided in NRS 171.080, if,* at any time during the period of limitation prescribed in NRS 171.085 and 171.095, a victim of a sexual assault, a person authorized to act on behalf of a victim of a sexual assault, or a victim of sex trafficking or a person authorized to act on behalf of a victim of sex trafficking, files with a law enforcement officer a written report concerning the sexual assault or sex trafficking, the period of limitation prescribed in NRS 171.085 and 171.095 is removed and there is no limitation of the time within which a prosecution for the sexual assault or sex trafficking ~~*[, or any crime committed during or in furtherance of the sexual assault or sex trafficking,]*~~ must be commenced.

2. If a written report is filed with a law enforcement officer pursuant to subsection 1, the law enforcement officer shall provide a copy of the written report to the victim or the person authorized to act on behalf of the victim.

3. If a victim of a sexual assault or sex trafficking is under a disability during any part of the period of limitation prescribed in NRS 171.085 and 171.095 and a written report concerning the sexual assault or sex trafficking is not otherwise filed pursuant to subsection 1, the period during which the victim is under the disability must be excluded from any calculation of the period of limitation prescribed in NRS 171.085 and 171.095.

4. For the purposes of this section, a victim of a sexual assault or sex trafficking is under a disability if the victim is insane, intellectually disabled, mentally incompetent or in a medically comatose or vegetative state.

5. As used in this section, "law enforcement officer" means:

(a) A prosecuting attorney;

(b) A sheriff of a county or the sheriff's deputy;

(c) An officer of a metropolitan police department or a police department of an incorporated city; or

(d) Any other person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

Sec. 3. ~~[NRS 171.085 is hereby amended to read as follows:~~

~~"171.085 Except as otherwise provided in NRS 171.080, 171.083, 171.084 and 171.095, an indictment for:~~

~~1. Theft, robbery, burglary, forgery, arson, [sex trafficking,] a violation of NRS 90.570, a violation punishable pursuant to paragraph (c) of subsection 3 of NRS 598.0999 or a violation of NRS 205.377 must be found, or an information or complaint filed, within 4 years after the commission of the offense.~~

~~2. Sexual assault *or sex trafficking, or any crime committed during or in furtherance of a sexual assault or sex trafficking*, must be found, or an information or complaint filed, within 20 years after the commission of the offense.~~

~~3. Any felony other than the felonies listed in subsections 1 and 2 must be found, or an information or complaint filed, within 3 years after the commission of the offense.]~~ (Deleted by amendment.)

Sec. 4. ~~[NRS 171.090 is hereby amended to read as follows:~~

~~171.090 Except as otherwise provided in NRS *171.080*, *171.083*, *171.085*, 171.095, 202.885 and 624.800, an indictment for:~~

~~1. A gross misdemeanor must be found, or an information or complaint filed, within 2 years after the commission of the offense.~~

~~2. Any other misdemeanor must be found, or an information or complaint filed, within 1 year after the commission of the offense.]~~ (Deleted by amendment.)

Sec. 5. The amendatory provisions of this act apply to a person who:

1. Committed ~~[sex trafficking or any crime during or in furtherance of]~~ a sexual assault arising out of the same facts and circumstances as a murder ~~[, sexual assault or sex trafficking]~~ before October 1, 2019, if the applicable statute of limitations has commenced but has not yet expired on October 1, 2019.

2. Commits ~~[sex trafficking or any crime during or in furtherance of]~~ a sexual assault arising out of the same facts and circumstances as a murder ~~[, sexual assault or sex trafficking]~~ on or after October 1, 2019.

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 78 to Senate Bill No. 9 deletes most of the provisions of the original bill and now removes the statute of limitations only in the circumstance of a sexual assault committed in the course of a first-degree murder.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 24.

Bill read second time.

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

Amendment No. 63.

SUMMARY—Revises provisions governing the Nevada Silver Haired Legislative Forum. (BDR 38-534)

AN ACT relating to senior citizens; authorizing the Nevada Silver Haired Legislative Forum to appoint advisory nonvoting members; revising provisions governing the rights and responsibilities of ex officio members of the ~~[Nevada Silver Haired Legislative]~~ Forum; revising provisions relating to the qualifications, terms of office and responsibilities of officers of the Forum; ~~[increasing the number of requests for drafting legislative measures allocated to the Forum;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Nevada Silver Haired Legislative Forum, consisting of members appointed by the Legislative Commission from persons

nominated by each member of the Senate and the members of the Nevada delegation of the National Silver Haired Congress, who are ex officio members of the Forum. (NRS 427A.320, 427A.330, 427A.350) To qualify for appointment by the Legislative Commission to be a member of the Forum, a person must have been a resident of this State for 5 years immediately preceding his or her appointment, have been a registered voter in the senatorial district of the Senator who nominated the member for 3 years immediately preceding his or her appointment and be at least 60 years of age on the day that he or she is appointed. (NRS 427A.340) Section 1.5 of this bill authorizes the Forum to appoint advisory nonvoting members. Section 1.5 prescribes the qualifications and terms of office for such advisory members and section 3.7 of this bill prescribes their compensation. Section ~~[1.]~~ 1.9 of this bill revises the rights and responsibilities of ex officio members of the Nevada Silver Haired Legislative Forum to provide that an ex officio member of the Forum may vote on matters before the Forum only if the ex officio member: (1) has been a resident of this State for the 5 years immediately preceding the date of the vote; and (2) is at least 60 years of age on the day of the vote. Section 3.3 of this bill makes a conforming change.

Existing law provides that, under certain circumstances, if a position in the Nevada Silver Haired Legislative Forum becomes vacant , ~~[and]~~ the Legislative Commission is required to appoint a person to serve the remainder of the term of the position in the Forum which has become vacant. (NRS 427A.360) Section 2 of this bill clarifies that provisions governing vacancies in a position in the Forum apply only to the ~~[appointed]~~ members of the Forum ~~[.]~~ appointed by the Legislative Commission.

Existing law provides that members of the Nevada Silver Haired Legislative Forum are required to elect a President, a Vice President, a Secretary and a Treasurer. Existing law further provides the duties of these officers and that these officers serve a term of 1 year beginning on July 1 of each year. (NRS 427A.370) Section 3 of this bill: (1) removes the Secretary and Treasurer as officers of the Forum and instead requires the Forum to elect two facilitators, whose duties are to gather information on issues of importance to senior citizens and report on those issues at each meeting of the Forum; (2) ~~[requires the President, instead of the Treasurer, to administer any account in which money received by the Forum is deposited; (3)]~~ requires the President and Vice President of the Forum to coordinate and facilitate the activities and meetings of the Forum; ~~[(4)]~~ (3) changes the term of the President of the Forum from 1 year to 2 years and enacts a limit on serving more than two terms as President of the Forum; ~~[(5)]~~ (4) provides that the terms of the officers of the Forum begin on September 1, instead of on July 1; and ~~[(6) prohibits members of the Nevada delegation of the National Silver Haired Congress who are ex officio members of the Forum from serving]~~ (5) clarifies that only members appointed by the Legislative Commission are eligible to serve as officers of the Forum. Section 3.5 of this bill requires the President, instead of the Treasurer, to administer any account in which money received by the Forum

is deposited. Section 5 of this bill: (1) provides that persons serving as President and Vice President of the Forum for the term ending on June 30, 2019, continue to serve in those positions until the election of a successor; and (2) requires the Forum to hold a meeting as soon as practicable after July 1, 2019, to elect a President, a Vice President and two facilitators to terms beginning ~~[and ending in accordance with section 5.]~~ on September 1, 2019. Section 6 of this bill provides that any term of the President of the Forum commencing on or before July 1, 2019, must not be counted in determining the limitation set forth in section ~~[5]~~ 3 on the number of terms a member of the Forum may serve as President.

~~[Existing law provides that the Nevada Silver Haired Legislative Forum may request the drafting of not more than one legislative measure for a regular session of the Legislature. (NRS 218D.220) Section 4 of this bill increases the amount of legislative measures which the Forum is authorized to request for each regular session of the Legislature from one to three.]~~

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

Section 1. Chapter 427A of NRS is hereby amended by adding thereto the provisions set forth as sections 1.1 to 1.5, inclusive, of this act.

Sec. 1.1. As used in NRS 427A.320 to 427A.400, inclusive, and sections 1.1 to 1.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 1.2 and 1.3 of this act have the meanings ascribed to them in those sections.

Sec. 1.2. "Forum" means the Nevada Silver Haired Legislative Forum created by NRS 427A.320.

Sec. 1.3. "President" means the person elected to serve as President of the Forum pursuant to NRS 427A.370.

Sec. 1.5. 1. The Forum may, by the affirmative vote of a majority of its membership who are qualified to vote, appoint one or more persons to serve as advisory members of the Forum. An advisory member appointed pursuant to this subsection may not vote on any matter before the Forum.

2. Before voting upon the appointment of an advisory member pursuant to subsection 1, the Forum shall prescribe:

(a) The title and duties of the advisory member; and

(b) The term of office of the advisory member, which must not exceed 12 months.

3. To be eligible for appointment as an advisory member pursuant to subsection 1, a person must:

(a) Have been a resident of this State for at least 3 years immediately preceding his or her appointment; and

(b) Be at least 50 years of age on the day that he or she is appointed.

4. A person appointed to serve as an advisory member of the Forum pursuant to subsection 1 may be reappointed for additional terms as an advisory member in the same manner as the original appointment.

5. The membership of an advisory member appointed pursuant to subsection 1 in the Forum terminates upon:

(a) The death or resignation of the advisory member;

(b) The expiration of the term for which the advisory member has been appointed;

(c) The affirmative vote of a majority of the membership of the Forum that is qualified to vote to terminate the membership of the advisory member; or

(d) The absence of the advisory member for any reason from three consecutive meetings of the Forum, unless excused by the President.

Sec. 1.7. NRS 427A.340 is hereby amended to read as follows:

427A.340 ~~[A]~~ *To be eligible for appointment as a* member of the ~~[Nevada Silver Haired Legislative]~~ Forum *pursuant to NRS 427A.330, a person* must:

1. Have been a resident of this state for 5 years immediately preceding his or her appointment;

2. Have been a registered voter in the senatorial district of the Senator who nominated the member for 3 years immediately preceding his or her appointment; and

3. Be at least 60 years of age on the day that he or she is appointed.

Sec. 1.9. NRS 427A.350 is hereby amended to read as follows:

427A.350 *1.* Members of the National Silver Haired Congress from this State shall serve as ex officio members of the ~~[Nevada Silver Haired Legislative]~~ Forum. If a member of the National Silver Haired Congress ceases to be a member of the National Silver Haired Congress, the ex officio membership of that person in the ~~[Nevada Silver Haired Legislative]~~ Forum terminates. ~~[An]~~ *Except as otherwise provided in this section and NRS 427A.370, an* ex officio member of the ~~[Nevada Silver Haired Legislative]~~ Forum has the same rights and responsibilities as the members who are appointed ~~[.]~~ *pursuant to NRS 427A.330.*

2. Except as otherwise provided in subsection 3, ex officio members of the ~~[Nevada Silver Haired Legislative]~~ Forum are nonvoting members.

3. A member of the National Silver Haired Congress from this State who is an ex officio member of the ~~[Nevada Silver Haired Legislative]~~ Forum may vote on a matter considered by the Forum if he or she:

(a) Has been a resident of this State for 5 years immediately preceding the date of a meeting at which the Forum will vote on a matter considered by the Forum; and

(b) Is at least 60 years of age on the date of a meeting at which the Forum will vote on a matter considered by the Forum.

Sec. 2. NRS 427A.360 is hereby amended to read as follows:

427A.360 1. A ~~*[An appointed]*~~ position in the ~~[Nevada Silver Haired Legislative]~~ Forum *to which a member is appointed pursuant to NRS 427A.330* becomes vacant upon:

(a) The death or resignation of *such* a member.

(b) The illness of *such* a member that prevents the member from attending three consecutive meetings of the ~~[Nevada Silver Haired Legislative]~~ Forum, unless excused by the President.

(c) The absence of *such* a member for any reason from three consecutive meetings of the ~~[Nevada Silver Haired Legislative]~~ Forum, unless excused by the President.

2. If a vacancy occurs ~~[,]~~ *in ~~[an appointed]~~ a position in the ~~[Nevada Silver Haired Legislative]~~ Forum ~~[,]~~ to which a member is appointed pursuant to NRS 427A.330,* the Legislative Commission shall ~~[appoint a person to serve]~~ *fill the vacancy in the same manner as the original selection for* the remainder of the unexpired term. The Legislative Commission may appoint a person whose membership in the National Silver Haired Congress has ended to fill *such* a vacancy in the ~~[Nevada Silver Haired Legislative]~~ Forum.

~~[3. As used in this section, "President" means the person elected to serve as President of the Nevada Silver Haired Legislative Forum pursuant to NRS 427A.370.]~~

Sec. 3. NRS 427A.370 is hereby amended to read as follows:

427A.370 1. The ~~[Nevada Silver Haired Legislative]~~ Forum shall elect from among its ~~[appointed]~~ members ~~[:, to serve a term of 1 year beginning on July 1 of each year:]~~ *appointed pursuant to NRS 427A.330:*

(a) A President ~~[,]~~ who shall conduct meetings and oversee the formation of committees as necessary to accomplish the purposes of the ~~[Nevada Silver Haired Legislative]~~ Forum ~~[.]~~ *and who shall serve a term of 2 years beginning on September 1. ~~[The President, with the assistance of the Director of the Legislative Counsel Bureau, shall administer any account established pursuant to NRS 427A.395.]~~*

(b) A Vice President ~~[,]~~ who shall assist the President and conduct meetings of the ~~[Nevada Silver Haired Legislative]~~ Forum if the President is absent or otherwise unable to perform his or her duties ~~[.]~~ *and who shall serve a term of 1 year beginning on September 1 of each year.*

(c) ~~[A Secretary,]~~ *Two facilitators, one of whom resides in northern Nevada and one of whom resides in southern Nevada,* who shall ~~[:~~

~~(1) Prepare and keep a record of meetings, including, without limitation, the date, time, place and purpose of every meeting; and~~

~~(2) At the first meeting of the Nevada Silver Haired Legislative Forum on or after July 1 of each year, prepare a list of the dates of the meetings that are scheduled for the year.~~

~~(d) A Treasurer, who shall, with the assistance of the Director of the Legislative Counsel Bureau, administer any account established pursuant to NRS 427A.395.]~~ *gather information on issues of importance to senior citizens and provide a report at each meeting of the ~~[Nevada Silver Haired Legislative]~~ Forum on the information gathered by the facilitators and who shall serve a term of 2 years beginning on September 1.*

2. *The President and Vice President shall coordinate and facilitate the activities and meetings of the ~~[Nevada Silver Haired Legislative]~~ Forum.*

3. ~~[A member of the National Silver Haired Congress from this State who, pursuant to NRS 427A.350, serves as an ex officio member of the Nevada Silver Haired Legislative Forum, may not be elected to serve as an officer of the Forum pursuant to subsection 1.~~

~~4. An appointed]~~ A member of the ~~[Nevada Silver Haired Legislative]~~ Forum appointed pursuant to NRS 427A.330 shall not serve more than two terms as President . ~~[of the Forum.]~~

~~[5.]~~ 4. The Director of the Legislative Counsel Bureau shall provide such persons as are necessary to assist the ~~[Nevada Silver Haired Legislative]~~ Forum in carrying out its duties.

Sec. 3.3. NRS 427A.390 is hereby amended to read as follows:

427A.390 The ~~[Nevada Silver Haired Legislative]~~ Forum may:

1. Submit a report containing recommendations for legislative action to the Legislative Commission and the Governor before September 1 of each even-numbered year.

2. Accept gifts, grants and donations that must be deposited in an account established pursuant to NRS 427A.395.

3. Adopt procedures to conduct meetings of the ~~[Nevada Silver Haired Legislative]~~ Forum and committees thereof. Those procedures may be changed upon approval of a majority vote of all members of the ~~[Nevada Silver Haired Legislative]~~ Forum who are *qualified to vote and are* present and voting.

Sec. 3.5. NRS 427A.395 is hereby amended to read as follows:

427A.395 1. All money received by the ~~[Nevada Silver Haired Legislative]~~ Forum must be deposited in a bank, credit union or other financial institution in this state and paid out on its order for its expenses.

2. *The President, with the assistance of the Director of the Legislative Counsel Bureau, shall administer any account established pursuant to subsection 1.*

3. All expenses incurred by the ~~[Nevada Silver Haired Legislative]~~ Forum in carrying out the provisions of NRS 427A.320 to 427A.400, inclusive, *and sections 1.1 to 1.5, inclusive, of this act* must be paid from an account established pursuant to subsection 1.

Sec. 3.7. NRS 427A.400 is hereby amended to read as follows:

427A.400 Within the limits of legislative appropriations, and any gifts, grants and donations, each member ~~[of the Nevada Silver Haired Legislative Forum]~~ *appointed pursuant to NRS 427A.330, each ex officio member and each advisory member appointed pursuant to section 1.5 of this act* is entitled to receive for attendance at a meeting of the ~~[Nevada Silver Haired Legislative]~~ Forum or a committee thereof the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 4. ~~[NRS 218D.220 is hereby amended to read as follows:~~

~~218D.220 1. For a regular session, the Nevada Silver Haired Legislative Forum created by NRS 427A.320 may request the drafting of not more than [1] *three* legislative [measure] *measures* which [relates] *relate* to matters~~

~~within the scope of the Forum. The request must be submitted to the Legislative Counsel on or before September 1 preceding the regular session.~~

~~2. A request made pursuant to this section must be on a form prescribed by the Legislative Counsel. A legislative measure requested pursuant to this section must be prefiled on or before the third Wednesday in November preceding the regular session. A legislative measure that is not prefiled on or before that day shall be deemed withdrawn.]~~ (Deleted by amendment.)

Sec. 5. 1. Notwithstanding the provisions of NRS 427A.370, as amended by section 3 of this act, the persons who were elected to serve the term as President and Vice President of the Nevada Silver Haired Legislative Forum ending on June 30, 2019, continue to serve as President and Vice President of the Forum until a successor is chosen.

2. As soon as practicable after July 1, 2019, the Nevada Silver Haired Legislative Forum shall meet to elect a President, a Vice President and two facilitators pursuant to NRS 427A.370, as amended by section 3 of this act, for a term beginning on September 1, 2019.

Sec. 6. For the purposes of subsection ~~[4]~~ 3 of NRS 427A.370, as amended by section 3 of this act, any term of a President of the Nevada Silver Haired Legislative Forum commencing on or before July 1, 2019, must not be counted for the purposes of determining the limitation set forth in that subsection.

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

Senator Ohrenschall moved the adoption of the amendment.

Remarks by Senator Ohrenschall.

Amendment No. 63 to Senate Bill No. 24 authorizes the Nevada Silver Haired Legislative Forum to appoint one or more advisory members to the Forum and sets forth the duties of those members and defines their terms, which must not exceed 12 months. It clarifies that the Legislative Counsel Bureau shall assist the Forum President in administering the budget for the Forum, which it currently does. The bill deletes provisions that would have increased, from one to three, the number of bill draft requests allocated to the Silver Haired Legislative Forum.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 25.

Bill read second time.

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

Amendment No. 95.

SUMMARY—Revises provisions governing the administration of the surcharge imposed on telephone users. (BDR 20-442)

AN ACT relating to public safety; revising provisions relating to the imposition of a surcharge which may be collected and used for the enhancement of the telephone system for reporting an emergency; providing that such a surcharge may also be used for the purpose of paying costs for personnel and training associated with portable event recording devices and vehicular event recording devices; requiring a recipient of money collected

from the surcharge to repay or return that money under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain peace officers to wear a portable event recording device while on duty. (NRS 289.830) Existing law authorizes: (1) all counties in this State to impose a surcharge to be used for the enhancement of the telephone system for reporting an emergency in the county; and (2) the surcharge to be used for the purpose of purchasing and maintaining portable event recording devices and vehicular event recording devices. (NRS 244A.7643, 244A.7645) Section 1 of this bill authorizes the surcharge to also be used for personnel and training associated with: (1) maintaining, updating and operating the equipment, hardware and software of portable event recording devices and vehicular event recording devices; and (2) the maintenance, retention and redaction of audio and video events recorded on portable event recording devices and vehicular event recording devices.

Section 1 also requires a recipient to: (1) return money not used within 6 months for an approved purpose; (2) repay any money that is not used for an approved purpose; and (3) repay any amount to which the recipient was not entitled to receive.

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

Section 1. 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]~~ *:*

(1) 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 ~~[.]~~ *;*

(2) Paying costs for personnel and training associated with maintaining, updating and operating the equipment, hardware and software necessary for portable event recording devices and vehicular event recording devices or

systems that consist of both portable event recording devices and vehicular event recording devices; and

(3) Paying costs for personnel and training associated with the maintenance, retention and redaction of audio and video events recorded on portable event recording devices and vehicular event recording devices or systems that consist of both portable event recording devices and vehicular event recording devices.

4. *If money in the fund is distributed to a recipient and:*

(a) The recipient has not used the money for any purpose authorized pursuant to subsection 3 within 6 months, the recipient must:

(1) Notify the board of county commissioners and the advisory committee; and

(2) Return the unused money.

(b) The recipient used any portion of the money for a purpose that is not authorized pursuant to subsection 3, the recipient must:

(1) Notify the board of county commissioners and the advisory committee; and

(2) Repay the portion of the money that was used for a purpose not authorized pursuant to subsection 3.

(c) The recipient was not entitled to receive all or a portion of the money, the recipient must:

(1) Notify the board of county commissioners and the advisory committee; and

(2) Repay all money to which the recipient was not entitled to receive.

5. 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.]~~ *6.* 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.]~~ *7.* 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. 2. This act becomes effective upon passage and approval.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Amendment No. 95 to Senate Bill No. 25 relates to a surcharge collected by a telecommunications provider. The amendment requires a recipient to pay back money received from the fund if the recipient has not used the money for any authorized purpose within six months, used any portion for an unauthorized purpose or was not entitled to receive all or a portion of the money.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 51.

Bill read second time.

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

Amendment No. 227.

SUMMARY—Makes various changes regarding the State Personnel System. (BDR 23-183)

AN ACT relating to the State Personnel System; authorizing the concurrent appointment of two employees to the same unclassified position for a temporary period in certain circumstances; ~~[revising provisions governing the compensation for overtime for positions in the Executive Department of the State Government; removing the requirement that the names on an eligible list for appointment and promotion be ranked;]~~ removing a prohibition against an employee in the Executive Department taking annual leave during the first 6 months of employment; ~~[prescribing the circumstances under which certain employees may file a grievance;]~~ exempting certain officers and employees of the Nevada Gaming Control Board from the provisions governing the State Personnel System; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law governs generally the employment of persons in the classified and unclassified service of the Executive Department of the State Government. (Chapter 284 of NRS) Existing law authorizes certain officers to make appointments to positions in the unclassified service. (NRS 284.145) Section 2 of this bill authorizes such an officer to appoint a full-time equivalent employee to serve concurrently in the same unclassified position held by another full-time equivalent employee for a maximum period of 90 days for purposes of transitioning the duties of the position to the newly appointed employee.

~~[The federal Fair Labor Standards Act, which applies to most public and private employment, prescribes minimum wage and overtime compensation standards, which also affect disciplinary suspensions. The Act contains exemptions for different types of employment. (29 U.S.C. §§ 201 et seq.) However, states and municipalities may enact their own standards that are more beneficial to employees than the standards of the Act. (29 U.S.C. § 218) Existing state law specifies that elected officers and certain employees in the unclassified and classified service in the Executive Department of the State~~

~~Government must be paid on a salary basis, are not entitled to overtime compensation and are not subject to disciplinary suspensions for less than 1 week. Section 3 of this bill removes these categories specified in state law, and instead requires the Division of Human Resource Management of the Department of Administration to determine which positions in the classified or unclassified service are not entitled to overtime compensation pursuant to regulations adopted by the Personnel Commission. Sections 1, 4, 8 and 10 of this bill make conforming changes.~~

~~Existing law requires the Personnel Commission to adopt regulations for the establishment of eligible lists for appointment and promotion which are required to contain the names of successful applicants in the order of their relative excellence in the respective examinations. (NRS 284.250) Section 5 of this bill: (1) removes the requirement that the names on such a list be ranked; and (2) instead requires each such list to contain the names of applicants who meet the minimum qualifications of the position.]~~

Section 6 of this bill removes the prohibition in existing law against an employee in the Executive Department taking annual leave during the first 6 months of employment. (NRS 284.350) Section 9 of this bill makes a conforming change.

~~[Under existing law, a "grievance" is defined as an act, omission or occurrence which an employee who has attained permanent status feels constitutes an injustice relating to any condition arising out of the relationship between an employer and an employee. (NRS 284.384) Existing law requires the Personnel Commission to adopt regulations which: (1) provide for the adjustment of any grievance except for a grievance for which a hearing is provided by federal law or certain state laws; and (2) require the Employee-Management Committee to make final decisions for the adjustment of such a grievance. (NRS 284.384) Section 7 of this bill limits the circumstances in which such an employee is authorized to file a grievance under the regulations adopted by the Personnel Commission to instances where: (1) the employee feels the injustice occurred as a result of a violation of a policy adopted by the agency with which the employee is employed or a federal or state law; and (2) a separate process is not provided by state or federal law for the adjustment of a grievance concerning the violation of the policy or law.]~~

Existing law specifies that elected officers and certain employees in the unclassified and classified service in the Executive Department must be paid on a salary basis, are not entitled to overtime compensation and are not subject to disciplinary suspensions for less than 1 week. (NRS 284.148) Certain employees of the Nevada Gaming Control Board are subject to those limitations under existing law. (NRS 463.080) Section 10 of this bill eliminates the applicability of those limitations to those employees of the Nevada Gaming Control Board, thereby making those employees subject solely to the requirements of the comprehensive plan that the Board is required to establish under existing law governing employment, job classifications and

performance standards and the retention and discharge of its employees. (NRS 463.080)

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

Section 1. ~~[NRS 281.100 is hereby amended to read as follows:~~

~~281.100 1. Except as otherwise provided in this section and NRS 284.180, the services and employment of all persons who are employed by the State of Nevada, or by any county, city, town, township or other political subdivision thereof, are limited to not more than 8 hours in any 1 calendar day and not more than 40 hours in any 1 week.~~

~~2. The period of daily employment mentioned in this section commences from the time the employee takes charge of any equipment of the employer or acts as an assistant or helper to a person who is in charge of any equipment of the employer, or enters upon or into any conveyance of or operated by or for the employer at any camp or living quarters provided by the employer for the transportation of employees to the place of work.~~

~~3. This section does not apply to:~~

~~(a) Officials of the State of Nevada or of any county, city, town, township or other political subdivision thereof, or employees of the State [whose employment is governed by] *who are determined not to be entitled to compensation for overtime pursuant to* NRS 284.148.~~

~~(b) Employees of the State of Nevada or of any county, city, town, township or other political subdivision thereof who:~~

~~(1) Are engaged as employees of a fire department, or to nurses in training or working in hospitals, or to police, deputy sheriffs or jailers;~~

~~(2) Chose and are approved for a variable workday or variable 80-hour work schedules within a biweekly pay period;~~

~~(3) Work more than 8 hours but not more than 10 hours in any 1 workday or 40 hours in any 1 workweek;~~

~~(4) Are executive, administrative, professional or supervisory employees; or~~

~~(5) Are covered by a collective bargaining agreement which establishes hours of service.~~

~~(c) Employees of the Legislative Counsel Bureau.~~

~~(d) Work done directly by any public utility company pursuant to an order of the Public Utilities Commission of Nevada or other public authority.~~

~~4. Any employee whose hours are limited by subsection 1 may be permitted, or in case of emergency where life or property is in imminent danger may be required, at the discretion of the officer responsible for the employment of the employee, but subject to any agreement made pursuant to NRS 284.181, to work more than the number of hours limited. If so permitted or required, the employee is entitled to receive, at the discretion of the responsible officer:~~

~~(a) Compensatory vacation time; or~~

~~(b) Overtime pay.~~

~~5. Any officer or agent of the State of Nevada, or of any county, city, town, township, or other political subdivision thereof, whose duty it is to employ, direct or control the services of an employee covered by this section, who violates any of the provisions of this section as to the hours of employment of labor as provided in this section, is guilty of a misdemeanor.]~~ (Deleted by amendment.)

Sec. 2. NRS 284.145 is hereby amended to read as follows:

284.145 *1.* Officers authorized by law to make appointments to positions in the unclassified service and appointing officers of departments or institutions whose employees are exempt from the provisions of this chapter may make appointments from appropriate registers of eligible persons maintained by the Division without affecting the continuance of the names on the list.

2. Officers authorized by law to make appointments to positions in the unclassified service may appoint a full-time equivalent employee to serve concurrently in a position in the unclassified service held by another full-time equivalent employee for a period of not more than 90 days for the purpose of transitioning the duties of the position to the newly appointed employee.

Sec. 3. ~~[NRS 284.148 is hereby amended to read as follows:~~

~~284.148 1. [An elected officer or an employee in the unclassified service who is on the personal staff of an elected officer, an appointed head of a department or division who serves at the pleasure or discretion of an elected officer or an executive, administrative or professional employee within the meaning of the Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 et seq.:~~

~~(a) Must be paid on a salary basis, within a maximum amount established by law;~~

~~(b) Is not entitled to compensation for overtime; and~~

~~(c) Is not subject to disciplinary suspensions for less than 1 week.~~

~~2. An employee in the classified service who is an executive, administrative or professional employee within the meaning of the Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 et seq., and who is either a head of a department, division or bureau, or a doctoral level professional:~~

~~(a) Must be paid on a salary basis;~~

~~(b) Is not entitled to compensation for overtime; and~~

~~(c) Is not subject to disciplinary suspensions for less than 1 week.~~

~~3.] Unless otherwise specified by statute, the Division shall determine which positions in the classified and unclassified service are [subject to the provisions of this section.] *not entitled to compensation for overtime pursuant to regulations adopted by the Commission.*~~

~~*2. The Commission shall adopt regulations setting forth the manner in which the Division determines which positions in the classified and unclassified service are not entitled to compensation for overtime.]~~* (Deleted by amendment.)

Sec. 4. ~~[NRS 284.180 is hereby amended to read as follows:~~

~~284.180 1. The Legislature declares that since uniform salary and wage rates and classifications are necessary for an effective and efficient personnel system, the pay plan must set the official rates applicable to all positions in the classified service, but the establishment of the pay plan in no way limits the authority of the Legislature relative to budgeted appropriations for salary and wage expenditures.~~

~~2. Credit for overtime work directed or approved by the head of an agency or the representative of the head of the agency must be earned at the rate of time and one-half, except for those employees [described in] *who are determined not to be entitled to compensation for overtime pursuant to* NRS 284.148.~~

~~3. Except as otherwise provided in subsections 4, 6, 7 and 9, overtime is considered time worked in excess of:~~

~~(a) Eight hours in 1 calendar day;~~

~~(b) Eight hours in any 16-hour period; or~~

~~(c) A 40-hour week.~~

~~4. Firefighters who choose and are approved for a 24-hour shift shall be deemed to work an average of 56 hours per week and 2,912 hours per year, regardless of the actual number of hours worked or on paid leave during any biweekly pay period. A firefighter so assigned is entitled to receive 1/26 of the firefighter's annual salary for each biweekly pay period. In addition, overtime must be considered time worked in excess of:~~

~~(a) Twenty-four hours in one scheduled shift; or~~

~~(b) Fifty-three hours average per week during one work period for those hours worked or on paid leave.~~

~~The appointing authority shall designate annually the length of the work period to be used in determining the work schedules for such firefighters. In addition to the regular amount paid such a firefighter for the deemed average of 56 hours per week, the firefighter is entitled to payment for the hours which comprise the difference between the 56-hour average and the overtime threshold of 53 hours average at a rate which will result in the equivalent of overtime payment for those hours.~~

~~5. The Commission shall adopt regulations to carry out the provisions of subsection 4.~~

~~6. For employees who choose and are approved for a variable workday, overtime will be considered only after working 40 hours in 1 week.~~

~~7. Employees who are eligible under the Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 et seq., to work a variable 80-hour work schedule within a biweekly pay period and who choose and are approved for such a work schedule will be considered eligible for overtime only after working 80 hours biweekly, except those eligible employees who are approved for overtime in excess of one scheduled shift of 8 or more hours per day.~~

~~8. An agency may experiment with innovative workweeks upon the approval of the head of the agency and after majority consent of the affected~~

~~employees. The affected employees are eligible for overtime only after working 40 hours in a workweek.~~

~~— 9. This section does not supersede or conflict with existing contracts of employment for employees hired to work 24 hours a day in a home setting. Any future classification in which an employee will be required to work 24 hours a day in a home setting must be approved in advance by the Commission.~~

~~— 10. All overtime must be approved in advance by the appointing authority or the designee of the appointing authority. No officer or employee, other than a director of a department or the chair of a board, commission or similar body, may authorize overtime for himself or herself. The chair of a board, commission or similar body must approve in advance all overtime worked by members of the board, commission or similar body.~~

~~— 11. The Division shall prepare and submit quarterly to the Budget Division of the Office of Finance a report regarding all overtime worked by employees of the Executive Department in the quarter. The Budget Division shall:~~

~~— (a) Review the report and analyze the overtime reported; and~~

~~— (b) Transmit quarterly to the State Board of Examiners the report and the analysis of the Budget Division regarding the report.~~

~~— 12. A state employee is entitled to his or her normal rate of pay for working on a legal holiday unless the employee is entitled to payment for overtime pursuant to this section and the regulations adopted pursuant thereto. This payment is in addition to any payment provided for by regulation for a legal holiday.]~~ (Deleted by amendment.)

Sec. 5. ~~[NRS 284.250 is hereby amended to read as follows:~~

~~— 284.250 1. The Commission shall adopt regulations for the establishment of eligible lists for appointment and promotion which must contain the names of [successful] applicants [in the order of their relative excellence in the respective examinations.]~~ ~~*who meet the minimum qualifications of the position.*~~

~~— 2. The term of eligibility of applicants on such lists is 1 year, but the term may be extended by the Administrator to a maximum of 3 years.]~~ (Deleted by amendment.)

Sec. 6. NRS 284.350 is hereby amended to read as follows:

284.350 1. Except as otherwise provided in subsections 2, 3 and 4, an employee in the public service, whether in the classified or unclassified service, is entitled to annual leave with pay of 1 1/4 working days for each month of continuous public service. The annual leave may be cumulative from year to year not to exceed 30 working days. The Commission may by regulation provide for additional annual leave for long-term employees and for prorated annual leave for part-time employees.

2. Except as otherwise provided in this subsection, any annual leave in excess of 30 working days must be used before January 1 of the year following the year in which the annual leave in excess of 30 working days is accumulated

or the amount of annual leave in excess of 30 working days is forfeited on that date. If an employee:

(a) On or before October 15, requests permission to take annual leave; and

(b) The employee's request for leave is denied in writing for any reason,

➥ the employee is entitled to payment for any annual leave in excess of 30 working days which the employee requested to take and which the employee would otherwise forfeit as the result of the denial of the employee's request, unless the employee has final authority to approve use of the employee's own accrued leave and the employee received payment pursuant to this subsection for any unused annual leave in excess of 30 working days accumulated during the immediately preceding calendar year. The payment for the employee's unused annual leave must be made to the employee not later than January 31.

3. Officers and members of the faculty of the Nevada System of Higher Education are entitled to annual leave as provided by the regulations adopted pursuant to subsection 2 of NRS 284.345.

4. The Commission shall establish by regulation a schedule for the accrual of annual leave for employees who regularly work more than 40 hours per week or 80 hours biweekly. The schedule must provide for the accrual of annual leave at the same rate proportionately as employees who work a 40-hour week accrue annual leave.

5. No elected state officer may be paid for accumulated annual leave upon termination of the officer's service.

6. ~~[During the first 6 months of employment of any employee in the public service, annual leave accrues as provided in subsection 1, but no annual leave may be taken during that period.~~

~~7.]~~ No employee in the public service may be paid for accumulated annual leave upon termination of employment unless the employee has been employed for 6 months or more.

~~[8.]~~ *7.* Upon the request of an employee, the appointing authority of the employee may approve the reduction or satisfaction of an overpayment of the salary of the employee that was not obtained by the fraud or willful misrepresentation of the employee with a corresponding amount of the accrued annual leave of the employee.

Sec. 7. ~~[NRS 284.384 is hereby amended to read as follows:~~

~~*284.384 1. An employee who has attained permanent status and feels that an injustice has occurred in the employer-employee relationship may file a grievance if:*~~

~~*(a) The employee feels the injustice occurred as a result of a violation of a policy adopted by the agency with which the employee is employed or state or federal law; and*~~

~~*(b) A separate process is not provided by state or federal law for the adjustment of grievances concerning the violation of the policy or law.*~~

~~2. The Commission shall adopt regulations which provide for the adjustment of grievances [for which a hearing is not provided by federal law~~

~~or NRS 284.165, 284.245, 284.3629, 284.376 or 284.390 and]~~ *filed pursuant to subsection 1 or* complaints filed pursuant to NRS 281.755. ~~[Any grievance for which a hearing is not provided by NRS 284.165, 284.245, 284.3629, 284.376 or 284.390, or any complaint filed pursuant to NRS 281.755, is subject to adjustment pursuant to this section.~~

~~2.]~~

~~*3.* The regulations must provide procedures for:~~

~~(a) Consideration and adjustment of the grievance or complaint within the agency in which it arose.~~

~~(b) Submission to the Employee-Management Committee for a final decision if the employee is still dissatisfied with the resolution of the dispute.~~

~~(c) If requested by an employee or agency, the use of a resolution conference to resolve a grievance or complaint.~~

~~[3.]~~ *4.* ~~The regulations must include provisions for:~~

~~(a) Submitting each proposed resolution of a dispute which has a fiscal effect to the Budget Division of the Office of Finance for a determination by that Division whether the resolution is feasible on the basis of its fiscal effects; and~~

~~(b) Making the resolution binding.~~

~~[4.]~~ *5.* ~~Any grievance or complaint which is subject to adjustment pursuant to this section may be appealed to the Employee-Management Committee for a final decision. Except as otherwise provided in subsection [3,]~~ *4,* ~~a final decision of the Committee is binding. The Committee or an employee may petition a court of competent jurisdiction for enforcement of the Committee's binding decisions.~~

~~[5.]~~ *6.* ~~The employee may represent himself or herself at any hearing regarding a grievance or complaint which is subject to adjustment pursuant to this section or be represented by an attorney or other person of the employee's own choosing.~~

~~[6. As used in this section, "grievance" means an act, omission or occurrence which an employee who has attained permanent status feels constitutes an injustice relating to any condition arising out of the relationship between an employer and an employee, including, but not limited to, compensation, working hours, working conditions, membership in an organization of employees or the interpretation of any law, regulation or disagreement.]~~ (Deleted by amendment.)

Sec. 8. ~~[~~NRS 284.385 ~~is hereby amended to read as follows:~~

~~284.385 1.~~ ~~An appointing authority may:~~

~~(a) Dismiss or demote any permanent classified employee when the appointing authority considers that the good of the public service will be served thereby.~~

~~(b) Except [as otherwise provided in]~~ *for those positions in the classified and unclassified service that the Division has determined are not entitled to compensation for overtime pursuant to* NRS 284.148, ~~suspend without pay,~~

~~for disciplinary purposes, a permanent employee for a period not to exceed 30 days.~~

~~2. Before a permanent classified employee is dismissed, involuntarily demoted or suspended, the appointing authority must consult with the Attorney General or, if the employee is employed by the Nevada System of Higher Education, the appointing authority's general counsel, regarding the proposed discipline. After such consultation, the appointing authority may take such lawful action regarding the proposed discipline as it deems necessary under the circumstances.~~

~~3. A dismissal, involuntary demotion or suspension does not become effective until the employee is notified in writing of the dismissal, involuntary demotion or suspension and the reasons therefor. The Commission shall adopt regulations setting forth the procedures for properly notifying the employee of the dismissal, involuntary demotion or suspension and the reasons therefor.~~

~~4. No employee in the classified service may be dismissed for any reason relating to his or her religion, race, sexual orientation, or gender identity or expression.~~] (Deleted by amendment.)

Sec. 9. NRS 227.150 is hereby amended to read as follows:

227.150 1. The State Controller shall:

(a) Open and keep an account with each county, charging the counties with the revenue collected, as shown by the auditor's statements, and also with their proportions of the salaries of the district judges, and crediting them with the amounts paid to the State Treasurer.

(b) Keep and state all accounts between the State of Nevada and the United States, or any state or territory, or any person or public officer of this State, indebted to the State or entrusted with the collection, disbursement or management of any money, funds or interests arising therefrom, belonging to the State, of every character and description, if the accounts are derivable from or payable into the State Treasury.

(c) Settle the accounts of all county treasurers, and other collectors and receivers of all state revenues, taxes, tolls and incomes, levied or collected by any act of the Legislature and payable into the State Treasury.

(d) Keep fair, clear, distinct and separate accounts of all the revenues and incomes of the State, and of all the expenditures, disbursements and investments thereof, showing the particulars of every expenditure, disbursement and investment.

2. The State Controller may:

(a) Direct the collection of all accounts or money due the State, except as otherwise provided in chapter 353C of NRS, and if there is no time fixed or stipulated by law for the payment of any such accounts or money, they are payable at the time set by the State Controller.

(b) Upon approval of the Attorney General, direct the cancellation of any accounts or money due the State.

(c) Except as otherwise provided in subsection 3, withhold from the compensation of an employee of the State any amount due the State for the

overpayment of the salary of the employee that has not been satisfied pursuant to subsection ~~[8]~~ *7* of NRS 284.350 or in any other manner.

3. Before any amounts may be withheld from the compensation of an employee pursuant to paragraph (c) of subsection 2, the State Controller shall:

(a) Give written notice to the employee of the State Controller's intent to withhold such amounts from the compensation of the employee; and

(b) If requested by the employee within 10 working days after receipt of the notice, conduct a hearing and allow the employee the opportunity to contest the State Controller's determination to withhold such amounts from the compensation of the employee.

➥ If the overpayment was not obtained by the employee's fraud or willful misrepresentation, any withholding from the compensation of the employee must be made in a reasonable manner so as not to create an undue hardship to the employee.

4. The State Controller may adopt such regulations as are necessary to carry out the provisions of this section.

Sec. 10. NRS 463.080 is hereby amended to read as follows:

463.080 1. The Board may:

(a) Establish, and from time to time alter, such a plan of organization as it may deem expedient.

(b) Acquire such furnishings, equipment, supplies, stationery, books, motor vehicles and other things as it may deem necessary or desirable in carrying out its functions.

(c) Incur such other expenses, within the limit of money available to it, as it may deem necessary.

2. Except as otherwise provided in this chapter, all costs of administration incurred by the Board must be paid out on claims from the State General Fund in the same manner as other claims against the State are paid.

3. The Board shall, within the limits of legislative appropriations or authorizations, employ and fix the salaries of or contract for the services of such professional, technical and operational personnel and consultants as the execution of its duties and the operation of the Board and Commission may require.

4. The members of the Board and all the personnel of the Board, except clerical employees, ~~[and employees described in *in positions that the Division of Human Resource Management of the Department of Administration has determined are not entitled to compensation for overtime pursuant to* NRS 284.148,]~~ are exempt from the provisions of chapter 284 of NRS. They are entitled to such leaves of absence as the Board prescribes, but such leaves must not be of lesser duration than those provided for other state employees pursuant to chapter 284 of NRS. ~~[Employees described in NRS 284.148 are subject to the limitations specified in that section.]~~

5. Clerical employees of the Board are in the classified service but are exempt from the provisions of chapter 284 of NRS for purposes of removal.

They are entitled to receive an annual salary which must be fixed in accordance with the pay plan adopted under the provisions of that chapter.

6. The Board shall establish, and modify as necessary, a comprehensive plan governing employment, job classifications and performance standards, and retention or discharge of employees to assure that termination or other adverse action is not taken against such employees except for cause. The plan must include provisions for hearings in personnel matters and for review of adverse actions taken in those matters.

Sec. 11. ~~[1.]~~ This ~~[section and sections 2 and 6 of this]~~ act ~~[become]~~ becomes effective upon passage and approval.

~~[2. Sections 3, 5 and 7 of this act become effective upon passage and approval for the purpose of adopting regulations and performing any preparatory administrative tasks that are necessary to carry out those provisions; and on January 1, 2020, for all other purposes.~~

~~3. Sections 1, 4, 8, 9 and 10 of this act become effective on January 1, 2020.]~~

Senator Ohrenschall moved the adoption of the amendment.

Remarks by Senator Ohrenschall.

Amendment No. 227 to Senate Bill No. 51 deletes sections of the bill that would have amended provisions regarding overtime, grievances and eligibility tests relating to State employees. The amendment retains provisions in the bill removing the six-month waiting period before new employees can use annual leave and allowing certain 90-day concurrent appointments for the transitioning of duties and clarifies that employees of the Nevada Gaming Control Board are exempt from certain provisions of chapter 284 of the *Nevada Revised Statutes*.

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. 72.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 80.

SUMMARY—Makes various changes related to gaming. (BDR 41-344)

AN ACT relating to gaming; ~~[defining the term "table game" and revising certain other definitions;]~~ authorizing the Nevada Gaming Control Board to temporarily suspend the registration of a registered gaming employee upon his or her arrest by an agent of the Board; requiring the Nevada Gaming Commission to adopt regulations relating to such temporary suspensions of registration; ~~[requiring the Commission to provide by regulation for the operation and registration of sports wagering ticket brokers and persons associated therewith;]~~ establishing provisions relating to certain approvals sought from the Board; revising certain definitions; revising provisions relating to actions and proceedings of the Board that are exempt from the Open Meeting Law; revising provisions concerning the filing of a change of

employment notice by certain registered gaming employees; revising provisions relating to the submission of an application for registration or renewal of registration as a gaming employee or a change of employment notice to the Board; requiring an applicant for registration or renewal of registration as a gaming employee to submit certain fees to the Central Repository for Nevada Records of Criminal History; revising provisions concerning the submission of such an applicant's fingerprints; revising provisions relating to the suspension of or objection to the registration of an applicant as a gaming employee; revising provisions relating to the revocation of registration as a gaming employee; revising provisions relating to associated equipment; ~~[authorizing]~~ revising the ~~[Commission to adopt regulations authorizing associated equipment]~~ legislative findings relating to ~~[be located at a]~~ hosting ~~[center;]~~ centers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines certain terms relating to gaming for the purposes of chapter 463 of NRS. (NRS 463.013-463.01967) ~~[Section 2 of this bill defines the term "table game."]~~ Section 8 of this bill revises the definition of the term "cashless wagering system."

Section 3 of this bill authorizes the Nevada Gaming Control Board to temporarily suspend the registration of a registered gaming employee if he or she is arrested by an agent of the Board. Section 3 also requires the Nevada Gaming Commission, with the advice and assistance of the Board, to adopt regulations establishing the process for issuing such a temporary suspension of registration.

~~[Existing law provides that certain natural persons and business entities must be licensed, registered, found suitable or approved to conduct or be involved in gaming or certain activities relating to gaming. (Chapter 463 of NRS) Section 4 of this bill requires the Nevada Gaming Commission, with the advice and assistance of the Nevada Gaming Control Board, to provide by regulation for the operation and registration of sports wagering ticket brokers and persons associated therewith.]~~

Existing law provides that: (1) an applicant for a gaming license or other affirmative approval from the Nevada Gaming Commission has no right to the license or approval; and (2) such licenses and approvals are revocable privileges under which no vested right is granted or otherwise acquired. (NRS 463.0129) Section 5 of this bill includes affirmative approvals from the Nevada Gaming Control Board in such provisions.

~~[Existing law defines the terms "game" or "gambling game" to include a game or device approved by the Nevada Gaming Commission. (NRS 463.0152) Section 9 of this bill revises the definition to include any game or device approved by the Nevada Gaming Control Board instead of the Commission.]~~

Existing law provides that the Open Meeting Law does not apply to any action or proceeding of the Board that is related to making a determination as

to whether: (1) certain violations have occurred; or (2) to file certain complaints with the Commission. (NRS 463.3105) Such provisions are scheduled to expire by limitation on May 30, 2019. (Section 5 of chapter 274, Statutes of Nevada 2015, p. 1367) Section 15 of this bill removes that expiration date, thereby extending indefinitely the exemption from the Open Meeting Law for such actions or proceedings of the Board. Section 10 of this bill additionally provides that the Open Meeting Law does not apply to any action or proceeding of the Board that is related to: (1) an interpretation of provisions of state law or regulations related to gaming or of the applicability of any federal or state law or regulation to such provisions; or (2) a determination as to whether the Board will issue an industry notice concerning any such interpretation.

Existing law: (1) prohibits a person from being employed as a gaming employee unless he or she is registered as a gaming employee; and (2) requires a registered gaming employee to file a change of employment notice with the Board if he or she becomes employed as a gaming employee at another or additional gaming establishment. (NRS 463.335) Section 11 of this bill also requires a registered gaming employee to file such a change of employment notice if he or she: (1) is a security guard who is employed in an unarmed position and becomes employed in an armed position; or (2) is not a security guard and becomes employed as a security guard in an unarmed or armed position. Section 11 additionally revises provisions relating to the submission of an application for registration or renewal of registration as a gaming employee or a change of employment notice to the Board.

Existing law requires the Board to conduct an investigation of each person who files an application for registration or renewal of registration as a gaming employee and submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for reports of the applicant's criminal history from the Central Repository and the Federal Bureau of Investigation. Existing law provides that the fee for processing any such application may be charged only to cover the actual investigative and administrative costs related to processing the application and the fees charged to process the applicant's fingerprints. (NRS 463.335) Section 11: (1) provides that the fee for processing any such application may be charged only to cover the costs incurred by the Board; and (2) requires an applicant to submit to the Central Repository the fees charged by the Central Repository and the Federal Bureau of Investigation to process the applicant's fingerprints. Section 11 also provides that only one set of the applicant's fingerprints must be submitted with the application.

Existing law authorizes the Board to suspend or object to the registration of an applicant as a gaming employee for any cause deemed reasonable by the Board, including if the applicant has committed, attempted or conspired to commit any crime of moral turpitude, embezzlement or larceny. (NRS 463.335) Existing law also authorizes the Commission to revoke the registration of a gaming employee if the Commission finds after a hearing that

the gaming employee, after being registered as a gaming employee, committed, attempted or conspired to commit larceny or embezzlement against a gaming licensee or upon the premises of a licensed gaming establishment. (NRS 463.337) ~~[Section]~~ Sections 11 and 12 of this bill ~~[adds]~~ , respectively, add theft to such crimes.

Existing law requires that regulations adopted by the Commission relating to associated equipment must require persons who manufacture or distribute associated equipment for use in Nevada to be registered with the Board if such associated equipment has certain characteristics. (NRS 463.665) Section 13 of this bill revises such characteristics, and section 7 of this bill revises the definition of "associated equipment" accordingly.

Existing law establishes certain legislative findings relating to hosting centers. (NRS 463.673) Section 14 of this bill ~~[authorizes the Commission to adopt regulations that include a provision authorizing]~~ revises such legislative findings to provide that technological advances have evolved which allow associated equipment to be located at a hosting center.

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

Section 1. ~~[Chapter 463 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.]~~ (Deleted by amendment.)

Sec. 2. ~~[*"Table game" means a gambling game played with cards, dice, equipment or another device in which players compete against a licensed gaming establishment for money, property, checks, credit or any representative of value. The term includes, without limitation, any banking game or any other game approved by the Board.]*~~ (Deleted by amendment.)

Sec. 3. Chapter 463 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a person who is registered with the Board as a gaming employee is arrested by an agent of the Board, the Board may temporarily suspend the registration of the gaming employee.

2. The Commission, with the advice and assistance of the Board, shall adopt regulations establishing the process for issuing a temporary suspension of the registration of a person as a gaming employee if he or she is arrested by an agent of the Board.

3. As used in this section, "agent of the Board" means a person who possesses the powers of a peace officer pursuant to NRS 289.360.

Sec. 4. ~~[*1. The Commission shall, with the advice and assistance of the Board, provide by regulation for the operation and registration of sports wagering ticket brokers and persons associated therewith.*~~

~~*2. Such regulations may include, without limitation:*~~

~~*(a) Provisions relating to the operation and location of sports wagering ticket brokers, including, without limitation, minimum internal and operational control standards established by the Commission.*~~

~~*(b) Provisions relating to the registration of persons owning or operating a business as a sports wagering ticket broker and any persons having a*~~

~~*significant involvement with such a business, as determined by the Commission.*~~

~~*(c) A provision that the person owning, operating or having a significant involvement with a sports wagering ticket broker may be required by the Commission to be found suitable to be associated with licensed gaming, including race book or sports pool operations.*~~

~~*(d) The establishment of fees for an initial registration and the renewal of a registration.*~~

~~*(e) The establishment of an appropriate period of validity of a registration.*~~

~~*(f) Additional matters which the Commission deems necessary and appropriate to carry out the provisions of this section and which are consistent with the public policy of this State pursuant to NRS 463.0129.*~~

~~*3. As used in this section, "sports wagering ticket broker" means a person who, for any form of compensation, fee or other remuneration, facilitates the sale of an active sports wager between the original bettor and a buyer.]*~~ (Deleted by amendment.)

Sec. 5. NRS 463.0129 is hereby amended to read as follows:

463.0129 1. The Legislature hereby finds, and declares to be the public policy of this state, that:

(a) The gaming industry is vitally important to the economy of the State and the general welfare of the inhabitants.

(b) The continued growth and success of gaming is dependent upon public confidence and trust that licensed gaming and the manufacture, sale and distribution of gaming devices and associated equipment are conducted honestly and competitively, that establishments which hold restricted and nonrestricted licenses where gaming is conducted and where gambling devices are operated do not unduly impact the quality of life enjoyed by residents of the surrounding neighborhoods, that the rights of the creditors of licensees are protected and that gaming is free from criminal and corruptive elements.

(c) Public confidence and trust can only be maintained by strict regulation of all persons, locations, practices, associations and activities related to the operation of licensed gaming establishments, the manufacture, sale or distribution of gaming devices and associated equipment and the operation of inter-casino linked systems.

(d) All establishments where gaming is conducted and where gaming devices are operated, and manufacturers, sellers and distributors of certain gaming devices and equipment, and operators of inter-casino linked systems must therefore be licensed, controlled and assisted to protect the public health, safety, morals, good order and general welfare of the inhabitants of the State, to foster the stability and success of gaming and to preserve the competitive economy and policies of free competition of the State of Nevada.

(e) To ensure that gaming is conducted honestly, competitively and free of criminal and corruptive elements, all gaming establishments in this state must remain open to the general public and the access of the general public to

gaming activities must not be restricted in any manner except as provided by the Legislature.

2. No applicant for a license or other affirmative ~~[commission]~~ *Commission or Board* approval has any right to a license or the granting of the approval sought. Any license issued or other ~~[commission]~~ *Commission or Board* approval granted pursuant to the provisions of this chapter or chapter 464 of NRS is a revocable privilege, and no holder acquires any vested right therein or thereunder.

3. This section does not:

(a) Abrogate or abridge any common-law right of a gaming establishment to exclude any person from gaming activities or eject any person from the premises of the establishment for any reason; or

(b) Prohibit a licensee from establishing minimum wagers for any gambling game or slot machine.

Sec. 6. ~~[NRS 463.013 is hereby amended to read as follows:~~

~~463.013 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 463.0133 to 463.01967, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.]~~ (Deleted by amendment.)

Sec. 7. NRS 463.0136 is hereby amended to read as follows:

463.0136 "Associated equipment" means ~~[:~~

~~1. Any]~~ *any* equipment or mechanical, electromechanical or electronic contrivance, component or machine used remotely or directly in connection with gaming or mobile gaming, any game, race book or sports pool that would not otherwise be classified as a gaming device, including dice, playing cards, links which connect to progressive slot machines, equipment which affects the proper reporting of gross revenue, computerized systems of betting at a race book or sports pool, computerized systems for monitoring slot machines and devices for weighing or counting money . ~~[; or~~

~~2. A computerized system for recordation of sales for use in an area subject to the tax imposed pursuant to NRS 368A.200.]~~

Sec. 8. NRS 463.014 is hereby amended to read as follows:

463.014 "Cashless wagering system" means a method of wagering and accounting:

1. In which the validity and value of a wagering instrument or wagering credits are determined, monitored and retained by a computer ~~[operated and maintained by a licensee which]~~ *that* maintains a record of each transaction involving the wagering instrument or wagering credits, exclusive of the game or gaming device on which wagers are being made. The term includes computerized systems which facilitate electronic transfers of money directly to or from a game or gaming device; or

2. Used in a race book or sports pool in which the validity and value of a wagering instrument or wagering credits are determined, monitored and retained on a computer that maintains a record of each transaction involving

the wagering instrument or wagering credits . ~~[and is operated and maintained by a licensee.]~~

Sec. 9. ~~[NRS 463.0152 is hereby amended to read as follows:~~

~~463.0152 "Game" or "gambling game" means any game played with cards, dice, equipment or any mechanical, electromechanical or electronic 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, fan tan, twenty-one, blackjack, seven and a half, big injun, klondike, craps, poker, chuck-a-luck, Chinese chuck-a-luck (dai shu), wheel of fortune, chemin de fer, baccarat, pai gow, beat the banker, panguingui, slot machine, any banking or percentage game or any other game or device approved by the [Commission,] *Board*, but does not include games played with cards in private homes or residences in which no person makes money for operating the game, except as a player, or games operated by charitable or educational organizations which are approved by the Board pursuant to the provisions of NRS 463.409.]~~ (Deleted by amendment.)

Sec. 10. NRS 463.3105 is hereby amended to read as follows:

463.3105 The provisions of NRS 241.020 do not apply to any action or proceeding of the Board that is related to:

1. A determination made pursuant to paragraph (a) or (b) of subsection 1 of NRS 463.310 of whether a violation of this chapter or chapter 368A, 462, 464, 465 or 466, or any regulation adopted pursuant thereto, has occurred; ~~[or]~~

2. A determination made pursuant to subsection 2 of NRS 463.310 of whether to file a complaint with the Commission and the content of any such complaint ~~[.]~~ *;*

3. An interpretation of:

(a) Any provision of title 41 of NRS or any regulations promulgated thereunder; or

(b) The applicability of any federal or state law or regulation to any provision of title 41 of NRS or any regulations promulgated thereunder; or

4. A determination as to whether the Board will issue an industry notice concerning any interpretation made pursuant to subsection 3.

Sec. 11. NRS 463.335 is hereby amended to read as follows:

463.335 1. The Legislature finds that, to protect and promote the health, safety, morals, good order and general welfare of the inhabitants of the State of Nevada and to carry out the policy declared in NRS 463.0129, it is necessary that the Board:

(a) Ascertain and keep itself informed of the identity, prior activities and present location of all gaming employees in the State of Nevada; and

(b) Maintain confidential records of such information.

2. A person may not be employed as a gaming employee unless the person is temporarily registered or registered as a gaming employee pursuant to this section. An applicant for registration or renewal of registration as a gaming employee must file an application for registration or renewal of registration with the Board. Whenever a registered gaming employee, whose registration

has not expired, has not been objected to by the Board, or has not been suspended or revoked ~~[becomes]~~ *:*

(a) Becomes employed as a gaming employee at another or additional gaming establishment ~~[,]~~ *; or*

(b) If the registered gaming employee:

(1) Is a security guard and is employed in an unarmed position, becomes employed in an armed position; or

(2) Is not a security guard and becomes employed as a security guard in an unarmed or armed position,

➥ the registered gaming employee must file a change of employment notice within 10 calendar days with the Board. The application for registration and change of employment notice must be filed through the licensee for whom the applicant will commence or continue working as a gaming employee, unless otherwise filed with the Board as prescribed by regulation of the Commission.

3. The Board shall prescribe the forms for the application for registration as a gaming employee and the change of employment notice.

4. A complete application for registration or renewal of registration as a gaming employee or a change of employment notice received by a licensee must be ~~[mailed or delivered]~~ *submitted* to the Board ~~[within 5 business days after receipt unless the date is administratively extended by the Chair of the Board for good cause.]~~ *before the applicant may commence or continue working as a gaming employee.* A licensee is not responsible for the accuracy or completeness of any application for registration or renewal of registration as a gaming employee or any change of employment notice.

5. The Board shall immediately conduct an investigation of each person who files an application for registration or renewal of registration as a gaming employee to determine whether the person is eligible for registration as a gaming employee. In conducting the investigation, ~~[two]~~ *a* complete ~~[sets]~~ *set* of the applicant's fingerprints must be submitted to the Central Repository for Nevada Records of Criminal History for:

(a) A report concerning the criminal history of the applicant; and

(b) Submission to the Federal Bureau of Investigation for a report concerning the criminal history of the applicant.

➥ The investigation need not be limited solely to consideration of the results of the report concerning the criminal history of the applicant. The fee for processing an application for registration or renewal of registration as a gaming employee may be charged only to cover the actual investigative and administrative costs related to processing the application ~~[and]~~ *that are incurred by the Board. An applicant shall submit to the Central Repository for Nevada Records of Criminal History* the fees charged by the Central Repository ~~[for Nevada Records of Criminal History]~~ and the Federal Bureau of Investigation to process the fingerprints of ~~[an]~~ *the* applicant pursuant to this subsection.

6. Upon receipt of a change of employment notice, the Board may conduct any investigations of the gaming employee that the Board deems appropriate

to determine whether the gaming employee may remain registered as a gaming employee. The fee charged by the Board to process a change of employment notice may cover only the actual investigative and administrative costs related to processing the change of employment notice. The filing of a change of employment notice constitutes an application for registration as a gaming employee, and if the Board, after conducting its investigation, suspends or objects to the continued registration of the gaming employee, the provisions of subsections 10 to 16, inclusive, apply to such suspension by or objection of the Board.

7. Except as otherwise prescribed by regulation of the Commission, an applicant for registration or renewal of registration as a gaming employee is deemed temporarily registered as a gaming employee as of the date a complete application for registration or renewal of registration is submitted to the licensee for which the applicant will commence or continue working as a gaming employee. Unless objected to by the Board or suspended or revoked, the initial registration of an applicant as a gaming employee expires 5 years after the date employment commences with the applicable licensee. Any subsequent renewal of registration as a gaming employee, unless objected to by the Board or suspended or revoked, expires 5 years after the expiration date of the most recent registration or renewal of registration of the gaming employee.

8. If, within 120 days after receipt by the Board of a complete application for registration or renewal of registration as a gaming employee, including classifiable fingerprints, or a change of employment notice, the Board has not notified the applicable licensee of any suspension or objection, the applicant shall be deemed to be registered as a gaming employee. A complete application for registration or renewal of registration as a gaming employee is composed of:

(a) The fully completed form for application for registration as a gaming employee prescribed in subsection 3;

(b) ~~[Two]~~ *A* complete ~~[sets]~~ *set* of the fingerprints of the applicant, unless directly forwarded electronically or by another means to the Central Repository for Nevada Records of Criminal History;

(c) The fee for processing the application for registration or renewal of registration as a gaming employee prescribed by the Board pursuant to subsection 5, unless otherwise prescribed by regulation of the Commission; and

(d) A completed statement as prescribed in subsections 1 and 2 of NRS 463.3351.

➥ If the Board determines after receiving an application for registration or renewal of registration as a gaming employee that the application is incomplete, the Board may suspend the temporary registration as a gaming employee of the applicant who filed the incomplete application. An applicant whose temporary registration is suspended shall not be eligible to work as a gaming employee until such time as the applicant files a complete application.

9. A person who is temporarily registered or registered as a gaming employee is eligible for employment in any licensed gaming establishment in this State until such registration is objected to by the Board, expires or is suspended or revoked. The Commission shall adopt regulations to:

(a) Establish uniform procedures for the registration of gaming employees;

(b) Establish uniform criteria for objection by the Board of an application for registration; and

(c) Provide for the creation and maintenance of a system of records that contain information regarding the current place of employment of each person who is registered as a gaming employee and each person whose registration as a gaming employee has expired, was objected to by the Board, or was suspended or revoked. The system of records must be accessible by:

(1) Licensees for the limited purpose of complying with subsection 2; and

(2) The Central Repository for Nevada Records of Criminal History for the limited purpose of complying with NRS 179D.570.

10. If the Board, within the 120-day period prescribed in subsection 8, notifies:

(a) The applicable licensee; and

(b) The applicant,

➥ that the Board suspends or objects to the temporary registration of an applicant as a gaming employee, the licensee shall immediately terminate the applicant from employment or reassign the applicant to a position that does not require registration as a gaming employee. The notice of suspension or objection by the Board which is sent to the applicant must include a statement of the facts upon which the Board relied in making its suspension or objection.

11. Any person whose application for registration or renewal of registration as a gaming employee has been suspended or objected to by the Board may, not later than 60 days after receiving notice of the suspension or objection, apply to the Board for a hearing. A failure of a person whose application has been objected to or suspended to apply for a hearing within 60 days or his or her failure to appear at a hearing of the Board conducted pursuant to this section shall be deemed to be an admission that the suspension or objection is well-founded, and the failure precludes administrative or judicial review. At the hearing, the Board shall take any testimony deemed necessary. After the hearing, the Board shall review the testimony taken and any other evidence and shall, within 45 days after the date of the hearing, mail to the applicant its decision sustaining or reversing the suspension or the objection to the registration of the applicant as a gaming employee.

12. The Board may suspend or object to the registration of an applicant as a gaming employee for any cause deemed reasonable by the Board. The Board may object to or suspend the registration if the applicant has:

(a) Failed to disclose or misstated information or otherwise attempted to mislead the Board with respect to any material fact contained in the application for registration as a gaming employee;

(b) Knowingly failed to comply with the provisions of this chapter or chapter 463B, 464 or 465 of NRS or the regulations of the Commission at a place of previous employment;

(c) Committed, attempted or conspired to commit any crime of moral turpitude, embezzlement, ~~[or]~~ larceny *or theft* or any violation of any law pertaining to gaming, or any crime which is inimical to the declared policy of this State concerning gaming;

(d) Committed, attempted or conspired to commit a crime which is a felony or gross misdemeanor in this State or an offense in another state or jurisdiction which would be a felony or gross misdemeanor if committed in this State and which relates to the applicant's suitability or qualifications to work as a gaming employee;

(e) Been identified in the published reports of any federal or state legislative or executive body as being a member or associate of organized crime, or as being of notorious and unsavory reputation;

(f) Been placed and remains in the constructive custody of any federal, state or municipal law enforcement authority; or

(g) Had registration as a gaming employee revoked or committed any act which is a ground for the revocation of registration as a gaming employee or would have been a ground for revoking registration as a gaming employee if the applicant had then been registered as a gaming employee.

➥ If the Board registers or does not suspend or object to the registration of an applicant as a gaming employee, it may specially limit the period for which the registration is valid, limit the job classifications for which the registered gaming employee may be employed and establish such individual conditions for the renewal and effectiveness of the registration as the Board deems appropriate, including required submission to unscheduled tests for the presence of alcohol or controlled substances. If a gaming employee fails to comply with any limitation or condition placed on the effectiveness of the gaming employee's registration as a gaming employee, notwithstanding any other provision of this section, the Board may object to the gaming employee's registration. If the Board objects to the gaming employee's registration, the provisions regarding the continued effectiveness of the registration and the review of the objection set forth in subsections 10 to 16, inclusive, apply, including, without limitation, the requirement to notify the applicable licensee about the objection.

13. Any applicant aggrieved by the decision of the Board may, within 15 days after the announcement of the decision, apply in writing to the Commission for review of the decision. Review is limited to the record of the proceedings before the Board. The Commission may sustain, modify or reverse the Board's decision. The decision of the Commission is subject to judicial review pursuant to NRS 463.315 to 463.318, inclusive.

14. The Chair of the Board may designate a member of the Board or the Board may appoint a hearing examiner and authorize that person to perform on behalf of the Board any of the following functions required of the Board by

this section concerning the registration or renewal of registration of gaming employees:

(a) Conducting a hearing and taking testimony;

(b) Reviewing the testimony and evidence presented at the hearing;

(c) Making a recommendation to the Board based upon the testimony and evidence or rendering a decision on behalf of the Board to sustain or reverse the suspension of or the objection to the registration of an applicant as a gaming employee; and

(d) Notifying the applicant of the decision.

15. Notice by the Board as provided pursuant to subsections 1 to 14, inclusive, is sufficient if it is mailed to the applicant's last known address as indicated on the application for registration as a gaming employee or the record of the hearing, as the case may be. The date of mailing may be proven by a certificate signed by an officer or employee of the Board which specifies the time the notice was mailed. The notice shall be deemed to have been received by the applicant 5 days after it is deposited with the United States Postal Service with the postage thereon prepaid.

16. Except as otherwise provided in this subsection, all records acquired or compiled by the Board or Commission relating to any application made pursuant to this section, all lists of persons registered as gaming employees, all lists of persons suspended or objected to by the Board and all records of the names or identity of persons engaged in the gaming industry in this State are confidential and must not be disclosed except in the proper administration of this chapter or to an authorized law enforcement agency. Upon receipt of a request from the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.400 for information relating to a specific person who has applied for registration as a gaming employee or is registered as a gaming employee, the Board shall disclose to the Division the person's social security number, residential address and current employer as that information is listed in the files and records of the Board. Any record of the Board or Commission which shows that the applicant has been convicted of a crime in another state must show whether the crime was a misdemeanor, gross misdemeanor, felony or other class of crime as classified by the state in which the crime was committed. In a disclosure of the conviction, reference to the classification of the crime must be based on the classification in the state where it was committed.

17. If the Central Repository for Nevada Records of Criminal History, in accordance with the provisions of NRS 179D.570, provides the Board with the name and other identifying information of a registered gaming employee who is not in compliance with the provisions of chapter 179D of NRS, the Board shall notify the person that, unless the person provides the Board with verifiable documentation confirming that the person is currently in compliance with the provisions of chapter 179D of NRS within 15 days after receipt of such notice, the Board shall, notwithstanding any other provisions of this section, conduct a hearing for the purpose of determining whether the

registration of the person as a gaming employee must be suspended for noncompliance with the provisions of chapter 179D of NRS.

18. Notwithstanding any other provisions of this section, if a person notified by the Board pursuant to subsection 17 does not provide the Board, within the 15 days prescribed therein, with verifiable documentation establishing that the person is currently in compliance with the provisions of chapter 179D of NRS, the Chair of the Board shall, within 10 days thereof, appoint a hearing examiner to conduct a hearing to determine whether the person is, in fact, not in compliance with the provisions of chapter 179D of NRS. The hearing examiner shall, within 5 days after the date the hearing examiner is appointed by the Chair, notify the person of the date of the hearing. The hearing must be held within 20 days after the date on which the hearing examiner is appointed by the Chair, unless administratively extended by the Chair for good cause. At the hearing, the hearing examiner may take any testimony deemed necessary and shall render a decision sustaining or reversing the findings of the Central Repository for Nevada Records of Criminal History. The hearing examiner shall notify the person of the hearing examiner's decision within 5 days after the date on which the decision is rendered. A failure of a person to appear at a hearing conducted pursuant to this section shall be deemed to be an admission that the findings of the hearing examiner are well-founded.

19. If, after conducting the hearing prescribed in subsection 18, the hearing examiner renders a decision that the person who is the subject of the hearing:

(a) Is not in compliance with the provisions of chapter 179D of NRS, the Board shall, notwithstanding any other provisions of this section:

(1) Suspend the registration of the person as a gaming employee;

(2) Notify the person to contact the Central Repository for Nevada Records of Criminal History to determine the actions that the person must take to be in compliance with the provisions of chapter 179D of NRS; and

(3) Notify the licensee for which the person is employed as a gaming employee, in the manner prescribed in subsection 20, that the Board has suspended the registration of the person as a gaming employee and that the licensee must immediately terminate the person from employment or reassign the person to a position that does not require registration as a gaming employee.

(b) Is in compliance with the provisions of chapter 179D of NRS, the Board shall notify the person and the Central Repository for Nevada Records of Criminal History, in the manner prescribed in subsection 20, of the findings of the hearing examiner.

20. Notice as provided pursuant to subsections 17, 18 and 19 is sufficient if it is mailed to the person's last known address as indicated on the most recent application for registration as a gaming employee or the record of the hearing, or to the person at his or her place of gaming employment. The date of mailing may be proven by a certificate signed by an officer or employee of the Board

which specifies the time the notice was mailed. The notice shall be deemed to have been received by the applicant 5 days after it is deposited with the United States Postal Service with the postage thereon prepaid.

21. The Board shall remove a suspension entered in accordance with subsection 19 and reinstate the registration of a person as a gaming employee upon receipt of verifiable documentation confirming that the person is currently in compliance with the provisions of chapter 179D of NRS.

Sec. 12. NRS 463.337 is hereby amended to read as follows:

463.337 1. If any gaming employee who is registered as a gaming employee with the Board is convicted of any violation of this chapter or chapter 463B, 464 or 465 of NRS, or if in investigating an alleged violation of this chapter by any licensee the Commission finds that a registered gaming employee employed by the licensee has been guilty of cheating, the Commission shall, after a hearing as provided in NRS 463.310 and 463.312 to 463.3145, inclusive, revoke the registration.

2. The Commission may revoke the registration of a gaming employee if the Commission finds, after a hearing as provided in NRS 463.310 and 463.312 to 463.3145, inclusive, that the gaming employee has failed to disclose, misstated or otherwise misled the Board in respect to any fact contained within any application for registration as a gaming employee or, subsequent to being registered as a gaming employee:

(a) Committed, attempted or conspired to do any of the acts prohibited by this chapter or chapter 463B, 464 or 465 of NRS;

(b) Knowingly possessed or permitted to remain in or upon any licensed premises any cards, dice, mechanical device or any other cheating device whatever, the use of which is prohibited by statute or ordinance;

(c) Concealed or refused to disclose any material fact in any investigation by the Board;

(d) Committed, attempted or conspired to commit larceny , ~~[or]~~ embezzlement *or theft* against a gaming licensee or upon the premises of a licensed gaming establishment;

(e) Been convicted in any jurisdiction other than Nevada of any offense involving or relating to gambling;

(f) Accepted employment without prior Commission approval in a position for which the gaming employee could be required to be licensed under this chapter after having been denied a license for a reason involving personal unsuitability or after failing to apply for licensing when requested to do so by the Commission;

(g) Been refused the issuance of any license, permit or approval to engage in or be involved with gaming or pari-mutuel wagering in any jurisdiction other than Nevada, or had any such license, permit or approval revoked or suspended;

(h) Been prohibited under color of governmental authority from being present upon the premises of any gaming establishment or any establishment

where pari-mutuel wagering is conducted for any reason relating to improper gambling activities or any illegal act;

(i) Contumaciously defied any legislative investigative committee or other officially constituted bodies acting on behalf of the United States or any state, county or municipality which seeks to investigate crimes relating to gaming, corruption of public officials, or any organized criminal activities; or

(j) Been convicted of any felony or gross misdemeanor, other than one constituting a violation of this chapter or chapter 463B, 464 or 465 of NRS.

3. A gaming employee whose registration as a gaming employee has been revoked pursuant to this section is entitled to judicial review of the Commission's action in the manner prescribed by NRS 463.315 to 463.318, inclusive.

4. Nothing in this section limits or prohibits the enforcement of NRS 463.165, 463.560, 463.595, 463.637 or 463.645.

Sec. 13. NRS 463.665 is hereby amended to read as follows:

463.665 1. The Commission shall, with the advice and assistance of the Board, adopt regulations prescribing:

(a) The manner and method for the approval of associated equipment by the Board; and

(b) The method and form of any application required by paragraph (a).

2. Except as otherwise provided in subsection 4, the regulations adopted pursuant to subsection 1 must:

(a) Require persons who manufacture or distribute associated equipment for use in this State to be registered with the Board if such associated equipment:

(1) Is directly used in gaming;

(2) Has the ability to add or subtract cash, cash equivalents or wagering credits to a game, gaming device or cashless wagering system;

(3) Interfaces with and affects the operation of a game, gaming device, cashless wagering system or other associated equipment;

(4) Is used directly or indirectly in the reporting of gross revenue; *or*

(5) ~~[Records sales for use in an area subject to the tax imposed by NRS 368A.200; or~~

~~(6)]~~ Is otherwise determined by the Board to create a risk to the integrity of gaming and protection of the public if not regulated;

(b) Establish the degree of review an applicant for registration pursuant to this section must undergo, which level may be different for different forms of associated equipment; and

(c) Establish fees for the application, issuance and renewal of the registration required pursuant to this section, which must not exceed $1,000 per application, issuance or renewal of such registration.

3. This section does not apply to:

(a) A licensee; or

(b) An affiliate of a licensee or an independent contractor as defined by NRS 463.01715.

4. In addition to requiring a manufacturer or distributor of associated equipment to be registered as set forth in subsections 2 and 3, a manufacturer or distributor of associated equipment who sells, transfers or offers the associated equipment for use or play in Nevada may be required by the Board to file an application for a finding of suitability to be a manufacturer or distributor of associated equipment.

5. In addition to requiring a manufacturer or distributor of associated equipment to be registered as set forth in subsections 2 and 3, any person who directly or indirectly involves himself or herself in the sale, transfer or offering for use or play in Nevada of such associated equipment who is not otherwise required to be licensed as a manufacturer or distributor may be required by the Board to file an application for a finding of suitability to be a manufacturer or distributor of associated equipment.

6. If an application for a finding of suitability is not submitted to the Board within 30 days after demand by the Board, it may pursue any remedy or combination of remedies provided in this chapter.

7. Any person who manufactures or distributes associated equipment who has complied with all applicable regulations adopted by the Commission before October 1, 2015, shall be deemed to be registered pursuant to this section.

Sec. 14. NRS 463.673 is hereby amended to read as follows:

463.673 1. The Legislature finds that:

(a) To protect and promote the health, safety, morals, good order and general welfare of the inhabitants of this State, and to carry out the public policy declared in NRS 463.0129, it is necessary that the Board and Commission be allowed to react to rapidly evolving technological advances while maintaining strict regulation and control of gaming.

(b) Technological advances have evolved which allow ~~[certain]~~ *:*

(1) Certain parts of games, gaming devices, cashless wagering systems and race book and sports pool operations to be conducted at locations that are not on the premises of a licensed gaming establishment ~~[.]~~ *; and*

(2) Associated equipment to be located at a hosting center.

2. Except as otherwise provided in subsection 3, the Commission may, with the advice and assistance of the Board, provide by regulation for the operation and registration of hosting centers and persons associated therewith. Such regulations may include:

(a) Provisions relating to the operation and location of hosting centers, including, without limitation, minimum internal and operational control standards established by the Commission.

(b) Provisions relating to the registration of persons owning or operating a hosting center and any persons having a significant involvement with a hosting center, as determined by the Commission.

(c) A provision that a person owning, operating or having a significant involvement with a hosting center may be required by the Commission to be

found suitable to be associated with licensed gaming, including race book or sports pool operations.

(d) ~~*[A provision that authorizes associated equipment to be located at a hosting center.*~~

~~*(e)]*~~ Additional matters which the Commission deems necessary and appropriate to carry out the provisions of this section and which are consistent with the public policy of this State pursuant to NRS 463.0129.

3. The Commission may not adopt regulations pursuant to this section until the Commission first determines that hosting centers are secure and reliable, do not pose a threat to the integrity of gaming and are consistent with the public policy of this State pursuant to NRS 463.0129.

4. Regulations adopted by the Commission pursuant to this section must:

(a) Define "hosting center."

(b) Provide that the premises on which the hosting center is located are subject to the power and authority of the Board and Commission pursuant to NRS 463.140, as though the premises are where gaming is conducted and the hosting center is a gaming licensee.

Sec. 15. Section 5 of chapter 274, Statutes of Nevada 2015, at page 1367, is hereby amended to read as follows:

Sec. 5. ~~[1.]~~ This act becomes effective upon passage and approval.

~~[2. Section 1 of this act expires by limitation 4 years after the effective date of this act.]~~

Sec. 16. 1. This section and section 15 of this act become effective upon passage and approval.

2. Sections 1 to 14, inclusive, of this act become effective:

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

(b) On July 1, 2019, for all other purposes.

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 80 deletes sections 2, 4 and 6 from Senate Bill No. 72 regarding the definition of "table games" and the regulation of sports-wagering ticket brokers. It deletes section 9 of the bill in order that the Nevada Gaming Commission will continue to approve new games. It adds "theft" to the list of crimes in section 11 for which the Board may object to or suspend the registration of a gaming employee to conform with the inclusion of "theft" elsewhere in the bill. It also revises language in the legislative findings in section 14 to more appropriately address allowing associated equipment to be located at hosting centers.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 91.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 435.

SUMMARY—Establishes the Commission on Innovation and Excellence in Education to develop a statewide vision and implementation plan to improve the public education system in this State. (BDR 34-386)

Contains Appropriation not included in Executive Budget.

AN ACT relating to education; creating the Commission on Innovation and Excellence in Education; providing for the membership and duties of the Commission; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill creates the Commission on Innovation and Excellence in Education for the purposes of developing a statewide vision and implementation plan to improve the education system in this State. Section 3 of this bill creates the Commission and prescribes the membership of the Commission, consisting of 25 persons representing a variety of stakeholders. Section 4 of this bill requires the Commission to: (1) conduct a study comparing the education policies of this State to those of high performing international and domestic education systems; (2) make recommendations on how to adapt the appropriate education policies of those high performing education systems into the public education system in this State; (3) make recommendations on how to put the performance of pupils in this State in parity with the performance of those pupils in high performing education systems; (4) incorporate any relevant findings of any previous or ongoing studies related to funding for education; and (5) develop an implementation plan for the recommendations made which includes an analysis of the costs involved. Section 4.3 of this bill makes an appropriation to the Commission for per diem allowances and travel expenses of the Commission. Section 4.6 of this bill makes an appropriation to the Commission for the Commission to enter into a contract with an organization to assist in the work of the Commission.

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

Section 1. Chapter 385 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *As used in sections 2, 3 and 4 of this act, unless the context otherwise requires, "Commission" means the Commission on Innovation and Excellence in Education created by section 3 of this act.*

Sec. 3. *1. The Commission on Innovation and Excellence in Education is hereby created. The Commission consists of:*

(a) Four members who are Senators, appointed by the Majority Leader of the Senate;

(b) Four members who are members of the Assembly, appointed by the Speaker of the Assembly;

(c) The Superintendent of Public Instruction;

(d) The Director of the Office of Finance;

(e) The Chancellor of the Nevada System of Higher Education;

(f) One member who is a representative of the State Board of Education, appointed by the President of the State Board;

(g) One member who is a representative of the Nevada State Education Association, appointed by the President of that Association;

(h) One member ~~[who is a representative of the Clark County Education Association,]~~ appointed by the ~~[President of that Association;]~~ Nevada Association of School Administrators;

(i) One member who is a member of the board of trustees of a school district, appointed by the Nevada Association of School Boards;

(j) One member who is a superintendent of schools of a school district, appointed by the Nevada Association of School Superintendents;

(k) One member who is chief financial officer of a school district, appointed by the Association of School Business Officials;

(l) Two members appointed by the Nevada Association of Counties;

(m) One member who is the representative of an organization that advocates for public education, appointed by the Superintendent of Public Instruction;

(n) One member who is the parent or guardian of a pupil who is enrolled in a public school in this State, appointed by the Nevada Parent Teacher Association;

(o) One member who is a representative of the public at large, appointed by the Governor;

(p) One member who is a representative of the public at large, appointed by the Majority Leader of the Senate;

(q) One member who is a representative of the public at large, appointed by the Speaker of the Assembly; and

(r) One member who owns or manages a business located in this State, appointed by the Governor.

2. If any organization listed in subsection 1 ceases to exist, the appointment required pursuant to that subsection must be made by the association's successor in interest or, if there is no successor in interest, by the Governor.

3. In appointing the members of the Commission described in subsection 1, the appointing authorities shall coordinate the appointments when practicable so that the members of the Commission represent the diversity of this State, including, without limitation, regional, ethnic, economic and gender diversity.

4. Each member of the Commission:

(a) Serves without compensation; and

(b) While engaged in the business of the Commission, is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

5. Each appointed member of the Commission serves a term of 2 years and may be reappointed.

6. The Governor shall call the first meeting of the Commission. At its first meeting and annually thereafter, the members of the Commission shall elect a Chair and a Vice Chair from among the members of the Commission.

7. The Commission shall meet at least once each calendar ~~[year]~~ quarter and ~~[, after its first meeting,]~~ as needed at the call of the Chair.

8. The Commission may appoint subcommittees to address designated projects or consider specific problems or other matters that are related to and within the scope of the functions of the Commission as the Commission determines necessary to carry out the duties of the Commission.

9. The ~~[Department]~~ Director of the Legislative Counsel Bureau shall provide any administrative support necessary for the Commission to carry out its duties.

Sec. 4. *1. The Commission shall develop a statewide vision and implementation plan to improve the public education system in this State. The Commission shall:*

(a) Conduct a benchmarking or gap analysis study comparing the education policies of this State to the education policies of high performing international and domestic education systems.

(b) Make recommendations on how to adapt the appropriate education policies of high performing international and domestic education systems into the public education system in this State.

(c) Identify objectives to put the educational performance of pupils in this State in parity with that of pupils in high performing international and domestic education systems and make recommendations on how to meet the identified objectives.

(d) Review the findings of any previous or ongoing studies related to the funding of education and incorporate any relevant findings.

(e) Develop an implementation plan for the recommendations made pursuant to this section which includes an analysis of the costs of the plan.

2. The Commission may employ and contract with the National Center on Education and the Economy or an organization with similar expertise and qualifications to carry out any of its functions pursuant to this section.

3. The Commission may coordinate with educational entities and business entities for information and expertise as necessary to carry out any of its functions pursuant to this section.

4. On or before June 30 of each year, the Commission shall submit a written report of its findings to the Governor, the Superintendent of Public Instruction, the Legislative Commission and the Legislative Committee on Education.

Sec. 4.3. 1. There is hereby appropriated from the State General Fund to the Commission on Innovation and Excellence in Education created by section 3 of this act, for per diem allowances and travel costs of the Commission the following sums:

For the Fiscal Year 2019-2020..... $25,000

For the Fiscal Year 2020-2021..... $25,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of appropriated money remaining must not be spent for any purpose after September 18, 2020, and September 17, 2021, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2020, and September 17, 2021, respectively.

Sec. 4.6. 1. There is hereby appropriated from the State General Fund to the Commission on Innovation and Excellence in Education created by section 3 of this act the sum of $250,000 for the Commission to enter into a contract with an organization to assist in the work of the Commission pursuant to subsection 2 of section 4 of this act.

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

Sec. 4.8. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 5. This act becomes effective upon passage and approval for the purposes of appointing members to the Commission on Innovation and Excellence in Education created by section 3 of this act and performing any other administrative tasks that are necessary to carry out the provisions of this act, and on July 1, 2019, for all other purposes.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 435 to Senate Bill No. 91 makes seven changes to the bill. It revises the Commission membership to include a school administrator. It revises the frequency of Commission meetings from at least once each year to at least once each quarter and as needed upon call of the Chair. The bill authorizes the Commission to appoint technical or research subcommittees as needed and authorizes the Commission to coordinate with outside educational and business entities for information and research to contribute to the work of the Commission. It clarifies the staff of the Legislative Counsel Bureau will provide administrative support for the Commission, and it requires the Commission to annually submit a report of its findings. The bill provides for an appropriation to cover the costs of the provisions of the bill.

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. 111.

Bill read second time.

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

Amendment No. 259.

SUMMARY—Revises provisions governing collective bargaining by local government employers. (BDR 31-651)

AN ACT relating to local governments; revising the percentage of the budgeted ending fund balance of certain local governments that is excluded from collective bargaining negotiations; providing that certain money appropriated by the State for certain purposes is subject to collective bargaining negotiations involving a school district; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain mandatory subjects of bargaining in the negotiation of a collective bargaining agreement between a local government employer and a recognized employee organization. (NRS 288.150) Existing law provides ~~[that,]~~ for the resolution of an impasse in collective bargaining through fact-finding, arbitration or both, but imposes limitations on the money that a fact finder or arbitrator may consider in determining the financial ability of a local government employer to pay compensation or monetary benefits. (NRS 288.200, 288.215, 288.217, 354.6241) Under existing law, for certain governmental funds of a local government other than a school district, a budgeted ending fund balance of not more than 25 percent of the total budgeted expenditures, less capital outlay, is not subject to negotiation and must not be considered by a fact finder or arbitrator in determining the local government employer's ability to pay ~~[.]~~ compensation or monetary benefits. (NRS 354.6241) ~~[This]~~ Section 1 of this bill provides instead that a budgeted ending fund balance of not more than 16.67 percent of the total budgeted expenditures, less capital outlay, is not subject to negotiation and must not be considered by a fact finder or arbitrator in determining the local government employer's ability to pay ~~[.]~~ compensation and monetary benefits.

Sections 1.2-1.8 of this bill provide that any money appropriated by the State to carry out increases in salary or benefits is subject to negotiation and must be considered by a fact finder or arbitrator in determining the school district's ability to pay compensation or monetary benefits.

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

Section 1. NRS 354.6241 is hereby amended to read as follows:

354.6241 1. The statement required by paragraph (a) of subsection 5 of NRS 354.624 must indicate for each fund set forth in that paragraph:

(a) Whether the fund is being used in accordance with the provisions of this chapter.

(b) Whether the fund is being administered in accordance with generally accepted accounting procedures.

(c) Whether the reserve in the fund is limited to an amount that is reasonable and necessary to carry out the purposes of the fund.

(d) The sources of revenues available for the fund during the fiscal year, including transfers from any other funds.

(e) The statutory and regulatory requirements applicable to the fund.

(f) The balance and retained earnings of the fund.

2. Except as otherwise provided in subsection 3 and NRS 354.59891 and 354.613, to the extent that the reserve in any fund set forth in paragraph (a) of subsection 5 of NRS 354.624 exceeds the amount that is reasonable and necessary to carry out the purposes for which the fund was created, the reserve may be expended by the local government pursuant to the provisions of chapter 288 of NRS.

3. For any local government other than a school district, for the purposes of chapter 288 of NRS, a budgeted ending fund balance of not more than ~~[25]~~ *16.67* percent of the total budgeted expenditures, less capital outlay, for a general fund:

(a) Is not subject to negotiations with an employee organization; and

(b) Must not be considered by a fact finder or arbitrator in determining the financial ability of the local government to pay compensation or monetary benefits.

Sec. 1.2. NRS 288.150 is hereby amended to read as follows:

288.150 1. Except as otherwise provided in subsection ~~[4]~~ *5* and NRS 354.6241, every local government employer shall negotiate in good faith through one or more representatives of its own choosing concerning the mandatory subjects of bargaining set forth in subsection 2 with the designated representatives of the recognized employee organization, if any, for each appropriate bargaining unit among its employees. If either party so requests, agreements reached must be reduced to writing.

2. The scope of mandatory bargaining is limited to:

(a) Salary or wage rates or other forms of direct monetary compensation.

(b) Sick leave.

(c) Vacation leave.

(d) Holidays.

(e) Other paid or nonpaid leaves of absence consistent with the provisions of this chapter.

(f) Insurance benefits.

(g) Total hours of work required of an employee on each workday or workweek.

(h) Total number of days' work required of an employee in a work year.

(i) Except as otherwise provided in subsections ~~[6]~~ *7* and ~~[10,]~~ *11,* discharge and disciplinary procedures.

(j) Recognition clause.

(k) The method used to classify employees in the bargaining unit.

(l) Deduction of dues for the recognized employee organization.

(m) Protection of employees in the bargaining unit from discrimination because of participation in recognized employee organizations consistent with the provisions of this chapter.

(n) No-strike provisions consistent with the provisions of this chapter.

(o) Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements.

(p) General savings clauses.

(q) Duration of collective bargaining agreements.

(r) Safety of the employee.

(s) Teacher preparation time.

(t) Materials and supplies for classrooms.

(u) Except as otherwise provided in subsections ~~[7, 9]~~ *8, 10* and ~~[10,]~~ *11,* the policies for the transfer and reassignment of teachers.

(v) Procedures for reduction in workforce consistent with the provisions of this chapter.

(w) Procedures consistent with the provisions of subsection ~~[4]~~ *5* for the reopening of collective bargaining agreements for additional, further, new or supplementary negotiations during periods of fiscal emergency.

3. Those subject matters which are not within the scope of mandatory bargaining and which are reserved to the local government employer without negotiation include:

(a) Except as otherwise provided in paragraph (u) of subsection 2, the right to hire, direct, assign or transfer an employee, but excluding the right to assign or transfer an employee as a form of discipline.

(b) The right to reduce in force or lay off any employee because of lack of work or lack of money, subject to paragraph (v) of subsection 2.

(c) The right to determine:

(1) Appropriate staffing levels and work performance standards, except for safety considerations;

(2) The content of the workday, including without limitation workload factors, except for safety considerations;

(3) The quality and quantity of services to be offered to the public; and

(4) The means and methods of offering those services.

(d) Safety of the public.

4. *If the local government employer is a school district, any money appropriated by the State to carry out increases in salaries or benefits for the employees of the school district is subject to negotiations with an employee organization.*

5. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to this chapter, a local government employer is entitled to:

(a) Reopen a collective bargaining agreement for additional, further, new or supplementary negotiations relating to compensation or monetary benefits

during a period of fiscal emergency. Negotiations must begin not later than 21 days after the local government employer notifies the employee organization that a fiscal emergency exists. For the purposes of this section, a fiscal emergency shall be deemed to exist:

(1) If the amount of revenue received by the general fund of the local government employer during the last preceding fiscal year from all sources, except any nonrecurring source, declined by 5 percent or more from the amount of revenue received by the general fund from all sources, except any nonrecurring source, during the next preceding fiscal year, as reflected in the reports of the annual audits conducted for those fiscal years for the local government employer pursuant to NRS 354.624; or

(2) If the local government employer has budgeted an unreserved ending fund balance in its general fund for the current fiscal year in an amount equal to 4 percent or less of the actual expenditures from the general fund for the last preceding fiscal year, and the local government employer has provided a written explanation of the budgeted ending fund balance to the Department of Taxation that includes the reason for the ending fund balance and the manner in which the local government employer plans to increase the ending fund balance.

(b) Take whatever actions may be necessary to carry out its responsibilities in situations of emergency such as a riot, military action, natural disaster or civil disorder. Those actions may include the suspension of any collective bargaining agreement for the duration of the emergency.

➥ Any action taken under the provisions of this subsection must not be construed as a failure to negotiate in good faith.

~~[5.]~~ *6.* The provisions of this chapter, including without limitation the provisions of this section, recognize and declare the ultimate right and responsibility of the local government employer to manage its operation in the most efficient manner consistent with the best interests of all its citizens, its taxpayers and its employees.

~~[6.]~~ *7.* If the sponsor of a charter school reconstitutes the governing body of a charter school pursuant to NRS 388A.330, the new governing body may terminate the employment of any teachers or other employees of the charter school, and any provision of any agreement negotiated pursuant to this chapter that provides otherwise is unenforceable and void.

~~[7.]~~ *8.* The board of trustees of a school district in which a school is designated as a turnaround school pursuant to NRS 388G.400 or the principal of such a school, as applicable, may take any action authorized pursuant to NRS 388G.400, including, without limitation:

(a) Reassigning any member of the staff of such a school; or

(b) If the staff member of another public school consents, reassigning that member of the staff of the other public school to such a school.

~~[8.]~~ *9.* Any provision of an agreement negotiated pursuant to this chapter which differs from or conflicts in any way with the provisions of subsection ~~[7]~~ *8* or imposes consequences on the board of trustees of a school district or the

principal of a school for taking any action authorized pursuant to subsection ~~[7]~~ *8* is unenforceable and void.

~~[9.]~~ *10.* The board of trustees of a school district may reassign any member of the staff of a school that is converted to an achievement charter school pursuant to NRS 388B.200 to 388B.230, inclusive, and any provision of any agreement negotiated pursuant to this chapter which provides otherwise is unenforceable and void.

~~[10.]~~ *11.* The board of trustees of a school district or the governing body of a charter school or university school for profoundly gifted pupils may use a substantiated report of the abuse or neglect of a child or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 or an equivalent registry maintained by a governmental agency in another jurisdiction for the purposes authorized by NRS 388A.515, 388C.200, 391.033, 391.104 or 391.281, as applicable. Such purposes may include, without limitation, making a determination concerning the assignment, discipline or termination of an employee. Any provision of any agreement negotiated pursuant to this chapter which conflicts with the provisions of this subsection is unenforceable and void.

~~[11.]~~ *12.* This section does not preclude, but this chapter does not require, the local government employer to negotiate subject matters enumerated in subsection 3 which are outside the scope of mandatory bargaining. The local government employer shall discuss subject matters outside the scope of mandatory bargaining but it is not required to negotiate those matters.

~~[12.]~~ *13.* Contract provisions presently existing in signed and ratified agreements as of May 15, 1975, at 12 p.m. remain negotiable.

~~[13.]~~ *14.* As used in this section:

(a) "Abuse or neglect of a child" has the meaning ascribed to it in NRS 392.281.

(b) "Achievement charter school" has the meaning ascribed to it in NRS 385.007.

Sec. 1.4. NRS 288.200 is hereby amended to read as follows:

288.200 Except in cases to which NRS 288.205 and 288.215, or NRS 288.217 apply:

1. If:

(a) The parties have failed to reach an agreement after at least six meetings of negotiations; and

(b) The parties have participated in mediation and by April 1, have not reached agreement,

➥ either party to the dispute, at any time after April 1, may submit the dispute to an impartial fact finder for the findings and recommendations of the fact finder. The findings and recommendations of the fact finder are not binding on the parties except as provided in subsections 5, 6 and 11. The mediator of a dispute may also be chosen by the parties to serve as the fact finder.

2. If the parties are unable to agree on an impartial fact finder or a panel of neutral arbitrators within 5 days, either party may request from the American Arbitration Association or the Federal Mediation and Conciliation Service a list of seven potential fact finders. If the parties are unable to agree upon which arbitration service should be used, the Federal Mediation and Conciliation Service must be used. Within 5 days after receiving a list from the applicable arbitration service, the parties shall select their fact finder from this list by alternately striking one name until the name of only one fact finder remains, who will be the fact finder to hear the dispute in question. The employee organization shall strike the first name.

3. The local government employer and employee organization each shall pay one-half of the cost of fact-finding. Each party shall pay its own costs of preparation and presentation of its case in fact-finding.

4. A schedule of dates and times for the hearing must be established within 10 days after the selection of the fact finder pursuant to subsection 2, and the fact finder shall report the findings and recommendations of the fact finder to the parties to the dispute within 30 days after the conclusion of the fact-finding hearing.

5. The parties to the dispute may agree, before the submission of the dispute to fact-finding, to make the findings and recommendations on all or any specified issues final and binding on the parties.

6. If the parties do not agree on whether to make the findings and recommendations of the fact finder final and binding, either party may request the formation of a panel to determine whether the findings and recommendations of a fact finder on all or any specified issues in a particular dispute which are within the scope of subsection 11 are to be final and binding. The determination must be made upon the concurrence of at least two members of the panel and not later than the date which is 30 days after the date on which the matter is submitted to the panel, unless that date is extended by the Commissioner of the Board. Each panel shall, when making its determination, consider whether the parties have bargained in good faith and whether it believes the parties can resolve any remaining issues. Any panel may also consider the actions taken by the parties in response to any previous fact-finding between these parties, the best interests of the State and all its citizens, the potential fiscal effect both within and outside the political subdivision, and any danger to the safety of the people of the State or a political subdivision.

7. Except as otherwise provided in subsection 10, any fact finder, whether the fact finder's recommendations are to be binding or not, shall base such recommendations or award on the following criteria:

(a) A preliminary determination must be made as to the financial ability of the local government employer based on all existing available revenues as established by the local government employer and within the limitations set forth in NRS 354.6241, with due regard for the obligation of the local government employer to provide facilities and services guaranteeing the

health, welfare and safety of the people residing within the political subdivision. *If the local government employer is a school district, any money appropriated by the State to carry out increases in salaries or benefits for the employees of the school district must be considered by a fact finder in making a preliminary determination.*

(b) Once the fact finder has determined in accordance with paragraph (a) that there is a current financial ability to grant monetary benefits, and subject to the provisions of paragraph (c), the fact finder shall consider, to the extent appropriate, compensation of other government employees, both in and out of the State and use normal criteria for interest disputes regarding the terms and provisions to be included in an agreement in assessing the reasonableness of the position of each party as to each issue in dispute and the fact finder shall consider whether the Board found that either party had bargained in bad faith.

(c) A consideration of funding for the current year being negotiated. If the parties mutually agree to arbitrate a multiyear contract, the fact finder must consider the ability to pay over the life of the contract being negotiated or arbitrated.

➥ The fact finder's report must contain the facts upon which the fact finder based the fact finder's determination of financial ability to grant monetary benefits and the fact finder's recommendations or award.

8. Within 45 days after the receipt of the report from the fact finder, the governing body of the local government employer shall hold a public meeting in accordance with the provisions of chapter 241 of NRS. The meeting must include a discussion of:

(a) The issues of the parties submitted pursuant to subsection 1;

(b) The report of findings and recommendations of the fact finder; and

(c) The overall fiscal impact of the findings and recommendations, which must not include a discussion of the details of the report.

➥ The fact finder must not be asked to discuss the decision during the meeting.

9. The chief executive officer of the local government shall report to the local government the fiscal impact of the findings and recommendations. The report must include, without limitation, an analysis of the impact of the findings and recommendations on compensation and reimbursement, funding, benefits, hours, working conditions or other terms and conditions of employment.

10. Any sum of money which is maintained in a fund whose balance is required by law to be:

(a) Used only for a specific purpose other than the payment of compensation to the bargaining unit affected; or

(b) Carried forward to the succeeding fiscal year in any designated amount, to the extent of that amount,

➥ must not be counted in determining the financial ability of a local government employer and must not be used to pay any monetary benefits recommended or awarded by the fact finder.

11. The issues which may be included in a panel's order pursuant to subsection 6 are:

(a) Those enumerated in subsection 2 of NRS 288.150 as the subjects of mandatory bargaining, unless precluded for that year by an existing collective bargaining agreement between the parties; and

(b) Those which an existing collective bargaining agreement between the parties makes subject to negotiation in that year.

➥ This subsection does not preclude the voluntary submission of other issues by the parties pursuant to subsection 5.

Sec. 1.6. NRS 288.215 is hereby amended to read as follows:

288.215 1. As used in this section:

(a) "Firefighters" means those persons who are salaried employees of a fire prevention or suppression unit organized by a political subdivision of the State and whose principal duties are controlling and extinguishing fires.

(b) "Police officers" means those persons who are salaried employees of a police department or other law enforcement agency organized by a political subdivision of the State and whose principal duties are to enforce the law.

2. The provisions of this section apply only to firefighters and police officers and their local government employers.

3. If the parties have not agreed to make the findings and recommendations of the fact finder final and binding upon all issues, and do not otherwise resolve their dispute, they shall, within 10 days after the fact finder's report is submitted, submit the issues remaining in dispute to an arbitrator who must be selected in the manner provided in NRS 288.200 and have the same powers provided for fact finders in NRS 288.210.

4. The arbitrator shall, within 10 days after the arbitrator is selected, and after 7 days' written notice is given to the parties, hold a hearing to receive information concerning the dispute. The hearings must be held in the county in which the local government employer is located and the arbitrator shall arrange for a full and complete record of the hearings.

5. At the hearing, or at any subsequent time to which the hearing may be adjourned, information may be presented by:

(a) The parties to the dispute; or

(b) Any interested person.

6. The parties to the dispute shall each pay one-half of the costs incurred by the arbitrator.

7. A determination of the financial ability of a local government employer must be based on:

(a) All existing available revenues as established by the local government employer and within the limitations set forth in NRS 354.6241, with due regard for the obligation of the local government employer to provide facilities and services guaranteeing the health, welfare and safety of the people residing within the political subdivision. *If the local government employer is a school district, any money appropriated by the State to carry out increases in salaries*

or benefits for the employees of the school district must be considered by an arbitrator in making a determination pursuant to this subsection.

(b) Consideration of funding for the current year being negotiated. If the parties mutually agree to arbitrate a multi-year contract the arbitrator must consider the ability to pay over the life of the contract being negotiated or arbitrated.

➥ Once the arbitrator has determined in accordance with this subsection that there is a current financial ability to grant monetary benefits, the arbitrator shall consider, to the extent appropriate, compensation of other governmental employees, both in and out of this State.

8. At the recommendation of the arbitrator, the parties may, before the submission of a final offer, enter into negotiations. If the negotiations are begun, the arbitrator may adjourn the hearings for a period of 3 weeks. An agreement by the parties is final and binding, and upon notification to the arbitrator, the arbitration terminates.

9. If the parties do not enter into negotiations or do not agree within 30 days, each of the parties shall submit a single written statement containing its final offer for each of the unresolved issues.

10. The arbitrator shall, within 10 days after the final offers are submitted, accept one of the written statements, on the basis of the criteria provided in NRS 288.200, and shall report the decision to the parties. The decision of the arbitrator is final and binding on the parties. Any award of the arbitrator is retroactive to the expiration date of the last contract.

11. The decision of the arbitrator must include a statement:

(a) Giving the arbitrator's reason for accepting the final offer that is the basis of the arbitrator's award; and

(b) Specifying the arbitrator's estimate of the total cost of the award.

12. Within 45 days after the receipt of the decision from the arbitrator pursuant to subsection 10, the governing body of the local government employer shall hold a public meeting in accordance with the provisions of chapter 241 of NRS. The meeting must include a discussion of:

(a) The issues submitted pursuant to subsection 3;

(b) The statement of the arbitrator pursuant to subsection 11; and

(c) The overall fiscal impact of the decision, which must not include a discussion of the details of the decision.

➥ The arbitrator must not be asked to discuss the decision during the meeting.

13. The chief executive officer of the local government shall report to the local government the fiscal impact of the decision. The report must include, without limitation, an analysis of the impact of the decision on compensation and reimbursement, funding, benefits, hours, working conditions or other terms and conditions of employment.

Sec. 1.8. NRS 288.217 is hereby amended to read as follows:

288.217 1. The provisions of this section govern negotiations between school districts and employee organizations representing teachers and educational support personnel.

2. Not later than 330 days before the end of the term stated in their collective bargaining agreement, the parties shall select an arbitrator in the manner provided in subsection 2 of NRS 288.200 to conduct a hearing in the event that an impasse is declared pursuant to subsection 3. The parties and the arbitrator shall schedule a hearing of not less than 3 consecutive business days, to begin not later than June 10 immediately preceding the end of the term stated in the collective bargaining agreement or 60 days before the end of that term, whichever is earlier. As a condition of his or her selection, the arbitrator must agree to render a decision, if the hearing is held, within the time required by subsection 9. If the arbitrator fails or refuses to agree to any of the conditions stated in this subsection, the parties shall immediately proceed to select another arbitrator in the manner provided in subsection 2 of NRS 288.200 until an arbitrator is selected who agrees to those conditions.

3. If the parties to a negotiation pursuant to this section have failed to reach an agreement after at least eight sessions of negotiation, either party may declare the negotiations to be at an impasse and, after 5 days' written notice is given to the other party, submit the issues remaining in dispute to the arbitrator selected pursuant to subsection 2. The arbitrator has the powers provided for fact finders in NRS 288.210.

4. The arbitrator shall, pursuant to subsection 2, hold a hearing to receive information concerning the dispute. The hearing must be held in the county in which the school district is located and the arbitrator shall arrange for a full and complete record of the hearing.

5. The parties to the dispute shall each pay one-half of the costs of the arbitration.

6. A determination of the financial ability of a school district must be based on:

(a) All existing available revenues as established by the school district, *including, without limitation, any money appropriated by the State to carry out increases in salaries or benefits for the employees of the school district,* and within the limitations set forth in NRS 354.6241, with due regard for the obligation of the school district to provide an education to the children residing within the district.

(b) Consideration of funding for the current year being negotiated. If the parties mutually agree to arbitrate a multi-year contract the arbitrator must consider the ability to pay over the life of the contract being negotiated or arbitrated.

➥ Once the arbitrator has determined in accordance with this subsection that there is a current financial ability to grant monetary benefits, the arbitrator shall consider, to the extent appropriate, compensation of other governmental employees, both in and out of this State.

7. At the recommendation of the arbitrator, the parties may, before the submission of a final offer, enter into negotiations. If the negotiations are begun, the arbitrator may adjourn the hearing for a period of 3 weeks. If an

agreement is reached, it must be submitted to the arbitrator, who shall certify it as final and binding.

8. If the parties do not enter into negotiations or do not agree within 7 days after the hearing held pursuant to subsection 4, each of the parties shall submit a single written statement containing its final offer for each of the unresolved issues.

9. The arbitrator shall, within 10 days after the final offers are submitted, render a decision on the basis of the criteria set forth in NRS 288.200. The arbitrator shall accept one of the written statements and shall report the decision to the parties. The decision of the arbitrator is final and binding on the parties. Any award of the arbitrator is retroactive to the expiration date of the last contract between the parties.

10. The decision of the arbitrator must include a statement:

(a) Giving the arbitrator's reason for accepting the final offer that is the basis of the arbitrator's award; and

(b) Specifying the arbitrator's estimate of the total cost of the award.

11. Within 45 days after the receipt of the decision from the arbitrator, the board of trustees of the school district shall hold a public meeting in accordance with the provisions of chapter 241 of NRS. The meeting must include a discussion of:

(a) The issues submitted pursuant to subsection 3;

(b) The statement of the arbitrator pursuant to subsection 10; and

(c) The overall fiscal impact of the decision which must not include a discussion of the details of the decision.

➥ The arbitrator must not be asked to discuss the decision during the meeting.

12. The superintendent of the school district shall report to the board of trustees the fiscal impact of the decision. The report must include, without limitation, an analysis of the impact of the decision on compensation and reimbursement, funding, benefits, hours, working conditions or other terms and conditions of employment.

13. As used in this section:

(a) "Educational support personnel" means all classified employees of a school district, other than teachers, who are represented by an employee organization.

(b) "Teacher" means an employee of a school district who is licensed to teach in this State and who is represented by an employee organization.

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

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Amendment No. 259 to Senate Bill No. 111 relates to collective bargaining. It provides that any money appropriated by the State to carry out increases in salary or benefits is subject to negotiation and must be considered by a fact finder or arbitrator in determining the school district's ability to pay compensation or monetary benefits.

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. 135.

Bill read second time.

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

Amendment No. 260.

SUMMARY—Provides for collective bargaining by state employees. (BDR 23-650)

AN ACT relating to state employees; authorizing collective bargaining for certain state employees; renaming [, revising the membership of] and expanding the duties of the Local Government Employee-Management Relations Board; providing for bargaining units of state employees and their representatives; establishing procedures for collective bargaining and for making and amending collective bargaining agreements; prohibiting certain unfair labor practices; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Title 23 of NRS governs public employment. This bill authorizes collective bargaining between the State and certain state employees. Sections 2, 27, 28 and 48 of this bill expand the powers and duties of the Local Government Employee-Management Relations Board to include hearing and deciding certain disputes between the State and certain state employees. Section 46 of this bill [: (1)] changes the name of the Local Government Employee-Management Relations Board to the Government Employee Management Relations Board to conform to this change in duties. [; (2) decreases the membership of the Board from five members to three members; (3) revises the membership of the Board to include representation of employee organizations or labor organizations; and (4) eliminates the requirement that certain members of the Board reside in southern Nevada. Section 47 of this bill revises certain quorum and voting requirements of the Board.] Existing law requires the Local Government Employee-Management Relations Board annually to assess a fee for the support of the Board against each local government employer. (NRS 288.105) Section 23 of this bill additionally requires the [newly created] renamed Government Employee-Management Relations Board annually to assess a similar fee against each agency or other unit of the Executive Department of State Government. Section 24 of this bill authorizes certain state employees to organize and join labor organizations, or refrain from engaging in that activity, and, as applicable, to engage in collective bargaining through exclusive representatives. Section 25 of this bill establishes requirements concerning collective bargaining agreements. Section 26 of this bill prohibits certain unfair labor practices in the context of

collective bargaining. Section 29 of this bill provides for the creation and organization of bargaining units of employees of the Executive Department. Sections 30-33 of this bill provide for the election or designation of exclusive representatives of bargaining units. Section 34 of this bill requires the exclusive representative of a bargaining unit to engage in collective bargaining with the Executive Department on behalf of the employees within the unit. Section 36 of this bill sets forth the term of a collective bargaining agreement.

Section 38 of this bill : (1) requires the Governor to appoint a representative to negotiate concerning collective bargaining agreements on behalf of the Executive Department; and (2) sets forth certain time frames in which the Executive Department and an exclusive representative of a bargaining unit are required to engage in collective bargaining. Sections 39-41 of this bill provide for the mediation and arbitration of disputes between the Executive Department and a bargaining unit. Section 42 of this bill authorizes supplemental collective bargaining between the Executive Department and the exclusive representative of a bargaining unit over any terms and conditions of employment that do not affect all the employees of the bargaining unit. Sections 44 and 50 of this bill provide that certain meetings convened for the purpose of collective bargaining and resolving disputes relating to collective bargaining are exempt from the provisions of existing law requiring open and public meetings of public bodies. Sections 6-14, 45 and 54 of this bill reorganize certain definitions in chapter 288 of NRS to conform to changes made in this bill.

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

Section 1. NRS 281.129 is hereby amended to read as follows:

281.129 1. Any officer of the State, except the Legislative Fiscal Officer, who disburses money in payment of salaries and wages of officers and employees of the State:

(a) May, upon written requests of the officer or employee specifying amounts, withhold those amounts and pay them to:

(1) Charitable organizations;

(2) Employee credit unions;

(3) Except as otherwise provided in paragraph (c), insurers;

(4) The United States for the purchase of savings bonds and similar obligations of the United States; and

(5) ~~[Employee]~~ *Except as otherwise provided in section 35 of this act, employee* organizations and labor organizations.

(b) May, in accordance with an agreement entered into pursuant to NRS 701A.450 between the Director of the Office of Energy and the officer or employee specifying amounts, withhold those amounts and pay them to the Director of the Office of Energy for credit to the Renewable Energy Account created by NRS 701A.450.

(c) Shall, upon receipt of information from the Public Employees' Benefits Program specifying amounts of premiums or contributions for coverage by the

Program, withhold those amounts from the salaries or wages of officers and employees who participate in the Program and pay those amounts to the Program.

2. The State Controller may adopt regulations necessary to withhold money from the salaries or wages of officers and employees of the Executive Department.

Sec. 2. NRS 281.755 is hereby amended to read as follows:

281.755 1. Except as otherwise provided in subsections 2 and 5, a public body shall provide an employee who is the mother of a child under 1 year of age with:

(a) Reasonable break time, with or without compensation, for the employee to express breast milk as needed; and

(b) A place, other than a bathroom, that is reasonably free from dirt or pollution, protected from the view of others and free from intrusion by others where the employee may express breast milk.

2. If the public body determines that complying with the provisions of subsection 1 will cause an undue hardship considering the size, financial resources, nature and structure of the public body, the public body may meet with the employee to agree upon a reasonable alternative. If the parties are not able to reach an agreement, the public body may require the employee to accept a reasonable alternative selected by the public body and the employee may appeal the decision by filing a complaint in the manner set forth in subsection 4.

3. An officer or agent of a public body shall not retaliate, or direct or encourage another person to retaliate, against an employee of the public body because the employee has:

(a) Taken break time or used the space provided pursuant to subsection 1 or 2 to express breast milk; or

(b) Taken any action to require the public body to comply with the requirements of this section, including, without limitation, filing a complaint, testifying, assisting or participating in any manner in an investigation, proceeding or hearing to enforce the provisions of this section.

4. An employee who is aggrieved by the failure of a public body to comply with the provisions of this section may:

(a) If the employee is employed by the Executive Department of State Government , ~~[and]~~ is not an employee of an entity described in NRS 284.013 ~~[,]~~ *and is not an employee in a bargaining unit pursuant to sections 15 to 44, inclusive, of this act,* file a complaint with the Employee-Management Committee in accordance with the procedures provided pursuant to NRS 284.384;

(b) If the employee is employed by the Legislative Department of State Government, file a complaint with the Director of the Legislative Counsel Bureau;

(c) If the employee is employed by the Judicial Department of State Government, file a complaint with the Court Administrator; and

(d) If the employee is employed by a political subdivision of this State or any public or quasi-public corporation organized under the laws of this State ~~[,]~~ *or if the employee is employed by the Executive Department of State Government and is an employee in a bargaining unit pursuant to sections 15 to 44, inclusive, of this act,* file a complaint with the ~~[Local]~~ Government Employee-Management Relations Board in the manner set forth in NRS 288.115.

5. The requirements of this section do not apply to the Department of Corrections. The Department is encouraged to comply with the provisions of this section to the extent practicable.

6. As used in this section, "public body" means:

(a) The State of Nevada, or any agency, instrumentality or corporation thereof;

(b) The Nevada System of Higher Education; or

(c) Any political subdivision of this State or any public or quasi-public corporation organized under the laws of this State, including, without limitation, counties, cities, unincorporated towns, school districts, charter schools, hospital districts, irrigation districts and other special districts.

Sec. 3. NRS 284.013 is hereby amended to read as follows:

284.013 1. Except as otherwise provided in subsection 4, this chapter does not apply to:

(a) Agencies, bureaus, commissions, officers or personnel in the Legislative Department or the Judicial Department of State Government, including the Commission on Judicial Discipline;

(b) Any person who is employed by a board, commission, committee or council created in chapters 445C, 590, 623 to 625A, inclusive, 628, 630 to 644A, inclusive, 648, 652, 654 and 656 of NRS; or

(c) Officers or employees of any agency of the Executive Department of the State Government who are exempted by specific statute.

2. Except as otherwise provided in subsection 3, the terms and conditions of employment of all persons referred to in subsection 1, including salaries not prescribed by law and leaves of absence, including, without limitation, annual leave and sick and disability leave, must be fixed by the appointing or employing authority within the limits of legislative appropriations or authorizations.

3. Except as otherwise provided in this subsection, leaves of absence prescribed pursuant to subsection 2 must not be of lesser duration than those provided for other state officers and employees pursuant to the provisions of this chapter. The provisions of this subsection do not govern the Legislative Commission with respect to the personnel of the Legislative Counsel Bureau.

4. Any board, commission, committee or council created in chapters 445C, 590, 623 to 625A, inclusive, 628, 630 to 644A, inclusive, 648, 652, 654 and 656 of NRS which contracts for the services of a person, shall require the contract for those services to be in writing. The contract must be

approved by the State Board of Examiners before those services may be provided.

5. To the extent that they are inconsistent or otherwise in conflict, the provisions of this chapter do not apply to any terms and conditions of employment that are properly within the scope of and subject to the provisions of a collective bargaining agreement or a supplemental bargaining agreement that is enforceable pursuant to the provisions of sections 15 to 44, inclusive, of this act.

Sec. 4. Chapter 287 of NRS is hereby amended by adding thereto a new section to read as follows:

To the extent that they are inconsistent or otherwise in conflict, the provisions of this chapter do not apply to any terms and conditions of employment that are properly within the scope of and subject to the provisions of a collective bargaining agreement or supplemental bargaining agreement that is enforceable pursuant to the provisions of sections 15 to 44, inclusive, of this act.

Sec. 5. Chapter 288 of NRS is hereby amended by adding thereto the provisions set forth as sections 6 to 44, inclusive, of this act.

Sec. 6. *As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 288.040, 288.050 and 288.060 and sections 7 to 14, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 7. *"Board" means the Government Employee-Management Relations Board created by NRS 288.080.*

Sec. 8. *"Collective bargaining" means a method of determining conditions of employment by negotiation between representatives of the Executive Department or local government employer and an employee organization or labor organization, entailing a mutual obligation of the Executive Department or local government employer, as applicable, and the representative of the state or local government employees to meet at reasonable times and bargain in good faith with respect to:*

1. Wages, hours and other terms and conditions of employment;

2. The negotiation of an agreement;

3. The resolution of any question arising under a negotiated agreement; or

4. The execution of a written contract incorporating any agreement reached if requested by either party,

➥ but this obligation does not compel either party to agree to a proposal or require the making of a concession.

Sec. 9. *"Commissioner" means the Commissioner appointed by the Board pursuant to NRS 288.090.*

Sec. 10. *"Executive Department" means an agency, board, bureau, commission, department, division, elected officer or any other unit of the Executive Department of State Government. The term includes the Nevada System of Higher Education.*

Sec. 11. *"Fact-finding" means the formal procedure by which an investigation of a labor dispute is conducted by a person at which:*

1. Evidence is presented; and

2. A written report is issued by the fact finder describing the issues involved and setting forth recommendations for settlement which may or may not be binding as provided in NRS 288.200.

Sec. 12. *"Labor organization" means an organization of any kind having as one of its purposes improvement of the terms and conditions of employment of state employees.*

Sec. 13. *"Mediation" means assistance by an impartial third party to reconcile differences between the Executive Department or a local government employer and an exclusive representative through interpretation, suggestion and advice.*

Sec. 14. *"Strike" means any concerted:*

1. Stoppage of work, slowdown or interruption of operations by employees of the State of Nevada or local government employees;

2. Absence from work by employees of the State of Nevada or local government employees upon any pretext or excuse, such as illness, which is not founded in fact; or

3. Interruption of the operations of the State of Nevada or any local government employer by any employee organization or labor organization.

Sec. 15. *As used in sections 15 to 44, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 16 to 21, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 16. *"Arbitration" means a process of dispute resolution where the parties involved in an impasse or grievance dispute submit their dispute to a third party for a final and binding decision.*

Sec. 17. *"Bargaining unit" means a collection of employees that the Board has established as a bargaining unit pursuant to section 29 of this act.*

Sec. 18. *"Confidential employee" means an employee who provides administrative support to an employee who assists in the formulation, determination and effectuation of personnel policies or managerial policies concerning collective bargaining or supplemental bargaining.*

Sec. 19. *1. "Employee" means a person who:*

(a) Is employed in the classified service of the State pursuant to chapter 284 of NRS; or

(b) ~~Is employed by the Public Employees' Retirement System and is required to be paid in accordance with the pay plan for the classified service of the State; or~~

~~(c)~~ Is employed by the Nevada System of Higher Education in the classified service of the State or is required to be paid in accordance with the pay plan for the classified service of the State.

2. The term does not include:

(a) A managerial employee whose primary function, as determined by the Board, is to administer and control the business of any agency, board, bureau,

commission, department, division, elected officer or any other unit of the Executive Department and who is vested with discretion and independent judgment with regard to the general conduct and control of that agency, board, bureau, commission, department, division, elected officer or unit;

(b) An elected official or any person appointed to fill a vacancy in an elected office;

(c) A confidential employee;

(d) A temporary employee who is employed for a fixed period of 4 months or less;

(e) A commissioned officer or an enlisted member of the Nevada National Guard; ~~[or]~~

(f) Any person employed by the Nevada System of Higher Education who is not in the classified service of the State or required to be paid in accordance with the pay plan of the classified service of the State ~~[.]~~ ; or

(g) Any person employed by the Public Employees' Retirement System who is required to be paid in accordance with the pay plan of the classified service of the State.

Sec. 20. *"Exclusive representative" means a labor organization that, as a result of its designation by the Board, has the exclusive right to represent all the employees within a bargaining unit and to engage in collective bargaining with the Executive Department pursuant to sections 15 to 44, inclusive, of this act concerning wages, hours and other terms and conditions of employment for those employees.*

Sec. 21. *"Grievance" means an act, omission or occurrence that an employee or an exclusive representative believes to be an injustice relating to any condition arising out of the relationship between an employer and an employee, including, without limitation, working hours, working conditions, membership in an organization of employees or the interpretation of any law, regulation or agreement.*

Sec. 22. *1. The Legislature hereby finds and declares that there is a great need to:*

(a) Promote orderly and constructive relations between the State and its employees; and

(b) Increase the efficiency of the Executive Department of State Government.

2. It is therefore within the public interest that the Legislature enact provisions:

(a) Granting certain state employees the right to associate with others in organizing and choosing representatives for the purpose of engaging in collective bargaining;

(b) Requiring the State to recognize and negotiate wages, hours and other terms and conditions of employment with labor organizations that represent state employees and to enter into written agreements evidencing the result of collective bargaining; and

(c) Establishing standards and procedures that protect the rights of employees, the Executive Department and the people of the State.

Sec. 23. *1. On or before July 1 of each year, the Board shall charge and collect a fee from the Executive Department in an amount not to exceed $10 for each employee of the Executive Department who was employed by the Executive Department during the first pay period of the immediately preceding fiscal year.*

2. The Executive Department shall pay the fee imposed pursuant to subsection 1 on or before July 31 of each year. The Executive Department shall not impose the fee against its employees.

3. If the Executive Department fails to pay the fee imposed pursuant to subsection 1 on or before July 31 of that year, the Board shall impose a civil penalty not to exceed $10 for each employee employed by the Executive Department for whom the fee was not paid.

4. The Executive Department may not receive a reduction in the amount of the fee imposed pursuant to subsection 1 or a refund of that amount if an employee is not employed for a full calendar year. The fee must be imposed whether or not the employee is a member of a labor organization.

5. Any money received from the fees collected pursuant to subsection 1 must be accounted for separately and may be used only to carry out the duties of the Board.

6. To carry out the provisions of this section, the Board may verify the identity and number of employees employed by the Executive Department by any reasonable means.

Sec. 24. *1. For the purposes of collective bargaining, supplemental bargaining and other mutual aid or protection, employees have the right to:*

(a) Organize, form, join and assist labor organizations, engage in collective bargaining and supplemental bargaining through exclusive representatives and engage in other concerted activities; and

(b) Refrain from engaging in such activity.

2. Collective bargaining and supplemental bargaining entail a mutual obligation of the Executive Department and an exclusive representative to meet at reasonable times and to bargain in good faith with respect to:

(a) Wages, hours and other terms and conditions of employment;

(b) The negotiation of an agreement;

(c) The resolution of any question arising under an agreement; and

(d) The execution of a written contract incorporating the provisions of an agreement, if requested by either party.

3. The Executive Department shall furnish to an exclusive representative data that is maintained in the ordinary course of business and which is relevant and necessary to the discussion of wages, hours and other terms and conditions of employment. This subsection shall not be construed to require the Executive Department to furnish to the exclusive representative any advice or training received by representatives of the Executive Department concerning collective bargaining.

Sec. 25. *1. Each collective bargaining agreement must be in writing and must include, without limitation:*

(a) A procedure to resolve grievances which applies to all employees in the bargaining unit and culminates in final and binding arbitration. The procedure must be used to resolve all grievances relating to employment, including, without limitation, the administration and interpretation of the collective bargaining agreement, the applicability of any law, rule or regulation relating to the employment and appeal of discipline and other adverse personnel actions.

(b) A provision which provides that an officer of the Executive Department shall, upon written authorization by an employee within the bargaining unit, withhold a sufficient amount of money from the salary or wages of the employee pursuant to NRS 281.129 to pay dues or similar fees to the exclusive representative of the bargaining unit. Such authorization may be revoked only in the manner prescribed in the authorization.

2. Except as otherwise provided in subsections 3 and 4, the procedure to resolve grievances required in a collective bargaining agreement pursuant to paragraph (a) of subsection 1 is the exclusive means available for resolving grievances described in that paragraph.

3. An employee in a bargaining unit who has been dismissed, demoted or suspended may pursue a grievance related to that dismissal, demotion or suspension through:

(a) The procedure provided in the agreement pursuant to paragraph (a) of subsection 1; or

(b) The procedure prescribed by NRS 284.390,

➥ but once the employee has properly filed a grievance in writing under the procedure described in paragraph (a) or requested a hearing under the procedure described in paragraph (b), the employee may not proceed in the alternative manner.

4. An employee in a bargaining unit who is aggrieved by the failure of the Executive Department or its designated representative to comply with the requirements of NRS 281.755 may pursue a grievance related to that failure through:

(a) The procedure provided in the agreement pursuant to paragraph (a) of subsection 1; or

(b) The procedure prescribed by NRS 288.115,

➥ but once the employee has properly filed a grievance in writing under the procedure described in paragraph (a) or filed a complaint under the procedure described in paragraph (b), the employee may not proceed in the alternative manner.

5. If there is a conflict between any provision of an agreement between the Executive Department and an exclusive representative and:

(a) Any regulation adopted by the Executive Department, the provision of the agreement prevails unless the provision of the agreement is outside of the lawful scope of collective bargaining.

(b) An existing statute, other than a statute described in paragraph (c), the provision of the agreement may not be given effect unless the Legislature amends the existing statute in such a way as to eliminate the conflict.

(c) A provision of chapter 284 or 287 of NRS or section 39, 40 or 41 of this act, the provision of the agreement prevails unless the Legislature is required to appropriate money to implement the provision, within the limits of legislative appropriations and any other available money.

Sec. 26. *1. It is a prohibited practice for the Executive Department or its designated representative willfully to:*

(a) Refuse to engage in collective bargaining or otherwise fail to bargain in good faith with an exclusive representative, including, without limitation, refusing to engage in mediation or arbitration.

(b) Interfere with, restrain or coerce an employee in the exercise of any right guaranteed pursuant to sections 15 to 44, inclusive, of this act.

(c) Dominate, interfere with or assist in the formation or administration of a labor organization.

(d) Discriminate in regard to hiring, tenure, wages, hours or other terms and conditions of employment to encourage or discourage membership in a labor organization.

(e) Discharge or otherwise discriminate against an employee because the employee has:

(1) Signed or filed an affidavit, petition or complaint or has provided any information or given any testimony pursuant to sections 15 to 44, inclusive, of this act; or

(2) Formed, joined or chosen to be represented by a labor organization.

(f) Deny any right accompanying a designation as an exclusive representative.

2. It is a prohibited practice for a labor organization or its designated agent willfully to:

(a) When acting as an exclusive representative, refuse to engage in collective bargaining or otherwise fail to bargain in good faith with the Executive Department, including, without limitation, refusing to engage in mediation or arbitration.

(b) Interfere with, restrain or coerce an employee in the exercise of any right guaranteed pursuant to sections 15 to 44, inclusive, of this act.

(c) Discriminate because of race, color, religion, sex, sexual orientation, gender identity or expression, age, disability, national origin, or political or personal reasons or affiliations.

Sec. 27. *1. To establish that a party committed a prohibited practice in violation of section 26 of this act, the party aggrieved by the practice must:*

(a) File a complaint with the Board not later than 6 months after the alleged prohibited practice occurred; and

(b) Send a copy of the complaint to the other party by certified mail, return receipt requested, or by any other method authorized by the Board.

2. Not later than 10 days after receiving a copy of a complaint pursuant to paragraph (b) of subsection 1, each party named as a respondent in the complaint shall file a response to the complaint with the Board.

3. The Board may conduct a preliminary investigation of the complaint. Based on such an investigation:

(a) If the Board determines that the complaint has no basis in law or fact, the Board shall dismiss the complaint.

(b) If the Board determines that the complaint may have a basis in law or fact, the Board shall order a hearing to be conducted in accordance with:

(1) The provisions of chapter 233B of NRS that apply to a contested case; and

(2) Any rules adopted by the Board pursuant to NRS 288.110.

4. If the Board finds at the hearing that the party accused in the complaint has committed a prohibited practice, the Board:

(a) Shall order the party to cease and desist from engaging in the prohibited practice; and

(b) May order any other affirmative relief that is necessary to remedy the prohibited practice.

5. The Board or any party aggrieved by the failure of any person to obey an order of the Board issued pursuant to subsection 4 may apply to a court of competent jurisdiction for a prohibitory or mandatory injunction to enforce the order.

6. Any order or decision issued by the Board pursuant to this section concerning the merits of a complaint is a final decision in a contested case and may be appealed pursuant to the provisions of chapter 233B of NRS that apply to a contested case, except that a party aggrieved by the order or decision of the Board must file a petition for judicial review not later than 10 days after being served with the order or decision of the Board.

Sec. 28. *1. The Board may appoint a hearing officer to conduct a hearing that the Board is otherwise required to conduct pursuant to section 27 of this act.*

2. A decision of the hearing officer may be appealed to the Board.

3. On appeal to the Board, the Board may consider the record of the hearing or may conduct a hearing de novo. A hearing de novo conducted by the Board must be conducted in accordance with:

(a) The provisions of chapter 233B of NRS that apply to a contested case; and

(b) Any rules adopted by the Board pursuant to NRS 288.110.

4. If the Board finds at the hearing that the party accused in the complaint has committed a prohibited practice, the Board:

(a) Shall order the party to cease and desist from engaging in the prohibited practice; and

(b) May order any other affirmative relief that is necessary to remedy the prohibited practice.

5. The Board or any party aggrieved by the failure of any person to obey an order of the Board issued pursuant to subsection 4 may apply to a court of competent jurisdiction for a prohibitory or mandatory injunction to enforce the order.

6. Any order or decision issued by the Board pursuant to this section concerning the merits of a complaint is a final decision in a contested case and may be appealed pursuant to the provisions of chapter 233B of NRS that apply to a contested case, except that a party aggrieved by the order or decision of the Board must file a petition for judicial review not later than 10 days after being served with the order or decision of the Board.

Sec. 29. *1. The Board shall establish one bargaining unit for each of the following occupational groups of employees of the Executive Department:*

(a) Labor, maintenance, custodial and institutional employees, including, without limitation, employees of penal and correctional institutions who are not responsible for security at those institutions.

(b) Administrative and clerical employees, including, without limitation, legal support staff and employees whose work involves general office work, or keeping or examining records and accounts.

(c) Technical aides to professional employees, including, without limitation, computer programmers, tax examiners, conservation employees and ~~[crew supervisors.]~~ regulatory inspectors.

(d) Professional employees ~~[,]~~ who do not provide health care, including, without limitation, engineers, scientists and accountants.

(e) Professional employees who provide health care, including, without limitation, physical therapists and other employees in medical and other professions related to health.

~~[(e)]~~ (f) Employees, other than professional employees, who provide health care and personal care, including, without limitation, employees who provide care for children.

~~[(f)]~~ (g) Category I peace officers.

~~[(g)]~~ (h) Category II peace officers.

~~[(h)]~~ (i) Category III peace officers.

~~[(i)]~~ (j) Supervisory employees not otherwise included in other bargaining units.

~~[(j)]~~ (k) Firefighters.

2. The Board shall determine the classifications of employees within each bargaining unit. The parties to a collective bargaining agreement may assign a new classification to a bargaining unit based upon the similarity of the new classification to other classifications within the bargaining unit. If the parties to a collective bargaining agreement do not agree to the assignment of a new classification to a bargaining unit, the Board must assign a new classification to a bargaining unit based upon the similarity of the new classification to other classifications within the bargaining unit.

3. As used in this section:

(a) "Category I peace officer" has the meaning ascribed to it in NRS 289.460.

(b) "Category II peace officer" has the meaning ascribed to it in NRS 289.470.

(c) "Category III peace officer" has the meaning ascribed to it in NRS 289.480.

(d) "Professional employee" means an employee engaged in work that:

(1) Is predominately intellectual and varied in character as opposed to routine mental, manual, mechanical or physical work;

(2) Involves the consistent exercise of discretion and judgment in its performance;

(3) Is of such a character that the result accomplished or produced cannot be standardized in relation to a given period; and

(4) Requires advanced knowledge in a field of science or learning customarily acquired through a prolonged course of specialized intellectual instruction and study in an institution of higher learning, as distinguished from general academic education, an apprenticeship or training in the performance of routine mental or physical processes.

(e) "Supervisory employee" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 288.075.

Sec. 30. *If no labor organization is designated as the exclusive representative of a bargaining unit and a labor organization files with the Board a list of its membership or other evidence showing that the labor organization has been authorized to serve as a representative by more than 50 percent of the employees within the bargaining unit, the Board shall designate the labor organization as the exclusive representative of the bargaining unit without ordering an election.*

Sec. 31. *1. If no labor organization is designated as the exclusive representative of a bargaining unit, the Board shall order an election to be conducted within the bargaining unit if:*

(a) A labor organization files with the Board a written request for an election which includes a list of its membership or other evidence showing that it has been authorized to serve as a representative by at least 30 percent but not more than 50 percent of the employees within the bargaining unit; and

(b) No other election to choose, change or discontinue representation has been conducted within the bargaining unit during the immediately preceding 12 months.

2. If the Board designates a labor organization as the exclusive representative of a bargaining unit following an election pursuant to subsection 1 or pursuant to section 30 of this act, the Board shall order an election:

(a) If either:

(1) Another labor organization files with the Board a written request for an election which includes a list of its membership or other evidence showing

that the labor organization has been authorized to serve as a representative by at least 50 percent of the employees within the bargaining unit; or

(2) A group of employees within the bargaining unit files with the Board a written request for an election which includes a list or other evidence showing that more than 50 percent of the employees within the bargaining unit have requested that an election be conducted to change or discontinue representation;

(b) If applicable, the request filed pursuant to paragraph (a) is filed not more than 270 days and not less than 225 days before the date on which the current collective bargaining agreement in effect for the bargaining unit expires; and

(c) If no other election to choose, change or discontinue representation has been conducted within the bargaining unit during the immediately preceding 12 months.

Sec. 32. *1. If the Board orders an election within a bargaining unit pursuant to section 31 of this act, the Board shall order that each of the following be placed as a choice on the ballot for the election:*

(a) If applicable, the labor organization that requested the election pursuant to section 31 of this act;

(b) If applicable, the labor organization that is presently designated as the exclusive representative of the bargaining unit;

(c) Any other labor organization that, on or before the date that is prescribed by the rules adopted by the Board, files with the Board a written request to be placed on the ballot for the election and includes with the written request a list of its membership or other evidence showing that the labor organization has been authorized to serve as a representative by at least 30 percent of the employees within the bargaining unit; and

(d) A choice for "no representation."

2. If a ballot for an election contains more than two choices and none of the choices on the ballot receives a majority of the votes cast at the initial election, the Board shall order a runoff election between the two choices on the ballot that received the highest number of votes at the initial election.

3. If the choice for "no representation" receives a majority of the votes cast at the initial election or at any runoff election, the Board shall designate the bargaining unit as being without representation.

4. If a labor organization receives a majority of the votes cast at the initial election or at any runoff election, the Board shall designate the labor organization as the exclusive representative of the bargaining unit.

Sec. 33. *1. The Board shall preside over all elections that are conducted pursuant to section 31 of this act and shall determine the eligibility requirements for employees to vote in any such election.*

2. A labor organization that is placed as a choice on the ballot for an election or any employee who is eligible to vote at an election may file with the Board a written objection to the results of the election. The objection must

be filed not later than 10 days after the date on which the notice of the results of the election is given by the Board.

3. In response to a written objection filed pursuant to subsection 2 or upon its own motion, the Board may invalidate the results of an election and order a new election if the Board finds that any conduct or circumstances raise substantial doubt that the results of the election are reliable.

Sec. 34. *1. Except as otherwise provided in subsection 2, an exclusive representative shall:*

(a) Act as the agent and exclusive representative of all employees within each bargaining unit that it represents; and

(b) In good faith and on behalf of each bargaining unit that it represents, individually or collectively, bargain with the Executive Department concerning the wages, hours and other terms and conditions of employment for the employees within each bargaining unit that it represents, including, without limitation, any terms and conditions of employment that are within the scope of supplemental bargaining pursuant to section 42 of this act.

2. If an employee is within a bargaining unit that has an exclusive representative, the employee has the right to present grievances to the Executive Department at any time and to have those grievances adjusted without the intervention of the exclusive representative if:

(a) The exclusive representative is given an opportunity to be present at any meetings or hearings related to the adjustment of the grievance and provided a copy of the adjustment of the grievance; and

(b) The adjustment of the grievance is not inconsistent with the provisions of the collective bargaining agreement or any supplemental bargaining agreement then in effect.

3. ~~[Except as otherwise provided in subsection 4, a]~~ A labor organization may serve as an exclusive representative for multiple bargaining units established pursuant to section 29 of this act.

~~[4. An employee organization or labor organization serving as the exclusive representative of category I peace officers employed by the Executive Department or a local government employer may not serve as an exclusive representative of any other bargaining unit of state employees established pursuant to section 29 of this act.~~

~~5. As used in this section "category I peace officer" has the meaning ascribed to it in NRS 289.460.]~~

Sec. 35. *If the Board designates a labor organization as the exclusive representative of a bargaining unit pursuant to sections 15 to 44, inclusive, of this act, an officer of the Executive Department shall not, pursuant to NRS 281.129, withhold any amount of money from the salary or wages of an employee within the bargaining unit to pay dues or similar fees to a labor organization other than the labor organization that is the exclusive representative of the bargaining unit.*

Sec. 36. *Except as otherwise provided in this section, the term of a collective bargaining agreement must begin on July 1 of an odd-numbered*

year and must end on June 30 of the next odd-numbered year. If the parties cannot agree to a new collective bargaining agreement before the end of the term of a collective bargaining agreement, the terms of that collective bargaining agreement remain in effect until a new collective bargaining agreement takes effect.

Sec. 37. *If a provision of a collective bargaining agreement:*

1. Does not require an act of the Legislature to be given effect, the provision becomes effective in accordance with the terms of the agreement.

2. Requires an act of the Legislature to be given effect:

(a) The Governor shall request the drafting of a legislative measure pursuant to NRS 218D.175 to effectuate the provision; and

(b) The provision becomes effective, if at all, on the date on which the act of the Legislature becomes effective.

Sec. 38. *1. The ~~[Executive Department]~~ Governor shall designate a representative to conduct negotiations concerning collective bargaining agreements on behalf of the Executive Department. The representative may, with the approval of the Governor, delegate the responsibility to conduct such negotiations to another person.*

2. A representative designated pursuant to subsection 1 and an exclusive representative shall begin negotiations concerning a collective bargaining agreement within 60 days after one party notifies the other party of the desire to negotiate or on or before November 1 of each even-numbered year, whichever is earlier.

~~[2.]~~ 3. As soon as practicable after the Board designates an exclusive representative of an unrepresented bargaining unit pursuant to sections 15 to 44, inclusive, of this act, the exclusive representative shall engage in collective bargaining with the ~~[Executive Department]~~ representative designated pursuant to subsection 1 as required by section 34 of this act to establish a collective bargaining agreement with a term ending on June 30 of the next odd-numbered year.

Sec. 39. *1. Either party may request a mediator from the Federal Mediation and Conciliation Service if the parties do not reach a collective bargaining agreement:*

(a) Within 120 days after the date on which the parties began negotiations or on or before February 1 of an odd-numbered year, whichever is earlier; or

(b) On or before any later date set by agreement of the parties.

2. The mediator shall bring the parties together as soon as possible after his or her appointment and shall attempt to settle each issue in dispute within 21 days after his or her appointment or any later date set by agreement of the parties.

Sec. 40. *1. If a mediator selected pursuant to section 39 of this act determines that his or her services are no longer helpful or if the parties do not reach a collective bargaining agreement through mediation within 21 days after the appointment of the mediator or on or before any later date set by agreement of the parties, the mediator shall discontinue mediation and the*

parties shall attempt to agree upon an impartial arbitrator. Any proposal that conflicts or is otherwise inconsistent with any provision of state law, other than the provisions of chapters 284 and 287 of NRS, shall be considered withdrawn by the proposing party when mediation is discontinued.

2. If the parties do not agree upon an impartial arbitrator within 5 days after the date on which mediation is discontinued pursuant to subsection 1 or on or before any later date set by agreement of the parties, the parties shall request from the Federal Mediation and Conciliation Service a list of seven potential arbitrators. The parties shall select an arbitrator from this list by alternately striking one name until the name of only one arbitrator remains, and that arbitrator must hear the dispute in question. The party who will strike the first name must be determined by a coin toss.

3. The arbitrator shall begin arbitration proceedings on or before March 1 or any later date set by agreement of the parties.

4. The arbitrator and the parties shall apply and follow the procedures for arbitration that are prescribed by any rules adopted by the Board pursuant to NRS 288.110. During arbitration, the parties retain their respective duties to negotiate in good faith.

5. The arbitrator may administer oaths or affirmations, take testimony and issue and seek enforcement of a subpoena in the same manner as the Board pursuant to NRS 288.120, and, except as otherwise provided in subsection 7, the provisions of NRS 288.120 apply to any subpoena issued by the arbitrator.

6. The arbitrator shall render a decision on or before March 15 or any later date set by agreement of the parties.

7. The Executive Department and the exclusive representative shall each pay one-half of the cost of arbitration.

Sec. 41. *1. For issues in dispute after arbitration proceedings are held pursuant to section 40 of this act, the arbitrator shall incorporate either the final offer of the Executive Department or the final offer of the exclusive representative into his or her decision. The decision of the arbitrator shall be limited to a selection of one of the two final offers of the parties. The arbitrator shall not revise or amend the final offer of either party on any issue.*

2. To determine which final offer to incorporate into his or her decision, the arbitrator shall assess the reasonableness of:

(a) The position of each party as to each issue in dispute; and

(b) The contractual terms and provisions contained in each final offer.

3. In assessing reasonableness pursuant to subsection 2, the arbitrator shall:

(a) Compare the wages, hours and other terms and conditions of employment for the employees within the bargaining unit with the wages, hours and other terms and conditions of employment for other employees performing similar services and for other employees generally:

(1) In public employment in comparable communities; and

(2) In private employment in comparable communities; and

(b) Consider, without limitation:

(1) The financial ability of the State to pay the costs associated with the proposed collective bargaining agreement, with due regard for the primary obligation of the State to safeguard the health, safety and welfare of the people of this State;

(2) The average prices paid by consumers for goods and services in geographic location where the employees work; and

(3) Such other factors as are normally or traditionally used as part of collective bargaining, mediation, arbitration or other methods of dispute resolution to determine the wages, hours and other terms and conditions of employment for employees in public or private employment.

4. The decision of the arbitrator is final and binding upon the parties.

Sec. 42. *1. Except as otherwise provided in this section, the Executive Department and the exclusive representative of a bargaining unit may engage in supplemental bargaining concerning any terms and conditions of employment which are peculiar to or which uniquely affect fewer than all the employees within the bargaining unit.*

2. The Executive Department and an exclusive representative may engage in supplemental bargaining pursuant to subsection 1 for fewer than all the employees within two or more bargaining units that the exclusive representative represents if the requirements of subsection 1 are met for each such bargaining unit. Supplemental bargaining must be conducted in the manner prescribed by sections 15 to 44, inclusive, of this act.

3. If the parties reach a supplemental bargaining agreement pursuant to this section, the provisions of the supplemental bargaining agreement:

(a) Must be in writing; and

(b) Shall be deemed to be incorporated into the provisions of each collective bargaining agreement then in effect between the Executive Department and the employees who are subject to the supplemental bargaining agreement if the provisions of the supplemental bargaining agreement do not conflict with the provisions of the collective bargaining agreement.

4. If any provision of the supplemental bargaining agreement conflicts with any provision of the collective bargaining agreement, the provision of the supplemental bargaining agreement is void and the provision of the collective bargaining agreement must be given effect.

5. The provisions of the supplemental bargaining agreement expire at the same time as the other provisions of the collective bargaining agreement into which they are incorporated.

6. The Executive Department and an exclusive representative may, during collective bargaining conducted pursuant to sections 15 to 44, inclusive, of this act, negotiate and include in a collective bargaining agreement any terms and conditions of employment that would otherwise be within the scope of supplemental bargaining conducted pursuant to this section.

Sec. 43. *1. Except as otherwise provided by specific statute, a labor organization and the Executive Department may sue or be sued as an entity pursuant to sections 15 to 44, inclusive, of this act.*

2. If any action or proceeding is brought by or against a labor organization pursuant to sections 15 to 44, inclusive, of this act, the district court in and for the county in which the labor organization maintains its principal office or the county in which the claim arose has jurisdiction over the claim.

3. A natural person and his or her assets are not subject to liability for any judgment awarded pursuant to sections 15 to 44, inclusive, of this act against the Executive Department or a labor organization.

Sec. 44. *The following proceedings, required by or conducted pursuant to this chapter, are not subject to any provision of NRS which requires a meeting to be open or public:*

1. Any negotiation or informal discussion between the Executive Department and a labor organization or employees as individuals.

2. Any meeting of a mediator with either party or both parties to a negotiation.

3. Any meeting or investigation conducted by an arbitrator.

4. Deliberations of the Board toward a decision on a complaint, appeal or petition for declaratory relief.

Sec. 45. NRS 288.020 is hereby amended to read as follows:

288.020 As used in ~~[this chapter,]~~ *NRS 288.140 to 288.220, inclusive, 288.270 and 288.280,* unless the context otherwise requires, the words and terms defined in NRS 288.025 to 288.075, inclusive, have the meanings ascribed to them in those sections.

Sec. 46. NRS 288.080 is hereby amended to read as follows:

288.080 1. The ~~[Local]~~ Government Employee-Management Relations Board is hereby created, consisting of five ~~*[three]*~~ members ~~*[.]*~~ *,* ~~*[The Board must consist of:*~~

~~*(a) One member appointed by the Governor who is]*~~ broadly representative of the public and not closely allied with any employee organization ~~[or]~~ *, any labor organization, the Executive Department or any* local government employer*.* ~~[, not :~~

~~*(b) One member appointed by the Governor from a list of recommendations submitted to the Governor by the American Federation of Labor and Congress of Industrial Organizations or its successor organization; and*~~

~~*(c) One member appointed by agreement of the members appointed pursuant to paragraphs (a) and (b).]*~~

2. Not more than three ~~*[two]*~~ of ~~[whom]~~ *the members of the Board* may be members of the same political party ~~*[.]*~~ *,* and at least three of ~~[whom]~~ *the members* must reside in southern Nevada. The ~~*[After the initial terms, the]*~~ term of office of each member is 4 years.

~~[2.]~~ *3.* The Governor shall appoint the members of the Board.

Sec. 47. ~~[NRS 288.090 is hereby amended to read as follows:~~

~~288.090 1. The members of the Board shall annually elect one of their number as Chair and one as Vice Chair. [Except as otherwise provided in this section, any three]~~ *Any two* ~~members of the Board constitute a quorum . [, and~~

~~a majority of a quorum present at any meeting may exercise all the power and authority conferred on the Board.]~~

~~2. [Except by a majority vote of the entire membership of the Board, the Board may not:~~

~~(a) Elect a Chair or Vice Chair;~~

~~(b) Appoint the Commissioner or Secretary of the Board, or terminate the employment of the Commissioner or Secretary;~~

~~(c) Adjust the fee charged to local government employers pursuant to NRS 288.105 or impose a civil penalty for failure to pay the fee;~~

~~(d) Make or adopt any rule or regulation; or~~

~~(e) Grant permission to a local government employer to withdraw recognition from an employee organization or order an election pursuant to NRS 288.160.~~

~~3. Whenever less than five members of the Board are present at any meeting, not more than two of the members present may be members of the same political party.~~

~~4.] The Board may, within the limits of legislative appropriations and any other available money:~~

~~(a) Appoint a Commissioner and a Secretary, who are in the unclassified service of the State; and~~

~~(b) Employ such additional clerical personnel as may be necessary, who are in the classified service of the State.]~~ (Deleted by amendment.)

Sec. 48. NRS 288.110 is hereby amended to read as follows:

288.110 1. The Board may make rules governing:

(a) Proceedings before it;

(b) Procedures for fact-finding;

(c) The recognition *, as defined in NRS 288.067,* of employee organizations; ~~[and]~~

(d) *The designation of the exclusive representative of a bargaining unit in accordance with the provisions of sections 30, 31 and 32 of this act; and*

(e) The determination of bargaining units.

2. The Board may hear and determine any complaint arising out of the interpretation of, or performance under, the provisions of this chapter by *the Executive Department,* any local government employer, *any employee, as defined in section 19 of this act, any* local government employee ~~[, or]~~ *, any* employee organization ~~[.]~~ *or any labor organization.* Except as otherwise provided in this subsection and NRS 288.115 and 288.280, *and section 27 of this act,* the Board shall conduct a hearing within 180 days after it decides to hear a complaint. If a complaint alleges a violation of paragraph (e) of subsection 1 of NRS 288.270 , ~~[or]~~ paragraph (b) of subsection 2 of ~~[that section,]~~ *NRS 288.270, paragraph (a) of subsection 1 of section 26 of this act or paragraph (b) of subsection 2 of section 26 of this act,* the Board shall conduct a hearing not later than 45 days after it decides to hear the complaint, unless the parties agree to waive this requirement. The Board, after a hearing, if it finds that the complaint is well taken, may order any person *or entity* to

refrain from the action complained of or to restore to the party aggrieved any benefit of which the party has been deprived by that action. Except when an expedited hearing is conducted pursuant to NRS 288.115, the Board shall issue its decision within 120 days after the hearing on the complaint is completed.

3. Any party aggrieved by the failure of any person to obey an order of the Board issued pursuant to subsection 2, or the Board at the request of such a party, may apply to a court of competent jurisdiction for a prohibitory or mandatory injunction to enforce the order.

4. The Board may not consider any complaint or appeal filed more than 6 months after the occurrence which is the subject of the complaint or appeal.

5. The Board may decide without a hearing a contested matter:

(a) In which all of the legal issues have been previously decided by the Board, if it adopts its previous decision or decisions as precedent; or

(b) Upon agreement of all the parties.

6. The Board may award reasonable costs, which may include attorneys' fees, to the prevailing party.

7. As used in this section, "bargaining unit" has the meaning ascribed to it in NRS 288.028 or section 17 of this act.

Sec. 49. NRS 288.250 is hereby amended to read as follows:

288.250 1. If a strike is commenced or continued in violation of an order issued pursuant to NRS 288.240, the court may:

(a) Punish ~~[the]~~ *each* employee organization or ~~[organizations]~~ *labor organization* guilty of such violation by a fine of not more than $50,000 against each *employee organization or labor* organization for each day of continued violation.

(b) Punish any officer of an employee organization *or labor organization* who is wholly or partly responsible for such violation by a fine of not more than $1,000 for each day of continued violation, or by imprisonment as provided in NRS 22.110.

(c) Punish any employee of the State or of a local government employer who participates in such strike by ordering the dismissal or suspension of such employee.

2. Any of the penalties enumerated in subsection 1 may be applied alternatively or cumulatively, in the discretion of the court.

Sec. 50. NRS 241.016 is hereby amended to read as follows:

241.016 1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.

2. The following are exempt from the requirements of this chapter:

(a) The Legislature of the State of Nevada.

(b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 228.495, 239C.140, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 289.387, 295.121, 360.247, 388.261, 388A.495, 388C.150, 388G.710, 388G.730, 392.147, 392.467, 394.1699, 396.3295, 433.534, 435.610, 463.110, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725, *and section 44 of this act,* which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,

➥ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

Sec. 51. NRS 597.995 is hereby amended to read as follows:

597.995 1. Except as otherwise provided in subsection 3, an agreement which includes a provision which requires a person to submit to arbitration any dispute arising between the parties to the agreement must include specific authorization for the provision which indicates that the person has affirmatively agreed to the provision.

2. If an agreement includes a provision which requires a person to submit to arbitration any dispute arising between the parties to the agreement and the agreement fails to include the specific authorization required pursuant to subsection 1, the provision is void and unenforceable.

3. The provisions of this section do not apply to an agreement that is a collective bargaining agreement. As used in this subsection, "collective bargaining" has the meaning ascribed to it in ~~[NRS 288.033.]~~ *section 8 of this act.*

Sec. 52. ~~[1. The terms of all members of the Local Government Employee-Management Relations Board created by NRS 288.080 who are serving on July 1, 2019, expire on that date.~~

~~2. As soon as practicable after the effective date of this act:~~

~~(a) The Governor shall appoint to the Government Employee-Management Relations Board the members described in paragraphs (a) and (b) of subsection 1 of NRS 288.080, as amended by section 46 of this act, to terms that begin on July 1, 2019, and expire on July 1, 2023; and~~

~~(b) The members of the Government Employee-Management Relations Board appointed pursuant to paragraph (a) shall appoint the member described in paragraph (c) of subsection 1 of NRS 288.080, as amended by section 46 of this act, to a term that begins on July 1, 2019, and expires on July 1, 2021.]~~ (Deleted by amendment.)

Sec. 53. 1. As soon as practicable after the effective date of this act but not later than October 1, 2019, the Government Employee-Management

Relations Board created by NRS 288.080, as amended by section 46 of this act, shall:

(a) Establish bargaining units pursuant to section 29 of this act; and

(b) ~~[Designate]~~ In accordance with sections 30, 31 and 32 of this act, upon the submission by a labor organization of a list of its membership or other evidence or following an election, designate exclusive representatives for those bargaining units . ~~[in accordance with sections 30, 31 and 32 of this act.]~~

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

(a) "Bargaining unit" has the meaning ascribed to it in section 17 of this act.

(b) "Labor organization" has the meaning ascribed to it in section 12 of this act.

Sec. 54. NRS 288.030, 288.033, 288.034, 288.045, 288.063 and 288.070 are hereby repealed.

Sec. 55. This act becomes effective upon passage and approval.

LEADLINES OF REPEALED SECTIONS

288.030 "Board" defined.

288.033 "Collective bargaining" defined.

288.034 "Commissioner" defined.

288.045 "Fact-finding" defined.

288.063 "Mediation" defined.

288.070 "Strike" defined.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Amendment No. 260 to Senate Bill No. 135 relates to collective bargaining for State employees. Among other provisions, the amendment removes employees of the Public Employees' Retirement System; adds the Nevada System of Higher Education; adds a collective bargaining unit by splitting the one for "professional employees" into two collective bargaining units for professional employees with one related to professionals in health care and the other for professionals related to engineers, scientists and accountants.

Furthermore, it removes the provisions limiting some organizations from representing certain types of State employees. It also requires the Governor to designate a representative to conduct negotiations concerning collective bargaining agreements on behalf of the Executive Department.

Finally, it revises the membership of the Board and leaves it at the current number of members.

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. 153.

Bill read second time.

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

Amendment No. 261.

SUMMARY—Revises provisions relating to collective bargaining. (BDR 23-405)

AN ACT relating to collective bargaining; increasing the amount of time within which the Local Government Employee-Management Relations Board must conduct a hearing relating to certain complaints; removing certain restrictions on payment of compensation or monetary benefits upon expiration of a collective bargaining agreement; revising various provisions relating to negotiations between a school district and an employee organization representing teachers or educational support personnel; repealing certain provisions governing leave for services to an employee organization and governing school administrators; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) generally authorizes the Local Government Employee Management Relations Board to hear and determine any complaint arising under the provisions of law governing collective bargaining by a local government employer, local government employee or employee organization; (2) generally requires the Board to conduct a hearing within 180 days after it decides to hear a complaint; and (3) requires the Board, unless waived by the parties, to hear a complaint not later than 45 days after the Board decides to hear the complaint if a complaint alleges that a local government employer or an employee organization willfully refused to bargain collectively in good faith. (NRS 288.110) Section 1 of this bill removes the requirement for the Board to conduct a hearing not later than 45 days after deciding to hear the complaint for those specific circumstances.

Existing law authorizes any controversy concerning a prohibited practice relating to collective bargaining to be submitted to the Local Government Employee-Management Relations Board. Existing law also provides that if the controversy involves an alleged failure to provide certain required information relating to the collective bargaining, the Board must conduct a hearing as soon as possible after the complaint is filed and, in any case, not later than 45 days after the Board decides to hear the complaint, unless the parties agree to waive the requirement. (NRS 288.280) Section 7 of this bill removes the provision which requires the Board to conduct such a hearing not later than 45 days after the Board decides to hear the complaint.

Existing law prohibits a local government employer, with limited exceptions, from increasing any compensation or monetary benefits paid to or on behalf of employees in the affected bargaining unit upon the end of the term stated in a collective bargaining agreement and until the successor agreement becomes effective. (NRS 288.155) Section 3 of this bill removes this prohibition and instead authorizes collective bargaining agreements entered into between local government employers and employee organizations to remain in effect beyond the term of office of any member or officer of the local government employer.

Existing law: (1) generally requires a local government employer to engage in collective bargaining with the recognized employee organization, if any, for each bargaining unit among its employees; and (2) excludes from membership

in a bargaining unit, any school administrator above the rank of principal, thus prohibiting such a school administrator from engaging in collective bargaining with their employer. (NRS 288.170) Section 4 of this bill removes this prohibition and instead requires employees in certain supervisory and administrative positions, including certain school administrators ~~[,]~~ and school district administrators, to be members of a different bargaining unit from the employees they supervise.

Existing law requires an employee organization to give written notice of its desire to negotiate to the local government employer. If the subject of negotiation requires the budgeting of money by the local government employer, the notice must be given by the employee organization either: (1) on or before February 1; or (2) if the employee organization represents teachers or educational support personnel, on or before January 1. (NRS 288.180) Section 5 of this bill removes the distinct date for the notice requirement given by an employee organization that represents teachers or educational support personnel so that the date for giving written notice to the local government employer concerning such negotiations is February 1 for all employee organizations.

Existing law requires the parties in a negotiation between a school district and an employee organization representing teachers and educational support personnel to: (1) have eight sessions of negotiation before the issues are submitted to an arbitrator; (2) select an arbitrator not later than 330 days before the end of the term stated in the existing collective bargaining agreement; and (3) schedule a hearing of not less than 3 consecutive business days. (NRS 288.217) Section 6 of this bill: (1) removes the latter two of those three requirements; (2) decreases the required number of negotiation sessions to four sessions before the issues are submitted to an arbitrator; and (3) requires the arbitrator to hold a hearing concerning the dispute after giving 7 days' written notice to the parties and within 30 days after being selected.

Section 20 of this bill repeals provisions: (1) authorizing, under certain circumstances, a local government employer to provide leave to an employee for time spent by the employee in performing duties or providing services for an employee organization; (2) concerning the at-will status of a principal during certain periods of employment by a school district and the principal, under certain circumstances, being subject to immediate dismissal by the board of trustees of the school district; and (3) requiring certain postprobationary school administrators to apply to the superintendent of the school district for reappointment to his or her administrative position every 5 years.

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

Section 1. NRS 288.110 is hereby amended to read as follows:

288.110 1. The Board may make rules governing:

(a) Proceedings before it;

(b) Procedures for fact-finding;

(c) The recognition of employee organizations; and

(d) The determination of bargaining units.

2. The Board may hear and determine any complaint arising out of the interpretation of, or performance under, the provisions of this chapter by any local government employer, local government employee or employee organization. Except as otherwise provided in ~~[this subsection and]~~ NRS 288.115 , ~~[and 288.280,]~~ the Board shall conduct a hearing within 180 days after it decides to hear a complaint. ~~[If a complaint alleges a violation of paragraph (e) of subsection 1 of NRS 288.270 or paragraph (b) of subsection 2 of that section, the Board shall conduct a hearing not later than 45 days after it decides to hear the complaint, unless the parties agree to waive this requirement.]~~ The Board, after a hearing, if it finds that the complaint is well taken, may order any person to refrain from the action complained of or to restore to the party aggrieved any benefit of which the party has been deprived by that action. Except when an expedited hearing is conducted pursuant to NRS 288.115, the Board shall issue its decision within 120 days after the hearing on the complaint is completed.

3. Any party aggrieved by the failure of any person to obey an order of the Board issued pursuant to subsection 2, or the Board at the request of such a party, may apply to a court of competent jurisdiction for a prohibitory or mandatory injunction to enforce the order.

4. The Board may not consider any complaint or appeal filed more than 6 months after the occurrence which is the subject of the complaint or appeal.

5. The Board may decide without a hearing a contested matter:

(a) In which all of the legal issues have been previously decided by the Board, if it adopts its previous decision or decisions as precedent; or

(b) Upon agreement of all the parties.

6. The Board may award reasonable costs, which may include attorneys' fees, to the prevailing party.

Sec. 2. NRS 288.150 is hereby amended to read as follows:

288.150 1. Except as otherwise provided in subsection 4 and NRS 354.6241, every local government employer shall negotiate in good faith through one or more representatives of its own choosing concerning the mandatory subjects of bargaining set forth in subsection 2 with the designated representatives of the recognized employee organization, if any, for each appropriate bargaining unit among its employees. If either party so requests, agreements reached must be reduced to writing.

2. The scope of mandatory bargaining is limited to:

(a) Salary or wage rates or other forms of direct monetary compensation.

(b) Sick leave.

(c) Vacation leave.

(d) Holidays.

(e) Other paid or nonpaid leaves of absence . ~~[consistent with the provisions of this chapter.]~~

(f) Insurance benefits.

(g) Total hours of work required of an employee on each workday or workweek.

(h) Total number of days' work required of an employee in a work year.

(i) Except as otherwise provided in subsections 6 and 10, discharge and disciplinary procedures.

(j) Recognition clause.

(k) The method used to classify employees in the bargaining unit.

(l) Deduction of dues for the recognized employee organization.

(m) Protection of employees in the bargaining unit from discrimination because of participation in recognized employee organizations consistent with the provisions of this chapter.

(n) No-strike provisions consistent with the provisions of this chapter.

(o) Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements.

(p) General savings clauses.

(q) Duration of collective bargaining agreements.

(r) Safety of the employee.

(s) Teacher preparation time.

(t) Materials and supplies for classrooms.

(u) Except as otherwise provided in subsections 7, 9 and 10, the policies for the transfer and reassignment of teachers.

(v) Procedures for reduction in workforce consistent with the provisions of this chapter.

(w) Procedures consistent with the provisions of subsection 4 for the reopening of collective bargaining agreements for additional, further, new or supplementary negotiations during periods of fiscal emergency.

3. Those subject matters which are not within the scope of mandatory bargaining and which are reserved to the local government employer without negotiation include:

(a) Except as otherwise provided in paragraph (u) of subsection 2, the right to hire, direct, assign or transfer an employee, but excluding the right to assign or transfer an employee as a form of discipline.

(b) The right to reduce in force or lay off any employee because of lack of work or lack of money, subject to paragraph (v) of subsection 2.

(c) The right to determine:

(1) Appropriate staffing levels and work performance standards, except for safety considerations;

(2) The content of the workday, including without limitation workload factors, except for safety considerations;

(3) The quality and quantity of services to be offered to the public; and

(4) The means and methods of offering those services.

(d) Safety of the public.

4. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to this chapter, a local government employer is entitled to:

(a) Reopen a collective bargaining agreement for additional, further, new or supplementary negotiations relating to compensation or monetary benefits during a period of fiscal emergency. Negotiations must begin not later than 21 days after the local government employer notifies the employee organization that a fiscal emergency exists. For the purposes of this section, a fiscal emergency shall be deemed to exist:

(1) If the amount of revenue received by the general fund of the local government employer during the last preceding fiscal year from all sources, except any nonrecurring source, declined by 5 percent or more from the amount of revenue received by the general fund from all sources, except any nonrecurring source, during the next preceding fiscal year, as reflected in the reports of the annual audits conducted for those fiscal years for the local government employer pursuant to NRS 354.624; or

(2) If the local government employer has budgeted an unreserved ending fund balance in its general fund for the current fiscal year in an amount equal to 4 percent or less of the actual expenditures from the general fund for the last preceding fiscal year, and the local government employer has provided a written explanation of the budgeted ending fund balance to the Department of Taxation that includes the reason for the ending fund balance and the manner in which the local government employer plans to increase the ending fund balance.

(b) Take whatever actions may be necessary to carry out its responsibilities in situations of emergency such as a riot, military action, natural disaster or civil disorder. Those actions may include the suspension of any collective bargaining agreement for the duration of the emergency.

➥ Any action taken under the provisions of this subsection must not be construed as a failure to negotiate in good faith.

5. The provisions of this chapter, including without limitation the provisions of this section, recognize and declare the ultimate right and responsibility of the local government employer to manage its operation in the most efficient manner consistent with the best interests of all its citizens, its taxpayers and its employees.

6. If the sponsor of a charter school reconstitutes the governing body of a charter school pursuant to NRS 388A.330, the new governing body may terminate the employment of any teachers or other employees of the charter school, and any provision of any agreement negotiated pursuant to this chapter that provides otherwise is unenforceable and void.

7. The board of trustees of a school district in which a school is designated as a turnaround school pursuant to NRS 388G.400 or the principal of such a school, as applicable, may take any action authorized pursuant to NRS 388G.400, including, without limitation:

(a) Reassigning any member of the staff of such a school; or

(b) If the staff member of another public school consents, reassigning that member of the staff of the other public school to such a school.

8. Any provision of an agreement negotiated pursuant to this chapter which differs from or conflicts in any way with the provisions of subsection 7 or imposes consequences on the board of trustees of a school district or the principal of a school for taking any action authorized pursuant to subsection 7 is unenforceable and void.

9. The board of trustees of a school district may reassign any member of the staff of a school that is converted to an achievement charter school pursuant to NRS 388B.200 to 388B.230, inclusive, and any provision of any agreement negotiated pursuant to this chapter which provides otherwise is unenforceable and void.

10. The board of trustees of a school district or the governing body of a charter school or university school for profoundly gifted pupils may use a substantiated report of the abuse or neglect of a child or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 or an equivalent registry maintained by a governmental agency in another jurisdiction for the purposes authorized by NRS 388A.515, 388C.200, 391.033, 391.104 or 391.281, as applicable. Such purposes may include, without limitation, making a determination concerning the assignment, discipline or termination of an employee. Any provision of any agreement negotiated pursuant to this chapter which conflicts with the provisions of this subsection is unenforceable and void.

11. This section does not preclude, but this chapter does not require, the local government employer to negotiate subject matters enumerated in subsection 3 which are outside the scope of mandatory bargaining. The local government employer shall discuss subject matters outside the scope of mandatory bargaining but it is not required to negotiate those matters.

12. Contract provisions presently existing in signed and ratified agreements as of May 15, 1975, at 12 p.m. remain negotiable.

13. As used in this section:

(a) "Abuse or neglect of a child" has the meaning ascribed to it in NRS 392.281.

(b) "Achievement charter school" has the meaning ascribed to it in NRS 385.007.

Sec. 3. NRS 288.155 is hereby amended to read as follows:

288.155 ~~[1. A collective bargaining agreement:~~

~~(a) May]~~ *Agreements entered into between local government employers and employee organizations pursuant to this chapter may* extend beyond the term of office of any member or officer of the local government employer.

~~[(b) Expires for the purposes of this section at the end of the term stated in the agreement, notwithstanding any provision of the agreement that it remain in effect, in whole or in part, after the end of that term until a successor agreement becomes effective.~~

~~2. Except as otherwise provided in subsection 3 and notwithstanding any provision of the collective bargaining agreement to the contrary, upon the expiration of a collective bargaining agreement, if no successor agreement is effective and until a successor agreement becomes effective, a local government employer shall not pay to or on behalf of any employee in the affected bargaining unit any compensation or monetary benefits in any amount greater than the amount in effect as of the expiration of the collective bargaining agreement.~~

~~3. The provisions of subsection 2 do not prohibit a local government employer from paying:~~

~~(a) An increase in compensation or monetary benefits during the first quarter of the next ensuing fiscal year of the local government employer after the expiration of a collective bargaining agreement; or~~

~~(b) An increase in the employer's portion of the matching contribution rate for employees and employers in accordance with an adjustment in the rate of contributions pursuant to NRS 286.450.]~~

Sec. 4. NRS 288.170 is hereby amended to read as follows:

288.170 1. Each local government employer which has recognized one or more employee organizations shall determine, after consultation with the recognized organization or organizations, which group or groups of its employees constitute an appropriate unit or units for negotiating. The primary criterion for that determination must be the community of interest among the employees concerned.

2. A ~~[school district administrator above the rank of principal, including without limitation, a superintendent, associate superintendent, assistant superintendent or any school district administrator designated as a chief or assistant chief or any central office administrator irrespective of position title who supervises school principals, must be excluded from any bargaining unit.]~~ *principal, assistant principal or other school administrator* *, school district administrator or central office administrator* *below the rank of superintendent, associate superintendent or assistant superintendent shall not be a member of the same bargaining unit with public school teachers unless the school district employs fewer than five principals but may join with other officials of the same specified ranks to negotiate as a separate bargaining unit.*

3. A head of a department of a local government, an administrative employee or a supervisory employee must not be a member of the same bargaining unit as the employees under the direction of that department head, administrative employee or supervisory employee. Any dispute between the parties as to whether an employee is a supervisor must be submitted to the Board. An employee organization which is negotiating on behalf of two or more bargaining units consisting of firefighters or police officers, as defined in NRS 288.215, may select members of the units to negotiate jointly on behalf of each other, even if one of the units consists of supervisory employees and the other unit does not.

4. Confidential employees of the local government employer must be excluded from any bargaining unit but are entitled to participate in any plan to provide benefits for a group that is administered by the bargaining unit of which they would otherwise be a member.

5. If any employee organization is aggrieved by the determination of a bargaining unit, it may appeal to the Board. Subject to judicial review, the decision of the Board is binding upon the local government employer and employee organizations involved. The Board shall apply the same criterion as specified in subsection 1.

6. As used in this section:

(a) "Confidential employee" means an employee who is involved in the decisions of management affecting collective bargaining.

(b) "Supervisory employee" means a supervisory employee described in paragraph (a) of subsection 1 of NRS 288.075.

Sec. 5. NRS 288.180 is hereby amended to read as follows:

288.180 1. Whenever an employee organization desires to negotiate concerning any matter which is subject to negotiation pursuant to this chapter, it shall give written notice of that desire to the local government employer. ~~[Except as otherwise provided in this subsection, if]~~ *If* the subject of negotiation requires the budgeting of money by the local government employer, the employee organization shall give notice on or before February 1. ~~[If an employee organization representing teachers or educational support personnel desires to negotiate concerning any matter which is subject to negotiation pursuant to this chapter, it shall give the notice required by this subsection on or before January 1.]~~

2. Following the notification provided for in subsection 1, the employee organization or the local government employer may request reasonable information concerning any subject matter included in the scope of mandatory bargaining which it deems necessary for and relevant to the negotiations. The information requested must be furnished without unnecessary delay. The information must be accurate, and must be presented in a form responsive to the request and in the format in which the records containing it are ordinarily kept. If the employee organization requests financial information concerning a metropolitan police department, the local government employers which form that department shall furnish the information to the employee organization.

3. The parties shall promptly commence negotiations. As the first step, the parties shall discuss the procedures to be followed if they are unable to agree on one or more issues.

4. This section does not preclude, but this chapter does not require, informal discussion between an employee organization and a local government employer of any matter which is not subject to negotiation or contract under this chapter. Any such informal discussion is exempt from all requirements of notice or time schedule.

Sec. 6. NRS 288.217 is hereby amended to read as follows:

288.217 1. The provisions of this section govern negotiations between

school districts and employee organizations representing teachers and educational support personnel.

2. ~~[Not later than 330 days before the end of the term stated in their collective bargaining agreement, the parties shall select an arbitrator in the manner provided in subsection 2 of NRS 288.200 to conduct a hearing in the event that an impasse is declared pursuant to subsection 3. The parties and the arbitrator shall schedule a hearing of not less than 3 consecutive business days, to begin not later than June 10 immediately preceding the end of the term stated in the collective bargaining agreement or 60 days before the end of that term, whichever is earlier. As a condition of his or her selection, the arbitrator must agree to render a decision, if the hearing is held, within the time required by subsection 9. If the arbitrator fails or refuses to agree to any of the conditions stated in this subsection, the parties shall immediately proceed to select another arbitrator in the manner provided in subsection 2 of NRS 288.200 until an arbitrator is selected who agrees to those conditions.~~

~~3.]~~ If the parties to a negotiation pursuant to this section have failed to reach an agreement after at least ~~[eight]~~ *four* sessions of negotiation, either party may declare the negotiations to be at an impasse and, after 5 days' written notice is given to the other party, submit the issues remaining in dispute to ~~[the]~~ *an* arbitrator . ~~[selected pursuant to subsection 2.]~~ The arbitrator *must be selected in the manner provided in subsection 2 of NRS 288.200 and* has the powers provided for fact finders in NRS 288.210.

~~[4.]~~ *3.* The arbitrator shall, ~~[pursuant to subsection 2,]~~ *within 30 days after the arbitrator is selected, and after 7 days' written notice is given to the parties,* hold a hearing to receive information concerning the dispute. The hearing must be held in the county in which the school district is located and the arbitrator shall arrange for a full and complete record of the hearing.

~~[5.]~~ *4.* The parties to the dispute shall each pay one-half of the costs of the arbitration.

~~[6.]~~ *5.* A determination of the financial ability of a school district must be based on:

(a) All existing available revenues as established by the school district and within the limitations set forth in NRS 354.6241, with due regard for the obligation of the school district to provide an education to the children residing within the district.

(b) Consideration of funding for the current year being negotiated. If the parties mutually agree to arbitrate a multi-year contract the arbitrator must consider the ability to pay over the life of the contract being negotiated or arbitrated.

➥ Once the arbitrator has determined in accordance with this subsection that there is a current financial ability to grant monetary benefits, the arbitrator shall consider, to the extent appropriate, compensation of other governmental employees, both in and out of this State.

~~[7.]~~ *6.* At the recommendation of the arbitrator, the parties may, before the submission of a final offer, enter into negotiations. If the negotiations are

begun, the arbitrator may adjourn the hearing for a period of 3 weeks. If an agreement is reached, it must be submitted to the arbitrator, who shall certify it as final and binding.

~~[8.]~~ *7.* If the parties do not enter into negotiations or do not agree within ~~[7]~~ *30* days after the hearing held pursuant to subsection ~~[4,]~~ *3,* each of the parties shall submit a single written statement containing its final offer for each of the unresolved issues.

~~[9.]~~ *8.* The arbitrator shall, within 10 days after the final offers are submitted, render a decision on the basis of the criteria set forth in NRS 288.200. The arbitrator shall accept one of the written statements and shall report the decision to the parties. The decision of the arbitrator is final and binding on the parties. Any award of the arbitrator is retroactive to the expiration date of the last contract between the parties.

~~[10.]~~ *9.* The decision of the arbitrator must include a statement:

(a) Giving the arbitrator's reason for accepting the final offer that is the basis of the arbitrator's award; and

(b) Specifying the arbitrator's estimate of the total cost of the award.

~~[11.]~~ *10.* Within 45 days after the receipt of the decision from the arbitrator, the board of trustees of the school district shall hold a public meeting in accordance with the provisions of chapter 241 of NRS. The meeting must include a discussion of:

(a) The issues submitted pursuant to subsection ~~[3;]~~ *2;*

(b) The statement of the arbitrator pursuant to subsection ~~[10;]~~ *9;* and

(c) The overall fiscal impact of the decision which must not include a discussion of the details of the decision.

➥ The arbitrator must not be asked to discuss the decision during the meeting.

~~[12.]~~ *11.* The superintendent of the school district shall report to the board of trustees the fiscal impact of the decision. The report must include, without limitation, an analysis of the impact of the decision on compensation and reimbursement, funding, benefits, hours, working conditions or other terms and conditions of employment.

~~[13.]~~ *12.* As used in this section:

(a) "Educational support personnel" means all classified employees of a school district, other than teachers, who are represented by an employee organization.

(b) "Teacher" means an employee of a school district who is licensed to teach in this State and who is represented by an employee organization.

Sec. 7. NRS 288.280 is hereby amended to read as follows:

288.280 Any controversy concerning prohibited practices may be submitted to the Board in the same manner and with the same effect as provided in NRS 288.110, except that an alleged failure to provide information as provided by NRS 288.180 must be heard and determined by the Board as soon as possible after the complaint is filed with the Board . ~~[and, in any case, not later than 45 days after the Board decides to hear the complaint, unless the parties agree to waive this requirement.]~~

Sec. 8. NRS 388A.533 is hereby amended to read as follows:

388A.533 1. All employees of a charter school shall be deemed public employees.

2. Except as otherwise provided in NRS 388A.5342, the governing body of a charter school may make all decisions concerning the terms and conditions of employment with the charter school and any other matter relating to employment with the charter school. In addition, the governing body may make all employment decisions with regard to its employees pursuant to NRS 391.650 to ~~[391.830,]~~ *391.826,* inclusive, unless a collective bargaining agreement entered into by the governing body pursuant to chapter 288 of NRS contains separate provisions relating to the discipline of licensed employees of a school.

3. Upon the request of the governing body of a charter school, the board of trustees of a school district shall, with the permission of the licensed employee who is seeking employment with the charter school, transmit to the governing body a copy of the employment record of the employee that is maintained by the school district. The employment record must include, without limitation, each evaluation of the licensed employee conducted by the school district and any disciplinary action taken by the school district against the licensed employee.

Sec. 9. NRS 388B.410 is hereby amended to read as follows:

388B.410 1. All employees of an achievement charter school shall be deemed public employees and are not employees of the Department.

2. Except as otherwise provided in a collective bargaining agreement entered into by the governing body of an achievement charter school pursuant to chapter 288 of NRS, the principal of an achievement charter school may make:

(a) All decisions concerning the terms and conditions of employment with the achievement charter school and any other matter relating to employment with the achievement charter school; and

(b) All employment decisions with regard to the employees of the achievement charter school pursuant to NRS 391.650 to ~~[391.830,]~~ *391.826,* inclusive.

3. Upon the request of the governing body of an achievement charter school, the board of trustees of a school district shall, with the permission of the licensed employee who is seeking employment with the achievement charter school, transmit to the governing body a copy of the employment record of the employee that is maintained by the school district. The employment record must include, without limitation, each evaluation of the licensed employee conducted by the school district and any disciplinary action taken by the school district against the licensed employee.

Sec. 10. NRS 391.650 is hereby amended to read as follows:

391.650 As used in NRS 391.650 to ~~[391.830,]~~ *391.826,* inclusive, unless the context otherwise requires:

1. "Administrator" means any employee who holds a license as an administrator and who is employed in that capacity by a school district.

2. "Board" means the board of trustees of the school district in which a licensed employee affected by NRS 391.650 to ~~[391.830,]~~ *391.826*, inclusive, is employed.

3. "Demotion" means demotion of an administrator to a position of lesser rank, responsibility or pay and does not include transfer or reassignment for purposes of an administrative reorganization.

4. "Immorality" means:

(a) An act forbidden by NRS 200.366, 200.368, 200.400, 200.508, 201.180, 201.190, 201.210, 201.220, 201.230, 201.265, 201.540, 201.560, 207.260, 453.316 to 453.336, inclusive, except an act forbidden by NRS 453.337, 453.338, 453.3385 to 453.3405, inclusive, 453.560 or 453.562; or

(b) An act forbidden by NRS 201.540 or any other sexual conduct or attempted sexual conduct with a pupil enrolled in an elementary or secondary school. As used in this paragraph, "sexual conduct" has the meaning ascribed to it in NRS 201.520.

5. "Postprobationary employee" means an administrator or a teacher who has completed the probationary period as provided in NRS 391.820 and has been given notice of reemployment. The term does not include a person who is deemed to be a probationary employee pursuant to NRS 391.730.

6. "Probationary employee" means:

(a) An administrator or a teacher who is employed for the period set forth in NRS 391.820; and

(b) A person who is deemed to be a probationary employee pursuant to NRS 391.730.

7. "Superintendent" means the superintendent of a school district or a person designated by the board or superintendent to act as superintendent during the absence of the superintendent.

8. "Teacher" means a licensed employee the majority of whose working time is devoted to the rendering of direct educational service to pupils of a school district.

Sec. 11. NRS 391.655 is hereby amended to read as follows:

391.655 1. The demotion, suspension, dismissal and nonreemployment provisions of NRS 391.650 to ~~[391.830,]~~ *391.826*, inclusive, do not apply to:

(a) Substitute teachers; or

(b) Adult education teachers.

2. The admonition, demotion, suspension, dismissal and nonreemployment provisions of NRS 391.650 to 391.800, inclusive, do not apply to:

(a) A probationary teacher. The policy for evaluations prescribed in NRS 391.685 and 391.725 applies to a probationary teacher.

(b) ~~[A principal described in subsection 1 of NRS 391.825 with respect to his or her employment as a principal.~~

~~(c) A principal who is employed at will pursuant to subsection 2 of NRS 391.825.~~

~~(d) An administrator described in subsection 2 of NRS 391.830.~~

~~(e)~~] A new employee who is employed as a probationary administrator primarily to provide administrative services at the school level and not primarily to provide direct instructional services to pupils, regardless of whether licensed as a teacher or administrator, including, without limitation, a principal and vice principal.

[~~➥ Insofar as it is consistent with the provisions of NRS 391.825 and 391.830, the~~] *The* policy for evaluations prescribed in NRS 391.700 and 391.725 applies to [~~any~~] *such a probationary* administrator . [~~described in this subsection.~~]

3. The admonition, demotion and suspension provisions of NRS 391.650 to 391.800, inclusive, do not apply to a postprobationary teacher who is employed as a probationary administrator primarily to provide administrative services at the school level and not primarily to provide direct instructional services to pupils, regardless of whether licensed as a teacher or administrator, including, without limitation, a principal and vice principal, with respect to his or her employment in the administrative position. The policy for evaluations prescribed in NRS 391.700 and 391.725 applies to such a probationary administrator.

4. The provisions of NRS 391.650 to 391.800, inclusive, do not apply to a teacher whose employment is suspended or terminated pursuant to subsection 3 of NRS 391.120 or NRS 391.3015 for failure to maintain a license in force.

5. A licensed employee who is employed in a position fully funded by a federal or private categorical grant or to replace another licensed employee during that employee's leave of absence is employed only for the duration of the grant or leave. Such a licensed employee and licensed employees who are employed on temporary contracts for 90 school days or less, or its equivalent in a school district operating under an alternative schedule authorized pursuant to NRS 388.090, to replace licensed employees whose employment has terminated after the beginning of the school year are entitled to credit for that time in fulfilling any period of probation and during that time the provisions of NRS 391.650 to [~~391.830,~~] *391.826,* inclusive, for demotion, suspension or dismissal apply to them.

Sec. 12. NRS 391.660 is hereby amended to read as follows:

391.660 Excluding the provisions of NRS 391.730, [~~391.825 and 391.830,~~] the provisions of NRS 391.650 to [~~391.830,~~] *391.826,* inclusive, do not apply to a teacher , *administrator* or other licensed employee who has entered into a contract with the board negotiated pursuant to chapter 288 of NRS if the contract contains separate provisions relating to the board's right to dismiss or refuse to reemploy the employee [~~.~~] *or demote an administrator.*

Sec. 13. NRS 391.700 is hereby amended to read as follows:

391.700 [~~Except as otherwise provided in NRS 391.825 and 391.830:~~]

1. Each board, following consultation with and involvement of elected representatives of administrative personnel or their designated representatives, shall develop an objective policy for the objective evaluation of administrators in narrative form. The policy must provide for the evaluation of those administrators who provide primarily administrative services at the school level and who do not provide primarily direct instructional services to pupils, regardless of whether such an administrator is licensed as a teacher or administrator, including, without limitation, a principal and a vice principal. The policy must also provide for the evaluation of those administrators at the district level who provide direct supervision of the principal of a school. The policy must comply with the statewide performance evaluation system established by the State Board pursuant to NRS 391.465. The policy may include an evaluation by the administrator, superintendent, pupils or other administrators or any combination thereof. A copy of the policy adopted by the board must be filed with the Department and made available to the Commission.

2. The person charged with the evaluation of an administrator pursuant to NRS 391.705 or 391.710 shall hold a conference with the administrator before and after each scheduled observation of the administrator during the school year.

Sec. 14. NRS 391.730 is hereby amended to read as follows:

391.730 ~~[Except as otherwise provided in NRS 391.825, a]~~ *A* postprobationary employee who receives an evaluation designating his or her overall performance as:

1. Developing;

2. Ineffective; or

3. Developing during 1 year of the 2-year consecutive period and ineffective during the other year of the period,

➥ for 2 consecutive school years shall be deemed to be a probationary employee for the purposes of NRS 391.650 to ~~[391.830,]~~ *391.826*, inclusive, and must serve an additional probationary period in accordance with the provisions of NRS 391.820.

Sec. 15. NRS 391.755 is hereby amended to read as follows:

391.755 1. Whenever an administrator charged with supervision of a licensed employee believes it is necessary to admonish the employee for a reason that the administrator believes may lead to demotion or dismissal or may cause the employee not to be reemployed under the provisions of NRS 391.750, the administrator shall:

(a) Except as otherwise provided in subsection 3, bring the matter to the attention of the employee involved, in writing, stating the reasons for the admonition and that it may lead to the employee's demotion, dismissal or a refusal to reemploy him or her, and make a reasonable effort to assist the employee to correct whatever appears to be the cause for the employee's potential demotion, dismissal or a potential recommendation not to reemploy him or her; and

(b) Except as otherwise provided in NRS 391.760, allow reasonable time for improvement, which must not exceed 3 months for the first admonition.

➥ The admonition must include a description of the deficiencies of the employee and the action that is necessary to correct those deficiencies.

2. An admonition issued to a licensed employee who, within the time granted for improvement, has met the standards set for the employee by the administrator who issued the admonition must be removed from the records of the employee together with all notations and indications of its having been issued. The admonition must be removed from the records of the employee not later than 3 years after it is issued.

3. An administrator need not admonish an employee pursuant to paragraph (a) of subsection 1 if the administrator has been informed by the superintendent that the superintendent intends to recommend the dismissal of the employee to the board in the manner set forth in NRS 391.822, 391.824 and 391.826.

4. A licensed employee is subject to immediate dismissal or a refusal to reemploy according to the procedures provided in NRS 391.650 to ~~[391.830,]~~ *391.826*, inclusive, without the admonition required by this section, on grounds contained in paragraphs (b), (f), (g), (h), (p), (s), (t) and (u) of subsection 1 of NRS 391.750.

Sec. 16. NRS 391.775 is hereby amended to read as follows:

391.775 ~~[Except as otherwise provided in NRS 391.825 and 391.830:]~~

1. At least 15 days before recommending to a board that it demote, dismiss or not reemploy a postprobationary employee, the superintendent shall give written notice to the employee, by registered or certified mail, of the superintendent's intention to make the recommendation.

2. The notice must:

(a) Inform the licensed employee of the grounds for the recommendation.

(b) Inform the employee that, if a written request therefor is directed to the superintendent within 10 days after receipt of the notice, the employee is entitled to a hearing before a hearing officer pursuant to NRS 391.765 to 391.800, inclusive, or if a dismissal of the employee will occur before the completion of the current school year or if the employee is deemed to be a probationary employee pursuant to NRS 391.730 and dismissal of the employee will occur before the completion of the current school year, the employee may request an expedited hearing pursuant to subsection 3.

(c) Refer to chapter 391 of NRS.

3. If a postprobationary employee or an employee who is deemed to be a probationary employee pursuant to NRS 391.730 receives notice that he or she will be dismissed before the completion of the current school year, the employee may request an expedited hearing pursuant to the Expedited Labor Arbitration Procedures established by the American Arbitration Association or its successor organization. If the employee elects to proceed under the expedited procedures, the provisions of NRS 391.770, 391.785 and 391.795 do not apply.

Sec. 17. NRS 391.820 is hereby amended to read as follows:

391.820 ~~[Except as otherwise provided in NRS 391.825:]~~

1. A probationary employee is employed on a contract basis for three 1-year periods and has no right to employment after any of the three probationary contract years.

2. The board shall notify each probationary employee in writing during the first, second and third school years of the employee's probationary period whether the employee is to be reemployed for the second or third year of the probationary period or for the fourth school year as a postprobationary employee. Such notice must be provided:

(a) On or before May 1; or

(b) On or before May 15 of an odd-numbered year so long as the board notifies the employee of the extension by April 1.

3. Failure of the board to notify the probationary employee in writing on or before May 1 or May 15, as applicable, in the first or second year of the probationary period does not entitle the employee to postprobationary status.

4. The employee must advise the board in writing during the first, second or third year of the employee's probationary period of the employee's acceptance of reemployment. Such notice must be provided:

(a) On or before May 10 if the board provided its notice on or before May 1; or

(b) On or before May 25 if the board provided a notice of an extension pursuant to paragraph (b) of subsection 2.

5. If a probationary employee is assigned to a school that operates all year, the board shall notify the employee in writing, in the first, second and third years of the employee's probationary period, no later than 45 days before his or her last day of work for the year under his or her contract whether the employee is to be reemployed for the second or third year of the probationary period or for the fourth school year as a postprobationary employee. Failure of the board to notify a probationary employee in writing within the prescribed period in the first or second year of the probationary period does not entitle the employee to postprobationary status. The employee must advise the board in writing within 10 days after the date of notification of his or her acceptance or rejection of reemployment for another year. Failure to advise the board of the employee's acceptance of reemployment pursuant to this subsection constitutes rejection of the contract.

6. A probationary employee who:

(a) Completes a 3-year probationary period;

(b) Receives a designation of "highly effective" or "effective" on each of his or her performance evaluations for 2 consecutive school years; and

(c) Receives a notice of reemployment from the school district in the third year of the employee's probationary period,

➥ is entitled to be a postprobationary employee in the ensuing year of employment.

7. If a probationary employee is notified that the employee will not be reemployed for the school year following the 3-year probationary period, his or her employment ends on the last day of the current school year. The notice that the employee will not be reemployed must include a statement of the reasons for that decision.

8. A new employee who is employed as an administrator to provide primarily administrative services at the school level and who does not provide primarily direct instructional services to pupils, regardless of whether the administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal, or a postprobationary teacher who is employed as an administrator to provide those administrative services shall be deemed to be a probationary employee for the purposes of this section and must serve a 3-year probationary period as an administrator in accordance with the provisions of this section. If:

(a) A postprobationary teacher who is an administrator is not reemployed as an administrator after any year of his or her probationary period; and

(b) There is a position as a teacher available for the ensuing school year in the school district in which the person is employed,

➥ the board of trustees of the school district shall, on or before May 1 or May 15, as applicable, offer the person a contract as a teacher for the ensuing school year. The person may accept the contract in writing on or before May 10 or May 25, as applicable. If the person fails to accept the contract as a teacher, the person shall be deemed to have rejected the offer of a contract as a teacher.

9. An administrator who has completed his or her probationary period pursuant to subsection 8 and is thereafter promoted to the position of principal must serve an additional probationary period of ~~[2 years]~~ *1 year* in the position of principal. If an administrator is promoted to the position of principal before completion of his or her probationary period pursuant to subsection 8, the administrator must serve the remainder of his or her probationary period pursuant to subsection 8 or an additional probationary period of ~~[2 years]~~ *1 year* in the position of principal, whichever is longer. If the administrator serving the additional probationary period is not reemployed as a principal after the expiration of the probationary period or additional probationary period, as applicable, the board of trustees of the school district in which the person is employed shall, on or before May 1 or May 15, as applicable, offer the person a contract for the ensuing school year for the administrative position in which the person attained postprobationary status. The person may accept the contract in writing on or before May 10 or May 25, as applicable. If the person fails to accept such a contract, the person shall be deemed to have rejected the offer of employment.

Sec. 18. NRS 391A.400 is hereby amended to read as follows:

391A.400 1. There is hereby created the Grant Fund for Incentives for Licensed Educational Personnel to be administered by the Department. The Department may accept gifts and grants from any source for deposit in the Grant Fund.

2. The board of trustees of each school district shall establish a program of incentive pay for licensed teachers, school psychologists, school librarians, school counselors and administrators employed at the school level which must be designed to attract and retain those employees. The program must be negotiated pursuant to chapter 288 of NRS ~~[, insofar as the provisions of that chapter apply to those employees,]~~ and must include, without limitation, the attraction and retention of:

(a) Licensed teachers, school psychologists, school librarians, school counselors and administrators employed at the school level who have been employed in that category of position for at least 5 years in this State or another state and who are employed in schools which are at-risk, as determined by the Department pursuant to subsection 8; and

(b) Teachers who hold a license or endorsement in the field of mathematics, science, special education, English as a second language or other area of need within the school district, as determined by the Superintendent of Public Instruction.

3. A program of incentive pay established by a school district must specify the type of financial incentives offered to the licensed educational personnel. Money available for the program must not be used to negotiate the salaries of individual employees who participate in the program.

4. If the board of trustees of a school district wishes to receive a grant of money from the Grant Fund, the board of trustees shall submit to the Department an application on a form prescribed by the Department. The application must include a description of the program of incentive pay established by the school district.

5. The Superintendent of Public Instruction shall compile a list of the financial incentives recommended by each school district that submitted an application. On or before December 1 of each year, the Superintendent shall submit the list to the Interim Finance Committee for its approval of the recommended incentives.

6. After approval of the list of incentives by the Interim Finance Committee pursuant to subsection 5 and within the limits of money available in the Grant Fund, the Department shall provide grants of money to each school district that submits an application pursuant to subsection 4 based upon the amount of money that is necessary to carry out each program. If an insufficient amount of money is available to pay for each program submitted to the Department, the amount of money available must be distributed pro rata based upon the number of licensed employees who are estimated to be eligible to participate in the program in each school district that submitted an application.

7. An individual employee may not receive as a financial incentive pursuant to a program an amount of money that is more than $3,500 per year.

8. The Department shall, in consultation with representatives appointed by the Nevada Association of School Superintendents and the Nevada Association of School Boards, develop a formula for identifying at-risk

schools for purposes of this section. The formula must be developed on or before July 1 of each year and include, without limitation, the following factors:

(a) The percentage of pupils who are eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq.;

(b) The transiency rate of pupils;

(c) The percentage of pupils who are English learners;

(d) The percentage of pupils who have individualized education programs; and

(e) The percentage of pupils who drop out of high school before graduation.

9. The board of trustees of each school district that receives a grant of money pursuant to this section shall evaluate the effectiveness of the program for which the grant was awarded. The evaluation must include, without limitation, an evaluation of whether the program is effective in recruiting and retaining the personnel as set forth in subsection 2. On or before December 1 of each year, the board of trustees shall submit a report of its evaluation to the:

(a) Governor;

(b) State Board;

(c) Interim Finance Committee;

(d) If the report is submitted in an even-numbered year, Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature; and

(e) Legislative Committee on Education.

Sec. 19. Insofar as they conflict with the provisions of such an agreement, the amendatory provisions of this act do not apply during the current term of any collective bargaining agreement entered into before the effective date of this act, but do apply to any extension or renewal of such an agreement and to any collective bargaining agreement entered into on or after the effective date of this act. For the purposes of this section, the term of a collective bargaining agreement ends on the date provided in the agreement, notwithstanding any provision of the agreement that it remains in effect, in whole or in part, after that date until a successor agreement becomes effective.

Sec. 20. NRS 288.225, 391.825 and 391.830 are hereby repealed.

Sec. 21. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTIONS

288.225 Employee leave for time spent performing duties or providing services for employee organization. A local government employer may agree to provide leave to any of its employees for time spent by the employee in performing duties or providing services for an employee organization if the full cost of such leave is paid or reimbursed by the employee organization or is offset by the value of concessions made by the employee organization in the negotiation of an agreement with the local government employer pursuant to this chapter.

391.825 Period of at-will employment of principals; reassignment of principal; survey of teachers at certain schools required; principal subject to

immediate dismissal in certain circumstances.

1. During the first 3 years of his or her employment by a school district in the position of principal, a principal is employed at-will in that position. A principal who is reassigned pursuant to this subsection is entitled to a written statement of the reason for the reassignment. If the principal was previously employed by the school district in another position and is reassigned pursuant to this section, the principal is entitled to be assigned to his or her former position at the rate of compensation provided for that position.

2. A principal who completes the probationary period provided by NRS 391.820 in the position of principal is again employed at-will if, in each of 2 consecutive school years:

(a) The rating of the school to which the principal is assigned, as determined by the Department pursuant to the statewide system of accountability for public schools, is reduced by one or more levels; and

(b) Fifty percent or more of the teachers assigned to the school request a transfer to another school.

3. If the events described in paragraphs (a) and (b) of subsection 2 occur with respect to a school for any school year, the school district shall conduct a survey of the teachers assigned to the school to evaluate conditions at the school and the reasons given by teachers who requested a transfer to another school. The results of the survey do not affect the employment status of the principal of the school.

4. A principal described in subsection 2 is subject to immediate dismissal by the board of trustees of the school district on recommendation of the superintendent and is entitled, on dismissal, to a written statement of the reasons for dismissal.

391.830 Reappointment of certain postprobationary administrators.

1. Each postprobationary administrator employed by a school district, except an administrator excluded from any bargaining unit pursuant to NRS 288.170 or a principal, must apply to the superintendent for reappointment to his or her administrative position every 5 years.

2. If an administrator is not reappointed to his or her administrative position pursuant to this section and was previously employed by the school district in another position, the administrator is entitled to be assigned to his or her former position at the rate of compensation provided for that position.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Amendment No. 261 to Senate Bill No. 153 relates to collective bargaining. The amendment adds school district administrators and central office administrators to those employees who must be members of a different bargaining unit from the employees they supervise.

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. 154.

Bill read second time.

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

Amendment No. 240.

SUMMARY—Requires the adoption of regulations authorizing certain renewable natural gas activities. (BDR 58-108)

AN ACT relating to natural gas; requiring the Public Utilities Commission of Nevada to adopt regulations authorizing a public utility which purchases natural gas for resale to engage in renewable natural gas activities and to recover the reasonable and prudent costs of such activities; requiring such a public utility to attempt to incorporate renewable natural gas into its gas supply portfolio; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill requires the Public Utilities Commission of Nevada to adopt regulations authorizing a public utility which purchases natural gas for resale to engage in renewable energy activities and to recover all reasonable and prudent costs associated with the public utility's participation in a renewable natural gas activity which provides certain environmental benefits and has been approved by the Commission. This bill also requires a public utility which purchases natural gas for resale to attempt to meet certain goals for incorporating renewable natural gas into its gas supply portfolio.

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 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 to 7, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Biogas" means a mixture consisting primarily of methane and carbon dioxide that is produced by the anaerobic digestion with anaerobic bacteria or fermentation of biodegradable materials, including, without limitation, biomass, manure, plant material, sewage and landfill waste.*

Sec. 4. *"Environmental attributes" means any credits, emissions reductions, offsets, allowances or any other benefits attributable to the production and delivery of renewable natural gas.*

Sec. 5. *"Renewable energy" has the meaning ascribed to it in NRS 704.7811.*

Sec. 6. *"Renewable natural gas" means gas which:*

1. Is produced by processing biogas or by converting electric energy generated using renewable energy into storable or injectable gas fuel ~~[;]~~ , in a process commonly known as power-to-gas or electrolysis; and

2. Meets the quality standards applicable to the natural gas pipeline into which the gas will be injected . ~~[for transmission.]~~

Sec. 7. *"Renewable natural gas facility" means a facility or any part of the equipment located at a facility that is used to create biogas, create hydrogen for methanation, gather biogas, gather hydrogen, process biogas into renewable natural gas, inject renewable natural gas into a natural gas pipeline or determine the constituents of renewable natural gas before the injection of the renewable natural gas into a natural gas pipeline.*

Sec. 8. *1. The Commission shall adopt regulations authorizing a public utility which purchases natural gas for resale to engage in renewable natural gas activities, including, without limitation:*

(a) Procedures for a public utility which purchases natural gas for resale to apply to the Commission for approval of a reasonable and prudent renewable natural gas activity ~~[,]~~ that will be used and useful and will provide environmental benefits to this State as provided in subsection 2; and

(b) Procedures for a public utility which purchases natural gas for resale to apply to the Commission for the recovery of all reasonable and prudent costs associated with a renewable natural gas activity approved by the Commission pursuant to the regulations adopted pursuant to this subsection.

2. The Commission may approve a renewable natural gas activity pursuant to subsection 1 if the renewable natural gas activity is demonstrated to provide one or more of the following environmental benefits to this State:

(a) The reduction or avoidance of emissions of any air pollutant or greenhouse gas in this State;

(b) The reduction or avoidance of any pollutant that could have an adverse impact on the waters of this State; or

(c) The alleviation of a local nuisance within this State that is associated with the emission of odors.

3. The renewable natural gas activities which may be approved by the Commission pursuant to the regulations adopted in accordance with subsection 1 are:

(a) Making a financial investment in a renewable natural gas facility;

(b) Contracting with a producer of renewable natural gas to build and operate a renewable natural gas facility;

(c) Extending the transmission or distribution system of the public utility which purchases natural gas for resale to interconnect with ~~[the transmission or distribution system of a supplier of]~~ a renewable natural gas ~~[,]~~ facility;

(d) Purchasing ~~[renewable natural]~~ gas ~~[,]~~ produced from a renewable natural gas facility, whether or not the ~~[renewable natural]~~ gas has environmental attributes:

(1) To incorporate the ~~[renewable natural]~~ gas produced from a renewable natural gas facility into the supply portfolio of the public utility which purchases natural gas for resale; or

(2) To sell the ~~[renewable natural]~~ gas produced from a renewable natural gas facility directly to the customers of the public utility;

(e) Participating in a state or federal renewable energy program or project if participation in the program or project by the public utility which ~~[supplies]~~ purchases natural gas for resale:

(1) Consists of the purchase ~~[of]~~ or sale of gas produced by a renewable natural gas facility or environmental attributes by the public utility; and

(2) Results in a reduction of the cost of ~~[renewable natural]~~ gas produced from a renewable natural gas facility to the customers of the public utility;

(f) Providing customers of the public utility which purchases natural gas for resale with the option to purchase ~~[renewable natural]~~ gas ~~[,]~~ produced from a renewable natural gas facility, with or without environmental attributes, directly from the public utility; or

(g) Any other activity which develops sources of renewable natural gas in this State for the purpose of reducing emissions of greenhouse gases, creating ~~[sustainable]~~ jobs through the construction and operation of renewable natural gas facilities in this State and diversifying the supply of energy in this State . ~~[; or~~

~~(h) Any combination of the activities described in paragraphs (a) to (g), inclusive.]~~

4. A public utility which purchases natural gas for resale shall attempt to incorporate renewable natural gas into its gas supply portfolio in the following amounts:

(a) By January 1, 2025, not less than 1 percent of the total amount of gas sold to by public utility to its retail customers;

(b) By January 1, 2030, not less than 2 percent of the total amount of gas sold to the public utility's retail customers;

(c) By January 1, 2035, not less than 3 percent of the total amount of gas sold to the public utility's retail customers.

Sec. 9. This act becomes effective ~~[on July 1, 2019.]~~ :

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

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

Senator Cancela moved the adoption of the amendment.

Remarks by Senator Cancela.

Amendment No. 240 makes four changes to Senate Bill No. 154. The amendment further defines "renewable natural gas" and "renewable natural gas facility." It allows the Public Utilities Commission of Nevada to approve a reasonable and prudent renewable natural-gas activity by a public utility that purchases natural gas for resale if it is demonstrated the activity provides certain environmental benefits. This amendment also changes the effective date of the bill.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 163.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 293.

SUMMARY—Revises provisions relating to technology used by certain business entities. (BDR 7-877)

AN ACT relating to business entities; revising the definition of "electronic transmission" as it relates to certain communications of certain business entities to include the use of a blockchain ; ~~[or public blockchain;]~~ authorizing certain business entities to store certain records on a blockchain ; ~~[or public blockchain;]~~ revising provisions authorizing the Secretary of State to adopt regulations to define certain terms to allow certain business entities to carry out their powers and duties using the most recent technology available to include the use of blockchains ~~[or public blockchains;]~~ ; revising the definition of "blockchain" to include a public blockchain; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a notice or other communication given or sent pursuant to the statutes or rules governing the internal affairs of a corporation or other business entity may be delivered by electronic transmission if: (1) the date of the transmission can be determined by the recipient; and (2) delivery in that manner is consented to by the recipient or consistent with those statutes and rules. (NRS 75.050, 75.150) Section 6 of this bill revises the applicable definition of "electronic transmission" to include specifically any form or process of communication occurring through the use of or participation in a blockchain . ~~[or public blockchain.]~~ Section 29 of this bill revises the definition of "blockchain" to include a public blockchain, which is defined in section 25 of this bill.

Existing law authorizes a corporation to keep records maintained by the corporation in the regular course of business on, or by means of, any information processing system or other information storage device. (NRS 78.0297) Existing law effectively provides a similar authorization for close corporations, benefit corporations, professional corporations, professional limited-liability companies, certain savings banks and captive insurers because certain provisions of existing law governing corporations apply generally to those entities. (NRS 78A.010, 78B.090, 89.030, 673.070, 694C.180) Section 8 of this bill specifically authorizes a corporation to keep such records on, or by means of, a blockchain ~~[or public blockchain]~~ and, as a result, provides a similar authorization for close corporations, benefit corporations, professional corporations, professional limited-liability companies, certain savings banks and captive insurers. Sections 11, 12, 14, 17, 19 and 21 of this bill adopt similar provisions for nonprofit corporations, limited-liability companies, limited partnerships and business trusts.

Existing law provides certain powers and duties for various business entities. (Chapters 78-89 of NRS) Under existing law, the Secretary of State is authorized to adopt regulations interpreting certain terms to allow such entities to carry out their powers and duties through the use of the most recent technology available, including the use of electronic communications, videoconferencing and telecommunications. (NRS 78.0285, 78A.018, 80.008,

81.0065, 84.0063, 86.137, 87.565, 87A.147, 88.318, 88A.940, 89.028) Sections 7, 9-11, 13, 15, 16, 18, 20, 22 and 23 of this bill specify that such technologies also include the use of blockchains . ~~[or public blockchains.]~~

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

Section 1. Chapter 75 of NRS is hereby amended by adding thereto ~~[the provisions set forth as sections 2, 3 and 4 of this act.]~~ a new section to read as follows:

"Blockchain" has the meaning ascribed to it in NRS 719.045.

Sec. 2. ~~*[*"Blockchain" has the meaning ascribed to it in NRS 719.045 and includes a public blockchain.*]*~~ (Deleted by amendment.)

Sec. 3. ~~*[*"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:*~~

~~*(a) View the network on which the record is maintained; or*~~

~~*(b) Maintain or validate the state of the public blockchain.]*~~ (Deleted by amendment.)

Sec. 4. ~~*[*"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. *]*~~ (Deleted by amendment.)

Sec. 5. NRS 75.010 is hereby amended to read as follows:

75.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 75.020 to 75.090, inclusive, *and* ~~*[sections 2, 3 and 4]*~~ *section 1 of this act* have the meanings ascribed to them in those sections.

Sec. 6. NRS 75.050 is hereby amended to read as follows:

75.050 "Electronic transmission" or "electronically transmitted" means any form or process of communication not directly involving the physical transfer of paper or another tangible medium *, including, without limitation, any form or process of communication through the use of or participation in a blockchain,* which:

1. Is suitable for the retention, retrieval and reproduction of information by the recipient; and

2. Is retrievable and reproducible in paper form by the recipient through an automated process used in conventional commercial practice, unless otherwise authorized in accordance with subsection 8 of NRS 75.150.

Sec. 7. NRS 78.0285 is hereby amended to read as follows:

78.0285 The Secretary of State may adopt regulations to define, for the purposes of certain provisions of this chapter, the terms "meeting," "writing," "written" and other terms to allow a corporation or other entity which is subject to the provisions of this chapter to carry out its powers and duties as prescribed by this chapter through the use of the most recent technology available including, without limitation, the use of electronic communications, videoconferencing , ~~[and]~~ telecommunications ~~[.]~~ *and blockchains.*

Sec. 8. NRS 78.0297 is hereby amended to read as follows:

78.0297 1. Except as otherwise required by federal or state law, any records maintained by a corporation in its regular course of business, including, without limitation, its stock ledger, minute books, books of account and financial records, may be kept on, or by means of, any information processing system or other information storage device or medium, *including, without limitation, a blockchain,* or in the form of an electronic record.

2. A corporation shall convert within a reasonable time any ~~[electronic]~~ records *that are kept in a manner described in subsection 1* into clear and legible paper form upon the request of any person entitled to inspect the records maintained by the corporation pursuant to any provision of this chapter. *If a requested record is kept on, or by means of, a blockchain, the corporation is not required to convert the entire blockchain into paper form but shall be deemed to comply with the requirements of this subsection by converting the requested record into paper form.*

3. A clear and legible paper form produced from ~~[electronic]~~ records *that are kept in a manner described in subsection 1* is admissible in evidence and accepted for all other purposes to the same extent as an original paper record with the same information ~~[provided that]~~ *if* the paper form portrays the record accurately.

Sec. 9. NRS 78A.018 is hereby amended to read as follows:

78A.018 The Secretary of State may adopt regulations to define, for the purposes of certain provisions of this chapter, the terms "meeting," "writing," "written" and other terms to allow a close corporation or other entity which is subject to the provisions of this chapter to carry out its powers and duties as prescribed by this chapter through the use of the most recent technology available including, without limitation, the use of electronic communications, videoconferencing , ~~[and]~~ telecommunications ~~[.]~~ *and blockchains.*

Sec. 10. NRS 80.008 is hereby amended to read as follows:

80.008 The Secretary of State may adopt regulations to define, for the purposes of certain provisions of this chapter, the terms "meeting," "writing," "written" and other terms to allow a foreign corporation or other entity which is subject to the provisions of this chapter to carry out its powers and duties as prescribed by this chapter through the use of the most recent technology available including, without limitation, the use of electronic communications, videoconferencing , ~~[and]~~ telecommunications ~~[.]~~ *and blockchains.*

Sec. 11. NRS 81.0065 is hereby amended to read as follows:

81.0065 The Secretary of State may adopt regulations to define, for the purposes of certain provisions of this chapter, the terms "meeting," "writing," "written" and other terms to allow a corporation, association, organization or other entity which is subject to the provisions of this chapter to carry out its powers and duties as prescribed by this chapter through the use of the most recent technology available including, without limitation, the use of electronic communications, videoconferencing , ~~[and]~~ telecommunications ~~[.]~~ *and blockchains.*

Sec. 12. Chapter 82 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise required by federal or state law, any records maintained by a corporation in its regular course of business may be kept on, or by means of, any information processing system or other information storage device or medium, including, without limitation, a blockchain, or in the form of an electronic record.

2. A corporation shall convert within a reasonable time any records that are kept in a manner described in subsection 1 into clear and legible paper form upon the request of any person entitled to inspect the records maintained by the corporation pursuant to any provision of this chapter. If a requested record is kept on, or by means of, a blockchain, the corporation is not required to convert the entire blockchain into paper form but shall be deemed to comply with the requirements of this subsection by converting the requested record into paper form.

3. A clear and legible paper form produced from records that are kept in a manner described in subsection 1 is admissible in evidence and accepted for all other purposes to the same extent as an original paper record with the same information if the paper form portrays the record accurately.

Sec. 13. NRS 84.0063 is hereby amended to read as follows:

84.0063 The Secretary of State may adopt regulations to define, for the purposes of certain provisions of this chapter, the terms "meeting," "writing," "written" and other terms to allow a corporation sole or other entity which is subject to the provisions of this chapter to carry out its powers and duties as prescribed by this chapter through the use of the most recent technology available including, without limitation, the use of electronic communications, videoconferencing , ~~[and]~~ telecommunications ~~[.]~~ *and blockchains.*

Sec. 14. Chapter 86 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise required by federal or state law, any records maintained by a limited-liability company in its regular course of business may be kept on, or by means of, any information processing system or other information storage device or medium, including, without limitation, a blockchain, or in the form of an electronic record.

2. A limited-liability company shall convert within a reasonable time any records that are kept in a manner described in subsection 1 into clear and

legible paper form upon the request of any person entitled to obtain or examine the records maintained by the company pursuant to any provision of this chapter. If a requested record is kept on, or by means of, a blockchain, the limited-liability company is not required to convert the entire blockchain into paper form but shall be deemed to comply with the requirements of this subsection by converting the requested record into paper form.

3. A clear and legible paper form produced from records that are kept in a manner described in subsection 1 is admissible in evidence and accepted for all other purposes to the same extent as an original paper record with the same information if the paper form portrays the record accurately.

Sec. 15. NRS 86.137 is hereby amended to read as follows:

86.137 The Secretary of State may adopt regulations to define, for the purposes of certain provisions of this chapter, the terms "meeting," "writing," "written" and other terms to allow a limited-liability company or other entity which is subject to the provisions of this chapter to carry out its powers and duties as prescribed by this chapter through the use of the most recent technology available including, without limitation, the use of electronic communications, videoconferencing , ~~[and]~~ telecommunications ~~[.]~~ *and blockchains.*

Sec. 16. NRS 87.565 is hereby amended to read as follows:

87.565 The Secretary of State may adopt regulations to define, for the purposes of certain provisions of this chapter, the terms "meeting," "writing," "written" and other terms to allow a partnership or other entity which is subject to the provisions of this chapter to carry out its powers and duties as prescribed by this chapter through the use of the most recent technology available including, without limitation, the use of electronic communications, videoconferencing , ~~[and]~~ telecommunications ~~[.]~~ *and blockchains.*

Sec. 17. Chapter 87A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise required by federal or state law, any records maintained by a limited partnership in its regular course of business may be kept on, or by means of, any information processing system or other information storage device or medium, including, without limitation, a blockchain, or in the form of an electronic record.

2. A limited partnership shall convert within a reasonable time any records that are kept in a manner described in subsection 1 into clear and legible paper form upon the request of any person entitled to inspect the records maintained by the limited partnership pursuant to any provision of this chapter. If a requested record is kept on, or by means of, a blockchain, the limited partnership is not required to convert the entire blockchain into paper form but shall be deemed to comply with the requirements of this subsection by converting the requested record into paper form.

3. A clear and legible paper form produced from records that are kept in a manner described in subsection 1 is admissible in evidence and accepted for

all other purposes to the same extent as an original paper record with the same information if the paper form portrays the record accurately.

Sec. 18. NRS 87A.147 is hereby amended to read as follows:

87A.147 The Secretary of State may adopt regulations to define, for the purposes of certain provisions of this chapter, the terms "meeting," "writing," "written" and other similar terms to allow a limited partnership or other entity which is subject to the provisions of this chapter to carry out its powers and duties as prescribed by this chapter through the use of the most recent technology available including, without limitation, the use of electronic communications, videoconferencing , ~~[and]~~ telecommunications ~~[.]~~ *and blockchains.*

Sec. 19. Chapter 88 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise required by federal or state law, any records maintained by a limited partnership in its regular course of business may be kept on, or by means of, any information processing system or other information storage device or medium, including, without limitation, a blockchain, or in the form of an electronic record.

2. A limited partnership shall convert within a reasonable time any records that are kept in a manner described in subsection 1 into clear and legible paper form upon the request of any person entitled to inspect the records maintained by the limited partnership pursuant to any provision of this chapter. If a requested record is kept on, or by means of, a blockchain, the limited partnership is not required to convert the entire blockchain into paper form but shall be deemed to comply with the requirements of this subsection by converting the requested record into paper form.

3. A clear and legible paper form produced from records that are kept in a manner described in subsection 1 is admissible in evidence and accepted for all other purposes to the same extent as an original paper record with the same information if the paper form portrays the record accurately.

Sec. 20. NRS 88.318 is hereby amended to read as follows:

88.318 The Secretary of State may adopt regulations to define, for the purposes of certain provisions of this chapter, the terms "meeting," "writing," "written" and other terms to allow a limited partnership or other entity which is subject to the provisions of this chapter to carry out its powers and duties as prescribed by this chapter through the use of the most recent technology available including, without limitation, the use of electronic communications, videoconferencing , ~~[and]~~ telecommunications ~~[.]~~ *and blockchains.*

Sec. 21. Chapter 88A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise required by federal or state law, any records maintained by a business trust in its regular course of business may be kept on, or by means of, any information processing system or other information storage device or medium, including, without limitation, a blockchain, or in the form of an electronic record.

2. A business trust shall convert within a reasonable time any records that are kept in a manner described in subsection 1 into clear and legible paper form upon the request of any person entitled to inspect the records maintained by the business trust pursuant to any provision of this chapter. If a requested record is kept on, or by means of, a blockchain, the business trust is not required to convert the entire blockchain into paper form but shall be deemed to comply with the requirements of this subsection by converting the requested record into paper form.

3. A clear and legible paper form produced from records that are kept in a manner described in subsection 1 is admissible in evidence and accepted for all other purposes to the same extent as an original paper record with the same information if the paper form portrays the record accurately.

Sec. 22. NRS 88A.940 is hereby amended to read as follows:

88A.940 The Secretary of State may adopt regulations to define, for the purposes of certain provisions of this chapter, the terms "meeting," "writing," "written," and other terms to allow a business trust or other entity which is subject to the provisions of this chapter to carry out its powers and duties as prescribed by this chapter through the use of the most recent technology available, including, without limitation, the use of electronic communications, videoconferencing , ~~[and]~~ telecommunications ~~[.]~~ *and blockchains.*

Sec. 23. NRS 89.028 is hereby amended to read as follows:

89.028 The Secretary of State may adopt regulations to define, for the purposes of certain provisions of this chapter, the terms "meeting," "writing," "written" and other terms to allow a professional entity, professional association or other entity which is subject to the provisions of this chapter to carry out its powers and duties as prescribed by this chapter through the use of the most recent technology available including, without limitation, the use of electronic communications, videoconferencing , ~~[and]~~ telecommunications ~~[.]~~ *and blockchains.*

Sec. 24. Chapter 719 of NRS is hereby amended by adding thereto the provisions set forth as sections 25, 26 and 27 of this act.

Sec. 25. "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:

(a) View the network on which the record is maintained; or

(b) Maintain or validate the state of the public blockchain.

Sec. 26. *"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.*

Sec. 27. *"Unaffiliated computers or machine" means computers or machines that are not under common ownership or control.*

Sec. 28. NRS 719.020 is hereby amended to read as follows:

719.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 719.030 to 719.180, inclusive, *and sections 25, 26 and 27 of this act* have the meanings ascribed to them in those sections.

Sec. 29. NRS 719.045 is hereby amended to read as follows:

719.045 *1.* "Blockchain" means an electronic record of transactions or other data which is:

~~[1.]~~ *(a)* Uniformly ordered;

~~[2.]~~ *(b) Processed using a decentralized method by which one or more computers or machines verify the recorded transactions or other data;*

(c) Redundantly maintained ~~[or processed]~~ by one or more computers or machines to guarantee the consistency or nonrepudiation of the recorded transactions or other data; and

~~[3.]~~ *(d)* Validated by the use of cryptography.

2. The term includes, without limitation, a public blockchain.

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 293 to Senate Bill No. 163 clarifies the definition of "public blockchain" by adding a definition of "unaffiliated computers or machines." It clarifies provisions relating to the conversion of requested records into paper form. The bill revises the existing definition of "blockchain" in Nevada Revised Statutes (NRS) 719.045 and makes conforming changes to chapter 719, "Electronic Transactions Uniform Act" of NRS by adding to that chapter definitions of "public blockchain," "state of the public blockchain" and "unaffiliated computers or machines."

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 206.

Bill read second time.

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

Amendment No. 442.

SUMMARY—Revises provisions relating to state financial administration. (BDR 31-806)

AN ACT relating to state financial administration; ~~[requiring staff to the Interim Finance Committee and staff to the Governor to coordinate, to the extent practicable, to standardize certain forms and materials;]~~ authorizing the Interim Finance Committee to grant provisional approval to a grant acceptance proposal or work program revision under certain circumstances; ~~[reducing the time the Interim Finance Committee has to consider such a proposed~~

~~acceptance before the proposal is automatically deemed approved;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, before revising certain work programs or accepting certain grants an agency must submit a ~~[proposed acceptance]~~ request to the Interim Finance Committee for approval. The Interim Finance Committee has 45 days to make a decision regarding the proposal. If no action is taken in this time, the proposed revision or acceptance is deemed approved. (NRS 353.220, 353.335) ~~[Section 2 of this bill requires the staff to the Interim Finance Committee to coordinate with the staff to the Governor to standardize the application materials an agency is required to submit as part of a proposed acceptance. Section 3 of this]~~ This bill authorizes the Interim Finance Committee to grant provisional approval to a proposed acceptance for a federal grant or work program revision resulting from the federal grant before the grant is awarded under certain circumstances. ~~[Section 4 of this bill reduces the time the Interim Finance Committee has to consider a proposed acceptance before it is automatically deemed approved from 45 days to 30 days.]~~ This bill also provides that if the agency receives the grant, the agency is deemed to have received final approval from the Interim Finance Committee to accept the grant and revise the appropriate work program under certain circumstances.

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

Section 1. ~~[Chapter 353 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.]~~ (Deleted by amendment.)

Sec. 2. ~~[*The staff to the Interim Finance Committee shall coordinate with the staff to the Governor, to the extent practicable, to:*~~

~~*1. Standardize the forms used and the materials requested for each application for proposed acceptance of a gift or grant of property or services; and*~~

~~*2. Develop application requirements for each proposed acceptance of a gift or grant of property or services that are substantially similar to the application requirements for a federal grant.]~~ (Deleted by amendment.)

Sec. 3. Chapter 353 of NRS is hereby amended by adding thereto a new section to read as follows:

~~*[The]*~~

1. If a state agency submits an application for a federal grant of property or services, the Interim Finance Committee may grant ~~[a]~~ the state agency provisional approval ~~[to]~~ :

(a) For a revision to the appropriate work program pursuant to NRS 353.220; and

(b) To accept ~~[a]~~ the grant of property or services ~~[if the agency has submitted an application for a federal grant and the grant has yet to be awarded.]~~ pursuant to NRS 353.335.

2. A state agency that receives provisional approval from the Interim Finance Committee pursuant to subsection 1 and is awarded the federal grant:

(a) Shall be deemed to have received approval from the Interim Finance Committee to:

(1) Revise the appropriate work program pursuant to NRS 353.220 if the actual revision to the work program as a result of accepting the grant is an amount that does not exceed 10 percent or $75,000, whichever is more, of the amount that the Interim Finance Committee approved pursuant to subsection 1.

(2) Accept the grant pursuant to NRS 353.335 if the amount of the grant that is awarded to the state agency does not exceed 10 percent or $75,000, whichever is more, of the amount that the Interim Finance Committee approved pursuant to subsection 1.

(b) Must apply for approval from the Interim Finance Committee to:

(1) Revise the appropriate work program pursuant to NRS 353.220 if the actual revision to the work program as a result of accepting the grant is an amount that exceeds 10 percent or $75,000, whichever is more, of the amount that the Interim Finance Committee approved pursuant to subsection 1.

(2) Accept the grant pursuant to NRS 353.335 if the amount of the grant that is awarded to the state agency exceeds 10 percent or $75,000, whichever is more, of the amount that the Interim Finance Committee approved pursuant to subsection 1.

Sec. 4. ~~[NRS 353.335 is hereby amended to read as follows:~~

~~353.335 1. Except as otherwise provided in subsections 5 and 6, a state agency may accept any gift or grant of property or services from any source only if it is included in an act of the Legislature authorizing expenditures of nonappropriated money or, when it is not so included, if it is approved as provided in subsection 2.~~

~~2. If:~~

~~(a) Any proposed gift or grant is necessary because of an emergency as defined in NRS 353.263 or for the protection or preservation of life or property, the Governor shall take reasonable and proper action to accept it and shall report the action and his or her reasons for determining that immediate action was necessary to the Interim Finance Committee at its first meeting after the action is taken. Action by the Governor pursuant to this paragraph constitutes acceptance of the gift or grant, and other provisions of this chapter requiring approval before acceptance do not apply.~~

~~(b) The Governor determines that any proposed gift or grant would be forfeited if the State failed to accept it before the expiration of the period prescribed in paragraph (c), the Governor may declare that the proposed acceptance requires expeditious action by the Interim Finance Committee. Whenever the Governor so declares, the Interim Finance Committee has 15 days after the proposal is submitted to its Secretary within which to approve or deny the acceptance. Any proposed acceptance which is not considered within the 15-day period shall be deemed approved.~~

~~(c) The proposed acceptance of any gift or grant does not qualify pursuant to paragraph (a) or (b), it must be submitted to the Interim Finance Committee.~~

~~The Interim Finance Committee has [45] *30* days after the proposal is submitted to its Secretary within which to consider acceptance. Any proposed acceptance which is not considered within the [45-day] *30-day* period shall be deemed approved.~~

~~3. The Secretary shall place each request submitted to the Secretary pursuant to paragraph (b) or (c) of subsection 2 on the agenda of the next meeting of the Interim Finance Committee.~~

~~4. In acting upon a proposed gift or grant, the Interim Finance Committee shall consider, among other things:~~

~~(a) The need for the facility or service to be provided or improved;~~

~~(b) Any present or future commitment required of the State;~~

~~(c) The extent of the program proposed; and~~

~~(d) The condition of the national economy, and any related fiscal or monetary policies.~~

~~5. A state agency may accept:~~

~~(a) Gifts, including grants from nongovernmental sources, not exceeding $20,000 each in value; and~~

~~(b) Governmental grants not exceeding $150,000 each in value,~~

~~➥ if the gifts or grants are used for purposes which do not involve the hiring of new employees and if the agency has the specific approval of the Governor or, if the Governor delegates this power of approval to the Chief of the Budget Division of the Office of Finance, the specific approval of the Chief.~~

~~6. This section does not apply to:~~

~~(a) The Nevada System of Higher Education;~~

~~(b) The Department of Health and Human Services while acting as the state health planning and development agency pursuant to paragraph (d) of subsection 2 of NRS 439A.081 or for donations, gifts or grants to be disbursed pursuant to NRS 433.395 or 435.490; or~~

~~(c) Artifacts donated to the Department of Tourism and Cultural Affairs.]~~ (Deleted by amendment.)

Sec. 5. This act becomes effective on July 1, 2019.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Amendment No. 442 to Senate Bill No. 206 relates to State financial administration. It deletes certain proposed requirements for staff of the Interim Finance Committee (IFC). It retains the provisional approval process for work-program revisions and provides that if an agency receives a grant, the agency is deemed to have received final approval from IFC to accept the grant and revise the appropriate work program under certain circumstances.

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. 223.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 183.

SUMMARY—Revises provisions relating to persons in need of care or assistance. (BDR 13-67)

AN ACT relating to persons in need of care or assistance; revising provisions relating to the notarization of a nomination of a guardian and certain powers of attorney; revising provisions relating to the power of an agent, acting pursuant to a power of attorney, to consent to the placement of a principal in certain facilities; enacting provisions providing for notice and an opportunity to be heard before a patient is discharged or transferred out of certain facilities under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a person to nominate another person to be appointed as his or her guardian by completing the prescribed form, which must be: (1) signed by the person requesting to nominate a guardian; (2) 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 (3) notarized with a declaration from the notary public declaring under penalty of perjury that the persons whose names are on the form appear to be of sound mind and under no duress, fraud or undue influence. (NRS 159.0753) Existing law also requires a similar declaration by a notary public for a general power of attorney, a power of attorney for health care decisions and a power of attorney for health care decisions for an adult with an intellectual disability. (NRS 162A.620, 162A.860, 162A.865) Section 1 of this bill eliminates the required declaration by a notary public for the nomination of a guardian, and sections 3-5 of this bill eliminate the required declaration by a notary public for a general power of attorney, a power of attorney for health care decisions and a power of attorney for health care decisions for an adult with an intellectual disability.

Existing law authorizes an agent under a power of attorney to take certain actions on behalf of the principal only if the power of attorney expressly grants the agent such authority. (NRS 162A.450) Section 2 of this bill provides that an agent under a power of attorney may consent to the placement of the principal in an assisted living facility, a facility for skilled nursing or a secured residential long-term care facility only if the power of attorney expressly grants the agent that authority. Section 3 of this bill revises the form for a general power of attorney to allow a principal to indicate whether the principal authorizes the agent to consent to placement of the principal in an assisted living facility, a facility for skilled nursing or a secured residential long-term care facility.

Existing law establishes the specific rights of patients in a medical facility or facility for the dependent, including the right, before being transferred to another facility, to receive an explanation of the need for the transfer and the

alternatives available, unless the condition of the patient necessitates an immediate transfer to a facility for a higher level of care and the patient is unable to understand the explanation. (NRS 449A.100, 449A.106-449A.112) Section 6 of this bill requires that before a facility for intermediate care , facility for skilled nursing or ~~[a]~~ residential facility for groups transfers a patient to another medical facility or facility for the dependent or discharges the patient from the facility, the facility must: (1) at least 30 calendar days before transferring or discharging the patient, provide the patient and the State Long-Term Care Ombudsman with written notice of the intent to transfer or discharge the patient; and (2) within 10 calendar days after providing such written notice, allow the patient and any person authorized by the patient to meet in person with the administrator of the facility to discuss the proposed transfer or discharge. The requirements of section 6 do not apply to: (1) a voluntary discharge or transfer requested by a patient; or (2) a transfer to another facility because the condition of the patient necessitates an immediate transfer to a facility for a higher level of care.

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

Section 1. 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. 2. NRS 162A.450 is hereby amended to read as follows:

162A.450 1. An agent under a power of attorney may do the following on behalf of the principal or with the principal's property only if the power of attorney expressly grants the agent the authority and exercise of the authority is not otherwise prohibited by another agreement or instrument to which the authority or property is subject:

(a) Create, amend, revoke or terminate an inter vivos trust;

(b) Make a gift;

(c) Create or change rights of survivorship;

(d) Create or change a beneficiary designation;

(e) Delegate authority granted under the power of attorney;

(f) Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan;

(g) Exercise fiduciary powers that the principal has authority to delegate; or

(h) Disclaim property, including a power of appointment.

2. Notwithstanding a grant of authority to do an act described in subsection 1, unless the power of attorney otherwise provides, an agent that is not a spouse of the principal may not exercise authority under a power of attorney to create in the agent, or in an individual to whom the agent owes a legal obligation of support, an interest in the principal's property, whether by gift, right of survivorship, beneficiary designation, disclaimer or otherwise.

3. An agent under a power of attorney may consent to placement of the principal in an assisted living facility, a facility for skilled nursing or a secured residential long-term care facility only if the power of attorney expressly grants the agent that authority.

4. As used in this section:

(a) "Assisted living facility" has the meaning ascribed to it in NRS 422.3962.

(b) "Facility for skilled nursing" has the meaning ascribed to it in NRS 449.0039.

(c) "Secured residential long-term care facility" has the meaning ascribed to it in NRS 159.0255.

Sec. 3. NRS 162A.620 is hereby amended to read as follows:

162A.620 A document substantially in the following form may be used to create a statutory form power of attorney that has the meaning and effect prescribed by NRS 162A.200 to 162A.660, inclusive:

STATUTORY FORM POWER OF ATTORNEY

THIS IS AN IMPORTANT LEGAL DOCUMENT. IT CREATES A DURABLE POWER OF ATTORNEY FOR FINANCIAL MATTERS. BEFORE EXECUTING THIS DOCUMENT, YOU SHOULD KNOW THESE IMPORTANT FACTS:

1. THIS DOCUMENT GIVES THE PERSON YOU DESIGNATE AS YOUR AGENT THE POWER TO MAKE DECISIONS CONCERNING YOUR PROPERTY FOR YOU. YOUR AGENT WILL BE ABLE TO MAKE DECISIONS AND ACT WITH RESPECT TO YOUR PROPERTY (INCLUDING YOUR MONEY) WHETHER OR NOT YOU ARE ABLE TO ACT FOR YOURSELF.

2. THIS POWER OF ATTORNEY BECOMES EFFECTIVE IMMEDIATELY UNLESS YOU STATE OTHERWISE IN THE SPECIAL INSTRUCTIONS.

3. THIS POWER OF ATTORNEY DOES NOT AUTHORIZE THE AGENT TO MAKE HEALTH CARE DECISIONS FOR YOU.

4. THE PERSON YOU DESIGNATE IN THIS DOCUMENT HAS A DUTY TO ACT CONSISTENT WITH YOUR DESIRES AS STATED IN THIS DOCUMENT OR OTHERWISE MADE KNOWN OR, IF YOUR DESIRES ARE UNKNOWN, TO ACT IN YOUR BEST INTERESTS.

5. YOU SHOULD SELECT SOMEONE YOU TRUST TO SERVE AS YOUR AGENT. UNLESS YOU SPECIFY OTHERWISE, GENERALLY THE AGENT'S AUTHORITY WILL CONTINUE UNTIL YOU DIE OR REVOKE THE POWER OF ATTORNEY OR THE AGENT RESIGNS OR IS UNABLE TO ACT FOR YOU.

6. YOUR AGENT IS ENTITLED TO REASONABLE COMPENSATION UNLESS YOU STATE OTHERWISE IN THE SPECIAL INSTRUCTIONS.

7. THIS FORM PROVIDES FOR DESIGNATION OF ONE AGENT. IF YOU WISH TO NAME MORE THAN ONE AGENT YOU MAY NAME A CO-AGENT IN THE SPECIAL INSTRUCTIONS. CO-AGENTS ARE NOT REQUIRED TO ACT TOGETHER UNLESS YOU INCLUDE THAT REQUIREMENT IN THE SPECIAL INSTRUCTIONS.

8. IF YOUR AGENT IS UNABLE OR UNWILLING TO ACT FOR YOU, YOUR POWER OF ATTORNEY WILL END UNLESS YOU HAVE NAMED A SUCCESSOR AGENT. YOU MAY ALSO NAME A SECOND SUCCESSOR AGENT.

9. YOU HAVE THE RIGHT TO REVOKE THE AUTHORITY GRANTED TO THE PERSON DESIGNATED IN THIS DOCUMENT.

10. THIS DOCUMENT REVOKES ANY PRIOR DURABLE POWER OF ATTORNEY.

11. IF THERE IS ANYTHING IN THIS DOCUMENT THAT YOU DO NOT UNDERSTAND, YOU SHOULD ASK A LAWYER TO EXPLAIN IT TO YOU.

1. DESIGNATION OF AGENT.

I, ... (insert your name) do hereby designate and appoint:

Name: .....

Address: .....

Telephone Number: .....

as my agent to make decisions for me and in my name, place and stead and for my use and benefit and to exercise the powers as authorized in this document.

2. DESIGNATION OF ALTERNATE AGENT.

(You are not required to designate any alternative agent but you may do so. Any alternative agent you designate will be able to make the same decisions as the agent designated above in the event that he or she is unable or unwilling to act as your agent. Also, if the agent designated in paragraph 1 is your spouse, his or her designation as your agent is automatically revoked by law if your marriage is dissolved.)

If my agent is unable or unwilling to act for me, then I designate the following person(s) to serve as my agent as authorized in this document, such person(s) to serve in the order listed below:

A. First Alternative Agent

Name:.....

Address: .....

Telephone Number:.....

B. Second Alternative Agent

Name:.....

Address: .....

Telephone Number:.....

3. OTHER POWERS OF ATTORNEY.

This Power of Attorney is intended to, and does, revoke any prior Power of Attorney for financial matters I have previously executed.

4. NOMINATION OF GUARDIAN.

If, after execution of this Power of Attorney, proceedings seeking an adjudication of incapacity are initiated either for my estate or my person, I hereby nominate as my guardian or conservator for consideration by the court my agent herein named, in the order named.

5. GRANT OF GENERAL AUTHORITY.

I grant my agent and any successor agent(s) general authority to act for me with respect to the following subjects:

(INITIAL each subject you want to include in the agent's general authority. If you wish to grant general authority over all of the subjects you may initial "All Preceding Subjects" instead of initialing each subject.)

[...] Real Property
[...] Tangible Personal Property
[...] Stocks and Bonds
[...] Commodities and Options
[...] Banks and Other Financial Institutions
[...] Safe Deposit Boxes
[...] Operation of Entity or Business
[...] Insurance and Annuities
[...] Estates, Trusts and Other Beneficial Interests
[...] Legal Affairs, Claims and Litigation
[...] Personal Maintenance
[...] Benefits from Governmental Programs or Civil or Military Service
[...] Retirement Plans
[...] Taxes
[...] All Preceding Subjects

6. GRANT OF SPECIFIC AUTHORITY.

My agent MAY NOT do any of the following specific acts for me UNLESS I have INITIALED the specific authority listed below:
(CAUTION: Granting any of the following will give your agent the authority to take actions that could significantly reduce your property or change how your property is distributed at your death. INITIAL ONLY the specific authority you WANT to give your agent.)
[...] Create, amend, revoke or terminate an inter vivos, family, living, irrevocable or revocable trust
[...] Make a gift, subject to the limitations of NRS and any special instructions in this Power of Attorney
[...] Create or change rights of survivorship
[...] Create or change a beneficiary designation
[...] Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan
[...] Exercise fiduciary powers that the principal has authority to delegate
[...] Disclaim or refuse an interest in property, including a power of appointment
[...] Consent to placement in an assisted living facility as defined in NRS 422.3962
[...] Consent to placement in a facility for skilled nursing as defined in NRS 449.0039
[...] Consent to placement in a secured residential long-term care facility as defined in NRS 159.0255

7. LIMITATION ON AGENT'S AUTHORITY.

An agent that is not my spouse MAY NOT use my property to benefit the agent or a person to whom the agent owes an obligation of support unless I have included that authority in the Special Instructions.

8. SPECIAL INSTRUCTIONS OR OTHER OR ADDITIONAL AUTHORITY GRANTED TO AGENT:

9. DURABILITY AND EFFECTIVE DATE. (INITIAL the clause(s) that applies.)

[...] DURABLE. This Power of Attorney shall not be affected by my subsequent disability or incapacity.

[...] SPRINGING POWER. It is my intention and direction that my designated agent, and any person or entity that my designated agent may transact business with on my behalf, may rely on a written medical opinion issued by a licensed medical doctor stating that I am disabled or incapacitated, and incapable of managing my affairs, and that said medical opinion shall establish whether or not I am under a disability for the purpose of establishing the authority of my designated agent to act in accordance with this Power of Attorney.

[...] I wish to have this Power of Attorney become effective on the following date: ...

[...] I wish to have this Power of Attorney end on the following date: ..... .

10. THIRD PARTY PROTECTION.

Third parties may rely upon the validity of this Power of Attorney or a copy and the representations of my agent as to all matters relating to any power granted to my agent, and no person or agency who relies upon the representation of my agent, or the authority granted by my agent, shall incur any liability to me or my estate as a result of permitting my agent to exercise any power unless a third party knows or has reason to know this Power of Attorney has terminated or is invalid.

11. RELEASE OF INFORMATION.

I agree to, authorize and allow full release of information, by any government agency, business, creditor or third party who may have information pertaining to my assets or income, to my agent named herein.

12. SIGNATURE AND ACKNOWLEDGMENT. YOU MUST DATE AND SIGN THIS POWER OF ATTORNEY. THIS POWER OF ATTORNEY WILL NOT BE VALID UNLESS IT IS ACKNOWLEDGED BEFORE A NOTARY PUBLIC.

I sign my name to this Power of Attorney on ..... (date) at ..... (city), ... (state)

.....

(Signature)

CERTIFICATE OF ACKNOWLEDGMENT
OF NOTARY PUBLIC

(You may use acknowledgment before a notary public instead of the statement of witnesses.)

State of Nevada }
}ss.
County of .....}

On this ..... day of ....., in the year ..., before me, ... (here insert name of notary public) personally appeared ..... (here insert name of principal) personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to this instrument, and acknowledged that he or she executed it. ~~[I declare under penalty of perjury that the person whose name is ascribed to this instrument appears to be of sound mind and under no duress, fraud or undue influence.]~~

NOTARY SEAL .....
(Signature of Notary Public)

IMPORTANT INFORMATION FOR AGENT

1. Agent's Duties. When you accept the authority granted under this Power of Attorney, a special legal relationship is created between you and the principal. This relationship imposes upon you legal duties that continue until you resign or the Power of Attorney is terminated or revoked. You must:

(a) Do what you know the principal reasonably expects you to do with the principal's property or, if you do not know the principal's expectations, act in the principal's best interest;

(b) Act in good faith;

(c) Do nothing beyond the authority granted in this Power of Attorney; and

(d) Disclose your identity as an agent whenever you act for the principal by writing or printing the name of the principal and signing your own name as "agent" in the following manner:

(Principal's Name) by (Your Signature) as Agent

2. Unless the Special Instructions in this Power of Attorney state otherwise, you must also:

(a) Act loyally for the principal's benefit;

(b) Avoid conflicts that would impair your ability to act in the principal's best interest;

(c) Act with care, competence, and diligence;

(d) Keep a record of all receipts, disbursements and transactions made on behalf of the principal;

(e) Cooperate with any person that has authority to make health care decisions for the principal to do what you know the principal reasonably expects or, if you do not know the principal's expectations, to act in the principal's best interest; and

(f) Attempt to preserve the principal's estate plan if you know the plan and preserving the plan is consistent with the principal's best interest.

3. Termination of Agent's Authority. You must stop acting on behalf of the principal if you learn of any event that terminates this Power of Attorney or your authority under this Power of Attorney. Events that terminate a Power of Attorney or your authority to act under a Power of Attorney include:

(a) Death of the principal;

(b) The principal's revocation of the Power of Attorney or your authority;

(c) The occurrence of a termination event stated in the Power of Attorney;

(d) The purpose of the Power of Attorney is fully accomplished; or

(e) If you are married to the principal, your marriage is dissolved.

4. Liability of Agent. The meaning of the authority granted to you is defined in NRS 162A.200 to 162A.660, inclusive. If you violate NRS 162A.200 to 162A.660, inclusive, or act outside the authority granted in this Power of Attorney, you may be liable for any damages caused by your violation.

5. If there is anything about this document or your duties that you do not understand, you should seek legal advice.

Sec. 4. NRS 162A.860 is hereby amended to read as follows:

162A.860 Except as otherwise provided in NRS 162A.865, the form of a power of attorney for health care may be substantially in the following form, and must be witnessed or executed in the same manner as the following form:

DURABLE POWER OF ATTORNEY
FOR HEALTH CARE DECISIONS
WARNING TO PERSON EXECUTING THIS DOCUMENT

THIS IS AN IMPORTANT LEGAL DOCUMENT. IT CREATES A DURABLE POWER OF ATTORNEY FOR HEALTH CARE. BEFORE EXECUTING THIS DOCUMENT, YOU SHOULD KNOW THESE IMPORTANT FACTS:

1. THIS DOCUMENT GIVES THE PERSON YOU DESIGNATE AS YOUR AGENT THE POWER TO MAKE HEALTH CARE DECISIONS FOR YOU. THIS POWER IS SUBJECT TO ANY LIMITATIONS OR STATEMENT OF YOUR DESIRES THAT YOU INCLUDE IN THIS DOCUMENT. THE POWER TO MAKE HEALTH CARE DECISIONS FOR YOU MAY INCLUDE CONSENT, REFUSAL OF CONSENT OR WITHDRAWAL OF CONSENT TO ANY CARE, TREATMENT, SERVICE OR PROCEDURE TO MAINTAIN, DIAGNOSE OR TREAT A PHYSICAL OR MENTAL CONDITION. YOU MAY STATE IN THIS DOCUMENT ANY TYPES OF TREATMENT OR PLACEMENTS THAT YOU DO NOT DESIRE.

2. THE PERSON YOU DESIGNATE IN THIS DOCUMENT HAS A DUTY TO ACT CONSISTENT WITH YOUR DESIRES AS STATED IN THIS DOCUMENT OR OTHERWISE MADE KNOWN

OR, IF YOUR DESIRES ARE UNKNOWN, TO ACT IN YOUR BEST INTERESTS.

3. EXCEPT AS YOU OTHERWISE SPECIFY IN THIS DOCUMENT, THE POWER OF THE PERSON YOU DESIGNATE TO MAKE HEALTH CARE DECISIONS FOR YOU MAY INCLUDE THE POWER TO CONSENT TO YOUR DOCTOR NOT GIVING TREATMENT OR STOPPING TREATMENT WHICH WOULD KEEP YOU ALIVE.

4. UNLESS YOU SPECIFY A SHORTER PERIOD IN THIS DOCUMENT, THIS POWER WILL EXIST INDEFINITELY FROM THE DATE YOU EXECUTE THIS DOCUMENT AND, IF YOU ARE UNABLE TO MAKE HEALTH CARE DECISIONS FOR YOURSELF, THIS POWER WILL CONTINUE TO EXIST UNTIL THE TIME WHEN YOU BECOME ABLE TO MAKE HEALTH CARE DECISIONS FOR YOURSELF.

5. NOTWITHSTANDING THIS DOCUMENT, YOU HAVE THE RIGHT TO MAKE MEDICAL AND OTHER HEALTH CARE DECISIONS FOR YOURSELF SO LONG AS YOU CAN GIVE INFORMED CONSENT WITH RESPECT TO THE PARTICULAR DECISION. IN ADDITION, NO TREATMENT MAY BE GIVEN TO YOU OVER YOUR OBJECTION, AND HEALTH CARE NECESSARY TO KEEP YOU ALIVE MAY NOT BE STOPPED IF YOU OBJECT.

6. YOU HAVE THE RIGHT TO REVOKE THE APPOINTMENT OF THE PERSON DESIGNATED IN THIS DOCUMENT TO MAKE HEALTH CARE DECISIONS FOR YOU BY NOTIFYING THAT PERSON OF THE REVOCATION ORALLY OR IN WRITING.

7. YOU HAVE THE RIGHT TO REVOKE THE AUTHORITY GRANTED TO THE PERSON DESIGNATED IN THIS DOCUMENT TO MAKE HEALTH CARE DECISIONS FOR YOU BY NOTIFYING THE TREATING PHYSICIAN, HOSPITAL OR OTHER PROVIDER OF HEALTH CARE ORALLY OR IN WRITING.

8. THE PERSON DESIGNATED IN THIS DOCUMENT TO MAKE HEALTH CARE DECISIONS FOR YOU HAS THE RIGHT TO EXAMINE YOUR MEDICAL RECORDS AND TO CONSENT TO THEIR DISCLOSURE UNLESS YOU LIMIT THIS RIGHT IN THIS DOCUMENT.

9. THIS DOCUMENT REVOKES ANY PRIOR DURABLE POWER OF ATTORNEY FOR HEALTH CARE.

10. IF THERE IS ANYTHING IN THIS DOCUMENT THAT YOU DO NOT UNDERSTAND, YOU SHOULD ASK A LAWYER TO EXPLAIN IT TO YOU.

1. DESIGNATION OF HEALTH CARE AGENT.

I, ...
(insert your name) do hereby designate and appoint:

Name: .....
Address: .....
Telephone Number: .....

as my agent to make health care decisions for me as authorized in this document.

(Insert the name and address of the person you wish to designate as your agent to make health care decisions for you. Unless the person is also your spouse, legal guardian or the person most closely related to you by blood, none of the following may be designated as your agent: (1) your treating provider of health care; (2) an employee of your treating provider of health care; (3) an operator of a health care facility; or (4) an employee of an operator of a health care facility.)

2. CREATION OF DURABLE POWER OF ATTORNEY FOR HEALTH CARE.

By this document I intend to create a durable power of attorney by appointing the person designated above to make health care decisions for me. This power of attorney shall not be affected by my subsequent incapacity.

3. GENERAL STATEMENT OF AUTHORITY GRANTED.

In the event that I am incapable of giving informed consent with respect to health care decisions, I hereby grant to the agent named above full power and authority: to make health care decisions for me before or after my death, including consent, refusal of consent or withdrawal of consent to any care, treatment, service or procedure to maintain, diagnose or treat a physical or mental condition; to request, review and receive any information, verbal or written, regarding my physical or mental health, including, without limitation, medical and hospital records; to execute on my behalf any releases or other documents that may be required to obtain medical care and, or medical and hospital records, EXCEPT any power to enter into any arbitration agreements or execute any arbitration clauses in connection with admission to any health care facility including any skilled nursing facility; and subject only to the limitations and special provisions, if any, set forth in paragraph 4 or 6.

4. SPECIAL PROVISIONS AND LIMITATIONS.

(Your agent is not permitted to consent to any of the following: commitment to or placement in a mental health treatment facility, convulsive treatment, psychosurgery, sterilization or abortion. If there are any other types of treatment or placement that you do not want your agent's authority to give consent for or other restrictions you wish to place on his or her agent's authority, you should list them in the space below. If you do not write any limitations, your agent will have the broad powers to make health care decisions on your behalf which are

set forth in paragraph 3, except to the extent that there are limits provided by law.)

In exercising the authority under this durable power of attorney for health care, the authority of my agent is subject to the following special provisions and limitations:

.....
.....
.....
.....

5. DURATION.

I understand that this power of attorney will exist indefinitely from the date I execute this document unless I establish a shorter time. If I am unable to make health care decisions for myself when this power of attorney expires, the authority I have granted my agent will continue to exist until the time when I become able to make health care decisions for myself.

(IF APPLICABLE)

I wish to have this power of attorney end on the following date: .....

6. STATEMENT OF DESIRES.

(With respect to decisions to withhold or withdraw life-sustaining treatment, your agent must make health care decisions that are consistent with your known desires. You can, but are not required to, indicate your desires below. If your desires are unknown, your agent has the duty to act in your best interests; and, under some circumstances, a judicial proceeding may be necessary so that a court can determine the health care decision that is in your best interests. If you wish to indicate your desires, you may INITIAL the statement or statements that reflect your desires and, or write your own statements in the space below.

	(If the statement reflects your desires, initial the box next to the statement)
1. I desire that my life be prolonged to the greatest extent possible, without regard to my condition, the chances I have for recovery or long term survival, or the cost.	[.....]
2. If I am in a coma which my doctors have reasonably concluded is irreversible, I desire that life-sustaining or prolonging treatments not be used. (Also should utilize provisions of NRS 449A.400 to 449A.481, inclusive, if this subparagraph is initialed.)	[.....]

3. If I have an incurable or terminal condition or illness and no reasonable hope of long-term recovery or survival, I desire that life-sustaining or prolonging treatments not be used. (Also should utilize provisions of NRS 449A.400 to 449A.481, inclusive, if this subparagraph is initialed.) [.....]

4. Withholding or withdrawal of artificial nutrition and hydration may result in death by starvation or dehydration. I want to receive or continue receiving artificial nutrition and hydration by gastrointestinal tract after all other treatment is withheld. [.....]

5. I do not desire treatment to be provided and, or continued if the burdens of the treatment outweigh the expected benefits. My agent is to consider the relief of suffering, the preservation or restoration of functioning, and the quality as well as the extent of the possible extension of my life. [.....]

(If you wish to change your answer, you may do so by drawing an "X" through the answer you do not want, and circling the answer you prefer.)

Other or Additional Statements of Desires:.....
.....
.....
.....
.....
.....

7. DESIGNATION OF ALTERNATE AGENT.

(You are not required to designate any alternative agent but you may do so. Any alternative agent you designate will be able to make the same health care decisions as the agent designated in paragraph 1, page 2, in the event that he or she is unable or unwilling to act as your agent. Also, if the agent designated in paragraph 1 is your spouse, his or her designation as your agent is automatically revoked by law if your marriage is dissolved.)

If the person designated in paragraph 1 as my agent is unable to make health care decisions for me, then I designate the following persons to serve as my agent to make health care decisions for me as authorized in this document, such persons to serve in the order listed below:

A. First Alternative Agent

Name: .....

Address: .....

Telephone Number: .....

B. Second Alternative Agent

Name: .....

Address: .....

Telephone Number: .....

8. PRIOR DESIGNATIONS REVOKED.

I revoke any prior durable power of attorney for health care.

9. WAIVER OF CONFLICT OF INTEREST.

If my designated agent is my spouse or is one of my children, then I waive any conflict of interest in carrying out the provisions of this Durable Power of Attorney for Health Care that said spouse or child may have by reason of the fact that he or she may be a beneficiary of my estate.

10. CHALLENGES.

If the legality of any provision of this Durable Power of Attorney for Health Care is questioned by my physician, my agent or a third party, then my agent is authorized to commence an action for declaratory judgment as to the legality of the provision in question. The cost of any such action is to be paid from my estate. This Durable Power of Attorney for Health Care must be construed and interpreted in accordance with the laws of the State of Nevada.

11. NOMINATION OF GUARDIAN.

If, after execution of this Durable Power of Attorney for Health Care, proceedings seeking an adjudication of incapacity are initiated either for my estate or my person, I hereby nominate as my guardian or conservator for consideration by the court my agent herein named, in the order named.

12. RELEASE OF INFORMATION.

I agree to, authorize and allow full release of information by any government agency, medical provider, business, creditor or third party who may have information pertaining to my health care, to my agent named herein, pursuant to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, as amended, and applicable regulations.

(YOU MUST DATE AND SIGN THIS
POWER OF ATTORNEY)

I sign my name to this Durable Power of Attorney for Health Care on ..... (date) at ..... (city), ... (state)

.....

(Signature)

(THIS POWER OF ATTORNEY WILL NOT BE VALID FOR MAKING HEALTH CARE DECISIONS UNLESS IT IS EITHER

(1) SIGNED BY AT LEAST TWO QUALIFIED WITNESSES WHO ARE PERSONALLY KNOWN TO YOU AND WHO ARE PRESENT WHEN YOU SIGN OR ACKNOWLEDGE YOUR SIGNATURE OR (2) ACKNOWLEDGED BEFORE A NOTARY PUBLIC.)

CERTIFICATE OF ACKNOWLEDGMENT
OF NOTARY PUBLIC

(You may use acknowledgment before a notary public instead of the statement of witnesses.)

State of Nevada }
}ss.
County of ..... }

On this..... day of....., in the year.., before me,..... (here insert name of notary public) personally appeared..... (here insert name of principal) personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to this instrument, and acknowledged that he or she executed it. ~~[I declare under penalty of perjury that the person whose name is ascribed to this instrument appears to be of sound mind and under no duress, fraud or undue influence.]~~

NOTARY SEAL .....
(Signature of Notary Public)

STATEMENT OF WITNESSES

(You should carefully read and follow this witnessing procedure. This document will not be valid unless you comply with the witnessing procedure. If you elect to use witnesses instead of having this document notarized, you must use two qualified adult witnesses. None of the following may be used as a witness: (1) a person you designate as the agent; (2) a provider of health care; (3) an employee of a provider of health care; (4) the operator of a health care facility; or (5) an employee of an operator of a health care facility. At least one of the witnesses must make the additional declaration set out following the place where the witnesses sign.)

I declare under penalty of perjury that the principal is personally known to me, that the principal signed or acknowledged this durable power of attorney in my presence, that the principal appears to be of sound mind and under no duress, fraud or undue influence, that I am not the person appointed as agent by this document and that I am not a provider of health care, an employee of a provider of health care, the operator of a health care facility or an employee of an operator of a health care facility.

Signature: ..... Residence Address: .....
Print Name: ....
Date: ....
Signature: ..... Residence Address: .....
Print Name: ....

Date: ....

(AT LEAST ONE OF THE ABOVE WITNESSES MUST ALSO SIGN THE FOLLOWING DECLARATION.)

I declare under penalty of perjury that I am not related to the principal by blood, marriage or adoption and that to the best of my knowledge, I am not entitled to any part of the estate of the principal upon the death of the principal under a will now existing or by operation of law.

Signature: .....

Signature: .....

Names: ..... Address:.....

Print Name: ....

Date: ....

COPIES: You should retain an executed copy of this document and give one to your agent. The power of attorney should be available so a copy may be given to your providers of health care.

Sec. 5. NRS 162A.865 is hereby amended to read as follows:

162A.865 1. The form of a power of attorney for health care for an adult with an intellectual disability may be substantially in the following form, and must be witnessed or executed in the same manner as the following form:

DURABLE POWER OF ATTORNEY
FOR HEALTH CARE DECISIONS

My name is..... (insert your name) and my address is..... (insert your address). I would like to designate..... (insert the name of the person you wish to designate as your agent for health care decisions for you) as my agent for health care decisions for me if I am sick or hurt and need to see a doctor or go to the hospital. I understand what this means.

If I am sick or hurt, my agent should take me to the doctor. If my agent is not with me when I become sick or hurt, please contact my agent and ask him or her to come to the doctor's office. I would like the doctor to speak with my agent and me about my sickness or injury and whether I need any medicine or other treatment. After we speak with the doctor, I would like my agent to speak with me about the care or treatment. When we have made decisions about the care or treatment, my agent will tell the doctor about our decisions and sign any necessary papers.

If I am very sick or hurt, I may need to go to the hospital. I would like my agent to help me decide if I need to go to the hospital. If I go to the hospital, I would like the people who work at the hospital to try very hard to care for me. If I am able to communicate, I would like the doctor at the hospital to speak with me and my agent about what care or treatment I should receive, even if I am unable to understand what is being said about me. After we speak with the doctor, I would like my agent to help me decide what care or treatment I should receive. Once we decide, my agent will sign any necessary paperwork. If I am unable

to communicate because of my illness or injury, I would like my agent to make decisions about my care or treatment based on what he or she thinks I would do and what is best for me.

I would like my agent to help me decide if I need to see a dentist and help me make decisions about what care or treatment I should receive from the dentist. Once we decide, my agent will sign any necessary paperwork.

I would also like my agent to be able to see and have copies of all my medical records. If my agent requests to see or have copies of my medical records, please allow him or her to see or have copies of the records.

I understand that my agent cannot make me receive any care or treatment that I do not want. I also understand that I can take away this power from my agent at any time, either by telling my agent that he or she is no longer my agent or by putting it in writing.

If my agent is unable to make health care decisions for me, then I designate..... (insert the name of another person you wish to designate as your alternative agent to make health care decisions for you) as my agent to make health care decisions for me as authorized in this document.

(YOU MUST DATE AND SIGN THIS POWER OF ATTORNEY)

I sign my name to this Durable Power of Attorney for Health Care on ..... (date) at ..... (city), ... (state)

.....
(Signature)

AGENT SIGNATURE

As agent for..... (insert name of principal), I agree that a physician, health care facility or other provider of health care, acting in good faith, may rely on this power of attorney for health care and the signatures herein, and I understand that pursuant to NRS 162A.815, a physician, health care facility or other provider of health care that in good faith accepts an acknowledged power of attorney for health care is not subject to civil or criminal liability or discipline for unprofessional conduct for giving effect to a declaration contained within the power of attorney for health care or for following the direction of an agent named in the power of attorney for health care.

I also agree that:

1. I have a duty to act in a manner consistent with the desires of..... (insert name of principal) as stated in this document or otherwise made known by..... (insert name of principal), or if his or her desires are unknown, to act in his or her best interest.

2. If..... (insert name of principal) revokes this power of attorney at any time, either verbally or in writing, I have a duty to inform any persons who may rely on this document, including, without limitation,

treating physicians, hospital staff or other providers of health care, that I no longer have the authorities described in this document.

3. The provisions of NRS 162A.840 prohibit me from being named as an agent to make health care decisions in this document if I am a provider of health care, an employee of the principal's provider of health care or an operator or employee of a health care facility caring for the principal, unless I am the spouse, legal guardian or next of kin of the principal.

4. The provisions of NRS 162A.850 prohibit me from consenting to the following types of care or treatments on behalf of the principal, including, without limitation:

(a) Commitment or placement of the principal in a facility for treatment of mental illness;

(b) Convulsive treatment;

(c) Psychosurgery;

(d) Sterilization;

(e) Abortion;

(f) Aversive intervention, as it is defined in NRS 449A.203;

(g) Experimental medical, biomedical or behavioral treatment, or participation in any medical, biomedical or behavioral research program; or

(h) Any other care or treatment to which the principal prohibits the agent from consenting in this document.

5. End-of-life decisions must be made according to the wishes of..... (insert name of principal), as designated in the attached addendum. If his or her wishes are not known, such decisions must be made in consultation with the principal's treating physicians.

Signature: ..... Residence Address: .....
Print Name: ....
Date: ....
Relationship to principal: .....
Length of relationship to principal:

(THIS POWER OF ATTORNEY WILL NOT BE VALID FOR MAKING HEALTH CARE DECISIONS UNLESS IT IS EITHER (1) SIGNED BY AT LEAST TWO QUALIFIED WITNESSES WHO YOU KNOW AND WHO ARE PRESENT WHEN YOU SIGN OR ACKNOWLEDGE YOUR SIGNATURE OR (2) ACKNOWLEDGED BEFORE A NOTARY PUBLIC.)

CERTIFICATE OF ACKNOWLEDGMENT
OF NOTARY PUBLIC

(You may use acknowledgment before a notary public instead of the statement of witnesses.)

State of Nevada }
}ss.
County of ..... }

On this..... day of....., in the year.., before me,..... (here insert name of notary public) personally appeared..... (here insert name of principal) personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to this instrument, and acknowledged that he or she executed it. ~~[I declare under penalty of perjury that the person whose name is ascribed to this instrument appears to be of sound mind and under no duress, fraud or undue influence.]~~

NOTARY SEAL .....

(Signature)

STATEMENT OF WITNESSES

(If you choose to use witnesses instead of having this document notarized, you must use two qualified adult witnesses. The following people cannot be used as a witness: (1) a person you designate as the agent; (2) a provider of health care; (3) an employee of a provider of health care; (4) the operator of a health care facility; or (5) an employee of an operator of a health care facility. At least one of the witnesses must make the additional declaration set out following the place where the witnesses sign.)

I declare under penalty of perjury that the principal is personally known to me, that the principal signed or acknowledged this durable power of attorney in my presence, that the principal appears to be of sound mind and under no duress, fraud or undue influence, that I am not the person appointed as agent by this document and that I am not a provider of health care, an employee of a provider of health care, the operator of a health care facility or an employee of an operator of a health care facility.

Signature: ..... Residence Address: .....
Print Name: ....
Date: ....
Signature: ..... Residence Address: .....
Print Name: ....
Date: ....

(AT LEAST ONE OF THE ABOVE WITNESSES MUST ALSO SIGN THE FOLLOWING DECLARATION.)

I declare under penalty of perjury that I am not related to the principal by blood, marriage or adoption and that to the best of my knowledge, I am not entitled to any part of the estate of the principal upon the death of the principal under a will now existing or by operation of law.

Signature: .....
Signature: .....
Names: ..... Address: .....
Print Name: ....
Date: ....

COPIES: You should retain an executed copy of this document and give one to your agent. The power of attorney should be available so a copy may be given to your providers of health care.

2. The form for end-of-life decisions of a power of attorney for health care for an adult with an intellectual disability may be substantially in the following form, and must be witnessed or executed in the same manner as the following form:

END-OF-LIFE DECISIONS ADDENDUM
STATEMENT OF DESIRES

(You can, but are not required to, state what you want to happen if you get very sick and are not likely to get well. You do not have to complete this form, but if you do, your agent must do as you ask if you cannot speak for yourself.)

..... (Insert name of agent) might have to decide, if you get very sick, whether to continue with your medicine or to stop your medicine, even if it means you might not live..... (Insert name of agent) will talk to you to find out what you want to do, and will follow your wishes.

If you are not able to talk to..... (insert name of agent), you can help him or her make these decisions for you by letting your agent know what you want.

Here are your choices. Please circle yes or no to each of the following statements and sign your name below:

1. I want to take all the medicine and receive any treatment I can to keep me alive regardless of how the medicine or treatment makes me feel.	YES	NO
2. I do not want to take medicine or receive treatment if my doctors think that the medicine or treatment will not help me.	YES	NO
3. I do not want to take medicine or receive treatment if I am very sick and suffering and the medicine or treatment will not help me.get better.	YES	NO
4. I want to get food and water even if I do not want to take medicine or receive treatment.	YES	NO

(YOU MUST DATE AND SIGN THIS END-OF-LIFE DECISIONS ADDENDUM)

I sign my name to this End-of-Life Decisions Addendum on ..... (date) at ..... (city), ... (state)

.....
(Signature)

(THIS END-OF-LIFE DECISIONS ADDENDUM WILL NOT BE VALID UNLESS IT IS EITHER (1) SIGNED BY AT LEAST TWO QUALIFIED WITNESSES WHO YOU KNOW AND WHO ARE

PRESENT WHEN YOU SIGN OR ACKNOWLEDGE YOUR SIGNATURE OR (2) ACKNOWLEDGED BEFORE A NOTARY PUBLIC.)

CERTIFICATE OF ACKNOWLEDGMENT
OF NOTARY PUBLIC

(You may use acknowledgment before a notary public instead of the statement of witnesses.)

State of Nevada }
}ss.
County of ..... }

On this..... day of....., in the year.., before me,..... (here insert name of notary public) personally appeared..... (here insert name of principal) personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to this instrument, and acknowledged that he or she executed it. ~~[I declare under penalty of perjury that the person whose name is ascribed to this instrument appears to be of sound mind and under no duress, fraud or undue influence.]~~

NOTARY SEAL .....
(Signature)

STATEMENT OF WITNESSES

(If you choose to use witnesses instead of having this document notarized, you must use two qualified adult witnesses. The following people cannot be used as a witness: (1) a person you designate as the agent; (2) a provider of health care; (3) an employee of a provider of health care; (4) the operator of a health care facility; or (5) an employee of an operator of a health care facility. At least one of the witnesses must make the additional declaration set out following the place where the witnesses sign.)

I declare under penalty of perjury that the principal is personally known to me, that the principal signed or acknowledged this End-of-Life Decisions Addendum in my presence, that the principal appears to be of sound mind and under no duress, fraud or undue influence, that I am not the person appointed as agent by the power of attorney for health care and that I am not a provider of health care, an employee of a provider of health care, the operator of a health care facility or an employee of an operator of a health care facility.

Signature:..... Residence Address: .....
Print Name: ....
Date: ....
Signature:..... Residence Address: .....
Print Name: ....
Date: ....

(AT LEAST ONE OF THE ABOVE WITNESSES MUST ALSO SIGN THE FOLLOWING DECLARATION.)

I declare under penalty of perjury that I am not related to the principal by blood, marriage or adoption and that to the best of my knowledge, I am not entitled to any part of the estate of the principal upon the death of the principal under a will now existing or by operation of law.

Signature: .....

Signature: .....

Names: ..... Address: .....

Print Name: ....

Date: ....

COPIES: You should retain an executed copy of this document and give one to your agent. The End-of-Life Decisions Addendum should be available so a copy may be given to your providers of health care.

Sec. 6. Chapter 449A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, before a facility for intermediate care , facility for skilled nursing or ~~[a]~~ residential facility for groups transfers a patient to another medical facility or facility for the dependent or discharges the patient from the facility, the facility shall:

(a) At least 30 calendar days before transferring or discharging the patient, provide the patient and the Ombudsman with written notice of the intent to transfer or discharge the patient; and

(b) Within 10 calendar days after providing written notice to the patient and the Ombudsman pursuant to paragraph (a), allow the patient and any person authorized by the patient the opportunity to meet in person with the administrator of the facility to discuss the proposed transfer or discharge.

2. The provisions of this section do not apply to:

(a) A voluntary discharge or transfer of a patient to another medical facility or facility for the dependent at the request of the patient; or

(b) The transfer of a patient to another facility because the condition of the patient necessitates an immediate transfer to a facility for a higher level of care.

3. As used in this section, "Ombudsman" means the State Long-Term Care Ombudsman appointed pursuant to NRS 427A.125.

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 183 to Senate Bill No. 223 adds a required opt-in to a power of attorney for each type of facility in which a protected person may be placed. It includes skilled nursing in section 6 of the bill consistent with federal law and requires notices that are sent to a resident of one of these facilities must also be provided to the State Long-Term Care Ombudsman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 255.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 270.

SUMMARY—Revises provisions relating to education. (BDR 34-790)

AN ACT relating to community colleges; authorizing ~~[community colleges in]~~ the Board of Regents of the Nevada System of Higher Education to award a scholarship to certain students who are enrolled in such colleges; establishing certain requirements to be eligible to receive such a scholarship; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Nevada Promise Scholarship Program to award scholarships to graduating high school students to attend community colleges in this State. (NRS 396.961-396.9685) This bill similarly establishes the Nevada Reconnect Scholarship Program for adults to attend community colleges in this State. ~~[Section 10 of this bill requires each community college in the Nevada System of Higher Education to determine whether it will participate in the Nevada Reconnect Scholarship Program.]~~ Section 9 of this bill establishes the Nevada Reconnect Scholarship Account in the State General Fund to pay for the scholarships.

~~[Sections]~~ Section 10 ~~[and 11]~~ of this bill ~~[require a participating community college to perform certain duties, including holding introductory meetings for scholarship applicants and establishing a mentoring program, or to enter into an agreement with a nonprofit organization or governmental entity to perform those duties. Section 12 of this bill sets forth the requirements to serve as a volunteer mentor in such a mentoring program. Sections]~~ requires the Board of Regents of the Nevada System of Higher Education to administer the Program, including adopting certain regulations. Section 13 ~~[and 14]~~ of this bill ~~[set]~~ sets forth the requirements for a student to be eligible to receive ~~[or renew]~~ a Nevada Reconnect Scholarship. The requirements to receive ~~[or renew]~~ a scholarship include a requirement that an applicant complete community service. ~~[Section 15 of this bill: (1) provides that an applicant who knowingly submits false information to a participating community college is ineligible to receive a scholarship; and (2) prescribes additional requirements governing deadlines and community service.]~~ Section 13.5 of this bill authorizes the Board of Regents to grant a student a leave of absence from the Program under certain circumstances and waive certain requirements for eligibility in the Program for a student who has been granted a leave of absence.

Section 16 of this bill prescribes: (1) the process for determining the eligibility of scholarship applicants and awarding scholarships; and (2) the amount of a scholarship for a recipient. If there is insufficient money available to award a full scholarship to all eligible students, section 16 sets forth the manner in which money in the Account will be disbursed. Section 17 of this bill requires the Board of Regents to annually review all scholarships awarded for the previous year and report certain information to the Legislature. ~~[Section 17 also: (1) requires a participating community college to maintain certain records; and (2) authorizes the Board of Regents and the State~~

~~Treasurer to audit a participating community college or a nonprofit organization or governmental entity with which a participating community college has entered into an agreement to carry out certain duties relating to the scholarship program.]~~ Section 19 of this bill makes an appropriation for the purpose of awarding Nevada Reconnect Scholarships.

Section 18 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 396 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 17, inclusive, of this act.

Sec. 2. *As used in sections 2 to 17, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections ~~[3]~~ 2.5 to ~~[8,]~~ 5.7, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 2.5. "Academic year" means two consecutive semesters, beginning with a fall semester, and one summer academic term at a community college.

Sec. 3. *"Gift aid" means a federal Pell grant, a Federal Supplemental Educational Opportunity Grant, a Governor Guinn Millennium Scholarship awarded pursuant to NRS 396.911 to 396.945, inclusive, a grant awarded under the Silver State Opportunity Grant Program pursuant to NRS 396.950 to 396.960, inclusive, or a Nevada Promise Scholarship awarded pursuant to NRS 396.961 to 396.9685, inclusive.*

Sec. 4. ~~[*"Local partnering organization" means a nonprofit organization or governmental entity with which a participating community college enters into an agreement pursuant to section 10 of this act.*]~~ (Deleted by amendment.)

Sec. 5. *"Nevada Reconnect Scholarship" means a scholarship awarded by ~~[a participating community college]~~ the Board of Regents pursuant to section 16 of this act.*

Sec. 5.3. "Program" means the Nevada Reconnect Scholarship Program created by section 10 of this act.

Sec. 5.7. "Registration fee and other mandatory fees" means a registration fee assessed per credit and mandatory fees assessed per credit that are approved by the Board of Regents and charged to all students by a community college. The term does not include special course fees or fees charged for specific programs of study, books or supplies even if such fees are considered necessary for enrollment.

Sec. 6. ~~[*"Participating community college" means a community college that has elected pursuant to section 10 of this act to participate in the Nevada Reconnect Scholarship Program established by sections 2 to 17, inclusive, of this act for the applicable school year.*]~~ (Deleted by amendment.)

Sec. 7. ~~[*"Scholarship recipient" means the recipient of a Nevada Reconnect Scholarship.*]~~ (Deleted by amendment.)

Sec. 8. ~~[*"School year" means consecutive fall and spring semesters and does not include the summer semester.*]~~ (Deleted by amendment.)

Sec. 9. *1. The Nevada Reconnect Scholarship Program Account is hereby created in the State General Fund. The Account must be administered by the State Treasurer.*

2. The interest and income earned on:

(a) The money in the Account, after deducting any applicable charges; and

(b) Unexpended appropriations made to the Account from the State General Fund,

must be credited to the Account.

3. Any money remaining in the Account at the end of a fiscal year, including, without limitation, any unexpended appropriations made to the Account from the State General Fund, does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

4. The State Treasurer may accept gifts and grants of money from any source for deposit in the Account.

5. The money in the Account may only be used to distribute money to ~~[participating community colleges]~~ the Board of Regents for the purpose of awarding Nevada Reconnect Scholarships to students who are eligible to receive ~~[or renew]~~ such scholarships under the provisions of ~~[sections]~~ section 13 ~~[and 14]~~ of this act.

Sec. 10. *1. ~~[On or before October 1 of each year, each community college shall:~~*

~~(a) Determine whether it will participate in the]~~ The Nevada Reconnect Scholarship Program ~~[established by sections 2 to 17, inclusive, of this act for the immediately following school year; and~~

~~(b) Post on a publicly accessible Internet website maintained by the community college notice of the determination described in paragraph (a).~~

~~2. Each community college that elects to participate in the]~~ is hereby created for the purpose of awarding Nevada Reconnect ~~[Scholarship Program established by sections 2 to 17, inclusive, of this act for the immediately following school year shall:~~

~~(a) Conduct the activities required by section 11 of this act or enter into an agreement with one or more local partnering organizations to conduct those activities.~~

~~(b) Allow an applicant or scholarship recipient]~~ Scholarships to eligible students to pay for the difference between the amount of the registration fee and other mandatory fees charged to a student by a community college for the academic year and the total amount of any other gift aid received by the student for the academic year.

2. The Board of Regents shall administer the Program.

3. In administering the Program, the Board of Regents shall adopt regulations governing:

(a) The procedures and standards for determining the eligibility of a student for a Nevada Reconnect Scholarship pursuant to section 13 of this act.

(b) An application process administered through the community colleges which allows a student to participate in the Program.

(c) Deadlines for a student to satisfy the requirements for eligibility in the Program.

(d) A training program administered through the community colleges which allows a student to satisfy the requirements of paragraph (g) of subsection 1 of section 13 of this act.

(e) Procedures which allow a student to participate in the mentoring program established pursuant to NRS 396.9655.

(f) The criteria for completing the community service requirements of paragraph (i) of subsection 1 of section 13 of this act.

(g) Procedures which allow a student to appeal any adverse decision concerning his or her eligibility to receive ~~[or renew]~~ a Nevada Reconnect Scholarship. ~~[under the provisions of section 13 or 14 of this act or request a waiver, for good cause, of the requirements of paragraph (c) of subsection 2 of section 14 of this act concerning continuous enrollment. If the participating community college has established a process by which a student may appeal other decisions, the participating community college must use the same process for appealing an adverse decision described in this subsection.~~

~~3. A participating]~~

(h) Procedures for a community college ~~[may]~~ to accept gifts, grants and donations from any source for the purposes of ~~[administering]~~ carrying out its duties under the ~~[Nevada Reconnect Scholarship]~~ Program ~~[established by sections 2 to 17, inclusive, of this act.]~~ as prescribed by the Board of Regents.

4. The Board of Regents may adopt regulations authorizing a community college to enter into an agreement with one or more nonprofit organizations or governmental entities to conduct any activities required by the Board of Regents for a training program which allows a student to satisfy the requirements of paragraph (g) of subsection 1 of section 13 of this act.

5. The Board of Regents may adopt any other regulations necessary to carry out the Program.

Sec. 11. ~~[Each participating community college or local partnering organization shall:~~

~~1. Before December 31 of each year, hold at least one training meeting for each mentor who will participate in the mentoring program established pursuant to subsection 5. The meeting must include instruction concerning Nevada Reconnect Scholarships awarded pursuant to sections 2 to 17, inclusive, of this act, appropriate relationships between students and mentors, opportunities for students to obtain financial aid, the Free Application for Federal Student Aid, the college application process and the requirements of section 13 of this act.~~

~~2. Before December 31 of each year, hold at least one training meeting for students who plan to apply or have applied for a Nevada Reconnect Scholarship for the immediately following school year. The meeting must include instruction concerning Nevada Reconnect Scholarships awarded~~

~~*pursuant to sections 2 to 17, inclusive, of this act, appropriate relationships between students and mentors, opportunities for students to obtain financial aid, the Free Application for Federal Student Aid, the college application process and the requirements of section 13 of this act.*~~

~~*3. Before May 1 of each year, hold at least one training meeting for students who have applied for a Nevada Reconnect Scholarship for the immediately following school year. The meeting must include instruction concerning orientation at the participating community college, making the transition to college, the requirements of sections 13 and 14 of this act concerning community service and the manner in which a student will be informed of important information relating to his or her scholarship, including, without limitation, whether the student qualifies for a Nevada Reconnect Scholarship and the amount of the scholarship awarded.*~~

~~*4. If a scholarship applicant is unable to attend a meeting held pursuant to subsection 2 or 3 because he or she is required to attend a school-sponsored activity, work or religious observance or for a documented medical reason, arrange for the applicant to receive the training provided in that meeting as soon as practicable and before the deadline prescribed by subsection 2 or 3, as applicable. If the scholarship applicant is unable to receive the training before the applicable deadline, the applicant must not receive a Nevada Reconnect Scholarship.*~~

~~*5. Establish a mentoring program for scholarship applicants and scholarship recipients that maintains a ratio of at least one mentor for every 10 applicants or recipients and, before December 31 of each year, assign a mentor who meets the requirements of section 12 of this act to each applicant and recipient. If a person serving as a mentor resigns from the mentoring program or cannot serve as a mentor for at least one semester, the participating community college or local partnering organization shall assign another mentor to each scholarship applicant or scholarship recipient for whom the person served as a mentor. The participating community college or local partnering organization shall not assign a person to serve as a mentor to a scholarship applicant or a scholarship recipient:*~~

~~*(a) Whom the person employs; or*~~

~~*(b) To whom the person is related by consanguinity or affinity within the third degree.*~~

~~*6. Maintain a list of community service opportunities available to scholarship applicants and scholarship recipients to allow them to satisfy the requirements of sections 13 and 14 of this act concerning the completion of community service.*~~

~~*7. Post the list maintained pursuant to subsection 6 on a publicly available Internet website maintained by the participating community college or local partnering organization.]*~~ (Deleted by amendment.)

Sec. 12. ~~*[1. A person who serves as a mentor in a mentoring program established pursuant to section 11 of this act may not be compensated. A mentor may be an employee of the participating community college or local*~~

~~*partnering organization, but must not receive additional compensation for serving as a mentor.*~~

~~*2. Each person who serves as a mentor in a mentoring program established pursuant to section 11 of this act and is not employed by the participating community college:*~~

~~*(a) Must be at least 21 years of age.*~~

~~*(b) Shall, before serving as a mentor, submit to the participating community college the information requested by the participating community college and written permission authorizing the community college to use the information to obtain a report on the criminal history of the prospective mentor. If the participating community college has entered into an agreement with a local partnering organization pursuant to section 10 of this act, the participating community college shall transmit the report on the criminal history of the prospective mentor to the local partnering organization.*~~

~~*3. A participating community college or local partnering organization shall not allow a person to serve as a mentor if the participating community college receives information pursuant to subsection 2 that the person has entered a plea of guilty, guilty but mentally ill or nolo contendere to, been found guilty or guilty but mentally ill of, or been convicted of a felony in this State or any other jurisdiction.]* (Deleted by amendment.)

Sec. 13. ~~*[A student is]*~~

1. To be eligible to receive a Nevada Reconnect Scholarship ~~*[for the first school year in which the student is enrolled at a participating community college if the]*~~ *, a student* ~~*[:*~~

~~*1. Is]*~~ *must:*

(a) Be a bona fide resident of this State, as construed in NRS 396.540 ~~*. [, and has]*~~

(b) Have not previously been awarded an associate's degree or a bachelor's degree.

~~*[2. Has]*~~

(c) Have obtained a high school diploma or ~~*[a general equivalent diploma or equivalent document.*~~

~~*3. Is not in default on any federal student loan and does not owe a refund to any federal program to provide aid to students.*~~

~~*4. Before November 1 immediately preceding the school year for which the student wishes to receive a]*~~ *have successfully completed the high school equivalency assessment selected by the State Board pursuant to NRS 390.055.*

(d) Complete the application for the Nevada Reconnect Scholarship ~~*[, submits an application in the form prescribed by the participating community college.*~~

~~*5. On or before April 1 immediately preceding the school year for which the student wishes to receive a Nevada Reconnect Scholarship, completes]*~~ *Program in accordance with the regulations prescribed by the Board of Regents.*

(e) Complete the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090 ~~[.~~

~~6. Is]~~ *for each academic year of participation in the Program on or before the deadline prescribed by the Board of Regents.*

(f) Be considered an independent student on the student's Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090.

~~[7. Attends at least]~~

(g) Before enrolling in a community college, participate in one training meeting ~~[held by a participating community college or local partnering organization pursuant to subsection 2 of section 11 of this act and at least one such meeting held pursuant to subsection 3 of that section, or arranges to receive the training provided in those meetings at an alternate time pursuant to subsection 4 of that section.~~

~~8. Before May 1 immediately preceding the school year for which the student wishes to receive a Nevada Reconnect Scholarship:~~

~~(a) Has met at least once with the mentor assigned to the student pursuant to section 11 of this act.~~

~~(b) Completes]~~ *related to financial aid, the Free Application for Federal Student Aid and college orientation, as prescribed by the Board of Regents by regulation.*

(h) Have met at least once with an academic counselor before enrollment for the first semester of enrollment at a community college and at least once for each semester while participating in the Program.

(i) Complete at least ~~[20]~~ *8 hours of community service* ~~[that meets the requirements of section 15 of this act and submits to the participating]~~ *before the first semester of enrollment at a community college* ~~[verification of the completion of that]~~ *and at least 8 hours of community service* ~~[. The verification must include:~~

~~(1) A description of the community]~~ *each semester thereafter, not including summer academic terms, while participating in the Program. Community service performed* ~~[,~~

~~(2) The dates on which the service was performed and the number of hours of]~~ *to satisfy the requirements of this paragraph must not include religious proselytizing or service* ~~[performed on each date;~~

~~(3) The name of the organization for which the service was performed; and~~

~~(4) The name of a person employed by the organization whom the participating community college may contact to verify the information contained in the verification.~~

~~(c) Submits]~~ *for which the student receives any type of compensation or which directly benefits a member of the family of the student.*

(j) Submits all information deemed necessary by the ~~[participating community college]~~ *Board of Regents to determine the* ~~[applicant's]~~ *student's eligibility for gift aid.*

~~[9. Is]~~

(k) Except as otherwise provided in subsection 2, be enrolled in ~~[or plans to enroll in]~~ at least ~~[3]~~ 6 semester credit hours in ~~[an associate's degree]~~ a program ~~[, a bachelor's]~~ of study leading to a recognized degree ~~[program]~~ or ~~[a]~~ certificate ~~[of achievement program]~~ at a ~~[participating]~~ community college for each fall and spring semester ~~[of the school year.]~~ beginning with the first semester for which the student received a Nevada Reconnect Scholarship, not including summer academic terms. A student who is on schedule to graduate at:

(1) The end of a semester may enroll in the number of semester credit hours required to graduate.

(2) The end of a fall semester is not required to enroll in credit hours for the spring semester.

(l) Meet satisfactory academic progress, as defined by federal requirements established pursuant to Title IV of the Higher Education Act of 1965, 20 U.S.C. §§ 1001 et seq., and determined by the community college in which the student is enrolled.

2. The Board of Regents shall establish criteria with respect to students who have a documented physical or mental disability or who were previously subject to an individualized education program under the Individuals with Disabilities Act, 20 U.S.C. §§ 1400 et seq., or a plan under Title V of the Rehabilitation Act of 1973, 29 U.S.C. §§ 791 et seq. The criteria must provide an exemption for those students from:

(a) The limitation on eligibility for a Nevada Reconnect Scholarship set forth in paragraph (b) of subsection 3; and

(b) The minimum number of credits prescribed in paragraph (k) of subsection 1.

3. A student who meets the requirements of subsection 1 is eligible for a Nevada Reconnect Scholarship from the Program until the occurrence of the first of the following events:

(a) The student is awarded an associate's degree or bachelor's degree; or

(b) Except as otherwise provided in subsection 2, the student has:

(1) Completed 6 semesters towards earning an associate's degree or certificate; or

(2) Completed 12 semesters towards earning a bachelor's degree.

Sec. 13.5. 1. The Board of Regents may grant a leave of absence from the Program to a student upon request. A student may request a leave of absence for:

(a) An illness or serious medical problem of the student or a member of the student's immediate family;

(b) Extreme financial hardship for the student or a member of the student's immediate family;

(c) Engaging in any activity required or encouraged for members of the student's religious faith;

(d) Mobilization of the student's unit of the Armed Forces of the United States or National Guard; or

(e) Any other extraordinary circumstances beyond the control of the student that would create a substantial hardship for the student, as determined by the Board of Regents.

2. If the Board of Regents grants a leave of absence to a student, the Board of Regents shall:

(a) Make a determination in accordance with regulations adopted by the Board of Regents as to which requirements for eligibility in the Program set forth in section 13 of this act are appropriated to waive for the student; and

(b) Waive requirements for eligibility as determined pursuant to paragraph (a) for the student for the length of the leave of absence.

3. The Board of Regents shall adopt regulations establishing:

(a) Procedures for a student to request a leave of absence pursuant to subsection 1; and

(b) Criteria for determining appropriate requirements for eligibility to waive for a student who has been granted a leave of absence pursuant to subsection 2.

Sec. 14. ~~[1. A Nevada Reconnect Scholarship must be renewed for each school year for which the scholarship recipient wishes to receive a scholarship so long as such student is progressing towards receiving a degree or certificate of achievement.~~

~~2. A scholarship recipient is eligible to renew a Nevada Reconnect Scholarship if the scholarship recipient:~~

~~(a) Has not been awarded an associate's degree or a bachelor's degree.~~

~~(b) Except as otherwise provided in this paragraph, is enrolled in or plans to enroll in at least 3 semester credit hours in an associate's degree program, a bachelor's degree program or a certificate of achievement program at a participating community college for each semester of the school year for which the student wishes to renew the scholarship. A student who is on schedule to graduate at the end of the fall semester is not required to enroll in credit hours for the spring semester.~~

~~(c) Has enrolled in and successfully completed at least 3 semester credit hours in an associate's degree program, a bachelor's degree program or a certificate of achievement program at a participating community college for each fall and spring semester beginning with the first semester for which the student received a scholarship, unless the student has received a waiver pursuant to section 10 of this act.~~

~~(d) Maintains at least a 2.5 grade point average, on a 4.0 grading scale, or the equivalent of a 2.5 grade point average if a different grading scale is used, for all classes for which the student has been awarded credit at a participating community college, or makes adequate academic progress, as determined by the participating community college.~~

~~(e) Completes the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090 on or before April 1 immediately preceding the school year for which the student wishes to renew the scholarship and is considered an independent student on the student's Free Application for Federal Student Aid.~~

~~*(f) Is not in default on any federal student loan and does not owe a refund to any federal program to provide aid to students.*~~

~~*(g) On or before May 1 immediately preceding the school year for which the student wishes to renew the scholarship:*~~

~~*(1) Completes 20 hours of community service that meets the requirements of section 15 of this act and submits to the participating community college verification of the completion of that community service. The verification must include:*~~

~~*(I) A description of the community service performed;*~~

~~*(II) The dates on which the service was performed and the number of hours of service performed on each date;*~~

~~*(III) The name of the organization for which the service was performed; and*~~

~~*(IV) The name of a person employed by the organization whom the participating community college may contact to verify the information contained in the verification.*~~

~~*(2) Meets at least twice with the mentor assigned to the student pursuant to section 11 of this act.*~~

~~*(3) Submits to the participating community college all documentation deemed necessary by the participating community college to determine the applicant's eligibility for financial aid.*~~

~~*(h) Before November 1 immediately preceding the school year for which the student wishes to renew the scholarship, submits an application in the form prescribed by the participating community college and all information deemed necessary by the participating community college to determine the applicant's eligibility for gift aid.]*~~ (Deleted by amendment.)

Sec. 15. ~~*[1. An applicant who knowingly submits false or misleading information to a participating community college or local partnering organization pursuant to section 13 or 14 of this act is ineligible to receive a Nevada Reconnect Scholarship.*~~

~~*2. If a deadline prescribed by section 13 or 14 of this act falls on a Saturday, Sunday or legal holiday, the deadline is the next business day.*~~

~~*3. Community service performed to satisfy the requirements of section 13 or 14 of this act must not include religious proselytizing or service for which the student receives any type of compensation or which directly benefits a member of the family of the applicant or student, as applicable.]*~~ (Deleted by amendment.)

Sec. 16. *1.* ~~*[Each participating community college]*~~ *The Board of Regents shall award Nevada Reconnect Scholarships in accordance with this section to students who are enrolled at* ~~*[the participating]*~~ *a community college and are eligible to* ~~*[review or renew]*~~ *receive such scholarships under the provisions of* ~~*[sections]*~~ *section 13* ~~*[and 14]*~~ *of this act.*

2. ~~*[On or before July 1 of each year, a participating community college]*~~ *For each eligible student, the Board of Regents shall:*

(a) ~~[Review all timely applications received pursuant to sections 13 and 14 of this act to determine the eligibility of each applicant for]~~ Calculate the maximum amount of a Nevada Reconnect Scholarship ~~[and for gift aid;]~~ which the student is eligible to receive based on criteria established by regulation pursuant to this section.

(b) ~~[Review information submitted by each eligible applicant to determine the amount of]~~ Determine the actual amount of the Nevada Reconnect Scholarship, if any, which will be awarded to the student, which must not exceed the maximum amount calculated pursuant to paragraph (a), but which may be in a lesser amount if the Board of Regents receives notice from the State Treasurer pursuant to subsection 3 that the money available in the Nevada Reconnect Scholarship ~~[the student would receive under the provisions of subsection 6 and notify each applicant whether the applicant is]~~ Account for any semester is insufficient to award to all eligible ~~[to receive]~~ students the maximum amount of a Nevada Reconnect Scholarship ~~[for the immediately following school year; and]~~ which each student is eligible to receive.

(c) ~~[After reviewing applications pursuant to paragraph (a), submit to the State Treasurer the number of students whose applications have been approved and the amount of money that will be required to fund a scholarship for each eligible student pursuant to subsection 6 if no student receives additional gift aid.]~~ If the student is to receive a Nevada Reconnect Scholarship, award the student a Nevada Reconnect Scholarship in the amount determined pursuant to paragraph (b). The Board of Regents shall disburse the amount of the Nevada Reconnect Scholarship awarded to the student, on behalf of the student, directly to the community college in which the student is enrolled.

3. ~~[On the date prescribed by regulation of the State Treasurer, a participating community college]~~ The Board of Regents shall submit a request for a disbursement from the Nevada Reconnect Scholarship Account created by section 9 of this act ~~[in]~~ for the maximum amount ~~[prescribed by subsection 6]~~ of money that will be required to fund a scholarship for each eligible student.

~~[4. A participating community college shall use the money disbursed pursuant to subsection 5 to pay the difference between the amount of the registration fee and other mandatory fees charged to the student by the participating community college for the school year, excluding any amount of those fees that is waived by the participating community college, and the total amount of any other gift aid received by the student for the school year. The community college shall not refund to a student any money disbursed to the participating community college pursuant to subsection 5.~~

~~5.]~~ Within the limits of money available in the Nevada Reconnect Scholarship Account, the State Treasurer shall disburse ~~[to a participating community college]~~ the amount requested ~~[pursuant to subsection 3.]~~ to the Board of Regents for disbursement to each community college. If there is

insufficient money in the Account to disburse that amount to each ~~[participating]~~ community college ~~[~~:

~~(a) The]~~ , the State Treasurer shall ~~[determine whether there is sufficient money in the Account to disburse the amount requested for all students who applied to renew a Nevada Reconnect Scholarship and disburse the available money in the Account to each participating college in the following manner:~~

~~(1) If there is insufficient money in the Account to disburse the amount requested for all students who applied to renew a Nevada Reconnect Scholarship, the State Treasurer shall not disburse any amount requested for first-time recipients of a Nevada Reconnect Scholarship and shall disburse money to each participating community college to fund a scholarship for each student who applied to renew a Nevada Reconnect Scholarship, in the order in which applications were received by the participating community college, until the money in the Account is exhausted; and~~

~~(2) If there is sufficient money in the Account to disburse the amount requested for all students who applied to renew a Nevada Reconnect Scholarship, the State Treasurer shall first disburse the money requested by each participating community college for all students who applied to renew a Nevada Reconnect Scholarship and then disburse money to each participating community college to fund a scholarship for each student who applied for the first time to receive a Nevada Reconnect Scholarship, in the order in which the applications were received by the participating community college, until the money in the Account is exhausted.~~

~~(b) The State Treasurer shall]~~ provide notice that insufficient money remains in the Nevada Reconnect Scholarship Account to the ~~[Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Education, the Legislative Commission and the next regular session of the Legislature.~~

~~(c) A participating community college]~~ Board of Regents. The State Treasurer shall include in the notice the amount of money available for the award of Nevada Reconnect Scholarships ~~[in accordance with the provisions of paragraph (a) in a manner that gives priority first to students applying for renewal of a Nevada Reconnect Scholarship and then to applications received by the participating community college pursuant to section 13 of this act, in the order in which they were received.~~

~~6. Within the limits of money available in the]~~ for the academic year and request that a new request be submitted.

4. The Board of Regents shall adopt regulations prescribing:

(a) The criteria for determining the maximum amount of a Nevada Reconnect Scholarship ~~[Account, the amount of money awarded to a scholarship recipient pursuant to this section must be]~~ for an eligible student which is equal to the difference between the amount of the registration fee and other mandatory fees charged to the student by the ~~[participating]~~ community college in which the student is enrolled for the ~~[school]~~ academic year, excluding any amount of those fees that is waived by the ~~[participating]~~

community college ~~[,]~~ in which the student is enrolled, and the total amount of any other gift aid received by the student for the ~~[school]~~ academic year.

(b) The procedures for submitting a request for disbursement from the Nevada Reconnect Scholarship Account.

(c) The procedures and standards for determining the actual amount of the Nevada Reconnect Scholarship which will be awarded to each student upon receiving notice that there is insufficient money to award all eligible students the maximum amount of the scholarship which each student is eligible to receive. Such procedures and standards may include, without limitation, administration of the Program on a first-come, first-served basis for all students eligible to participate in the Program.

(d) Procedures to ensure that all money from a Nevada Reconnect Scholarship awarded to a student that is refunded in whole or in part for any reason is refunded to the Nevada Promise Scholarship Account and not the student.

Sec. 17. *1. On or before August 1 of each year, the Board of Regents shall:*

(a) Review all Nevada Reconnect Scholarships awarded for the immediately preceding ~~[school]~~ academic year;

(b) Compile a report for the immediately preceding ~~[school]~~ academic year, which must include the number of students who applied for a scholarship, the number of students who received a scholarship , ~~[recipients,]~~ the total cost associated with the award of Nevada Reconnect Scholarships, the total number of hours of community service performed pursuant to ~~[sections]~~ section 13 ~~[and 14]~~ of this act, the ~~[overall]~~ graduation rate of students who received a scholarship ~~[recipients, the graduation rate of scholarship recipients enrolled at each participating community college,]~~ and the ~~[overall]~~ scholarship retention rate ; ~~[and the scholarship retention rate for students at each participating community college;]~~ and

(c) Submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

(1) In even-numbered years, the next regular session of the Legislature; and

(2) In odd-numbered years, the Legislative Committee on Education.

2. ~~[A participating community college shall maintain a record for each scholarship recipient for at least 3 years after the end of the final school year for which he or she receives a scholarship. Such a record must include:~~

~~(a) The name of the scholarship recipient;~~

~~(b) The total amount of money awarded to the scholarship recipient each school year;~~

~~(c) The courses in which the scholarship recipient enrolled and the courses completed by the scholarship recipient;~~

~~(d) The grades received by the scholarship recipient;~~

~~*(e) Whether the scholarship recipient is currently enrolled in the participating community college and, if not, whether he or she earned an associate's degree, a bachelor's degree or a certificate of achievement; and*~~

~~*(f) The records of community service submitted by the scholarship recipient pursuant to sections 13 and 14 of this act.*~~

~~*3. Except as otherwise provided in this section, the Board of Regents and the State Treasurer may at any time audit the practices used by a participating community college or local partnering organization to carry out the provisions of sections 2 to 17, inclusive, of this act. The Board of Regents and the State Treasurer shall not conduct an audit less than 6 months after the most recently conducted audit.*~~

~~*4. A participating community college shall provide the Board of Regents and the State Treasurer with access to the records maintained pursuant to subsection 2 for the purposes of an annual report compiled pursuant to subsection 1 or an audit conducted pursuant to subsection 3. Those records are otherwise confidential and are not public records.*~~

~~*5.]*~~ *As used in this section, "scholarship retention rate" means the percentage of students who received a scholarship ~~[recipients]~~ for the ~~[school]~~ academic year immediately preceding the ~~[school]~~ academic year to which a report compiled pursuant to subsection 1 pertains who did not graduate by the end of that ~~[school]~~ academic year and who also received a Nevada Reconnect Scholarship for the ~~[school]~~ academic year to which the report pertains.*

Sec. 18. ~~[NRS 239.010 is hereby amended to read as follows:~~

~~239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 287.0438, 289.025, 289.080,~~

~~289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and section 17 of this act,* sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all~~

~~public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.~~

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

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

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

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

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

Sec. 19. There is hereby appropriated from the State General Fund to the Nevada Reconnect Scholarship Account created by section 9 of this act for the Fiscal Year 2020-2021 the sum of $1,750,000 for the purpose of awarding Nevada Reconnect Scholarships pursuant to sections 2 to 17, inclusive, of this act.

Sec. 20. 1. Notwithstanding the provisions of section 17 of this act, the initial report compiled by the Board of Regents of the University of Nevada pursuant to subsection 1 of section 17 of this act:

(a) Must be submitted on or before August 1, 2021, and must provide information concerning the 2019-2020 school year; and

(b) Is not required to include the overall graduation rate of scholarship recipients, the graduation rate of scholarship recipients , ~~[enrolled at each participating community college,]~~ the overall scholarship retention rate or the scholarship retention rate for students . ~~[at each participating community college.~~

~~2. As used in this section, "participating community college" has the meaning ascribed to it in section 6 of this act.]~~

Sec. 21. 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. 22. 1. This section and sections 2 to 15, inclusive, 17, 18, 20 and 21 of this act become effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and on July 1, 2019, for all other purposes.

2. Section 19 of this act becomes effective on July 1, 2019.

3. Section 16 of this act becomes effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act and on July 1, 2020, for all other purposes.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 270 to Senate Bill No. 255 makes the administrative requirements and eligibility requirements of the Nevada Reconnect Scholarship to mirror such requirements of the Nevada Promise Scholarship, as amended by Senate Bill No. 350. It removes the mandatory mentoring program requirements and, instead, allows recipients to participate in the same mentorship program established for the Promise Scholarship.

Additionally, the recipient of a Reconnect Scholarship will be required to meet with an academic counselor before registering for the first semester and at least one time each semester thereafter. It provides for a timeframe by which a recipient must complete a program. It increases the number of credits a student must remain enrolled in to continue eligibility. The bill authorizes the Board of Regents to grant a leave of absence from the program. Finally, it replaces the term "school year" with "academic year."

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. 275.

Bill read second time and ordered to third reading.

Senate Bill No. 363.

Bill read second time.

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

Amendment No. 355.

SUMMARY—Provides for the creation of the Nevada Stem Cell Center. (BDR 40-1017)

AN ACT relating to public health; requiring the Director of the Department of Health and Human Services to cause the formation of the Nevada Stem Cell Center; creating the Board of Directors of the Center; providing for the

appointment of the Executive Director of the Center; setting forth the duties and powers of the Executive Director; creating the Nevada Stem Cell Center Account in the State General Fund; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 9 of this bill requires the Director of the Department of Health and Human Services to cause to be formed the Nevada Stem Cell Center, an independent, nonprofit corporation formed for the general purposes of: (1) providing treatments involving stem cells to patients; (2) performing research related to stem cells; and (3) educating the public about stem cells. Section 10 of this bill creates the Board of Directors of the Center. Section 11 of this bill provides for the appointment of an Executive Director of the Center and sets forth the duties of the Executive Director, which include overseeing the administration of the Center and overseeing the treatment of patients and research involving stem cell therapies. Section 12 of this bill creates the Nevada Stem Cell Center Account in the State General Fund and authorizes the Executive Director, under the direction of the Board, to administer the Account to further the purposes of the Center. Section 13 of this bill makes an appropriation to the Account for the start-up costs of the Center.

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

Section 1. Chapter 439 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

Sec. 2. *As used in sections 2 to 12, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 8, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Account" means the Nevada Stem Cell Center Account created by section 12 of this act.*

Sec. 4. *"Adult, cord blood and related stem cells" means stem cells derived from postnatal tissue cells, umbilical cord blood and cord tissue, including Wharton's jelly, amniotic fluid and placental tissue.*

Sec. 5. *"Board" means the Board of Directors of the Nevada Stem Cell Center.*

Sec. 6. *"Executive Director" means the Executive Director of the Nevada Stem Cell Center appointed pursuant to section 11 of this act.*

Sec. 7. *"Nevada Stem Cell Center" or "Center" means the independent, nonprofit corporation formed pursuant to section 9 of this act.*

Sec. 8. *"Stem cell" means an unspecialized or undifferentiated cell that can self-replicate and has the potential to differentiate into a specialized cell type.*

Sec. 9. *1. The Director shall cause to be formed in this State an independent, nonprofit corporation recognized as exempt from federal income taxation for the public benefit named the "Nevada Stem Cell Center," the general purpose of which is to carry out the provisions of sections 2 to 12, inclusive, of this act.*

2. The Center shall:

(a) Deliver stem cell therapy involving adult, cord blood and related stem cells to patients who consent to such therapy. Such therapy may include, without limitation, clinical trials paid for by patients.

(b) Perform research to understand and advance stem cell therapies.

(c) Serve as a core facility to produce clinical-grade stem cells from adult tissues, umbilical cord, cord blood and related nonembryonic sources for use in clinical trials, therapies and research.

(d) Collaborate with other physicians to treat patients at regional hospitals with adult, cord blood and related stem cells.

(e) Facilitate the delivery of therapies involving adult, cord blood and related stem cells to patients in hospitals and other places for the care of the sick.

(f) Serve as a resource of information for patients and physicians concerning clinical trials and research findings related to stem cells.

(g) Provide education regarding stem cell therapy to the public, including, without limitation, school children, policymakers and health care professionals.

(h) Collaborate with the University of Nevada, Las Vegas, for the purposes of research and education relating to stem cells.

(i) Partner with academic institutions, governmental entities, hospitals, health care organizations, businesses and philanthropic organizations to function as a translational engine for stem cell discoveries and therapies in this State.

Sec. 10. *1. There is hereby created the Board of Directors of the Nevada Stem Cell Center, consisting of the following 13 members:*

(a) The President of the University of Nevada, Las Vegas.

(b) The Dean of the University of Nevada, Las Vegas, School of Medicine.

(c) One member who is a physician or a scientist and has substantial and demonstrated experience in the field of stem cell therapy, appointed by the Dean of the University of Nevada, Las Vegas, School of Medicine.

(d) One member who is a representative of the University Medical Center of Southern Nevada, appointed by the Governing Board of the University Medical Center of Southern Nevada in consultation with the Board of County Commissioners of Clark County.

(e) One member appointed by and representing the Governor.

(f) One member of the Senate, appointed by the Majority Leader of the Senate.

(g) One member of the Senate, appointed by the Minority Leader of the Senate.

(h) One member of the Assembly, appointed by the Speaker of the Assembly.

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

(j) One member who is a representative of the Office of Economic Development, appointed by the Governor.

(k) One member who is a representative of the Nevada State Medical Association, appointed by the President of that Association.

(l) One member who is a representative of the Board of Regents of the University of Nevada, appointed by the Chair of the Board.

(m) One member who possesses knowledge, skill and experience with stem cell therapy, stem cell research and clinical operations, appointed by the President of the University of Nevada, Las Vegas, in consultation with the Dean of the University of Nevada, Las Vegas, School of Medicine.

2. The member appointed pursuant to paragraph (m) of subsection 1 shall serve as Chair of the Board.

3. Vacancies in the appointed positions on the Board must be filled in the same manner as the original appointment.

4. Each member appointed to the Board serves a term of 3 years and may be reappointed.

5. The Board shall meet at least once in each quarter of the year and may meet at other times at the call of the Chair.

6. A majority of the members of the Board constitutes a quorum to transact all business.

7. The members of the Board serve without compensation.

Sec. 11. *1. The Dean of the University of Nevada, Las Vegas, School of Medicine, in consultation with the Board, shall appoint an Executive Director of the Nevada Stem Cell Center who is entitled to such compensation as is determined by the Board.*

2. The Executive Director shall be responsible for:

(a) The administration of the Nevada Stem Cell Center, including, without limitation, the overall direction of personnel, equipment, operations and facilities of the Center.

(b) Overseeing the treatment of patients and research involving adult, cord blood and related stem cells.

3. The Executive Director may solicit and accept gifts, grants and donations from any source to carry out the provisions of sections 2 to 12, inclusive, of this act. Any such gifts, grants and donations must be deposited into the Account.

Sec. 12. *1. There is hereby created the Nevada Stem Cell Center Account in the State General Fund.*

2. Money for the Account may be provided:

(a) By appropriation;

(b) Through the acceptance of gifts, grants and donations as authorized by section 11 of this act; or

(c) Through the collection of fees and charges pursuant to subsection 3.

3. All money received by the Nevada Stem Cell Center for core charges for cell processing and manufacturing, clinical trial fees, service charges and any other money received by the Nevada Stem Cell Center must be deposited into the Account.

4. Under the direction of the Board, the Executive Director shall administer the Account. The money in the Account must be used only for the purposes of:

(a) The treatment of patients with adult, cord blood and related stem cells;

(b) Research related to stem cell therapy treatments;

(c) Education related to stem cells; and

(d) Any other purpose the Executive Director deems necessary for carrying out the provisions of sections 2 to 12, inclusive, of this act.

5. All expenditures from the Account must be approved by the Executive Director.

6. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account. All claims against the Account must be paid as other claims against the State are paid.

7. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

Sec. 13. There is hereby appropriated from the State General Fund to the Nevada Stem Cell Center Account created by section 12 of this act the sum of $100,000 for the start-up costs of the Nevada Stem Cell Center formed pursuant to section 9 of this act.

Sec. 14. This act becomes effective on July 1, 2019.

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 355 to Senate Bill No. 363 appropriates $100,000 from the State General Fund to the Nevada Stem Cell Center Account for the start-up costs of the Nevada Stem Cell Center.

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. 382.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 253.

SUMMARY—Revises provisions relating to real property. (BDR 9-1067)

AN ACT relating to real property; revising provisions governing deeds of trust; revising provisions governing notice requirements for certain mechanics' liens; revising provisions relating to how a mortgage of real property is not deemed a conveyance; revising provisions relating to recording estates in property; revising provisions relating to common-interest ownership; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth various definitions that apply to deeds of trust. (NRS 107.015) Section 1 of this bill adds additional definitions to existing law

that are currently found in various provisions governing deeds of trust. Sections 7-21, 24-26 and 32 of this bill make conforming changes.

Existing law provides certain requirements for deeds of trust that encumber a lease of a dwelling unit of a cooperative housing corporation. (NRS 107.025, 107.027, 107.080) Sections 2, 3 and 9 of this bill revise the terminology used for these types of deeds of trust.

Sections 4-6, 9-13 and 16 of this bill make additional revisions to the terminology used for deeds of trust.

Existing law provides the manner in which parties to a deed of trust may set out certain amounts for statutory covenants. Existing law does not provide the amounts that apply if such parties failed to set out these amounts. (NRS 107.040) Section 5 of this bill provides the amounts that apply if such parties fail to set out these amounts.

Existing law requires a lessee to record a notice and either establish a construction disbursement account or record a surety bond before the lessee may cause a work of improvement to be constructed, altered or repaired upon the property that lessee is leasing. (NRS 108.2403) Existing law provides that if a construction disbursement account is established, each person who provided a work of improvement has a lien upon the funds in the account for an amount equal to the amount owed. (NRS 108.2407) Existing law provides that these provisions do not apply if all owners of the property record a written notice of waiver of the owners' rights before the commencement of construction of the work of improvement. Each owner who records such a written notice of waiver must serve written notice upon certain parties. (NRS 108.2405) Section 22 of this bill authorizes such a written notice of waiver to apply with respect to ~~[a specific work of improvement or]~~ one or more works of improvement ~~[that are more than a specific work of improvement.]~~ as described in the written notice of waiver. Section 22 sets forth certain requirements on how each owner who records such a written notice of waiver must service written notice upon certain parties.

Existing law prohibits a mortgage of real property from being deemed a conveyance so as to enable the owner of the mortgage to take possession of the real property without a foreclosure and sale. (NRS 40.050) Section 23 of this bill prohibits a mortgage of real property from being deemed a conveyance so as to enable the owner of the mortgage to take possession of the real property in the absence of a foreclosure sale or in accordance with a court order.

Existing law sets forth the requirements for recording certain documents that relate to real property. Existing law prohibits the county recorder from recording with respect to real property any deed that does not contain the name and address of the person for whom a statement of the taxes assessed on the real property is mailed. This prohibition applies to a grant, bargain or deed of sale. (NRS 111.312) Section 27 of this bill provides that this prohibition applies to a grant, bargain and sale deed.

Existing law sets forth that the provisions governing common-interest communities only apply to a nonresidential planned community if the declaration that creates a common-interest community so provides. (NRS 116.1201) Section 28 of this bill places this applicability language in a new section and further sets forth how a declaration may provide that such provisions apply to nonresidential planned communities. Section 29 of this bill makes a conforming change.

Existing law sets forth how a declaration that creates a common-interest community may be amended. Existing law prohibits an amendment, without the unanimous consent of the units' owners, from changing: (1) the boundaries of any unit; (2) the allocated interests of a unit; or (3) the uses to which any unit is restricted. (NRS 116.2117) Section 30 of this bill prohibits an amendment, without the unanimous consent of the units' owners, from changing: (1) the boundaries of any unit; or (2) the allocated interests of a unit.

Existing law authorizes a unit-owners' association to commence a civil action only upon a vote or written agreement of certain owners of units. At least 10 days before an association commences or seeks to ratify the commencement of a civil action, the association shall provide a written statement to the units' owners that includes certain information. Existing law additionally provides that the association may commence certain civil actions without such a vote or written agreement. (NRS 116.31088) Section 30.5 of this bill specifies that the written statement that is required to be provided at least 10 days before the commencement or ratification of the commencement of a civil action applies to civil actions on which the owners of units are entitled to vote.

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

Section 1. NRS 107.015 is hereby amended to read as follows:

107.015 As used in this chapter:

1. *"Association" and "unit-owners' association" have the meanings ascribed to them in NRS 116.011.*

2. "Beneficiary" means the beneficiary of the deed of trust or the successor in interest of the beneficiary or any person designated or authorized to act on behalf of the beneficiary or its successor in interest.

3. "Cooperative" has the meaning ascribed to it in NRS 116.031.

4. "Facsimile machine" means a device which receives and copies a reproduction or facsimile of a document or photograph which is transmitted electronically or telephonically by telecommunications lines.

~~[2.]~~ *5. "Noncommercial lender" means a lender which makes a loan secured by a deed of trust on owner-occupied housing and which is not a bank, financial institution or other entity regulated pursuant to title 55 or 56 of NRS.*

6. "Owner-occupied housing" means housing that is occupied by an owner as the owner's primary residence. The term does not include vacant land or any time share or other property regulated under chapter 119A of NRS.

7. "Person with an interest" means any person who has or claims any right, title or interest in, or lien or charge upon, the real property described in a deed of trust, as evidenced by any document or instrument recorded in the office of the county recorder of the county in which any part of the real property is situated.

8. "Proprietary lease" has the meaning ascribed to it in NRS 116.077.

9. "Residential foreclosure" means the sale of a single-family residence under a power of sale granted by NRS 107.0805.

10. "Sale in lieu of a foreclosure sale" has the meaning ascribed to it in NRS 40.429.

11. "Single-family residence" means a structure that is comprised of not more than four units. The term does not include vacant land or any time share or other property regulated under chapter 119A of NRS.

12. "Surety" means a corporation authorized to transact surety business in this State pursuant to NRS 679A.030 that:

(a) Is included in the United States Department of the Treasury's Listing of Approved Sureties; and

(b) Issues a surety bond pursuant to this section that does not exceed the underwriting limitations established for that surety by the United States Department of the Treasury.

13. "Surety bond" means a bond issued by a surety for the reconveyance of a deed of trust pursuant to this section.

14. "Title insurer" has the meaning ascribed to it in NRS 692A.070.

15. "Trustee" means the trustee of record.

16. "Unit" has the meaning ascribed to it in NRS 116.093.

Sec. 2. NRS 107.025 is hereby amended to read as follows:

107.025 A deed of trust may encumber an estate for years however created, including a *proprietary* lease ~~[of a dwelling unit of]~~ *in* a cooperative , ~~[housing corporation,]~~ unless prohibited by the instrument creating the estate, and foreclosure may be had by the exercise of a power of sale in accordance with the provisions of this chapter.

Sec. 3. NRS 107.027 is hereby amended to read as follows:

107.027 1. The ~~[shares which accompany a]~~ *ownership interest and votes in the cooperative association entitling the unit's owner to* lease ~~[of]~~ a ~~[dwelling]~~ unit in a cooperative ~~[housing corporation]~~ are appurtenant to the *proprietary* lease. Any security interest in or lien on the *proprietary* lease encumbers the ~~[shares]~~ *ownership interest and votes in the cooperative association* whether or not the instrument creating the interest or lien expressly includes ~~[the shares.]~~ *such interests and votes.*

2. No security interest in or lien on ~~[shares of]~~ *the ownership interest or votes in* a cooperative ~~[housing corporation]~~ *association* is effective unless the instrument which purports to create the interest or lien encumbers the *proprietary* lease to which the ~~[shares]~~ *ownership interest and votes* pertain.

Sec. 4. NRS 107.030 is hereby amended to read as follows:

107.030 Every deed of trust made after March 29, 1927, may adopt by reference all or any of the following covenants, agreements, obligations, rights and remedies:

1. COVENANT NO. 1. That grantor agrees to pay and discharge at maturity all taxes and assessments and all other charges and encumbrances which now are or shall hereafter be, or appear to be, a lien upon the ~~[trust]~~ premises, or any part thereof; and that grantor will pay all interest or installments due on any prior encumbrance, and that in default thereof, beneficiary may, without demand or notice, pay the same, and beneficiary shall be sole judge of the legality or validity of such taxes, assessments, charges or encumbrances, and the amount necessary to be paid in satisfaction or discharge thereof.

2. COVENANT NO. 2. That the grantor will at all times keep the buildings and improvements which are now or shall hereafter be erected upon the premises insured against loss or damage by fire, to the amount of at least $...., by some insurance company or companies approved by beneficiary, the policies for which insurance shall be made payable, in case of loss, to beneficiary, and shall be delivered to and held by the beneficiary as further security; and that in default thereof, beneficiary may procure such insurance, not exceeding the amount aforesaid, to be effected either upon the interest of trustee or upon the interest of grantor, or his or her assigns, and in their names, loss, if any, being made payable to beneficiary, and may pay and expend for premiums for such insurance such sums of money as the beneficiary may deem necessary.

3. COVENANT NO. 3. That if, during the existence of the trust, there be commenced or pending any suit or action affecting the ~~[conveyed]~~ premises, or any part thereof, or the title thereto, or if any adverse claim for or against the premises, or any part thereof, be made or asserted, the trustee or beneficiary may appear or intervene in the suit or action and retain counsel therein and defend same, or otherwise take such action therein as they may be advised, and may settle or compromise same or the adverse claim; and in that behalf and for any of the purposes may pay and expend such sums of money as the trustee or beneficiary may deem to be necessary.

4. COVENANT NO. 4. That the grantor will pay to trustee and to beneficiary respectively, on demand, the amounts of all sums of money which they shall respectively pay or expend pursuant to the provisions of the implied covenants of this section, or any of them, together with interest upon each of the amounts, until paid, from the time of payment thereof, at the rate of ..... percent per annum.

5. COVENANT NO. 5. That in case grantor shall well and truly perform the obligation or pay or cause to be paid at maturity the debt or promissory note, and all moneys agreed to be paid, and interest thereon for the security of which the transfer is made, and also the reasonable expenses of the trust in this section specified, then the trustee, its successors or assigns, shall reconvey to the grantor all the estate in the premises conveyed to the trustee by the grantor.

Any part of the trust property may be reconveyed at the request of the beneficiary.

6. COVENANT NO. 6. That if default be made in the performance of the obligation, or in the payment of the debt, or interest thereon, or any part thereof, or in the payment of any of the other moneys agreed to be paid, or of any interest thereon, or if any of the conditions or covenants in this section adopted by reference be violated, and if the notice of breach and election to sell, required by this chapter, be first recorded, then trustee, its successors or assigns, on demand by beneficiary, or assigns, shall sell the above-granted premises, or such part thereof as in its discretion it shall find necessary to sell, in order to accomplish the objects of these trusts, in the manner following, namely:

The trustees shall first give notice of the time and place of such sale, in the manner provided in NRS 107.080 and may postpone such sale not more than three times by proclamation made to the persons assembled at the time and place previously appointed and advertised for such sale, and on the day of sale so advertised, or to which such sale may have been postponed, the trustee may sell the property so advertised, or any portion thereof, at public auction, at the time and place specified in the notice, at a public location in the county in which the property, or any part thereof, to be sold, is situated, to the highest cash bidder. The beneficiary, obligee, creditor, or the holder or holders of the promissory note or notes secured thereby may bid and purchase at such sale. The beneficiary may, after recording the notice of breach and election, waive or withdraw the same or any proceedings thereunder, and shall thereupon be restored to the beneficiary's former position and have and enjoy the same rights as though such notice had not been recorded.

7. COVENANT NO. 7. That the trustee, upon such sale, shall make (without warranty), execute and, after due payment made, deliver to purchaser or purchasers, his, her or their heirs or assigns, a deed or deeds of the premises so sold which shall convey to the purchaser all the title of the grantor in the ~~[trust]~~ premises, and shall apply the proceeds of the sale thereof in payment, firstly, of the expenses of such sale, together with the reasonable expenses of the trust, including counsel fees, in an amount equal to ..... percent of the amount secured thereby and remaining unpaid or reasonable counsel fees and costs actually incurred, which shall become due upon any default made by grantor in any of the payments aforesaid; and also such sums, if any, as trustee or beneficiary shall have paid, for procuring a search of the title to the premises, or any part thereof, subsequent to the execution of the deed of trust; and in payment, secondly, of the obligation or debts secured, and interest thereon then remaining unpaid, and the amount of all other moneys with interest thereon herein agreed or provided to be paid by grantor; and the balance or surplus of such proceeds of sale it shall pay to grantor, his or her heirs, executors, administrators or assigns.

8. COVENANT NO. 8. That in the event of a sale of the premises , ~~[conveyed or transferred in trust,]~~ or any part thereof, and the execution of a deed or deeds

therefor under such trust, the recital therein of default, and of recording notice of breach and election of sale, and of the elapsing of the 3-month period, and of the giving of notice of sale, and of a demand by beneficiary, his or her heirs or assigns, that such sale should be made, shall be conclusive proof of such default, recording, election, elapsing of time, and of the due giving of such notice, and that the sale was regularly and validly made on due and proper demand by beneficiary, his or her heirs and assigns; and any such deed or deeds with such recitals therein shall be effectual and conclusive against grantor, his or her heirs and assigns, and all other persons; and the receipt for the purchase money recited or contained in any deed executed to the purchaser as aforesaid shall be sufficient discharge to such purchaser from all obligation to see to the proper application of the purchase money, according to the trusts aforesaid.

9. COVENANT NO. 9. That the beneficiary or his or her assigns may, from time to time, appoint another trustee, or trustees, to execute the trust created by the deed of trust . ~~[or other conveyance in trust.]~~ An instrument executed and acknowledged by the beneficiary is conclusive proof of the proper appointment of such substituted trustee. Upon the recording of such executed and acknowledged instrument, the new trustee or trustees shall be vested with all the title, interest, powers, duties and trusts in the premises vested in or conferred upon the original trustee. If there be more than one trustee, either may act alone and execute the trusts upon the request of the beneficiary, and all of the trustee's acts thereunder shall be deemed to be the acts of all trustees, and the recital in any conveyance executed by such sole trustee of such request shall be conclusive evidence thereof, and of the authority of such sole trustee to act.

Sec. 5. NRS 107.040 is hereby amended to read as follows:

107.040 1. In order to adopt by reference any of the covenants, agreements, obligations, rights and remedies in NRS 107.030, it shall only be necessary to state in the deed of trust the following: "The following covenants, Nos. ....., ... and ..... (inserting the respective numbers) of NRS 107.030 are hereby adopted and made a part of this deed of trust."

2. A deed of trust , ~~[or other conveyance in trust,]~~ in order to fix the amount of insurance to be carried, need not reincorporate the provisions of Covenant No. 2 of NRS 107.030, but may merely state the following: "Covenant No. 2," and set out thereafter the amount of insurance to be carried ~~[.]~~ *or, if no amount is set out, the amount must be the full replacement value of the buildings and improvements which are now or shall hereafter be erected upon the premises.*

3. In order to fix the rate of interest under Covenant No. 4 of NRS 107.030, it shall only be necessary to state in such ~~[trust]~~ deed ~~[or other conveyance in]~~ *of* trust ~~[,]~~ *the following:* "Covenant No. 4," and set out thereafter the rate of interest to be charged thereunder ~~[.]~~ *or, if no rate of interest is set out, the rate of interest must be at the highest applicable rate set forth in the note secured by such deed of trust.*

4. In order to fix the amount or percent of counsel fees under Covenant No. 7 of NRS 107.030, it shall only be necessary to state in such deed of trust,

~~[or other conveyance in trust,]~~ the following: "Covenant No. 7," and set out thereafter ~~[either]~~ the percentage to be allowed or, ~~[in lieu of the]~~ *if no* percentage ~~[to be allowed,]~~ *is set out, the amount to be allowed must be* reasonable counsel fees and costs actually incurred.

Sec. 6. NRS 107.050 is hereby amended to read as follows:

107.050 Nothing in NRS 107.030 and 107.040 shall prevent the parties to any ~~[transfer in]~~ *deed of* trust from entering into other, different or additional covenants or agreements than those set out in NRS 107.030.

Sec. 7. NRS 107.079 is hereby amended to read as follows:

107.079 1. Whenever the debt or obligation secured by a deed of trust has been paid in full or otherwise satisfied and the current beneficiary of record cannot be located after diligent search as described in subsection 9 or refuses to execute and deliver a proper request to reconvey the estate in real property conveyed to the trustee by the grantor, as required by NRS 107.077, or whenever a balance, including, without limitation, principal and interest, remains due on the debt secured by the deed of trust and the trustor or the trustor's successor in interest cannot locate after diligent search the current beneficiary of record, the trustor or the trustor's successor in interest may record or cause to be recorded a surety bond that meets the requirements of subsection 2 and a declaration that meets the requirements of subsection 3.

2. The surety bond recorded pursuant to subsection 1 must:

(a) Be acceptable to the trustee;

(b) Be issued by a surety authorized to issue surety bonds in this State in an amount equal to the greater of:

(1) Two times the amount of the original obligation or debt secured by the deed of trust plus any principal amounts, including, without limitation, advances, indicated in a recorded amendment thereto; or

(2) One-and-a-half times the total amount computed pursuant to subparagraph (1) plus any accrued interest on that amount;

(c) Be conditioned on payment of any amount which the beneficiary recovers in an action to enforce the obligation or recover the debt secured by the deed of trust, plus costs and reasonable attorney's fees;

(d) Be made payable to the trustee who executes a reconveyance pursuant to subsection 4 and the beneficiary or the beneficiary's successor in interest; and

(e) Contain a statement of:

(1) The recording date and instrument number or book and page number of the recorded deed of trust;

(2) The names of the original trustor and beneficiary;

(3) The amount shown as the original principal amount secured by the deed of trust; and

(4) The recording information and new principal amount shown in any recorded amendment to the deed of trust.

3. The declaration recorded pursuant to subsection 1 must:

(a) Be signed under penalty of perjury by the trustor or the trustor's successor in interest;

(b) State that it is recorded pursuant to this section;

(c) State the name of the original trustor;

(d) State the name of the beneficiary;

(e) State the name and address of the person making the declaration;

(f) Except as otherwise provided in subsection 8, contain a statement of the following, whichever is applicable:

(1) That the obligation or debt secured by the deed of trust has been paid in full or otherwise satisfied and the current beneficiary of record cannot be located after diligent search or refuses to execute and deliver a proper request to reconvey the estate in real property conveyed to the trustee by the grantor, as required by NRS 107.077; or

(2) That a balance, including, without limitation, principal and interest, remains due on the debt secured by the deed of trust and the trustor or the trustor's successor in interest cannot locate after diligent search the current beneficiary of record;

(g) Contain a statement that the declarant has mailed by certified mail, return receipt requested, to the last known address of the person to whom payments under the deed of trust were made and to the last beneficiary of record at the address indicated for such beneficiary on the instrument creating, assigning or conveying the deed of trust, a notice of the recording of the surety bond and declaration pursuant to this section, of the name and address of the trustee, of the beneficiary's right to record a written objection to the reconveyance of the deed of trust pursuant to this section and of the requirement to notify the trustee in writing of any such objection; and

(h) Contain the date of the mailing of any notice pursuant to this section and the name and address of each person to whom such a notice was mailed.

4. Not earlier than 30 days after the recording of the surety bond and declaration pursuant to subsections 1, 2 and 3, delivery to the trustee of the fees charged by the trustee for the preparation, execution or recordation of a reconveyance pursuant to subsection 7 of NRS 107.077, plus costs incurred by the trustee, and a demand for reconveyance under NRS 107.077, the trustee shall execute and record or cause to be recorded a reconveyance of the deed of trust pursuant to NRS 107.077, unless the trustee has received a written objection to the reconveyance of the deed of trust from the beneficiary of record within 30 days after the recording of the surety bond and declaration pursuant to subsections 1, 2 and 3. The recording of a reconveyance pursuant to this subsection has the same effect as a reconveyance of the deed of trust pursuant to NRS 107.077 and releases the lien of the deed of trust. A trustee is not liable to any person for the execution and recording of a reconveyance pursuant to this section if the trustee acted in reliance upon the substantial compliance with this section by the trustor or the trustor's successor in interest. The sole remedy for a person damaged by the reconveyance of a deed of trust pursuant to this section is an action for damages against the trustor or the

person making the declaration described in subsection 3 or an action against the surety bond.

5. Upon the recording of a reconveyance of the deed of trust pursuant to subsection 4, interest no longer accrues on any balance remaining due under the obligation or debt secured by the deed of trust to the extent that the balance due has been stated in the declaration described in subsection 3. Notwithstanding any provision of chapter 120A of NRS, any amount of the balance remaining due under the obligation or debt secured by the deed of trust, including, without limitation, principal and interest, which is remitted to the issuer of the surety bond described in subsection 2 in connection with the issuance of that surety bond must, if unclaimed within 3 years after remittance, be property that is presumed abandoned for the purposes of chapter 120A of NRS. From the date on which the amount is paid or delivered to the Administrator of Unclaimed Property pursuant to NRS 120A.570, the issuer of the surety bond is relieved of any liability to pay to the beneficiary or his or her heirs or successors in interest the amount paid or delivered to the Administrator.

6. Any failure to comply with the provisions of this section does not affect the rights of a bona fide purchaser or encumbrancer for value.

7. This section shall not be deemed to create an exclusive procedure for the reconveyance of a deed of trust and the issuance of surety bonds and declarations to release the lien of a deed of trust, and shall not affect any other procedures, whether or not such procedures are set forth in statute, for the reconveyance of a deed of trust and the issuance of surety bonds and declaration to release the lien of a deed of trust.

8. For the purposes of this section, the trustor or the trustor's successor in interest may substitute the current trustee of record without conferring any duties upon that trustee other than duties which are incidental to the execution of a reconveyance pursuant to this section, if:

(a) The debt or obligation secured by a deed of trust has been paid in full or otherwise satisfied;

(b) The current trustee of record and the current beneficiary of record cannot be located after diligent search as described in subsection 9;

(c) The declaration filed pursuant to subsection 3:

(1) In addition to the information required to be stated in the declaration pursuant to subsection 3, states that the current trustee of record and the current beneficiary of record cannot be located after diligent search; and

(2) In lieu of the statement required by paragraph (f) of subsection 3, contains a statement that the obligation or debt secured by the deed of trust has been paid in full or otherwise satisfied and the current beneficiary of record cannot be located after diligent search or refuses to execute and deliver a proper request to reconvey the estate in real property conveyed to the trustee by the grantor, as required by NRS 107.077;

(d) The substitute trustee is a title insurer that agrees to accept the substitution, except that this paragraph does not impose a duty on a title insurer to accept the substitution; and

(e) The surety bond required by this section is for a period of not less than 5 years.

9. For the purposes of subsection 1, a diligent search has been conducted if:

(a) A notice stating the intent to record a surety bond and declaration pursuant to this section, the name and address of the trustee, the beneficiary's right to record a written objection to the reconveyance of the deed of trust pursuant to this section and the requirement to notify the trustee in writing of any such objection, has been mailed by certified mail, return receipt requested, to the last known address of the person to whom payments under the deed of trust were made and to the last beneficiary of record at the address indicated for such beneficiary on the instrument creating, assigning or conveying the deed of trust.

(b) A search has been conducted of the telephone directory in the city where the beneficiary of record or trustee of record, whichever is applicable, maintained its last known address or place of business.

(c) If the beneficiary of record or the beneficiary's successor in interest, or the trustee of record or the trustee's successor in interest, whichever is applicable, is a business entity, a search has been conducted of the records of the Secretary of State and the records of the agency or officer of the state of organization of the beneficiary, trustee or successor, if known.

(d) If the beneficiary of record or trustee of record is a state or national bank or state or federal savings and loan association or savings bank, an inquiry concerning the location of the beneficiary or trustee has been made to the regulator of the bank, savings and loan association or savings bank.

~~[10. As used in this section:~~

~~(a) "Surety" means a corporation authorized to transact surety business in this State pursuant to NRS 679A.030 that:~~

~~(1) Is included in the United States Department of the Treasury's Listing of Approved Sureties; and~~

~~(2) Issues a surety bond pursuant to this section that does not exceed the underwriting limitations established for that surety by the United States Department of the Treasury.~~

~~(b) "Surety bond" means a bond issued by a surety for the reconveyance of a deed of trust pursuant to this section.]~~

Sec. 8. NRS 107.0795 is hereby amended to read as follows:

107.0795 As used in NRS 107.0795 to 107.140, inclusive, unless the context otherwise requires:

1. "Abandoned residential property" means residential real property:

(a) Consisting of not more than four family dwelling units or a single-family residential unit, including, without limitation, a condominium, townhouse or home within a subdivision, if the unit is sold, leased or otherwise conveyed

unit by unit, regardless of whether the unit is part of a larger building or parcel that consists of more than four units; and

(b) That the grantor or the successor in interest of the grantor has surrendered as evidenced by a document signed by the grantor or successor confirming the surrender or by the delivery of the keys to the property to the beneficiary or that satisfies the following conditions:

(1) The residential real property is not currently occupied as a principal residence by the grantor of the deed of trust, the person who holds title of record or any lawful occupant;

(2) The obligation secured by the deed of trust is in default and the deficiency in performance or payment has not been cured;

(3) The gas, electric and water utility services to the residential real property have been terminated;

(4) It appears, after reasonable inquiry, that there are no children enrolled in school residing at the address of the residential real property;

(5) Payments pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits, payments for unemployment compensation or payments for public assistance, as defined in NRS 422A.065, are not currently being delivered, electronically or otherwise, to a person who has registered the address of the residential real property as his or her residence with the agency making the payment;

(6) An owner of the residential real property is not presently serving in the Armed Forces of the United States, a reserve component thereof or the National Guard; and

(7) Two or more of the following conditions exist:

(I) Construction was initiated on the residential real property and was discontinued before completion, leaving a building unsuitable for occupancy, and no construction has taken place for at least 6 months;

(II) Multiple windows on the residential real property are boarded up or closed off or are smashed through, broken off or unhinged, or multiple window panes are broken and unrepaired;

(III) Doors on the residential real property are smashed through, broken off, unhinged or continuously unlocked;

(IV) The residential real property has been stripped of copper or other materials, or interior fixtures to the property have been removed;

(V) Law enforcement officials have received at least one report of trespassing or vandalism or other illegal acts being committed at the residential real property within the immediately preceding 6 months;

(VI) The residential real property has been declared unfit for occupancy and ordered to remain vacant and unoccupied under an order issued by a municipal or county authority or a court of competent jurisdiction;

(VII) The local police, fire or code enforcement authority has requested that the owner or any other interested or authorized party secure the residential

real property because the local authority has declared the property to be an imminent danger to the health, safety and welfare of the public; or

(VIII) The residential real property is open and unprotected and in reasonable danger of significant damage resulting from exposure to the elements or vandalism.

2. The term does not include residential real property if:

(a) There is construction, renovation or rehabilitation on the residential real property that is proceeding diligently to completion, and any building being constructed, renovated or rehabilitated on the property is in substantial compliance with all applicable ordinances, codes, regulations and laws;

(b) The residential real property is occupied on a seasonal basis, but is otherwise secure;

(c) There are bona fide rental or sale signs on the residential real property, or the property is listed on a Multiple Listing Service, and the property is secure; or

(d) The residential real property is secure but is the subject of a probate action, action to quiet title or any other ownership dispute.

3. As used in this section, "condominium" has the meaning ascribed to it in NRS 116.027.

Sec. 9. NRS 107.080 is hereby amended to read as follows:

107.080 1. Except as otherwise provided in NRS 106.210, 107.0805, 107.085 and 107.086, if any transfer in trust of any estate in real property is made after March 29, 1927, to secure the performance of an obligation or the payment of any debt, a power of sale is hereby conferred upon the trustee to be exercised after a breach of the obligation for which the transfer is security.

2. The power of sale must not be exercised, however, until:

(a) In the case of any *deed of* trust ~~[agreement]~~ coming into force:

(1) On or after July 1, 1949, and before July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 15 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment; or

(2) On or after July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 35 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment.

(b) The beneficiary, the successor in interest of the beneficiary or the trustee first executes and causes to be recorded in the office of the recorder of the county wherein the trust property, or some part thereof, is situated a notice of the breach and of the election to sell or cause to be sold the property to satisfy the obligation.

(c) The beneficiary or its successor in interest or the servicer of the obligation or debt secured by the deed of trust has instructed the trustee to exercise the power of sale with respect to the property.

(d) Not less than 3 months have elapsed after the recording of the notice or, if the notice includes an affidavit and a certification indicating that, pursuant to NRS 107.130, an election has been made to use the expedited procedure for the exercise of the power of sale with respect to abandoned residential property, not less than 60 days have elapsed after the recording of the notice.

3. The 15- or 35-day period provided in paragraph (a) of subsection 2 commences on the first day following the day upon which the notice of default and election to sell is recorded in the office of the county recorder of the county in which the property is located and a copy of the notice of default and election to sell is mailed by registered or certified mail, return receipt requested and with postage prepaid to the grantor or, to the person who holds the title of record on the date the notice of default and election to sell is recorded, and, if the property is operated as a facility licensed under chapter 449 of NRS, to the State Board of Health, at their respective addresses, if known, otherwise to the address of the trust property or, if authorized by the parties, delivered by electronic transmission. The notice of default and election to sell must describe the deficiency in performance or payment and may contain a notice of intent to declare the entire unpaid balance due if acceleration is permitted by the obligation secured by the deed of trust, but acceleration must not occur if the deficiency in performance or payment is made good and any costs, fees and expenses incident to the preparation or recordation of the notice and incident to the making good of the deficiency in performance or payment are paid within the time specified in subsection 2.

4. The trustee, or other person authorized to make the sale under the terms of the ~~[trust]~~ deed ~~[or transfer in]~~ *of* trust, shall, after expiration of the applicable period specified in paragraph (d) of subsection 2 following the recording of the notice of breach and election to sell, and before the making of the sale, give notice of the time and place thereof by recording the notice of sale and by:

(a) Providing the notice to each trustor, any other person entitled to notice pursuant to this section and, if the property is operated as a facility licensed under chapter 449 of NRS, the State Board of Health, by personal service, by electronic transmission if authorized by the parties or by mailing the notice by registered or certified mail to the last known address of the trustor and any other person entitled to such notice pursuant to this section;

(b) Posting a similar notice particularly describing the property, for 20 days successively, in a public place in the county where the property is situated; and

(c) Publishing a copy of the notice three times, once each week for 3 consecutive weeks, in a newspaper of general circulation in the county where the property is situated or, if the property is a time share, by posting a copy of the notice on an Internet website and publishing a statement in a newspaper in the manner required by subsection 3 of NRS 119A.560.

5. Every sale made under the provisions of this section and other sections of this chapter vests in the purchaser the title of the grantor and any successors in interest without equity or right of redemption. Except as otherwise provided in subsection 7, a sale made pursuant to this section must be declared void by any court of competent jurisdiction in the county where the sale took place if:

(a) The trustee or other person authorized to make the sale does not substantially comply with the provisions of this section;

(b) Except as otherwise provided in subsection 6, an action is commenced in the county where the sale took place within 30 days after the date on which the trustee's deed upon sale is recorded pursuant to subsection 10 in the office of the county recorder of the county in which the property is located; and

(c) A notice of lis pendens providing notice of the pendency of the action is recorded in the office of the county recorder of the county where the sale took place within 5 days after commencement of the action.

6. If proper notice is not provided pursuant to subsection 3 or paragraph (a) of subsection 4 to the grantor, to the person who holds the title of record on the date the notice of default and election to sell is recorded, to each trustor or to any other person entitled to such notice, the person who did not receive such proper notice may commence an action pursuant to subsection 5 within 90 days after the date of the sale.

7. Upon expiration of the time for commencing an action which is set forth in subsections 5 and 6, any failure to comply with the provisions of this section or any other provision of this chapter does not affect the rights of a bona fide purchaser as described in NRS 111.180.

8. If, in an action brought by the grantor or the person who holds title of record in the district court in and for the county in which the real property is located, the court finds that the beneficiary, the successor in interest of the beneficiary or the trustee did not comply with any requirement of subsection 2, 3 or 4, the court must award to the grantor or the person who holds title of record:

(a) Damages of $5,000 or treble the amount of actual damages, whichever is greater;

(b) An injunction enjoining the exercise of the power of sale until the beneficiary, the successor in interest of the beneficiary or the trustee complies with the requirements of subsections 2, 3 and 4; and

(c) Reasonable attorney's fees and costs,

➥ unless the court finds good cause for a different award. The remedy provided in this subsection is in addition to the remedy provided in subsection 5.

9. The sale *or assignment* of a *proprietary* lease ~~[of a dwelling unit of]~~ *in* a cooperative ~~[housing corporation]~~ vests in the purchaser *or assignee* title to the ~~[shares]~~ *ownership interest and votes* in the ~~[corporation]~~ *cooperative* *association* which accompany the *proprietary* lease.

10. After a sale of property is conducted pursuant to this section, the trustee shall:

(a) Within 30 days after the date of the sale, record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located; or

(b) Within 20 days after the date of the sale, deliver the trustee's deed upon sale to the successful bidder. Within 10 days after the date of delivery of the deed by the trustee, the successful bidder shall record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located.

11. Within 5 days after recording the trustee's deed upon sale, the trustee or successful bidder, whoever recorded the trustee's deed upon sale pursuant to subsection 10, shall cause a copy of the trustee's deed upon sale to be posted conspicuously on the property. The failure of a trustee or successful bidder to effect the posting required by this subsection does not affect the validity of a sale of the property to a bona fide purchaser for value without knowledge of the failure.

12. If the successful bidder fails to record the trustee's deed upon sale pursuant to paragraph (b) of subsection 10, the successful bidder:

(a) Is liable in a civil action to any party that is a senior lienholder against the property that is the subject of the sale in a sum of up to $500 and for reasonable attorney's fees and the costs of bringing the action; and

(b) Is liable in a civil action for any actual damages caused by the failure to comply with the provisions of subsection 10 and for reasonable attorney's fees and the costs of bringing the action.

13. The county recorder shall, in addition to any other fee, at the time of recording a notice of default and election to sell collect:

(a) A fee of $150 for deposit in the State General Fund.

(b) A fee of $95 for deposit in the Account for Foreclosure Mediation Assistance, which is hereby created in the State General Fund. The Account must be administered by the Interim Finance Committee and the money in the Account may be expended only for the purpose of:

(1) Supporting a program of foreclosure mediation; and

(2) The development and maintenance of an Internet portal for a program of foreclosure mediation pursuant to subsection 18 of NRS 107.086.

(c) A fee of $5 to be paid over to the county treasurer on or before the fifth day of each month for the preceding calendar month. The county recorder may direct that 1.5 percent of the fees collected by the county recorder pursuant to this paragraph be transferred into a special account for use by the office of the county recorder. The county treasurer shall remit quarterly to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for the operation of programs for the indigent all the money received from the county recorder pursuant to this paragraph.

14. The fees collected pursuant to paragraphs (a) and (b) of subsection 13 must be paid over to the county treasurer by the county recorder on or before the fifth day of each month for the preceding calendar month, and, except as otherwise provided in this subsection, must be placed to the credit of the State

General Fund or the Account for Foreclosure Mediation Assistance as prescribed pursuant to subsection 13. The county recorder may direct that 1.5 percent of the fees collected by the county recorder be transferred into a special account for use by the office of the county recorder. The county treasurer shall, on or before the 15th day of each month, remit the fees deposited by the county recorder pursuant to this subsection to the State Controller for credit to the State General Fund or the Account as prescribed in subsection 13.

15. The beneficiary, the successor in interest of the beneficiary or the trustee who causes to be recorded the notice of default and election to sell shall not charge the grantor or the successor in interest of the grantor any portion of any fee required to be paid pursuant to subsection 13.

~~[16. As used in this section, "trustee" means the trustee of record.]~~

Sec. 10. NRS 107.0805 is hereby amended to read as follows:

107.0805 1. In addition to the requirements set forth in NRS 107.080, 107.085 and 107.086, the power of sale for a residential foreclosure is subject to the following requirements and conditions and must not be executed until:

(a) In the case of any *deed of* trust ~~[agreement]~~ which concerns owner-occupied housing , ~~[as defined in NRS 107.086,]~~ the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period that commences in the manner and subject to the requirements described in subsection 2 and expires 5 days before the date of sale, failed to make good the deficiency in performance or payment.

(b) The beneficiary, the successor in interest of the beneficiary or the trustee first executes and causes to be recorded in the office of the recorder of the county wherein the trust property, or some part thereof, is situated a notice of the breach and of the election to sell or cause to be sold the property pursuant to subsection 2 of NRS 107.080, together with a notarized affidavit of authority to exercise the power of sale. The affidavit required by this paragraph must state under penalty of perjury the following information, which must be based on the direct, personal knowledge of the affiant or the personal knowledge which the affiant acquired by a review of the business records of the beneficiary, the successor in interest of the beneficiary or the servicer of the obligation or debt secured by the deed of trust, which business records must meet the standards set forth in NRS 51.135:

(1) The full name and business address of the current trustee or the current trustee's personal representative or assignee, the current holder of the note secured by the deed of trust, the current beneficiary of record and the current servicer of the obligation or debt secured by the deed of trust.

(2) That the beneficiary under the deed of trust, the successor in interest of the beneficiary or the trustee is in actual or constructive possession of the note secured by the deed of trust or that the beneficiary or its successor in interest or the trustee is entitled to enforce the obligation or debt secured by the deed of trust. For the purposes of this subparagraph, if the obligation or

debt is an instrument, as defined in subsection 2 of NRS 104.3103, a beneficiary or its successor in interest or the trustee is entitled to enforce the instrument if the beneficiary or its successor in interest or the trustee is:

(I) The holder of the instrument;

(II) A nonholder in possession of the instrument who has the rights of a holder; or

(III) A person not in possession of the instrument who is entitled to enforce the instrument pursuant to a court order issued under NRS 104.3309.

(3) That the beneficiary or its successor in interest, the servicer of the obligation or debt secured by the deed of trust or the trustee, or an attorney representing any of those persons, has sent to the obligor or borrower of the obligation or debt secured by the deed of trust a written statement of:

(I) That amount of payment required to make good the deficiency in performance or payment, avoid the exercise of the power of sale and reinstate the terms and conditions of the underlying obligation or debt existing before the deficiency in performance or payment, as of the date of the statement;

(II) The amount in default;

(III) The principal amount of the obligation or debt secured by the deed of trust;

(IV) The amount of accrued interest and late charges;

(V) A good faith estimate of all fees imposed in connection with the exercise of the power of sale; and

(VI) Contact information for obtaining the most current amounts due and the local or toll-free telephone number described in subparagraph (4).

(4) A local or toll-free telephone number that the obligor or borrower of the obligation or debt may call to receive the most current amounts due and a recitation of the information contained in the affidavit.

(5) The date and the recordation number or other unique designation of, and the name of each assignee under, each recorded assignment of the deed of trust. The information required to be stated in the affidavit pursuant to this subparagraph may be based on:

(I) The direct, personal knowledge of the affiant;

(II) The personal knowledge which the affiant acquired by a review of the business records of the beneficiary, the successor in interest of the beneficiary or the servicer of the obligation or debt secured by the deed of trust, which business records must meet the standards set forth in NRS 51.135;

(III) Information contained in the records of the recorder of the county in which the property is located; or

(IV) The title guaranty or title insurance issued by a title insurer or title agent authorized to do business in this State pursuant to chapter 692A of NRS.

2. The period provided in paragraph (a) of subsection 1 commences on the first day following the day upon which the notice of default and election to sell is recorded in the office of the county recorder of the county in which the property is located and a copy of the notice of default and election to sell is mailed by registered or certified mail, return receipt requested and with

postage prepaid, to the grantor or to the person who holds the title of record on the date the notice of default and election to sell is recorded, at their respective addresses, if known, otherwise to the address of the trust property or, if authorized by the parties, delivered by electronic transmission. In addition to meeting the requirements set forth in subsection 1 and NRS 107.080, the notice of default and election must:

(a) If the property is subject to the requirements of NRS 107.400 to 107.560, inclusive, contain the declaration required by subsection 6 of NRS 107.510;

(b) If, pursuant to NRS 107.130, an election has been made to use the expedited procedure for the exercise of the power of sale with respect to abandoned residential property, include the affidavit and certification required by subsection 6 of NRS 107.130; and

(c) Comply with the provisions of NRS 107.087.

3. In addition to providing notice pursuant to the requirements set forth in subsection 4 of NRS 107.080, the trustee, or other person authorized to make the sale under the terms of the deed of trust ~~[or transfer in trust]~~ with respect to a residential foreclosure, shall, after expiration of the applicable period specified in paragraph (d) of subsection 2 of NRS 107.080, following the recording of the notice of breach and election to sell, and before the making of the sale, comply with the provisions of NRS 107.087.

4. In addition to the grounds provided in paragraph (a) of subsection 5 of NRS 107.080, a sale made pursuant to this section must be declared void by any court of competent jurisdiction in the county where the sale took place if the trustee or other person authorized to make the sale does not substantially comply with any applicable provisions set forth in NRS 107.086 and 107.087, and the applicant otherwise complies with subsection 5 of NRS 107.080.

~~[5. As used in this section:~~

~~(a) "Residential foreclosure" means the sale of a single family residence under a power of sale granted by this section. As used in this paragraph, "single family residence":~~

~~(1) Means a structure that is comprised of not more than four units.~~

~~(2) Does not include vacant land or any time share or other property regulated under chapter 119A of NRS.~~

~~(b) "Trustee" has the meaning ascribed in NRS 107.080.]~~

Sec. 11. NRS 107.085 is hereby amended to read as follows:

107.085 1. With regard to a ~~[transfer in]~~ *deed of* trust ~~[of]~~ *for* an estate in real property to secure the performance of an obligation or the payment of a debt, the provisions of this section apply to the exercise of a power of sale pursuant to NRS 107.080 only if:

(a) The *deed of* trust ~~[agreement]~~ becomes effective on or after October 1, 2003, and, on the date the *deed of* trust ~~[agreement]~~ is made, the *deed of* trust ~~[agreement]~~ is subject to the provisions of § 152 of the Home Ownership and Equity Protection Act of 1994, 15 U.S.C. § 1602(bb), and the regulations adopted by the Board of Governors of the Federal Reserve System pursuant thereto, including, without limitation, 12 C.F.R. § 226.32; or

(b) The *deed of* trust ~~[agreement]~~ concerns owner-occupied housing . ~~[as defined in NRS 107.086.]~~

2. The trustee shall not exercise a power of sale pursuant to NRS 107.080 unless:

(a) In the manner required by subsection 3, not later than 60 days before the date of the sale, the trustee causes to be served upon the grantor or the person who holds the title of record a notice in the form described in subsection 3; and

(b) If an action is filed in a court of competent jurisdiction claiming an unfair lending practice in connection with the *deed of* trust , ~~[agreement,]~~ the date of the sale is not less than 30 days after the date the most recent such action is filed.

3. The notice described in subsection 2 must be:

(a) Served upon the grantor or the person who holds the title of record:

(1) Except as otherwise provided in subparagraph (2), by personal service or, if personal service cannot be timely effected, in such other manner as a court determines is reasonably calculated to afford notice to the grantor or the person who holds the title of record; or

(2) If the *deed of* trust ~~[agreement]~~ concerns owner-occupied housing *:* ~~[as defined in NRS 107.086:]~~

(I) By personal service;

(II) If the grantor or the person who holds the title of record is absent from his or her place of residence or from his or her usual place of business, by leaving a copy with a person of suitable age and discretion at either place and mailing a copy to the grantor or the person who holds the title of record at his or her place of residence or place of business; or

(III) If the place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, by posting a copy in a conspicuous place on the trust property, delivering a copy to a person there residing if the person can be found and mailing a copy to the grantor or the person who holds the title of record at the place where the trust property is situated; and

(b) In substantially the following form, with the applicable telephone numbers and mailing addresses provided on the notice and, except as otherwise provided in subsection 4, a copy of the promissory note attached to the notice:

NOTICE

YOU ARE IN DANGER OF LOSING YOUR HOME!

Your home loan is being foreclosed. In not less than 60 days your home may be sold and you may be forced to move. For help, call:

Consumer Credit Counseling _____

The Attorney General _____

The Division of Mortgage Lending _____

The Division of Financial Institutions _____

Legal Services _____

Your Lender _____

Nevada Fair Housing Center _____

4. The trustee shall cause all social security numbers to be redacted from the copy of the promissory note before it is attached to the notice pursuant to paragraph (b) of subsection 3.

5. This section does not prohibit a judicial foreclosure.

6. As used in this section, "unfair lending practice" means an unfair lending practice described in NRS 598D.010 to 598D.150, inclusive.

Sec. 12. NRS 107.086 is hereby amended to read as follows:

107.086 1. Except as otherwise provided in this subsection and subsection 4 of NRS 107.0865, in addition to the requirements of NRS 107.085, the exercise of the power of sale pursuant to NRS 107.080 with respect to any *deed of* trust ~~[agreement]~~ which concerns owner-occupied housing is subject to the provisions of this section. The provisions of this section do not apply to the exercise of the power of sale if the notice of default and election to sell recorded pursuant to subsection 2 of NRS 107.080 includes an affidavit and a certification indicating that, pursuant to NRS 107.130, an election has been made to use the expedited procedure for the exercise of the power of sale with respect to abandoned residential property.

2. The trustee shall not exercise a power of sale pursuant to NRS 107.080 unless the trustee:

(a) Includes with the notice of default and election to sell which is mailed, or delivered by electronic transmission if authorized by the parties, to the grantor or the person who holds the title of record as required by subsection 3 of NRS 107.080:

(1) Contact information which the grantor or the person who holds the title of record may use to reach a person with authority to negotiate a loan modification on behalf of the beneficiary of the deed of trust;

(2) Contact information which the grantor or the person who holds the title of record may use to serve notice as required pursuant to subsection 3 if the grantor or person who holds the title does not elect to waive mediation;

(3) Contact information for at least one local housing counseling agency approved by the United States Department of Housing and Urban Development;

(4) A notice provided by Home Means Nevada, Inc., or its successor organization, indicating that the grantor or the person who holds the title of record may petition the district court to participate in mediation pursuant to this section if he or she files such a petition, pays a $25 filing fee, serves a copy of the petition upon the beneficiary of the deed, Home Means Nevada, Inc., or its successor organization, and the trustee by certified mail, return receipt requested or, if authorized by the parties, by electronic transmission, and pays to the district court his or her share of the fee established pursuant to subsection 12; and

(5) A form upon which the grantor or the person who holds the title of record may indicate an election to waive mediation pursuant to this section and one envelope addressed to the trustee and one envelope addressed to Home Means Nevada, Inc., or its successor organization, which the grantor or the

person who holds the title of record may use to comply with the provisions of subsection 3;

(b) In addition to including the information described in paragraph (a) with the notice of default and election to sell which is mailed or delivered by electronic transmission, as applicable, to the grantor or the person who holds the title of record as required by subsection 3 of NRS 107.080, provides to the grantor or the person who holds the title of record the information described in paragraph (a) concurrently with, but separately from, the notice of default and election to sell which is mailed or delivered by electronic transmission, as applicable, to the grantor or the person who holds the title of record as required by subsection 3 of NRS 107.080;

(c) Serves a copy of the notice upon Home Means Nevada, Inc., or its successor organization;

(d) If the owner-occupied housing is located within a common-interest community, notifies the unit-owners' association of the common-interest community, not later than 10 days after mailing or delivering by electronic transmission, as applicable, the copy of the notice of default and election to sell as required by subsection 3 of NRS 107.080, that the exercise of the power of sale is subject to the provisions of this section; and

(e) Causes to be recorded in the office of the recorder of the county in which the trust property, or some part thereof, is situated:

(1) The certificate provided to the trustee by Home Means Nevada, Inc., or its successor organization, pursuant to subsection 4 or 7 which provides that no mediation is required in the matter; or

(2) The certificate provided to the trustee by Home Means Nevada, Inc., or its successor organization, pursuant to subsection 8 which provides that mediation has been completed in the matter.

3. If the grantor or the person who holds the title of record elects to waive mediation, he or she shall, not later than 30 days after service of the notice in the manner required by NRS 107.080, complete the form required by subparagraph (5) of paragraph (a) of subsection 2 and return the form to the trustee and Home Means Nevada, Inc., or its successor organization, by certified mail, return receipt requested or, if authorized by the parties, by electronic transmission. If the grantor or the person who holds the title of record does not elect to waive mediation, he or she shall, not later than 30 days after the service of the notice in the manner required by NRS 107.080, petition the district court to participate in mediation pursuant to this section, at the time of filing such a petition, pay to the clerk of the court a fee of $25 and his or her share of the fee established pursuant to subsection 12. The grantor or the person who holds the title of record shall serve a copy of the petition, by certified mail, return receipt requested or, if authorized by the parties, by electronic transmission, upon the beneficiary of the deed of trust and Home Means Nevada, Inc., or its successor organization. Upon receipt of the copy of the petition, Home Means Nevada, Inc., or its successor organization, shall notify the trustee and every other person with an interest ~~[as defined in~~

~~NRS 107.090,]~~ by certified mail, return receipt requested or, if authorized by the parties, by electronic transmission, of the petition of the grantor or person who holds the title of record to participate in mediation pursuant to this section. Upon receipt of a petition pursuant to this section, the district court shall assign the matter to a senior justice, judge, hearing master or other designee and schedule the matter for mediation. If the grantor or person who holds the title of record satisfies the requirements of this subsection to participate in mediation pursuant to this section, no further action may be taken to exercise the power of sale until the completion of the mediation.

4. If the grantor or the person who holds the title of record indicates on the form described in subparagraph (5) of paragraph (a) of subsection 2 an election to waive mediation, fails to petition the district court pursuant to subsection 3 or fails to pay to the district court his or her share of the fee established pursuant to subsection 12 as required by subsection 3, Home Means Nevada, Inc., or its successor organization, shall, not later than 60 days after Home Means Nevada, Inc., or its successor organization, receives the form indicating an election to waive mediation or 90 days after the service of the notice in the manner required by NRS 107.080, whichever is earlier, provide to the trustee a certificate which provides that no mediation is required in the matter.

5. Each mediation required by this section must be conducted by a senior justice, judge, hearing master or other designee pursuant to the rules adopted pursuant to subsection 12. The beneficiary of the deed of trust or a representative shall attend the mediation. The grantor or his or her representative, or the person who holds the title of record or his or her representative, shall attend the mediation. The beneficiary of the deed of trust shall bring to the mediation the original or a certified copy of the deed of trust, the mortgage note, each assignment of the deed of trust or mortgage note and any documents created in connection with a loan modification. If the beneficiary of the deed of trust is represented at the mediation by another person, that person must have authority to negotiate a loan modification on behalf of the beneficiary of the deed of trust or have access at all times during the mediation to a person with such authority.

6. If the beneficiary of the deed of trust or the representative fails to attend the mediation, fails to participate in the mediation in good faith or does not bring to the mediation each document required by subsection 5 or does not have the authority or access to a person with the authority required by subsection 5, the mediator shall prepare and submit to the district court a recommendation concerning the imposition of sanctions against the beneficiary of the deed of trust or the representative. The court may issue an order imposing such sanctions against the beneficiary of the deed of trust or the representative as the court determines appropriate, including, without limitation, requiring a loan modification in the manner determined proper by the court.

7. If the grantor or the person who holds the title of record is enrolled to participate in mediation pursuant to this section but fails to attend the

mediation, the district court shall dismiss the petition. Home Means Nevada, Inc., or its successor organization, shall, not later than 30 days after the scheduled mediation, provide to the trustee a certificate which states that no mediation is required in the matter.

8. If the mediator determines that the parties, while acting in good faith, are not able to agree to a loan modification, the mediator shall prepare and submit to the district court a recommendation that the petition be dismissed. The court may dismiss the petition and if the petition is dismissed, transmit a copy of the order of dismissal to Home Means Nevada, Inc., or its successor organization. Home Means Nevada, Inc., or its successor organization, shall, not later than 30 days after receipt of such an order, provide to the trustee a certificate which provides that the mediation required by this section has been completed in the matter.

9. If the parties agree to a loan modification or settlement, the mediator shall notify the district court. Upon receipt of such notification, the court shall enter an order describing the terms of any loan modification or settlement agreement.

10. Upon receipt of the certificate provided to the trustee by Home Means Nevada, Inc., or its successor organization, pursuant to subsection 4, 7 or 8, if the property is located within a common-interest community, the trustee shall, not later than 10 days after receipt of the certificate, notify the unit-owners' association of the existence of the certificate.

11. During the pendency of any mediation pursuant to this section, a unit's owner must continue to pay any obligation, other than any past due obligation.

12. The Supreme Court shall adopt rules necessary to carry out the provisions of this section. The rules must, without limitation, include provisions:

(a) Ensuring that mediations occur in an orderly and timely manner.

(b) Requiring each party to a mediation to provide such information as the mediator determines necessary.

(c) Establishing procedures to protect the mediation process from abuse and to ensure that each party to the mediation acts in good faith.

(d) Establishing a total fee of not more than $500 that may be charged and collected by the district court for mediation services pursuant to this section and providing that the responsibility for payment of the fee must be shared equally by the parties to the mediation. On or before the first Monday of each month, the clerk of the district court shall pay over to the county treasurer an amount equal to $100 of each fee charged and collected pursuant to this paragraph. The county treasurer shall remit quarterly all such amounts turned over to the county treasurer to the State Controller for deposit to the Account for Foreclosure Mediation Assistance created by paragraph (b) of subsection 13 of NRS 107.080.

(e) Prescribing a form supplied by the district court to file a petition to participate in mediation pursuant to this section.

13. Except as otherwise provided in subsection 15, the provisions of this section do not apply if:

(a) The grantor or the person who holds the title of record has surrendered the property, as evidenced by a letter confirming the surrender or delivery of the keys to the property to the trustee, the beneficiary of the deed of trust or the mortgagee, or an authorized agent thereof; or

(b) A petition in bankruptcy has been filed with respect to the grantor or the person who holds the title of record under chapter 7, 11, 12 or 13 of Title 11 of the United States Code and the bankruptcy court has not entered an order closing or dismissing the case or granting relief from a stay of foreclosure.

14. A noncommercial lender is not excluded from the application of this section.

15. Each mediator who acts pursuant to this section in good faith and without gross negligence are immune from civil liability for those acts.

16. Home Means Nevada, Inc., or its successor organization, shall, at least once each calendar quarter, submit to the Interim Finance Committee a report:

(a) Concerning the status of the Account for Foreclosure Mediation Assistance; and

(b) Any other information required by the Interim Finance Committee.

17. The Administrator of the Division of Internal Audits of the Office of Finance shall cause to be conducted, not less than annually, an audit of Home Means Nevada, Inc., or its successor organization.

18. Home Means Nevada, Inc., or its successor organization, shall develop and maintain an Internet portal for a program of foreclosure mediation to streamline the process of foreclosure mediation. Home Means Nevada, Inc., or its successor organization shall:

(a) Make available on the Internet portal the option to receive by electronic transmission any notification required as part of the process of foreclosure mediation;

(b) Require authorization in writing from any party who wants to receive notification by electronic transmission; and

(c) Authorize notification by electronic transmission at each stage of the process of foreclosure mediation.

19. As used in this section:

(a) "Common-interest community" has the meaning ascribed to it in NRS 116.021.

(b) ~~["Noncommercial lender" means a lender which makes a loan secured by a deed of trust on owner-occupied housing and which is not a bank, financial institution or other entity regulated pursuant to title 55 or 56 of NRS.~~

~~(c)]~~ "Obligation" has the meaning ascribed to it in NRS 116.310313.

~~[(d) "Owner-occupied housing" means housing that is occupied by an owner as the owner's primary residence. The term does not include vacant land or any time share or other property regulated under chapter 119A of NRS.~~

~~(e)]~~ *(c)* "Unit-owners' association" has the meaning ascribed to it in NRS 116.011.

~~[(f)]~~ *(d)* "Unit's owner" has the meaning ascribed to it in NRS 116.095.

Sec. 13. NRS 107.0865 is hereby amended to read as follows:

107.0865 1. A mortgagor under a mortgage secured by owner-occupied housing or a grantor or the person who holds the title of record with respect to any *deed of* trust ~~[agreement]~~ which concerns owner-occupied housing may initiate mediation to negotiate a loan modification under the mediation process set forth in NRS 107.086 if:

(a) A local housing counseling agency approved by the United States Department of Housing and Urban Development certifies that the mortgagor, grantor or person who holds the title of record:

(1) Has a documented financial hardship; and

(2) Is in imminent risk of default; and

(b) The mortgagor, grantor or person who holds the title of record:

(1) Files a petition with the district court indicating an election to enter into mediation pursuant to this section;

(2) At the time of filing such a petition, pays to the clerk of the court a fee of $25;

(3) Pays to the district court his or her share of the fee established pursuant to subsection 12 of NRS 107.086; and

(4) Serves a copy of the petition upon Home Means Nevada, Inc., or its successor organization, and the beneficiary of the deed of trust, by certified mail, return receipt requested or, if authorized by the parties, by electronic transmission.

2. Upon receipt of a copy of a petition pursuant to subsection 1, Home Means Nevada, Inc., or its successor organization, shall notify the mortgage servicer, by certified mail, return receipt requested or, if authorized by the parties, by electronic transmission, of the petition of the mortgagor, grantor or person who holds the title of record to participate in mediation pursuant to this section. Upon receipt of a copy of a petition pursuant to subsection 1, the district court shall assign the matter to a senior justice, judge, hearing master or other designee and schedule the matter for mediation. Home Means Nevada, Inc., or its successor organization, shall notify every other person with an interest ~~[as defined in NRS 107.090,]~~ by certified mail, return receipt requested or, if authorized by the parties, by electronic transmission, of the petition of the mortgagor, grantor or person who holds the title of record to participate in mediation.

3. Each mediation required by this section must be conducted in conformity with the requirements of subsections 5 and 6 of NRS 107.086.

4. If the mediator determines that the parties, while acting in good faith, are not able to agree to a loan modification, the mediator shall prepare and submit to the district court a recommendation that the petition be dismissed. The court may dismiss the petition and transmit a copy of the order of dismissal to Home Means Nevada, Inc., or its successor organization. Home Means Nevada, Inc., or its successor organization shall, not later than 30 days after receipt of the order of dismissal, provide to the mortgage servicer a certificate

which provides that the mediation required by this section has been completed in the matter. If Home Means Nevada, Inc., or its successor organization, provides such a certificate, the requirement for mediation pursuant to NRS 107.086 is satisfied.

5. The certificate provided pursuant to subsection 4 must be in the same form as the certificate provided pursuant to subsection 8 of NRS 107.086, and may be recorded in the office of the county recorder in which the trust property, or some part thereof, is situated. The recording of the certificate in the office of the county recorder in which the trust property, or some part thereof, is situated shall be deemed to be the recording of the certificate required pursuant to subparagraph (2) of paragraph (e) of subsection 2 of NRS 107.086.

6. A noncommercial lender is not excluded from the application of this section.

7. Home Means Nevada, Inc., or its successor organization, and each mediator who acts pursuant to this section in good faith and without gross negligence are immune from civil liability for those acts.

8. As used in this section:

(a) "Financial hardship" means a documented event that would prevent the long-term payment of any debt relating to a mortgage or deed of trust secured by owner-occupied housing, including, without limitation:

(1) The death of the borrower or co-borrower;

(2) Serious illness;

(3) Divorce or separation; or

(4) Job loss or a reduction in pay.

(b) "Imminent risk of default" means the inability of a grantor or the person who holds the title of record to make his or her mortgage payment within the next 90 days.

~~[(c) "Noncommercial lender" has the meaning ascribed to it in NRS 107.086.~~

~~(d) "Owner-occupied housing" has the meaning ascribed to it in NRS 107.086.]~~

Sec. 14. NRS 107.087 is hereby amended to read as follows:

107.087 1. In addition to the requirements of NRS 107.080, if the sale of property is a residential foreclosure, a copy of the notice of default and election to sell and the notice of sale must:

(a) Be posted in a conspicuous place on the property not later than:

(1) For a notice of default and election to sell, 100 days before the date of sale; or

(2) For a notice of sale, 15 days before the date of sale; and

(b) Include, without limitation:

(1) The physical address of the property; and

(2) The contact information of the trustee or the person conducting the foreclosure who is authorized to provide information relating to the foreclosure status of the property.

2. In addition to the requirements of NRS 107.084, the notices must not be defaced or removed until the transfer of title is recorded or the property becomes occupied after completion of the sale, whichever is earlier.

3. A separate notice must be posted in a conspicuous place on the property and mailed, with a certificate of mailing issued by the United States Postal Service or another mail delivery service, to any tenant or subtenant, if any, other than the grantor or the grantor's successor in interest, in actual occupation of the premises not later than 15 days before the date of sale. The separate notice must be in substantially the following form:

NOTICE TO TENANTS OF THE PROPERTY

Foreclosure proceedings against this property have started, and a notice of sale of the property to the highest bidder has been issued.

You may either: (1) terminate your lease or rental agreement and move out; or (2) remain and possibly be subject to eviction proceedings under chapter 40 of the Nevada Revised Statutes. Any subtenants may also be subject to eviction proceedings.

Between now and the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the landlord.

After the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the successful bidder, in accordance with chapter 118A of the Nevada Revised Statutes.

Under the Nevada Revised Statutes eviction proceedings may begin against you after you have been given a notice to surrender.

If the property is sold and you pay rent by the week or another period of time that is shorter than 1 month, you should generally receive notice after not less than the number of days in that period of time.

If the property is sold and you pay rent by the month or any other period of time that is 1 month or longer, you should generally receive notice at least 60 days in advance.

Under Nevada Revised Statutes 40.280, notice must generally be served on you pursuant to chapter 40 of the Nevada Revised Statutes and may be served by:

(1) Delivering a copy to you personally in the presence of a witness, unless service is accomplished by a sheriff, constable or licensed process server, in which case the presence of a witness is not required;

(2) If you are absent from your place of residence or usual place of business, leaving a copy with a person of suitable age and discretion at either place and mailing a copy to you at your place of residence or business and to the place where the leased property is situated, if different; or

(3) If your place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, posting a copy in a conspicuous place on the leased property and mailing a copy to you at the place where the leased property is situated.

If the property is sold and a landlord, successful bidder or subsequent purchaser files an eviction action against you in court, you will be served with a summons and complaint and have the opportunity to respond. Eviction actions may result in temporary evictions, permanent evictions, the awarding of damages pursuant to Nevada Revised Statutes 40.360 or some combination of those results.

Under the Justice Court Rules of Civil Procedure:

(1) You will be given at least 10 days to answer a summons and complaint;

(2) If you do not file an answer, an order evicting you by default may be obtained against you;

(3) A hearing regarding a temporary eviction may be called as soon as 11 days after you are served with the summons and complaint; and

(4) A hearing regarding a permanent eviction may be called as soon as 20 days after you are served with the summons and complaint.

4. The posting of a notice required by this section must be completed by a process server licensed pursuant to chapter 648 of NRS or any constable or sheriff of the county in which the property is located.

~~[5. As used in this section, "residential foreclosure" has the meaning ascribed to it in NRS 107.0805.]~~

Sec. 15. NRS 107.090 is hereby amended to read as follows:

107.090 1. ~~[As used in this section, "person with an interest" means any person who has or claims any right, title or interest in, or lien or charge upon, the real property described in the deed of trust, as evidenced by any document or instrument recorded in the office of the county recorder of the county in which any part of the real property is situated.~~

~~2.]~~ A person with an interest or any other person who is or may be held liable for any debt secured by a lien on the property desiring a copy of a notice of default or notice of sale under a deed of trust with power of sale upon real property may at any time after recordation of the deed of trust record in the office of the county recorder of the county in which any part of the real property is situated an acknowledged request for a copy of the notice of default or of sale. The request must state the name and address of the person requesting copies of the notices and identify the deed of trust by stating the names of the parties thereto, the date of recordation, and the book and page where it is recorded.

~~[3.]~~ *2.* The trustee or person authorized to record the notice of default shall, within 10 days after the notice of default is recorded and mailed pursuant to NRS 107.080, cause to be deposited in the United States mail an envelope, registered or certified, return receipt requested and with postage prepaid, containing a copy of the notice, addressed to:

(a) Each person who has recorded a request for a copy of the notice; and

(b) Each other person with an interest whose interest or claimed interest is subordinate to the deed of trust.

~~[4.]~~ *3.* The trustee or person authorized to make the sale shall, at least 20 days before the date of sale, cause to be deposited in the United States mail an envelope, registered or certified, return receipt requested and with postage prepaid, containing a copy of the notice of time and place of sale, addressed to each person described in subsection ~~[3.]~~ *2*.

~~[5.]~~ *4.* An association may record in the office of the county recorder of the county in which a unit governed by the association is situated an acknowledged request for a copy of the deed upon sale of the unit pursuant to a deed of trust. A request recorded by an association must include, without limitation:

(a) A legal description of the unit or the assessor's parcel number of the unit;

(b) The name and address of the association; and

(c) A statement that the request is made by an association.

~~[6.]~~ *5.* A request recorded by an association pursuant to subsection ~~[5]~~ *4* regarding a unit supersedes all previous requests recorded by the association pursuant to subsection ~~[5]~~ *4* regarding the unit.

~~[7.]~~ *6.* If a trustee or person authorized to record a notice of default records the notice of default for a unit regarding which an association has recorded a request pursuant to subsection ~~[5,]~~ *4*, the trustee or authorized person shall mail to the association a copy of the deed upon the sale of the unit pursuant to a deed of trust within 15 days after the trustee records the deed upon the sale of the unit.

~~[8.]~~ *7.* No request recorded pursuant to the provisions of subsection ~~[2]~~ *1* or ~~[5]~~ *4* affects the title to real property, and failure to mail a copy of the deed upon the sale of the unit after a request is made by an association pursuant to subsection ~~[5]~~ *4* does not affect the title to real property.

~~[9. As used in this section:~~

~~(a) "Association" has the meaning ascribed to it in NRS 116.011.~~

~~(b) "Unit" has the meaning ascribed to it in NRS 116.093.]~~

Sec. 16. NRS 107.095 is hereby amended to read as follows:

107.095 1. The notice of default required by NRS 107.080 must also be sent by registered or certified mail, return receipt requested and with postage prepaid or, if authorized by the parties, by electronic transmission to each guarantor or surety of the debt. If the address of the guarantor or surety is unknown, the notice must be sent to the address of the trust property. Failure to give the notice, except as otherwise provided in subsection 3, releases the guarantor or surety from his or her obligation to the beneficiary, but does not affect the validity of a sale conducted pursuant to NRS 107.080 or the obligation of any guarantor or surety to whom the notice was properly given.

2. Failure to give the notice of default required by NRS 107.090, except as otherwise provided in subsection 3, releases the obligation to the beneficiary of any person who has complied with NRS 107.090 and who is or may otherwise be held liable for the debt or other obligation secured by the deed of trust, but such a failure does not affect the validity of a sale conducted pursuant

to NRS 107.080 or the obligation of any person to whom the notice was properly given pursuant to this section or to NRS 107.080 or 107.090.

3. A guarantor, surety or other obligor is not released pursuant to this section if:

(a) The required notice is given at least 15 days before the later of:

(1) The expiration of the 15- or 35-day period described in paragraph (a) of subsection 2 of NRS 107.080;

(2) In the case of any *deed of* trust ~~[agreement]~~ which concerns owner-occupied housing , ~~[as defined in NRS 107.086,]~~ the expiration of the period described in paragraph (a) of subsection 1 of NRS 107.0805; or

(3) Any extension of the applicable period by the beneficiary; or

(b) The notice is rescinded before the sale is advertised.

Sec. 17. NRS 107.130 is hereby amended to read as follows:

107.130 1. A beneficiary may elect to use an expedited procedure for the exercise of the trustee's power of sale pursuant to NRS 107.080 if, after an investigation, the beneficiary:

(a) Determines that real property is abandoned residential property; and

(b) Receives from the applicable governmental entity a certification pursuant to subsection 4.

2. Each board of county commissioners of a county and each governing body of an incorporated city shall designate an agency or a contractor to inspect real property upon receipt of a request pursuant to paragraph (b) of subsection 3 and to provide certifications that real property is abandoned residential property pursuant to subsection 4.

3. If a beneficiary has a reasonable belief that real property may be abandoned residential property, the beneficiary or its agent:

(a) May enter the real property, but may not enter any dwelling or structure, to investigate whether the real property is abandoned residential property. Notwithstanding any other provision of law, a beneficiary and its agents who enter real property pursuant to this paragraph are not liable for trespass.

(b) May request a certification pursuant to subsection 4 from the agency or contractor designated by the applicable governmental entity pursuant to subsection 2.

4. Upon receipt of a request pursuant to paragraph (b) of subsection 3, the agency or contractor designated by the applicable governmental entity shall inspect the real property to determine the existence of two or more conditions pursuant to subparagraph (7) of paragraph (b) of subsection 1 of NRS 107.0795. The designee and any employees of the designee may enter the real property, but may not enter any dwelling or structure, to perform an inspection pursuant to this subsection, and the designee and any employees who enter real property pursuant to this subsection are not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, or for trespass. If the designee or an employee of the designee determines that the real property is abandoned residential property, the designee shall serve a notice by first-class mail to the grantor or the successor in interest of the

grantor and by posting the notice on the front door of the residence. The notice must provide that unless a lawful occupant of the real property contacts the designee within 30 days after service of the notice, the designee will issue a certification that the real property is abandoned residential property and that the beneficiary may use the certification to seek an expedited procedure for the exercise of the trustee's power of sale. If a grantor or the successor in interest of the grantor or a lawful occupant of the real property fails to contact the designee within 30 days after service of the notice, the designee shall provide to the beneficiary a certification that the real property is abandoned residential property. The certification required by this subsection must:

(a) Be signed and verified by the designee or the employee or employees of the designee who inspected the real property;

(b) State that, upon information and belief of the designee, after investigation by the designee or the employee or employees of the designee, the real property is abandoned residential property; and

(c) State the conditions or circumstances supporting the determination that the property is abandoned residential property. Documentary evidence in support of such conditions or circumstances must be attached to the certification.

5. For an inspection, service of notice and issuance of a certification pursuant to subsection 4, the agency or contractor designated pursuant to subsection 2 by the applicable governmental entity may charge and receive from the beneficiary a fee of not more than $300.

6. A beneficiary who elects to use an expedited procedure for the exercise of the trustee's power of sale pursuant to NRS 107.080 must include, or cause to be included, with the notice of default and election to sell recorded pursuant to subsection 2 of NRS 107.080 an affidavit setting forth the facts supporting the determination that the real property is abandoned residential property and the certification provided to the beneficiary pursuant to subsection 4. The affidavit required by this subsection must:

(a) Be signed and verified by the beneficiary;

(b) State that, upon information and belief of the beneficiary after investigation by the beneficiary or its agent, the property is abandoned residential property; and

(c) State the conditions or circumstances supporting the determination that the property is abandoned residential property. Documentary evidence in support of such conditions or circumstances must be attached to the affidavit.

7. If the notice of default and election to sell recorded pursuant to subsection 2 of NRS 107.080 includes the affidavit and certification described in subsection 6, before the sale, the grantor or a successor in interest of the grantor may record in the office of the county recorder in the county where the real property is located an affidavit stating that the real property is not abandoned residential property, unless the grantor or the successor in interest of the grantor has surrendered the property as evidenced by a document signed by the grantor or successor confirming the surrender or by the delivery of the

keys to the real property to the beneficiary. Upon the recording of such an affidavit:

(a) The grantor or the successor in interest must mail by registered or certified mail, return receipt requested, to the beneficiary and the trustee a copy of the affidavit; and

(b) The notice of default and election to sell and the affidavit and certification described in subsection 6 are deemed to be withdrawn.

8. If the notice of default and election to sell recorded pursuant to subsection 2 of NRS 107.080 includes the affidavit and certification described in subsection 6, the trustee's sale of the abandoned residential property must be conducted within 6 months after the beneficiary received the certification. If the trustee's sale is not conducted within 6 months after the beneficiary received the certification:

(a) The notice of default and election to sell and the affidavit and certification described in subsection 6 are deemed to be withdrawn; and

(b) The beneficiary is liable to the grantor or the successor in interest of the grantor for a civil penalty of not more than $500.

9. The period specified in subsection 8 is tolled:

(a) If a borrower has filed a case under 11 U.S.C. Chapter 7, 11, 12 or 13, until the bankruptcy court enters an order closing or dismissing the bankruptcy case or granting relief from a stay of the trustee's sale.

(b) If a court issues a stay or enjoins the trustee's sale, until the court issues an order granting relief from the stay or dissolving the injunction.

10. As used in this section ~~[:~~

~~(a) "Applicable]~~ , *"applicable* governmental entity" means:

~~[(1)]~~ *(a)* If the real property is within the boundaries of a city, the governing body of the city; and

~~[(2)]~~ *(b)* If the real property is not within the boundaries of a city, the board of county commissioners of the county in which the property is located.

~~[(b) "Beneficiary" means the beneficiary of the deed of trust or the successor in interest of the beneficiary or any person designated or authorized to act on behalf of the beneficiary or its successor in interest.]~~

Sec. 18. NRS 107.140 is hereby amended to read as follows:

107.140 ~~[1.]~~ No provision of the laws of this State may be construed to require a sale in lieu of a foreclosure sale to be an arm's length transaction or to prohibit a sale in lieu of a foreclosure sale that is not an arm's length transaction.

~~[2. As used in this section, "sale in lieu of a foreclosure sale" has the meaning ascribed to it in NRS 40.429.]~~

Sec. 19. NRS 107.420 is hereby amended to read as follows:

107.420 "Foreclosure prevention alternative" means a modification of a loan secured by the most senior residential mortgage loan on the property or any other loss mitigation option. The term includes, without limitation, a sale in lieu of a foreclosure sale . ~~[, as defined in NRS 40.429.]~~

Sec. 20. NRS 107.450 is hereby amended to read as follows:

107.450 "Residential mortgage loan" means a loan which is primarily for personal, family or household use and which is secured by a mortgage or deed of trust on owner-occupied housing . ~~[as defined in NRS 107.086.]~~

Sec. 21. NRS 107.460 is hereby amended to read as follows:

107.460 The provisions of NRS 107.400 to 107.560, inclusive, do not apply to a financial institution, as defined in NRS 660.045, that, during its immediately preceding annual reporting period, as established with its primary regulator, has foreclosed on 100 or fewer real properties located in this State which constitute owner-occupied housing . ~~[, as defined in NRS 107.086.]~~

Sec. 22. NRS 108.2405 is hereby amended to read as follows:

108.2405 1. The provisions of NRS 108.2403 and 108.2407 do not apply:

(a) In a county with a population of 700,000 or more with respect to a ground lessee who enters into a ground lease for real property which is designated for use or development by the county for commercial purposes which are compatible with the operation of the international airport for the county.

(b) If all owners of the property, individually or collectively, record a written notice of waiver of the owners' rights set forth in NRS 108.234 with the county recorder of the county where the property is located before the commencement of construction of the work of improvement. *Such a written notice of waiver may be with respect to* ~~*[:*~~

~~*(1) One specific work of improvement; or*~~

~~*(2) Works]*~~ *one or more works of improvement* ~~*[that are more than one specific work of improvement.]*~~ *as described in the written notice of waiver.*

2. Each owner who records a notice of waiver pursuant to paragraph (b) of subsection 1 ~~*[:*~~

~~*(a) With respect to one specific work of improvement]*~~ must serve such notice by certified mail, return receipt requested, upon ~~[the]~~ *any* prime contractor of the work of improvement and all other lien claimants who ~~[may]~~ give the owner a notice of right to lien pursuant to NRS 108.245, within 10 days after the owner's receipt of a notice of right to lien or 10 days after the date on which the notice of waiver is recorded pursuant to this subsection. ~~*[paragraph.*~~

~~*(b) With respect to works of improvement that are more than one specific work of improvement must serve such notice by certified mail, return receipt requested, upon any prime contractor of the work of improvement and all lien claimants who give the owner a notice of right to lien pursuant to NRS 108.245, within 10 days after the owner's receipt of a notice of right to lien or 10 days after the date on which the notice of waiver is recorded pursuant to this paragraph.]*~~

3. As used in this section:

(a) "Ground lease" means a written agreement:

(1) To lease real property which, on the date on which the agreement is signed, does not include any existing buildings or improvements that may be occupied on the land; and

(2) That is entered into for a period of not less than 10 years, excluding any options to renew that may be included in any such lease.

(b) "Ground lessee" means a person who enters into a ground lease as a lessee with the county as record owner of the real property as the lessor.

Sec. 23. NRS 40.050 is hereby amended to read as follows:

40.050 A mortgage of real property shall not be deemed a conveyance, whatever its terms, so as to enable the owner of the mortgage to take possession of the real property ~~[without a foreclosure and sale.]~~ *in the absence of a foreclosure sale or in accordance with* ~~*[the order of a court pursuant to]*~~ *NRS 32.100 to 32.370, inclusive, NRS 107.100 or* ~~*[107A.101 to 107A.370, inclusive.]*~~ *chapter 107A of NRS.*

Sec. 24. NRS 40.437 is hereby amended to read as follows:

40.437 1. An action pursuant to NRS 40.430 affecting owner-occupied housing that is commenced in a court of competent jurisdiction is subject to the provisions of this section.

2. In an action described in subsection 1:

(a) The copy of the complaint served on the mortgagor must include a separate document containing:

(1) Contact information which the mortgagor may use to reach a person with authority to negotiate a loan modification on behalf of the plaintiff;

(2) Contact information for at least one local housing counseling agency approved by the United States Department of Housing and Urban Development;

(3) A notice provided by Home Means Nevada, Inc., or its successor organization, indicating that the mortgagor may petition the court to participate in mediation pursuant to this section if he or she pays to the court his or her share of the fee established pursuant to subsection 12 of NRS 107.086; and

(4) A form upon which the mortgagor may indicate an election to enter into mediation or to waive mediation pursuant to this section and one envelope addressed to the plaintiff and one envelope addressed to Home Means Nevada, Inc., or its successor organization, which the mortgagor may use to comply with the provisions of subsection 3; and

(b) The plaintiff must submit a copy of the complaint to Home Means Nevada, Inc., or its successor organization.

3. If the mortgagor elects to waive mediation, he or she shall, not later than the date on which an answer to the complaint is due, complete the form required by subparagraph (4) of paragraph (a) of subsection 2 and file the form with the court and return a copy of the form to the plaintiff by certified mail, return receipt requested or, if authorized by the parties, by electronic transmission. If the mortgagor does not elect to waive mediation, he or she shall, not later than the date on which an answer to the complaint is due, pay to the court his or her share of the fee established pursuant to subsection 12 of

NRS 107.086. Upon receipt of the share of the fee established pursuant to subsection 12 of NRS 107.086 owed by the mortgagor, the court shall notify the plaintiff, by certified mail, return receipt requested or, if authorized by the parties, by electronic transmission, of the grant of the petition of the mortgagor to participate in mediation pursuant to this section and shall assign the matter to a senior justice, judge, hearing master or other designee and schedule the matter for mediation. Upon the plaintiff's receipt of such notice, the plaintiff shall notify any person with an interest as defined in NRS ~~[107.090,]~~ *107.015*, by certified mail, return receipt requested or, if authorized by the parties, by electronic transmission, of the election of the mortgagor to participate in mediation. The judicial foreclosure action must be stayed until the completion of the mediation. If the mortgagor indicates on the form required by subparagraph (4) of paragraph (a) of subsection 2 of his or her election to waive mediation or fails to pay the court his or her share of the fee established pursuant to subsection 12 of NRS 107.086, as required by this subsection, no mediation is required in the action and the action pursuant to NRS 40.430 must proceed.

4. Each mediation required by this section must be conducted by a senior justice, judge, hearing master or other designee pursuant to the rules adopted pursuant to subsection 12 of NRS 107.086. The plaintiff or a representative, and the mortgagor or his or her representative, shall attend the mediation. If the plaintiff is represented at the mediation by another person, that person must have authority to negotiate a loan modification on behalf of the plaintiff or have access at all times during the mediation to a person with such authority.

5. If the plaintiff or the representative fails to attend the mediation, fails to participate in the mediation in good faith or does not have the authority or access to a person with the authority required by subsection 4, the mediator shall prepare and submit to the court a petition and recommendation concerning the imposition of sanctions against the plaintiff or the representative. The court may issue an order imposing such sanctions against the plaintiff or the representative as the court determines appropriate, including, without limitation, requiring a loan modification in the manner determined proper by the court.

6. If the mortgagor is enrolled to participate in mediation pursuant to this section but fails to attend the mediation, no mediation is required and the judicial foreclosure action must proceed as if the mortgagor had elected to waive mediation.

7. If the mediator determines that the parties, while acting in good faith, are not able to agree to a loan modification, the mediator shall prepare and submit to the court a recommendation that the mediation be terminated. The court may terminate the mediation and proceed with the judicial foreclosure action.

8. The rules adopted by the Supreme Court pursuant to subsection 12 of NRS 107.086 apply to a mediation conducted pursuant to this section, and the

Supreme Court may adopt any additional rules necessary to carry out the provisions of this section.

9. Except as otherwise provided in subsection 11, the provisions of this section do not apply if:

(a) The mortgagor has surrendered the property, as evidenced by a letter confirming the surrender or delivery of the keys to the property to the trustee, the beneficiary of the deed of trust or the mortgagee, or an authorized agent thereof; or

(b) A petition in bankruptcy has been filed with respect to the defendant under 11 U.S.C. Chapter 7, 11, 12 or 13 and the bankruptcy court has not entered an order closing or dismissing the case or granting relief from a stay of foreclosure.

10. A noncommercial lender is not excluded from the application of this section.

11. Each mediator who acts pursuant to this section in good faith and without gross negligence is immune from civil liability for those acts.

12. As used in this section:

(a) "Mortgagor" includes the grantor of a deed of trust or the person who holds the title of record to the real property.

(b) "Noncommercial lender" has the meaning ascribed to it in NRS ~~[107.086.]~~ *107.015*.

(c) "Owner-occupied housing" has the meaning ascribed to it in NRS ~~[107.086.]~~ *107.015*.

Sec. 25. NRS 40.512 is hereby amended to read as follows:

40.512 1. If real collateral is environmentally impaired and the debtor's obligation is in default, a secured lender may:

(a) Waive the secured lender's lien as to all of the real collateral and proceed as an unsecured creditor, including reduction of the secured lender's claim against the debtor to judgment and any other rights and remedies permitted by law; or

(b) Waive the secured lender's lien in accordance with paragraph (a) as to that part of the real collateral which is environmentally impaired and proceed against the unimpaired real collateral.

2. To waive the secured lender's lien against all or part of the environmentally impaired real collateral, the secured lender must, before commencement of any action, record with the county recorder of the county where the real collateral is located a notice of intent to waive the lien and mail a copy thereof, by registered or certified mail, return receipt requested, with postage prepaid, to the debtor, to the person who holds the title of record on the date of the notice, and to those persons with an interest, as defined in NRS ~~[107.090,]~~ *107.015,* whose interest or claimed interest is subordinate to the secured lender's lien, at their respective addresses, if known, otherwise to the address of the real collateral. In the case of a partial waiver the notice of intent to waive may be contained in a notice of default and election to sell. The notice of intent to waive must contain:

(a) A legal description of the environmentally impaired real collateral;

(b) A statement that the secured lender intends to proceed against the debtor under the applicable paragraph of subsection 1; and

(c) If the secured lender is proceeding under paragraph (b) of subsection 1, a statement that the secured lender will proceed against the unimpaired property, which may result in a judgment for deficiency against the debtor as a result of diminution in value of the collateral because of the exclusion of the environmentally impaired portion.

3. A secured lender may not waive the secured lender's lien as a result of any environmental impairment if the secured lender had actual knowledge of the environmental impairment at the time the lien was created. In determining whether a secured lender had such knowledge, the report of any person legally entitled to prepare the report with respect to the existence or absence of any environmental impairment is prima facie evidence of the existence or absence, as the case may be, of any environmental impairment.

4. A waiver made by a secured lender pursuant to this section is not final or conclusive until a final judgment, as defined in subsection 4 of NRS 40.435, has been obtained. If the waiver covers the full extent of the collateral, the secured lender shall immediately thereafter cause the secured lender's lien to be released by recording the waiver in the same manner as the lien was recorded.

Sec. 26. NRS 100.091 is hereby amended to read as follows:

100.091 1. For each loan requiring the deposit of money to an escrow account, loan trust account or other impound account for the payment of taxes, assessments, rental or leasehold payments, insurance premiums or other obligations related to the encumbered property, the lender shall:

(a) Require contributions in an amount reasonably necessary to pay the obligations as they become due.

(b) Unless money in the account is insufficient, pay in a timely manner the obligations as they become due.

(c) At least annually, analyze the account. The analysis of each account must be performed to determine whether sufficient money is contributed to the account on a monthly basis to pay for the projected disbursements from the account. At least 30 days before the effective date of any increased contribution to the account based on the analysis, a statement must be sent to the borrower showing the method of determining the amount of money held in the account, the amount of projected disbursements from the account and the amount of the reserves which may be held in accordance with federal guidelines.

2. If, upon completion of the analysis, it is determined that an account is not sufficiently funded to pay from the normal payment the items when due on the account, the lender shall offer the borrower the opportunity to correct the deficiency by making one lump-sum payment or by making increased monthly contributions, in an amount required by the lender. The lender shall not declare

a default on the account solely because the borrower is unable to pay the amount of the deficiency in one lump sum.

3. Except for payments made by a borrower for a lender to recover previous deficiencies in contributions to the account pursuant to subsection 2, the borrower is entitled pursuant to subsection 4 to the amount by which the borrower's contributions to the account exceed the amount reasonably necessary to pay the annual obligations due from the account, together with interest thereon at the rate established pursuant to NRS 99.040.

4. If, upon completion of the analysis, it is determined that the amount of money held by the lender in the account, together with anticipated future monthly contributions to the account to be credited to the account before the dates items are due on the account, exceed the amount of money required to pay the items when due, the lender shall, not later than 30 days after completion of its annual review of the account, notify the borrower:

(a) Of the amount by which the contributions and interest earned pursuant to subsection 3 exceed the amount reasonably necessary to pay the annual obligations due from the account; and

(b) That the borrower may, not later than 20 days after receipt of the notice, specify that the lender:

(1) Repay the excess money and interest promptly to the borrower;

(2) Apply the excess money and interest to the outstanding principal balance; or

(3) Retain the excess money and interest in the account.

5. If the borrower fails to specify the disposition of the excess money and interest as provided in paragraph (b) of subsection 4, the lender shall maintain the excess money and interest in the account.

6. If any payment on the loan is delinquent at the time of the analysis, the lender shall retain any excess money and interest in the account and apply the excess money and interest in the account toward payment of the delinquency.

7. A lender who violates any provision of subsections 4, 5 and 6 is liable to the borrower for a civil penalty of not more than $1,000.

8. The provisions of this section apply exclusively to:

(a) A loan secured by a single family residence, as that term is defined in NRS ~~[107.0805;]~~ *107.015;* and

(b) A unit in a common-interest community that is used exclusively for residential use, as those terms are defined in chapter 116 of NRS.

9. As used in this section:

(a) "Borrower" means any person who receives a loan secured by real property and who is required to make advance contributions for the payment of taxes, insurance premiums or other expenses related to the property.

(b) "Lender" means any person who makes loans secured by real property and who requires advance contributions for the payment of taxes, insurance premiums or other expenses related to the property.

Sec. 27. NRS 111.312 is hereby amended to read as follows:

111.312 1. The county recorder shall not record with respect to real property, a notice of completion, a declaration of homestead, a lien or notice of lien, an affidavit of death, a mortgage or deed of trust, any conveyance of real property or instrument in writing setting forth an agreement to convey real property or a notice pursuant to NRS 111.3655 unless the document being recorded contains:

(a) The mailing address of the grantee or, if there is no grantee, the mailing address of the person who is requesting the recording of the document; and

(b) Except as otherwise provided in subsection 2, the assessor's parcel number of the property at the top left corner of the first page of the document, if the county assessor has assigned a parcel number to the property. The parcel number must comply with the current system for numbering parcels used by the county assessor's office. The county recorder is not required to verify that the assessor's parcel number is correct.

2. Any document relating exclusively to the transfer of water rights may be recorded without containing the assessor's parcel number of the property.

3. The county recorder shall not record with respect to real property any deed, including, without limitation:

(a) A grant, bargain ~~[or]~~ *and sale* deed *;* ~~[of sale;]~~

(b) Quitclaim deed;

(c) Warranty deed; or

(d) Trustee's deed upon sale,

➥ unless the document being recorded contains the name and address of the person to whom a statement of the taxes assessed on the real property is to be mailed.

4. The assessor's parcel number shall not be deemed to be a complete legal description of the real property conveyed.

5. Except as otherwise provided in subsection 6, if a document that is being recorded includes a legal description of real property that is provided in metes and bounds, the document must include the name and mailing address of the person who prepared the legal description. The county recorder is not required to verify the accuracy of the name and mailing address of such a person.

6. If a document including the same legal description described in subsection 5 previously has been recorded, the document must include all information necessary to identify and locate the previous recording, but the name and mailing address of the person who prepared the legal description is not required for the document to be recorded. The county recorder is not required to verify the accuracy of the information concerning the previous recording.

Sec. 28. Chapter 116 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The provisions of this chapter do not apply to a planned community in which all units are restricted exclusively to nonresidential use unless the

declaration provides that this chapter or a part of this chapter does apply to that planned community pursuant to this section.

2. This chapter applies to a planned community containing both units that are restricted exclusively to nonresidential use and other units that are not so restricted only if the declaration so provides or if the real estate comprising the units that may be used for residential purposes would be a planned community in the absence of the units that may not be used for residential purposes.

3. The declaration for the nonresidential planned community may provide that:

(a) This entire chapter applies to the planned community;

(b) Only the provisions of NRS 116.001 to 116.2122, inclusive, and 116.3116 to 116.31168, inclusive, apply to the planned community; or

(c) Only the provisions of NRS 116.3116 to 116.31168, inclusive, apply to the planned community.

4. If this entire chapter applies to a nonresidential planned community pursuant to subsection 3, the declaration may also require, subject to NRS 116.1112, that:

(a) Notwithstanding NRS 116.3105, any management, maintenance operations or employment contract, lease of recreational or parking areas or facilities and any other contract or lease between the association and a declarant or an affiliate of a declarant continues in force after the declarant turns over control of the association; and

(b) Notwithstanding NRS 116.1104 and subsection 3 of NRS 116.311, purchasers of units must execute proxies, powers of attorney or similar devices in favor of the declarant regarding particular matters enumerated in those instruments.

Sec. 29. NRS 116.1201 is hereby amended to read as follows:

116.1201 1. Except as otherwise provided in this section and NRS 116.1203, this chapter applies to all common-interest communities created within this State.

2. This chapter does not apply to:

(a) A limited-purpose association, except that a limited-purpose association:

(1) Shall pay the fees required pursuant to NRS 116.31155, except that if the limited-purpose association is created for a rural agricultural residential common-interest community, the limited-purpose association is not required to pay the fee unless the association intends to use the services of the Ombudsman;

(2) Shall register with the Ombudsman pursuant to NRS 116.31158;

(3) Shall comply with the provisions of:

(I) NRS 116.31038;

(II) NRS 116.31083 and 116.31152, unless the limited-purpose association is created for a rural agricultural residential common-interest community;

(III) NRS 116.31073, if the limited-purpose association is created for maintaining the landscape of the common elements of the common-interest community; and

(IV) NRS 116.31075, if the limited-purpose association is created for a rural agricultural residential common-interest community;

(4) Shall comply with the provisions of NRS 116.4101 to 116.412, inclusive, as required by the regulations adopted by the Commission pursuant to paragraph (b) of subsection 5; and

(5) Shall not enforce any restrictions concerning the use of units by the units' owners, unless the limited-purpose association is created for a rural agricultural residential common-interest community.

(b) ~~[A planned community in which all units are restricted exclusively to nonresidential use unless the declaration provides that this chapter or a part of this chapter does apply to that planned community pursuant to NRS 116.12075. This chapter applies to a planned community containing both units that are restricted exclusively to nonresidential use and other units that are not so restricted only if the declaration so provides or if the real estate comprising the units that may be used for residential purposes would be a planned community in the absence of the units that may not be used for residential purposes.~~

~~(c)]~~ Common-interest communities or units located outside of this State, but NRS 116.4102 and 116.4103, and, to the extent applicable, NRS 116.41035 to 116.4107, inclusive, apply to a contract for the disposition of a unit in that common-interest community signed in this State by any party unless exempt under subsection 2 of NRS 116.4101.

~~[(d)]~~ *(c)* A common-interest community that was created before January 1, 1992, is located in a county whose population is less than 55,000, and has less than 50 percent of the units within the community put to residential use, unless a majority of the units' owners otherwise elect in writing.

~~[(e)]~~ *(d)* Except as otherwise provided in this chapter, time shares governed by the provisions of chapter 119A of NRS.

3. The provisions of this chapter do not:

(a) Prohibit a common-interest community created before January 1, 1992, from providing for separate classes of voting for the units' owners;

(b) Require a common-interest community created before January 1, 1992, to comply with the provisions of NRS 116.2101 to 116.2122, inclusive;

(c) Invalidate any assessments that were imposed on or before October 1, 1999, by a common-interest community created before January 1, 1992;

(d) Except as otherwise provided in subsection 8 of NRS 116.31105, prohibit a common-interest community created before January 1, 1992, or a common-interest community described in NRS 116.31105 from providing for a representative form of government, except that, in the election or removal of a member of the executive board, the voting rights of the units' owners may not be exercised by delegates or representatives;

(e) Prohibit a master association which governs a time-share plan created pursuant to chapter 119A of NRS from providing for a representative form of government for the time-share plan; or

(f) Prohibit a master association which governs a planned community containing both units that are restricted exclusively to nonresidential use and other units that are not so restricted and which is exempt from the provisions of this chapter pursuant to ~~[paragraph (b) of]~~ subsection 2 *of section 28 of this act* from providing for a representative form of government.

4. The provisions of chapters 117 and 278A of NRS do not apply to common-interest communities.

5. The Commission shall establish, by regulation:

(a) The criteria for determining whether an association, a limited-purpose association or a common-interest community satisfies the requirements for an exemption or limited exemption from any provision of this chapter; and

(b) The extent to which a limited-purpose association must comply with the provisions of NRS 116.4101 to 116.412, inclusive.

6. As used in this section, "limited-purpose association" means an association that:

(a) Is created for the limited purpose of maintaining:

(1) The landscape of the common elements of a common-interest community;

(2) Facilities for flood control; or

(3) A rural agricultural residential common-interest community; and

(b) Is not authorized by its governing documents to enforce any restrictions concerning the use of units by units' owners, unless the limited-purpose association is created for a rural agricultural residential common-interest community.

Sec. 30. NRS 116.2117 is hereby amended to read as follows:

116.2117 1. Except as otherwise provided in NRS 116.21175, and except in cases of amendments that may be executed by a declarant under subsection 5 of NRS 116.2109 or NRS 116.211, or by the association under NRS 116.1107, 116.2106, subsection 3 of NRS 116.2108, subsection 1 of NRS 116.2112 or NRS 116.2113, or by certain units' owners under subsection 2 of NRS 116.2108, subsection 1 of NRS 116.2112, subsection 2 of NRS 116.2113 or subsection 2 of NRS 116.2118, and except as otherwise limited by subsections 4, *6,* 7 and 8, the declaration, including any plats, may be amended only by vote or agreement of units' owners of units to which at least a majority of the votes in the association are allocated, unless the declaration specifies a different percentage for all amendments or for specified subjects of amendment. If the declaration requires the approval of another person as a condition of its effectiveness, the amendment is not valid without that approval.

2. No action to challenge the validity of an amendment adopted by the association pursuant to this section may be brought more than 1 year after the amendment is recorded.

3. Every amendment to the declaration must be recorded in every county in which any portion of the common-interest community is located and is effective only upon recordation. An amendment, except an amendment pursuant to NRS 116.2112, must be indexed in the grantee's index in the name of the common-interest community and the association and in the grantor's index in the name of the parties executing the amendment.

4. Except to the extent expressly permitted or required by other provisions of this chapter, no amendment may change the boundaries of any unit ~~[,]~~ *or* change the allocated interests of a unit ~~[or change the uses to which any unit is restricted,]~~ in the absence of unanimous consent of only those units' owners whose units are affected and the consent of a majority of the owners of the remaining units.

5. Amendments to the declaration required by this chapter to be recorded by the association must be prepared, executed, recorded and certified on behalf of the association by any officer of the association designated for that purpose or, in the absence of designation, by the president of the association.

6. An amendment to the declaration which prohibits or materially restricts the permitted uses of a unit or the number or other qualifications of persons who may occupy units may not be enforced against a unit's owner who was the owner of the unit on the date of the recordation of the amendment as long as the unit's owner remains the owner of that unit.

7. A provision in the declaration creating special declarant's rights that have not expired may not be amended without the consent of the declarant.

8. If any provision of this chapter or of the declaration requires the consent of a holder of a security interest in a unit, or an insurer or guarantor of such interest, as a condition to the effectiveness of an amendment to the declaration, that consent is deemed granted if:

(a) The holder, insurer or guarantor has not requested, in writing, notice of any proposed amendment; or

(b) Notice of any proposed amendment is required or has been requested and a written refusal to consent is not received by the association within 60 days after the association delivers notice of the proposed amendment to the holder, insurer or guarantor, by certified mail, return receipt requested, to the address for notice provided by the holder, insurer or guarantor in a prior written request for notice.

Sec. 30.5. NRS 116.31088 is hereby amended to read as follows:

116.31088 1. The association shall provide written notice to each unit's owner of a meeting at which the commencement of a civil action is to be considered at least 21 calendar days before the date of the meeting. Except as otherwise provided in this subsection, the association may commence a civil action only upon a vote or written agreement of the owners of units to which at least a majority of the votes of the members of the association are allocated. The provisions of this subsection do not apply to a civil action that is commenced:

(a) To enforce the payment of an assessment;

(b) To enforce the declaration, bylaws or rules of the association;

(c) To enforce a contract with a vendor;

(d) To proceed with a counterclaim; or

(e) To protect the health, safety and welfare of the members of the association. If a civil action is commenced pursuant to this paragraph without the required vote or agreement, the action must be ratified within 90 days after the commencement of the action by a vote or written agreement of the owners of the units to which at least a majority of votes of the members of the association are allocated. If the association, after making a good faith effort, cannot obtain the required vote or agreement to commence or ratify such a civil action, the association may thereafter seek to dismiss the action without prejudice for that reason only if a vote or written agreement of the owners of the units to which at least a majority of votes of the members of the association are allocated was obtained at the time the approval to commence or ratify the action was sought.

2. At least 10 days before an association commences or seeks to ratify the commencement of a civil action ~~[,]~~ *on which the owners of units are entitled to vote pursuant to subsection 1*, the association shall provide a written statement to all the units' owners that includes:

(a) A reasonable estimate of the costs of the civil action, including reasonable attorney's fees;

(b) An explanation of the potential benefits of the civil action and the potential adverse consequences if the association does not commence the action or if the outcome of the action is not favorable to the association; and

(c) All disclosures that are required to be made upon the sale of the property.

3. No person other than a unit's owner may request the dismissal of a civil action commenced by the association on the ground that the association failed to comply with any provision of this section.

4. If any civil action in which the association is a party is settled, the executive board shall disclose the terms and conditions of the settlement at the next regularly scheduled meeting of the executive board after the settlement has been reached. The executive board may not approve a settlement which contains any terms and conditions that would prevent the executive board from complying with the provisions of this subsection.

Sec. 31. NRS 116.31168 is hereby amended to read as follows:

116.31168 1. A person with an interest or any other person who is or may be held liable for any amounts which are the subject of the association's lien pursuant to NRS 116.3116 or the servicer of a loan secured by a deed of trust or mortgage on real property which is subject to such lien desiring a copy of a notice of default and election to sell or notice of sale under the association's lien may record in the office of the county recorder of the county in which any part of the real property is situated an acknowledged request for a copy of the notice of default and election to sell or the notice of sale. The request must ~~[:]~~ *state:*

(a) ~~[State the]~~ *The* name and address of the person requesting copies of the notices;

(b) ~~[State a]~~ *A* legal description of the unit in which the person has an interest or the assessor's parcel number of that unit; and

(c) The names of the unit's owner and the common-interest community.

2. The association or other person authorized to record the notice of default and election to sell shall, within 10 days after the notice is recorded and mailed pursuant to NRS 116.31162, cause to be deposited in the United States mail an envelope, registered or certified, return receipt requested and with postage prepaid, containing a copy of the notice, addressed to each person who has recorded a request for a copy of the notice.

3. The association or other person authorized to make the sale shall, at least 20 days before the date of sale, cause to be deposited in the United States mail an envelope, registered or certified, return receipt requested and with postage prepaid, containing a copy of the notice of time and place of sale, addressed to each person described in subsection 2.

4. As used in this section, "person with an interest" means any person who has or claims any right, title or interest in, or lien or charge upon, a unit being foreclosed pursuant to NRS 116.31162 to 116.31168, inclusive.

Sec. 32. NRS 657.110 is hereby amended to read as follows:

657.110 1. Each mortgagee or beneficiary of a deed of trust under a residential mortgage loan, including, without limitation, a bank, credit union, savings bank, savings and loan association, thrift company or other financial institution which is licensed, registered or otherwise authorized to do business in this State, shall provide to the Division of Financial Institutions the name, street address and any other contact information of a person to whom:

(a) A borrower or a representative of a borrower must send any document, record or notification necessary to facilitate a mediation conducted pursuant to NRS 40.437 or 107.086.

(b) A unit-owners' association must send any notice required to be given pursuant to NRS 116.3116 to 116.31168, inclusive.

2. The Division of Financial Institutions shall maintain on its Internet website the information provided to the Division pursuant to subsection 1 and provide a prominent display of, or a link to, the information described in subsection 1, on the home page of its Internet website.

3. As used in this section:

(a) "Borrower" means a person who is a mortgagor or grantor of a deed of trust under a residential mortgage loan.

(b) "Residential mortgage loan" means a loan which is primarily for personal, family or household use and which is secured by a mortgage or deed of trust on owner-occupied housing as defined in NRS ~~[107.086.]~~ *107.015.*

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 253 to Senate Bill No. 382 makes minor technical corrections identified by the sponsors. It adds section 6 of the bill to a list of prohibitions set forth in section 30. The bill

clarifies requirements regarding meeting notifications that Homeowners' Association Boards must provide to members.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 398.

Bill read second time.

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

Amendment No. 244.

SUMMARY—Revises provisions relating to affordable housing. (BDR 20-1074)

AN ACT relating to local government; requiring a board of county commissioners and the governing body of an incorporated city to use certain money for the development or redevelopment of affordable housing; providing that the powers of a board of county commissioners to address matters of local concern include certain powers relating to affordable housing; providing that the powers of the governing body of an incorporated city to address matters of local concern include certain powers relating to affordable housing; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a board of county commissioners or the governing body of an incorporated city to exercise powers necessary or proper to address matters of local concern, whether or not such powers are expressly granted to the board or governing body. (NRS 244.146, 268.0035) Sections ~~[1]~~ 1.5 and 3 of this bill include the development or redevelopment of affordable housing and any action taken to ensure the availability or affordability of housing as matters of local concern for a board of county commissioners or the governing body of a city, respectively.

Existing law generally prohibits a board of county commissioners or the governing body of an incorporated city from imposing a tax or imposing a service charge or user fee unless expressly authorized by statute. (NRS 244.146, 268.0035) Sections 2 and 4 of this bill provide that these provisions do not prohibit a board of county commissioners or governing body, respectively, from accepting a payment of money in lieu of the performance of an obligation imposed upon a person by ordinance. Sections 1 and 2.5 of this bill require a board of county commissioners or governing body of an incorporated city, respectively, that accepts a payment in lieu of the performance of an obligation related to the development or redevelopment of affordable housing imposed upon a person by ordinance, to account separately for that money and use that money only for the development or redevelopment of affordable housing.

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

Section 1. Chapter 244 of NRS is hereby amended by adding thereto a

new section to read as follows:

If a board of county commissioners accepts a payment of money in lieu of the performance of an obligation related to the development or redevelopment of affordable housing imposed upon a person by ordinance of the board of county commissioners, the board of county commissioners must account separately for the money received from such a payment and use that money only for the development or redevelopment of affordable housing in the county.

Sec. 1.5. NRS 244.143 is hereby amended to read as follows:

244.143 1. "Matter of local concern" means any matter that:

(a) Primarily affects or impacts areas located in the county, or persons who reside, work, visit or are otherwise present in areas located in the county, and does not have a significant effect or impact on areas located in other counties;

(b) Is not within the exclusive jurisdiction of another governmental entity; and

(c) Does not concern:

(1) A state interest that requires statewide uniformity of regulation;

(2) The regulation of business activities that are subject to substantial regulation by a federal or state agency; or

(3) Any other federal or state interest that is committed by the Constitution, statutes or regulations of the United States or this State to federal or state regulation that preempts local regulation.

2. The term includes, without limitation, any of the following matters of local concern:

(a) Public health, safety and welfare in the county.

(b) Planning, zoning, development and redevelopment in the county.

(c) *The development or redevelopment of affordable housing in the county or any action taken by the county to ensure the availability or affordability of housing in the county.*

(d) Nuisances and graffiti in the county.

~~[(d)]~~ *(e)* Outdoor assemblies in the county.

~~[(e)]~~ *(f)* Contracts and purchasing by county government.

~~[(f)]~~ *(g)* Operation, management and control of county jails and prisoners by county government.

~~[(g)]~~ *(h)* Any public property, buildings, lands, utilities and other public works owned, leased, operated, managed or controlled by county government, including, without limitation:

(1) Roads, highways and bridges.

(2) Parks, recreational centers, cultural centers, libraries and museums.

3. The provisions of subsection 2:

(a) Are intended to be illustrative;

(b) Are not intended to be exhaustive or exclusive; and

(c) Must not be interpreted as either limiting or expanding the meaning of the term "matter of local concern" as provided in subsection 1.

Sec. 2. NRS 244.146 is hereby amended to read as follows:

244.146 1. Except as prohibited, limited or preempted by the

Constitution, statutes or regulations of the United States or this State and except as otherwise provided in this section, a board of county commissioners has:

(a) All powers expressly granted to the board;

(b) All powers necessarily or fairly implied in or incident to the powers expressly granted to the board; and

(c) All other powers necessary or proper to address matters of local concern for the effective operation of county government, whether or not the powers are expressly granted to the board. If there is any fair or reasonable doubt concerning the existence of a power of the board to address a matter of local concern pursuant to this paragraph, it must be presumed that the board has the power unless the presumption is rebutted by evidence of a contrary intent by the Legislature.

2. If there is a constitutional or statutory provision requiring a board of county commissioners to exercise a power set forth in subsection 1 in a specific manner, the board may exercise the power only in that specific manner, but if there is no constitutional or statutory provision requiring the board to exercise the power in a specific manner, the board may adopt an ordinance prescribing a specific manner for exercising the power.

3. Except as expressly authorized by statute, a board of county commissioners shall not:

(a) Condition or limit its civil liability unless such condition or limitation is part of a legally executed contract or agreement between the county and another governmental entity or a private person or entity.

(b) Prescribe the law governing civil actions between private persons or entities.

(c) Impose duties on another governmental entity unless the performance of the duties is part of a legally executed agreement between the county and another governmental entity.

(d) Impose a tax.

(e) Order or conduct an election.

4. Except as expressly authorized by statute or necessarily or fairly implied in or incident to powers expressly authorized by statute, a board of county commissioners shall not:

(a) Impose a service charge or user fee; or

(b) Regulate business activities that are subject to substantial regulation by a federal or state agency.

5. The provisions of subsections 3 and 4 must not be construed to prohibit a board of county commissioners from accepting a payment of money in lieu of the performance of an obligation imposed upon a person by ordinance of the board of county commissioners.

Sec. 2.5. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

If the governing body of an incorporated city accepts a payment of money in lieu of the performance of an obligation related to the development or

redevelopment of affordable housing imposed upon a person by ordinance of the governing body of the incorporated city, the governing body of the incorporated city must account separately for the money received from such a payment and use that money only for the development or redevelopment of affordable housing in the city.

Sec. 3. NRS 268.003 is hereby amended to read as follows:

268.003 1. "Matter of local concern" means any matter that:

(a) Primarily affects or impacts areas located in the incorporated city, or persons who reside, work, visit or are otherwise present in areas located in the city, and does not have a significant effect or impact on areas located in other cities or counties;

(b) Is not within the exclusive jurisdiction of another governmental entity; and

(c) Does not concern:

(1) A state interest that requires statewide uniformity of regulation;

(2) The regulation of business activities that are subject to substantial regulation by a federal or state agency; or

(3) Any other federal or state interest that is committed by the Constitution, statutes or regulations of the United States or this State to federal or state regulation that preempts local regulation.

2. The term includes, without limitation, any of the following matters of local concern:

(a) Public health, safety and welfare in the city.

(b) Planning, zoning, development and redevelopment in the city.

(c) *The development or redevelopment of affordable housing in the city or any action taken by the city to ensure the availability or affordability of housing in the city.*

(d) Nuisances and graffiti in the city.

~~[(d)]~~ *(e)* Outdoor assemblies in the city.

~~[(e)]~~ *(f)* Contracts and purchasing by city government.

~~[(f)]~~ *(g)* Operation, management and control of city jails and prisoners by city government.

~~[(g)]~~ *(h)* Any public property, buildings, lands, utilities and other public works owned, leased, operated, managed or controlled by city government, including, without limitation:

(1) Roads, highways and bridges.

(2) Parks, recreational centers, cultural centers, libraries and museums.

3. The provisions of subsection 2:

(a) Are intended to be illustrative;

(b) Are not intended to be exhaustive or exclusive; and

(c) Must not be interpreted as either limiting or expanding the meaning of the term "matter of local concern" as provided in subsection 1.

Sec. 4. NRS 268.0035 is hereby amended to read as follows:

268.0035 1. Except as prohibited, limited or preempted by the Constitution, statutes or regulations of the United States or this State and

except as otherwise provided in this section, the governing body of an incorporated city has:

(a) All powers expressly granted to the governing body;

(b) All powers necessarily or fairly implied in or incident to the powers expressly granted to the governing body; and

(c) All other powers necessary or proper to address matters of local concern for the effective operation of city government, whether or not the powers are expressly granted to the governing body. If there is any fair or reasonable doubt concerning the existence of a power of the governing body to address a matter of local concern pursuant to this paragraph, it must be presumed that the governing body has the power unless the presumption is rebutted by evidence of a contrary intent by the Legislature.

2. If there is a constitutional or statutory provision or provision of a city charter requiring the governing body of an incorporated city to exercise a power set forth in subsection 1 in a specific manner, the governing body may exercise the power only in that specific manner, but if there is no constitutional or statutory provision or provision of city charter requiring the governing body to exercise the power in a specific manner, the governing body may adopt an ordinance prescribing a specific manner for exercising the power.

3. Except as expressly authorized by statute or city charter, the governing body of an incorporated city shall not:

(a) Condition or limit its civil liability unless such condition or limitation is part of a legally executed contract or agreement between the city and another governmental entity or a private person or entity.

(b) Prescribe the law governing civil actions between private persons or entities.

(c) Impose duties on another governmental entity unless the performance of the duties is part of a legally executed agreement between the city and another governmental entity.

(d) Impose a tax.

(e) Order or conduct an election.

4. Except as expressly authorized by statute or city charter or necessarily or fairly implied in or incident to powers expressly authorized by statute or city charter, the governing body of an incorporated city shall not:

(a) Impose a service charge or user fee; or

(b) Regulate business activities that are subject to substantial regulation by a federal or state agency.

5. The provisions of subsections 3 and 4 must not be construed to prohibit the governing body of an incorporated city from accepting a payment of money in lieu of the performance of an obligation imposed upon a person by ordinance of the governing body.

Sec. 5. This act becomes effective on July 1, 2019.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Amendment No. 244 to Senate Bill No. 398 relates to affordable housing. The amendment requires a board of county commissioners or governing body of an incorporated city which accepts a "fee in lieu of" affordable housing to account separately for the money and use that money only for the development or redevelopment of affordable housing.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 433.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 322.

SUMMARY—Revises the provisions of the California-Nevada Compact for Jurisdiction on Interstate Waters. (BDR 14-439)

AN ACT relating to the California-Nevada Compact for Jurisdiction on Interstate Waters; revising and extending the provisions of the Compact; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the California-Nevada Compact for Jurisdiction on Interstate Waters, an interstate agreement between the States of California and Nevada pursuant to which courts and law enforcement officers in either state ~~[may]~~ have concurrent jurisdiction to arrest, prosecute and try offenders for certain prohibited conduct committed on Lake Tahoe or Topaz Lake. (NRS 171.077)

~~[Sections 1 and 2 of this bill change the name of the California-Nevada Compact for Jurisdiction on Interstate Waters to the California-Nevada Compact for Jurisdiction on Lake Tahoe and Topaz Lake.]~~ Section 2 of this bill: (1) extends the concurrent jurisdiction to arrest, prosecute and try offenders for certain prohibited conduct committed on the shoreline of Lake Tahoe or Topaz Lake; and (2) grants ~~[law enforcement officers of the States of California or Nevada]~~ concurrent jurisdiction to arrest offenders for certain prohibited conduct on any land mass ~~[within 10]~~ not more than 5 air miles ~~[of]~~ from Lake Tahoe or Topaz Lake. Section 2 provides that certain claims brought against officers or employees of the States of California or Nevada or an agency or political subdivision thereof are subject to the conditions and limitations on civil actions established by the state of that officer or employee. Section 4 of this bill provides that these changes become effective if the State of California enacts amendments to the Compact that are substantially identical.

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

Section 1. ~~[NRS 171.076 is hereby amended to read as follows:~~

~~171.076 The California-Nevada Compact for Jurisdiction on [Interstate Waters,] *Lake Tahoe and Topaz Lake*, set forth in full in NRS 171.077, is hereby enacted into law.]~~ (Deleted by amendment.)

Sec. 2. NRS 171.077 is hereby amended to read as follows:

171.077 The California-Nevada Compact for Jurisdiction on Interstate Waters ~~*[Lake Tahoe and Topaz Lake]*~~ is as follows:

ARTICLE I—Purpose and Policy

1. The Legislature finds that law enforcement has been impaired in sections of Lake Tahoe and Topaz Lake forming an interstate boundary between California and Nevada because of difficulty in determining precisely where a criminal act was committed.

2. *The Legislature declares that it is imperative for California and Nevada to maintain concurrent jurisdiction on Lake Tahoe and Topaz Lake to promote public safety.*

3. The Legislature intends that a person committing an act which is illegal in both states not be freed merely because neither state could establish that a crime was committed within its boundaries.

~~[3.]~~ *4.* The California-Nevada Compact for Jurisdiction on Interstate Waters ~~*[Lake Tahoe and Topaz Lake]*~~ is enacted to provide for enforcement of the laws of this state with regard to certain acts committed on Lake Tahoe or Topaz Lake, on either side of the boundary line between California and Nevada.

ARTICLE II—Definitions

As used in this compact, unless the context otherwise requires, "party state" means a state which has enacted this compact.

ARTICLE III—Concurrent Jurisdiction

1. If conduct is prohibited by the party states, courts and law enforcement officers in either state who have jurisdiction over criminal offenses committed in a county where Lake Tahoe or Topaz Lake forms a common interstate boundary have concurrent jurisdiction to arrest, prosecute and try offenders for the prohibited conduct committed anywhere on the body of water *or shoreline* forming a boundary between the two states ~~[.]~~ *and concurrent jurisdiction to arrest offenders for the prohibited conduct committed on any land mass* ~~*[within 10]*~~ *not more than 5 air miles* ~~*[of]*~~ *from Lake Tahoe or Topaz Lake.*

2. This compact does not authorize:

(a) Prosecution of any person for conduct which is lawful in the state where it was committed.

(b) Any conduct prohibited by a party state.

3. If any claim, including, without limitation, a counterclaim or a cross-claim, is brought in a civil action which is filed in a party state and which is:

(a) Brought against a present or former law enforcement officer or employee of the other party state or an agency or political subdivision of the other party state; and

(b) Based on any alleged act or omission that is related to the official duties or employment of the present or former officer or employee and conducted under the authority of this compact,

➥ *the claim is subject to the conditions and limitations on civil actions, including, without limitation, the provisions regarding sovereign immunity, established by the party state in which that officer or employee is or was an officer or employee.*

ARTICLE IV—Ratification

This compact is ratified by enactment of the language of this compact, or substantially similar language expressing the same purpose, by the State of California and the State of Nevada.

Sec. 3. 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. 4. 1. This section and section 3 of this act become effective on July 1, 2019.

2. ~~[Sections 1 and]~~ Section 2 of this act ~~[become]~~ becomes effective upon proclamation by the Governor of this State of the enactment by the State of California of amendments that are substantially similar to the Compact contained in section 2 of this act.

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senators Cannizzaro, Kieckhefer, Harris and Settelmeyer.

SENATOR CANNIZZARO:

Amendment No. 322 to Senate Bill No. 433 clarifies that prohibited conduct addressed by the bill must have allegedly occurred on the water, the shoreline or within five miles of the water and retains the original name of the compact.

SENATOR KIECKHEFER:

I have a question on the amendment: extending the jurisdiction of another state's law enforcement powers to the actual land of Nevada, the shoreline or a five-mile reach of the actual body of water seems like a whole new venture into extending law enforcement powers to another state into our land. Could you talk about the justification for needing to do that?

SENATOR CANNIZZARO:

I do believe my colleague from Senate District 11 may be better equipped to answer that particular question.

SENATOR HARRIS:

The request for this change came from both sides, the California and the Nevada side, in order to rectify a situation where, previously, it was impossible to decide and figure out where someone was either on the California side or on the Nevada side. Given that, we have updates in technology and GPS, and we are actually able to determine that. This is a joint compact between California and Nevada, and the exact same terms will have to be accepted by California in order for this to actually go into effect.

SENATOR SETTELMEYER:

Being familiar with the situation as it is up in Tahoe, it is my District. In that respect, I cannot speak to how much land it expands. The issue that is going on in Tahoe is the original compact had stated both states, California and Nevada, were granting joint jurisdiction on the surface waters of Tahoe and also Topaz because that is also the same decree. In that respect, to enforce things,

because at the time of the compact it was impossible to know exactly where you were in relation to the California/Nevada State line in Tahoe. Since that timeframe, with advances in technology, sadly, we have some individuals who have received tickets for doing bad things on Lake Tahoe, and they have been able to get out of said tickets because they go to court and state the compact is inaccurate; it should have never been granted joint jurisdiction on the lake because you can now know exactly where you are at. Unfortunately, they have been using that loophole, and I support the change on the surface waters.

As far as the amendment goes to land beyond the surface waters, then I would have some questions as well.

SENATOR KIECKHEFER:

I certainly support the joint jurisdiction on the lake to target DUI offenders and people who pose a danger while they are boating on our bodies of water. The idea, then, we are expanding that jurisdiction onto potentially private property in Nevada is a step significantly further than that joint jurisdiction on the body of water. I oppose the amendment.

SENATOR HARRIS:

For clarification I would note the reason we put forward the amendment is to ensure the prohibited conduct must occur on the lake or the shoreline, just for the purpose of avoiding that particular situation.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 435.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 321.

SUMMARY—Enacts provisions relating to ~~[certain releases of liability.]~~ claims for personal injury. (BDR 2-1148)

AN ACT relating to ~~[civil actions;]~~ claims for personal injury; authorizing a party to void a release of liability under certain circumstances; prohibiting certain persons from negotiating, obtaining or attempting to obtain a settlement agreement, release of liability or certain other statements from another person relating to a personal injury under certain circumstances; enacting provisions relating to the exchange of medical and insurance information by certain persons involved in a claim for personal injury asserted under a policy of insurance covering certain motor vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill provides that a release of liability relating to the personal injury of a releasor may be voided by the releasor within 60 days after the signing of the release, if the releasor signed the release: (1) within 30 days after the event that caused the releasor's injury; and (2) without the assistance of an attorney or power of attorney under certain circumstances. Section 2 provides that if the releasor voids the release of liability, the releasor must: (1) provide notice to the releasee; and (2) return any money paid by the releasee.

Section 3 of this bill provides that if a person was hospitalized or confined to a mental health facility as a result of a personal injury, a person whose

interest is or may become adverse to the injured person is prohibited from negotiating, obtaining or attempting to obtain a settlement agreement, a release of liability or certain other statements from the injured person within 15 days after the event that caused the person's personal injury. Section 3 provides that if such a settlement agreement, release of liability or statement is obtained improperly within 15 days after the event that caused the personal injury, the settlement agreement, release of liability or statement is prohibited from being used as evidence or for any other purpose in a legal proceeding concerning the personal injury under certain circumstances.

Section 4 of this bill authorizes a party against whom a claim is asserted for personal injury under a policy of motor vehicle insurance covering a passenger car to require the claimant or the claimant's attorney to provide to the party or the party's attorney and the insurer, not more than once every 90 days, all medical reports, records and bills concerning the claim. Section 4 provides that in lieu of the claimant or the claimant's attorney providing such reports, records and bills, the claimant or the claimant's attorney may provide a written authorization to allow the party or the party's attorney and the insurer to receive the reports, records and bills from the claimant's provider of health care. If the reports, records and bills are provided pursuant to such a written authorization, section 4 authorizes the claimant or the claimant's attorney to request copies of all such reports, records and bills from the party, the party's attorney or the insurer. Section 4 also provides that upon receipt of any copies of reports, records and bills or a written authorization for a provider of health care to provide such reports, records and bills, the insurer who issued the policy must, upon request, immediately disclose to the claimant all pertinent facts or provisions of the policy relating to any coverage at issue.

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

Section 1. Chapter 10 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *1. A release of liability is voidable by a releasor within 60 days after its signing by the releasor, if the releasor signed the release:*

(a) Within 30 days after the event that caused his or her personal injury; and

(b) Without the assistance or guidance of an attorney or power of attorney.

2. If the releasor voids the release of liability pursuant to subsection 1, the releasor shall:

(a) Provide notice, in writing, to the releasee that the release was voided; and

(b) Return any consideration paid by the releasee.

3. A release of liability is void on the date that notice pursuant to subsection 2 is provided to the releasee.

4. As used in this section:

(a) "Release of liability" means an agreement executed between a releasor and releasee.

(b) "Releasee" means a party who is being released by the releasor from any claim arising from personal injuries, mental or physical, sustained by the releasor.

(c) "Releasor" means a party who agrees to release the releasee from any claim arising from personal injuries, mental or physical, sustained by the party.

Sec. 3. *1. If a person is admitted as a patient to a hospital or a mental health facility as a result of a personal injury caused by another, a person whose interest is or may become adverse to the person who was injured shall not, within 15 days after the event that caused the injury:*

(a) Negotiate or attempt to negotiate an agreement, including, without limitation, a settlement agreement, with the person who was injured; or

(b) Obtain or attempt to obtain:

(1) A release of liability from the person who was injured; or

(2) An oral or written statement from the person who was injured for use in negotiating a settlement agreement or obtaining a release of liability.

2. Notwithstanding any other provision of law, if a settlement agreement or release of liability is obtained in violation of subsection 1, the settlement agreement or release of liability may not be used as evidence or for any other purpose in a legal proceeding relating to the injury of the person.

Sec. 4. Chapter 690B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, any party against whom a claim is asserted for compensation or damages for personal injury under a policy of motor vehicle insurance covering a passenger car may require any attorney representing the claimant to provide to the party or any attorney of the party and to the insurer, not more than once every 90 days, all medical reports, records and bills concerning the claim.

2. In lieu of providing medical reports, records and bills pursuant to subsection 1, the claimant or any attorney representing the claimant may provide to the party or any attorney of the party and to the insurer a written authorization to receive the medical reports, records and bills from the provider of health care.

3. At the written request of the claimant or the attorney of the claimant, copies of all medical reports, records and bills obtained by a written authorization pursuant to subsection 2 must be provided to the claimant or the attorney of the claimant within 30 days after the date they are received by the party, any attorney of the party or the insurer. If the claimant or the attorney of the claimant makes a written request for the medical reports, records and bills, the claimant or the attorney of the claimant shall pay for the reasonable costs of copying the medical reports, records and bills.

4. Upon receipt of any copies of medical reports, records and bills, or a written authorization pursuant to subsection 2, the insurer who issued the policy specified in subsection 1 shall, upon request, immediately disclose to

the claimant all pertinent facts or provisions of the policy relating to any coverage at issue.

5. As used in this section:

(a) "Passenger car" has the meaning ascribed to it in NRS 482.087.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 321 to Senate Bill No. 435 adds new language providing for the sharing of medical records between a claimant and an insurer.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 436.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 184.

SUMMARY—Revises provisions relating to professional entities. (BDR 7-1147)

AN ACT relating to professional entities; authorizing professional entities to provide professional services relating to the practice of chiropractic under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a professional entity may be organized for the purpose of rendering only one specific type of professional service, except under certain circumstances. Existing law provides that one such exception is the formation of a professional entity composed of persons engaged in rendering more than one type of professional service for the provision of services relating to medicine, homeopathy, osteopathy and psychology. (NRS 89.050) Section 1 of this bill expands this exception to include services relating to the practice of chiropractic ~~[. Section 2 of this bill makes a conforming change.]~~

Existing law prohibits an owner of such a professional entity rendering professional services relating to medicine, homeopathy, osteopathy or psychology from engaging in certain conduct concerning the professional entity. (NRS 89.055) Section 2 of this bill prohibits a licensed person who renders any such professional service relating to medicine, homeopathy, osteopathy, chiropractic or psychology through the professional entity from: (1) rendering the professional service, if the service exceeds the scope of the person's licensed authority; and (2) influencing or interfering with the professional judgment of another licensed person who renders any such professional service through the same professional entity.

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

Section 1. NRS 89.050 is hereby amended to read as follows:

89.050 1. Except as otherwise provided in subsection 2, a professional entity may be organized only for the purpose of rendering one specific type of professional service and may not engage in any business other than rendering the professional service for which it was organized and services reasonably related thereto, except that a professional entity may own real and personal property appropriate to its business and may invest its money in any form of real property, securities or any other type of investment.

2. A professional entity may be organized to render a professional service relating to:

(a) Architecture, interior design, residential design, engineering and landscape architecture, or any combination thereof, and may be composed of persons:

(1) Engaged in the practice of architecture as provided in chapter 623 of NRS;

(2) Practicing as a registered interior designer as provided in chapter 623 of NRS;

(3) Engaged in the practice of residential design as provided in chapter 623 of NRS;

(4) Engaged in the practice of landscape architecture as provided in chapter 623A of NRS; and

(5) Engaged in the practice of professional engineering as provided in chapter 625 of NRS.

(b) Medicine, homeopathy, osteopathy , *chiropractic* and psychology, or any combination thereof, and may be composed of persons engaged in the practice of:

(1) Medicine as provided in chapter 630 of NRS;

(2) Homeopathic medicine as provided in chapter 630A of NRS;

(3) Osteopathic medicine as provided in chapter 633 of NRS;

(4) Chiropractic as provided in chapter 634 of NRS; and

~~[(4)]~~ *(5)* Psychology and licensed to provide services pursuant to chapter 641 of NRS.

➥ Such a professional entity may market and manage additional professional entities which are organized to render a professional service relating to medicine, homeopathy, osteopathy , *chiropractic* and psychology.

(c) Mental health services, and may be composed of the following persons, in any number and in any combination:

(1) Any psychologist who is licensed to practice in this State;

(2) Any social worker who holds a master's degree in social work and who is licensed by this State as a clinical social worker;

(3) Any registered nurse who is licensed to practice professional nursing in this State and who holds a master's degree in the field of psychiatric nursing;

(4) Any marriage and family therapist who is licensed by this State pursuant to chapter 641A of NRS; and

(5) Any clinical professional counselor who is licensed by this State pursuant to chapter 641A of NRS.

➥ Such a professional entity may market and manage additional professional entities which are organized to render a professional service relating to mental health services pursuant to this paragraph.

3. A professional entity may render a professional service only through its officers, managers and employees who are licensed or otherwise authorized by law to render the professional service.

Sec. 2. NRS 89.055 is hereby amended to read as follows:

89.055 *1.* An owner of a professional entity organized pursuant to paragraph (b) of subsection 2 of NRS 89.050 shall not:

~~[1.]~~ *(a)* Create a policy or contract, written or otherwise, to restrict or prohibit the good faith communication between a patient and a person licensed pursuant to chapter 630, 630A, 633 , *634* or 641 of NRS, concerning the patient's medical records, health care, risks or benefits of such health care or treatment options.

~~[2.]~~ *(b)* Influence or interfere with the professional judgment of a person licensed pursuant to chapter 630, 630A, 633 , *634* or 641 of NRS, including, without limitation, the professional judgment of such a person concerning:

~~[(a)]~~ *(1)* The care of a patient;

~~[(b)]~~ *(2)* The custodian of the medical records of a patient;

~~[(c)]~~ *(3)* Employment decisions, including hiring or terminating an employee; or

~~[(d)]~~ *(4)* Coding or billing procedures.

~~[3.]~~ *(c)* Terminate a contract or refuse to renew a contract with a person licensed pursuant to *chapter* 630, 630A, 633 , *634* or 641 of NRS because the person:

~~[(a)]~~ *(1)* Advocates on behalf of a patient in private or public;

~~[(b)]~~ *(2)* Assists a patient in seeking reconsideration of a denial of coverage of health care services; or

~~[(c)]~~ *(3)* Reports a violation of law to an appropriate authority.

~~[4.]~~ *(d)* Require a person licensed pursuant to chapter 630, 630A, 633 , *634* or 641 of NRS to:

~~[(a)]~~ *(1)* Provide professional services to a specified number of patients within a particular amount of time; or

~~[(b)]~~ *(2)* Work a certain number of hours in a specified period of time.

~~[5.]~~ *(e)* Require a person licensed pursuant to chapter 630, 630A, 633 , *634* or 641 of NRS to obtain the approval or review of a contract by a third party, including, without limitation, a provider of insurance.

2. A person licensed pursuant to chapter 630, 630A, 633, 634 or 641 of NRS who renders a professional service through a professional entity organized pursuant to paragraph (b) of subsection 2 of NRS 89.050 shall not:

(a) Render such a professional service if the service exceeds the scope of his or her licensed authority pursuant to chapter 630, 630A, 633, 634 or 641 of NRS; and

(b) Through the use of an agreement, directive, financial incentive or any other arrangement, influence or interfere with the professional judgment of

another person licensed pursuant to chapter 630, 630A, 633, 634 or 641 of NRS who renders a professional service through the same professional entity.

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 184 to Senate Bill No. 436 clarifies that no practitioner in a professional entity described in the bill may exercise control over the healthcare decisions of another practitioner within the same professional entity.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 442.

Bill read second time and ordered to third reading.

Senate Bill No. 463.

Bill read second time.

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

Amendment No. 258.

SUMMARY—Revises provisions related to county officers. (BDR 20-1153)

AN ACT relating to coroners; authorizing a coroner to test a decedent for communicable diseases without a court order under certain circumstances; authorizing a coroner to establish ~~[an employee wellness program;]~~ certain programs; authorizing a coroner to subpoena certain documents ~~[;]~~ , records and materials; providing that funds from the account for the support of the office of the county coroner can be used to pay expenses relating to ~~[such a program;]~~ certain programs; requiring a postmortem examination be performed by a forensic pathologist under certain circumstances; ~~[authorizing a coroner to issue a subpoena;]~~ increasing certain fees for the support of the office of the county coroner; making various other changes relating to coroners; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the duties and responsibilities of a county coroner. (Chapter 259 of NRS) Existing law provides that certain persons, including the county coroner, may petition a court for an order requiring the testing of a person or decedent for exposure to a communicable disease if the decedent may have exposed the person or the person's employees to a communicable disease. (NRS 441A.195) Section 3 of this bill authorizes a coroner to test a decedent under his or her jurisdiction for communicable diseases without obtaining such a court order if ~~[he or she]~~ : (1) the coroner or any employees of the coroner came in contact with the blood or bodily fluids of the decedent ~~[.]~~ ; or (2) a law enforcement officer, emergency medical attendant or firefighter came in contact with the blood or bodily fluids of the decedent before the decedent came under the jurisdiction of the coroner.

Existing law authorizes a county coroner to use the money in the account created for the support of the office of the county coroner to pay expenses

relating to: (1) certain training; (2) the purchase of certain specialized equipment; and (3) youth programs involving the office of the county coroner. (NRS 259.025) Section 4 of this bill authorizes a county coroner to create : (1) a program to promote the ~~[wellness and]~~ mental health of the employees of the county coroner ~~[, and section]~~ and any other person impacted as a result of an incident involving mass casualties within the county; and (2) a program that provides bereavement services to members of the public. Section 5 of this bill authorizes the county coroner to pay expenses relating to ~~[that program]~~ those programs with money from the account.

Existing law requires a coroner to conduct an investigation when the coroner or a coroner's deputy is informed that a person has been killed, has committed suicide or has suddenly died under such circumstances as to afford reasonable ground to suspect that the death has been occasioned by unnatural means. (NRS 259.050) Section 6 of this bill authorizes a coroner conducting such an investigation to subpoena the production of any ~~[related]~~ documents, records or materials ~~[.]~~ directly related or believed to contain evidence related to an investigation of the coroner. Section 6 also provides that where it is apparent or can be reasonably inferred that a death may have been caused by drug use or poisoning, the coroner shall cause a postmortem examination to be performed by a forensic pathologist, unless the death occurred following a hospitalization stay of 24 hours or more.

Section 2 of this bill provides that when a forensic pathologist performs a postmortem examination at the direction of a coroner, the forensic pathologist shall determine the cause of death and the certifier of death shall record the cause of death as determined by the forensic pathologist on the certificate of death.

Existing law requires the State Registrar to charge and collect a fee for a certified copy of a certificate of death and provides that the fee must include $1 for credit to the account for the support of the office of the county coroner of the county in which the certificate originates. (NRS 440.700) Section 7 of this bill increases the fee from $1 to $4.

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

Section 1. Chapter 259 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *If a forensic pathologist performs a postmortem examination on a body under the jurisdiction of the coroner:*

1. The forensic pathologist shall determine the cause of death of the decedent; and

2. The certifier of death shall record on the death certificate the exact cause of death as determined by the forensic pathologist.

Sec. 3. *1. ~~[If a coroner or an employee of the coroner, in the course of his or her official duties comes in contact with the blood or bodily fluids of a decedent under the jurisdiction of the coroner, the]~~ The coroner may cause*

~~[the]~~ a decedent under the jurisdiction of the coroner to be tested for communicable diseases ~~[.]~~ without obtaining a court order if:

(a) A law enforcement officer, emergency medical attendant or firefighter came in contact with the blood or bodily fluids of the decedent in the course of his or her official duties before the decedent came under the jurisdiction of the coroner; or

(b) The coroner or an employee of the coroner comes in contact with the blood or bodily fluids of a decedent in the course of his or her official duties.

2. The coroner shall report the results of any test conducted pursuant to subsection 1 to the local health officer.

Sec. 4. *A coroner may establish ~~[a program]~~ :*

1. A program to promote the ~~[wellness and]~~ mental health of the employees of the office of the coroner ~~[.]~~ and any other person impacted as a result of an incident involving mass casualties within the county.

2. A program that provides bereavement services to members of the public within the county.

Sec. 4.5. NRS 259.010 is hereby amended to read as follows:

259.010 1. Every county in this State constitutes a coroner's district, except a county where a coroner is appointed pursuant to the provisions of NRS 244.163.

2. The provisions of this chapter, except NRS 259.025, 259.045 , *subsections 3 and 4 of NRS 259.050,* and *NRS* 259.150 to 259.180, inclusive, *and sections 2, 3 and 4 of this act* do not apply to any county where a coroner is appointed pursuant to the provisions of NRS 244.163.

Sec. 5. NRS 259.025 is hereby amended to read as follows:

259.025 1. The board of county commissioners of each county may create in the county general fund an account for the support of the office of the county coroner. The county treasurer shall deposit in that account the money received from:

(a) The State Registrar of Vital Statistics pursuant to NRS 440.690; and

(b) A district health officer pursuant to NRS 440.715.

2. The money in the account must be accounted for separately and not as a part of any other account.

3. The interest and income earned on the money in the account, after deducting any applicable charges, must be credited to the account.

4. Claims against the account must be paid as other claims against the county are paid.

5. Except as otherwise provided in subsection 8, the county coroner may use the money in the account to pay expenses relating to:

(a) A youth program involving the office of the county coroner, including, without limitation, a program of visitation established pursuant to NRS 62E.720;

(b) Training for a member of the staff of the office of the county coroner;

(c) Training an ex officio coroner and his or her deputies on the investigation of deaths; ~~[and]~~

(d) The purchase of specialized equipment for the office of the county coroner ~~[.]~~ *; and*

(e) Any program established by the coroner pursuant to section 4 of this act.

6. Any money remaining in the account at the end of any fiscal year does not revert to the county general fund and must be carried forward to the next fiscal year.

7. Before the end of each fiscal year:

(a) The board of county commissioners of each county that constitutes a coroner's district pursuant to NRS 259.010 and which has created an account for the support of the office of the county coroner pursuant to subsection 1 shall designate the office of a county coroner created pursuant to NRS 244.163 to receive the money in the account.

(b) The county treasurer of each county that constitutes a coroner's district pursuant to NRS 259.010 and for which the board of county commissioners has created an account for the support of the office of the county coroner pursuant to subsection 1 shall transfer all money in the account to the county treasurer of the county in which the office of the county coroner designated pursuant to paragraph (a) is established.

(c) The county treasurer of the county in which the office of the county coroner designated pursuant to paragraph (a) is established shall:

(1) Deposit all the money received pursuant to paragraph (b) into the account created in that county pursuant to subsection 1; and

(2) Account for the money received from each county in separate subaccounts.

8. The office of the county coroner designated to receive money pursuant to subsection 7 may only use the money in each subaccount and any interest attributable to that money to pay expenses which are incurred in the county from which the money was transferred and which relate to the training of an ex officio coroner and his or her deputies on the investigation of deaths.

Sec. 6. NRS 259.050 is hereby amended to read as follows:

259.050 1. When a coroner or the coroner's deputy is informed that a person has been killed, has committed suicide or has suddenly died under such circumstances as to afford reasonable ground to suspect that the death has been occasioned by unnatural means, the coroner shall make an appropriate investigation.

2. In all cases where it is apparent or can be reasonably inferred that the death may have been caused by a criminal act, the coroner or the coroner's deputy shall notify the district attorney of the county where the inquiry is made, and the district attorney shall make an investigation with the assistance of the coroner. If the sheriff is not ex officio the coroner, the coroner shall also notify the sheriff, and the district attorney and sheriff shall make the investigation with the assistance of the coroner.

3. *If it is apparent to or can be reasonably inferred by the coroner that a death may have been caused by drug use or poisoning, the coroner shall cause*

a postmortem examination to be performed on the decedent by a forensic pathologist unless the death occurred following a hospitalization stay of 24 hours or more.

4. A coroner may issue a subpoena for the production of any document, record or material that is ~~[relevant]~~ directly related or believed to contain evidence related to an investigation by the coroner.

5. The holding of a coroner's inquest is within the sound discretion of the district attorney or district judge of the county. An inquest need not be conducted in any case of death manifestly occasioned by natural cause, suicide, accident, motor vehicle crash or when it is publicly known that the death was caused by a person already in custody, but an inquest must be held unless the district attorney or a district judge certifies that no inquest is required.

~~[4.]~~ *6.* If an inquest is to be held, the district attorney shall call upon a justice of the peace of the county to preside over it. The justice of the peace shall summon three persons qualified by law to serve as jurors, to appear before the justice of the peace forthwith at the place where the body is or such other place within the county as may be designated by him or her to inquire into the cause of death.

~~[5.]~~ *7.* A single inquest may be held with respect to more than one death, where all the deaths were occasioned by a common cause.

Sec. 7. NRS 440.700 is hereby amended to read as follows:

440.700 1. Except as otherwise provided in this section, the State Registrar shall charge and collect a fee in an amount established by the State Registrar by regulation:

(a) For searching the files for one name, if no copy is made.

(b) For verifying a vital record.

(c) For establishing and filing a record of paternity, other than a hospital-based paternity, and providing a certified copy of the new record.

(d) For a certified copy of a record of birth.

(e) For a certified copy of a record of death originating in a county in which the board of county commissioners has not created an account for the support of the office of the county coroner pursuant to NRS 259.025.

(f) For a certified copy of a record of death originating in a county in which the board of county commissioners has created an account for the support of the office of the county coroner pursuant to NRS 259.025.

(g) For correcting a record on file with the State Registrar and providing a certified copy of the corrected record.

(h) For replacing a record on file with the State Registrar and providing a certified copy of the new record.

(i) For filing a delayed certificate of birth and providing a certified copy of the certificate.

(j) For the services of a notary public, provided by the State Registrar.

(k) For an index of records of marriage provided on microfiche to a person other than a county clerk or a county recorder of a county of this State.

(l) For an index of records of divorce provided on microfiche to a person other than a county clerk or a county recorder of a county in this State.

(m) For compiling data files which require specific changes in computer programming.

2. The fee collected for furnishing a copy of a certificate of birth or death must include the sum of $3 for credit to the Children's Trust Account created by NRS 432.131.

3. The fee collected for furnishing a copy of a certificate of death must include the sum of $1 for credit to the Review of Death of Children Account created by NRS 432B.409.

4. The fee collected for furnishing a copy of a certificate of death must include the sum of 50 cents for credit to the Grief Support Trust Account created by NRS 439.5132.

5. The State Registrar shall not charge a fee for furnishing a certified copy of a record of birth to:

(a) A homeless person who submits a signed affidavit on a form prescribed by the State Registrar stating that the person is homeless.

(b) A person who submits documentation from the Department of Corrections verifying that the person was released from prison within the immediately preceding 90 days.

6. The fee collected for furnishing a copy of a certificate of death originating in a county in which the board of county commissioners has created an account for the support of the office of the county coroner pursuant to NRS 259.025 must include the sum of ~~[$1]~~ *$4* for credit to the account for the support of the office of the county coroner of the county in which the certificate originates.

7. Upon the request of any parent or guardian, the State Registrar shall supply, without the payment of a fee, a certificate limited to a statement as to the date of birth of any child as disclosed by the record of such birth when the certificate is necessary for admission to school or for securing employment.

8. The United States Bureau of the Census may obtain, without expense to the State, transcripts or certified copies of births and deaths without payment of a fee.

Sec. 8. NRS 441A.195 is hereby amended to read as follows:

441A.195 1. ~~[A]~~ *Except as otherwise provided in section 3 of this act, a* law enforcement officer, correctional officer, emergency medical attendant, firefighter, county coroner or medical examiner or any of their employees or volunteers, any other person who is employed by or is a volunteer for an agency of criminal justice or any other public employee or volunteer for a public agency who, in the course of his or her official duties, comes into contact with human blood or bodily fluids, or the employer of such a person or the public agency for which the person volunteers, may petition a court for an order requiring the testing of a person or decedent for exposure to a communicable disease if the person or decedent may have exposed the officer, emergency medical attendant, firefighter, county coroner or medical examiner

or their employee or volunteer, other person employed by or volunteering for an agency of criminal justice or other public employee or volunteer for a public agency to a communicable disease.

2. When possible, before filing a petition pursuant to subsection 1, the person, employer or public agency for which the person volunteers, and who is petitioning shall submit information concerning the possible exposure to a communicable disease to the designated health care officer for the employer or public agency or, if there is no designated health care officer, the person designated by the employer or public agency to document and verify possible exposure to communicable diseases, for verification that there was substantial exposure. Each designated health care officer or person designated by an employer or public agency to document and verify possible exposure to communicable diseases shall establish guidelines based on current scientific information to determine substantial exposure.

3. A court shall promptly hear a petition filed pursuant to subsection 1 and determine whether there is probable cause to believe that a possible transfer of blood or other bodily fluids occurred between the person who filed the petition or on whose behalf the petition was filed and the person or decedent who possibly exposed him or her to a communicable disease. If the court determines that probable cause exists to believe that a possible transfer of blood or other bodily fluids occurred and, that a positive result from the test for the presence of a communicable disease would require the petitioner to seek medical intervention, the court shall:

(a) Order the person who possibly exposed the petitioner, or the person on whose behalf the petition was filed, to a communicable disease to submit two appropriate specimens to a local hospital or medical laboratory for testing for exposure to a communicable disease; or

(b) Order that two appropriate specimens be taken from the decedent who possibly exposed the petitioner, or the person on whose behalf the petition was filed, to a communicable disease and be submitted to a local hospital or medical laboratory for testing for exposure to the communicable disease.

➥ The local hospital or medical laboratory shall perform the test in accordance with generally accepted medical practices and shall disclose the results of the test in the manner set forth in NRS 629.069.

4. If a judge or a justice of the peace enters an order pursuant to this section, the judge or justice of the peace may authorize the designated health care officer or the person designated by the employer or public agency to document and verify possible exposure to a communicable disease to sign the name of the judge or justice of the peace on a duplicate order. Such a duplicate order shall be deemed to be an order of the court. As soon as practicable after the duplicate order is signed, the duplicate order must be returned to the judge or justice of the peace who authorized the signing of it and must indicate on its face the judge or justice of the peace to whom it is to be returned. The judge or justice of the peace, upon receiving the returned order, shall endorse the order with his or her name and enter the date on which the order was returned.

Any failure of the judge or justice of the peace to make such an endorsement and entry does not in and of itself invalidate the order.

5. Except as otherwise provided in NRS 629.069, all records submitted to the court in connection with a petition filed pursuant to this section and any proceedings concerning the petition are confidential and the judge or justice of the peace shall order the records and any record of the proceedings to be sealed and to be opened for inspection only upon an order of the court for good cause shown.

6. A court may establish rules to allow a judge or justice of the peace to conduct a hearing or issue an order pursuant to this section by electronic or telephonic means.

7. The employer of a person or the public agency for which the person volunteers, who files a petition or on whose behalf a petition is filed pursuant to this section or the insurer of the employer or public agency, shall pay the cost of performing the test pursuant to subsection 3.

8. As used in this section:

(a) "Agency of criminal justice" has the meaning ascribed to it in NRS 179A.030.

(b) "Emergency medical attendant" means a person licensed as an attendant or certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS.

Sec. 9. This act becomes effective on July 1, 2019.

Senator Parks moved the adoption of the amendment.

Remarks by Senators Parks and Hardy.

SENATOR PARKS:

Amendment No. 258 to Senate Bill No. 463 relates to coroners. It authorizes a coroner to test a decedent for communicable diseases without obtaining a court order if a law enforcement officer, emergency medical attendant or a firefighter came in contact with the blood or bodily fluids of the decedent before the decedent became under the jurisdiction of the coroner. It clarifies the types of programs that might be paid for by the revenue from death certificates and who would be authorized to participate in such programs. Finally, it clarifies what materials may be subpoenaed by a coroner while conducting an investigation.

SENATOR HARDY:

Sometimes, people who are first responders who are not an enforcement officer or a medical emergency technician or a firefighter do CPR on people and are exposed to the same blood and are exposed to the same risk. Does this include them?

SENATOR PARKS:

It is my understanding we were as broad as possible to include emergency individuals, law enforcement, emergency medical and, or firefighter. I presume under the emergency medical attendant, those individuals might be included. The emphasis here is to protect anyone who might come in contact.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 482.

Bill read second time.

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

Amendment No. 318.

SUMMARY—Revises provisions relating to health insurance. (BDR 57-531)

AN ACT relating to health insurance; authorizing the Commissioner of Insurance to enter into certain types of interstate compacts; authorizing the Commissioner to allow reciprocal licensure with certain states; ~~[establishing the Nevada Reinsurance Program;]~~ authorizing the Commissioner to apply to the Secretary of Health and Human Services for a certain waiver; removing certain waiting period requirements for health benefit plans for individuals not purchased on the Silver State Health Insurance Exchange; ~~[removing certain requirements for varying a premium rate on certain plans based on tobacco use and age;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The McCarran-Ferguson Act reserves to the states the right to regulate the business of insurance, except in certain situations where the United States Congress explicitly regulates the business of insurance. (15 U.S.C. §§ 1011-1015) In 2010, the United States Congress enacted the Patient Protection and Affordable Care Act, through which the United States Congress authorized two or more states to enter into healthcare choice compacts under which the issuer of any qualified health plan to which the compact applies would be required to: (1) be licensed in each state; or (2) submit to the jurisdiction of each such state. (42 U.S.C. § 18053(a)(1)(B)(ii)) Existing law authorizes the Commissioner of Insurance to enter into such compacts with the regulatory officers in other states to further the uniform treatment of insurers throughout the United States. (NRS 679B.220) Section 2 of this bill authorizes the Commissioner to enter into such compacts to also ensure: (1) market stability; or (2) essential insurance is available to Nevada residents. Section 1 of this bill authorizes the Commissioner to allow reciprocal licenses to be issued to health carriers that are licensed to do business in Arizona, California, Idaho, Oregon or Utah without the health carrier first being required to obtain a certificate of authority to do business in Nevada. Section 1 additionally authorizes the Commissioner to adopt regulations to carry out this reciprocal licensure program, including regulations authorizing the Commissioner to establish any fees the Commissioner deems appropriate to carry out this program. Section 55 of this bill makes conforming changes by requiring certain certificates to be filed only at the request of the Commissioner.

~~[The Patient Protection and Affordable Care Act established a transitional reinsurance program to help stabilize premiums in the individual market for the 2014, 2015 and 2016 benefit years. (42 U.S.C. § 18061) This program expired on December 31, 2016. Sections 5-44 of this bill generally provide for the establishment of the Nevada Reinsurance Program to replace the now defunct federal transitional reinsurance program. Section 23 of this bill~~

~~establishes the Nevada Reinsurance Program. Sections 24-29 of this bill create the Board of Directors of the Nevada Reinsurance Program and prescribe various procedures and requirements of the Board. Section 30 of this bill requires the Board to prepare, for adoption by the Commissioner, a reinsurance plan of operation for the administration of the Nevada Reinsurance Program. Section 31 of this bill requires this reinsurance plan of operation to establish certain procedures and requirements, including procedures for determining: (1) the payment parameters made by the Nevada Reinsurance Program that the Commissioner approves in sections 33-35 of this bill; and (2) any assessments to be charged or collected from eligible contributors. Section 36 of this bill provides the manner in which reinsurance payments are calculated, and section 37 of this bill provides the procedure for an eligible health carrier to request reinsurance payments from the Nevada Reinsurance Program. Section 39 of this bill creates the Nevada Reinsurance Program Account in the State General Fund and requires: (1) money received from certain assessments and from certain federal and state funds to be deposited into the Account; and (2) money deposited into the Account be expended for the operation and administration of the Nevada Reinsurance Program and to make reinsurance payments. Section 41 of this bill requires the Board to submit to the Commissioner and make available to the public a report summarizing the operations of the Nevada Reinsurance Program for each benefit year. Section 42 of this bill requires the Board to: (1) hire and cooperate with an independent certified public accountant to perform an audit for each benefit year of the Nevada Reinsurance Program; and (2) submit this audit to the Commissioner and make it available to the public. Section 3 of this bill makes a conforming change.]~~

Federal law authorizes a state to apply to the Secretary of Health and Human Services for a waiver of various requirements of the Patient Protection and Affordable Care Act with respect to health insurance coverage in the state for a plan year. (42 U.S.C. § 18502) Section 45 of this bill incorporates this federal language into state law by authorizing the Commissioner to apply for such a waiver for a plan year beginning on January 1, 2020. Sections 46-54, 58 and 59 of this bill make conforming changes.

Existing law requires any health benefit plan for individuals that is not purchased on the Silver State Health Insurance Exchange to be: (1) made available for purchase at any time during the calendar year; (2) subject to a waiting period of not more than 90 days after the date on which the application was received; (3) effective upon the first day of the month immediately after the month in which the waiting period ends; and (4) not retroactive to the date on which the application for coverage was received. (NRS 687B.480) Section 56 of this bill removes these requirements.

~~[Federal law provides that, with respect to the premium rate charged by a health insurance insurer for health insurance coverage offered in the individual or small group market, the rate may vary with respect to a particular plan or coverage involved only by: (1) age, except that such rate shall not vary by more~~

~~than 3 to 1 for adults; and (2) tobacco use, except that such rate shall not vary by more than 1.5 to 1. (42 U.S.C. § 300gg(a)(1)(A)) Existing law incorporates federal law by authorizing such a premium rate to vary with respect to the particular plan or coverage involved based on the following characteristics: (1) tobacco use, except that the rate shall not vary by more than 1.5 to 1 for individuals who vary in tobacco use; and (2) age, except that the rate must not vary by a ratio of more than 3 to 1 for certain individuals that is consistent with the uniform age rating curve established in the Federal Act. (NRS 687B.500) Section 57 of this bill removes these requirements from existing law and instead allows variations in a premium rate based on: (1) tobacco use; and (2) age consistent with the uniform age rating curve established in the Federal Act. The federal requirements for tobacco use and age still apply to section 57.]~~

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

Section 1. Chapter 679B of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Commissioner may allow reciprocal licenses to be issued to health carriers licensed to do business in Arizona, California, Idaho, Oregon and Utah to enable said health carriers to do business in Nevada without completing a separate application for a certificate of authority in Nevada, other than a petition for recognition of their respective state's license with the grant of a reciprocal Nevada license.

2. The Commissioner may adopt regulations to carry out the provisions of subsection 1, including, without limitation, regulations to establish any fees the Commissioner deems appropriate to carry out the provisions of subsection 1.

Sec. 2. NRS 679B.220 is hereby amended to read as follows:

679B.220 1. The Commissioner shall communicate on request of the regulatory officer for insurance in any state, province or country any information which it is the duty of the Commissioner by law to ascertain respecting authorized insurers.

2. The Commissioner may:

(a) Be a member of the National Association of Insurance Commissioners or any successor organization;

(b) Exchange with the association or any successor organization any information, not otherwise confidential, relating to applicants and licensees under this title;

(c) Communicate with the association or any successor organization concerning the business of insurance generally;

(d) Enter into compacts with the regulatory officers in other states to ~~[further]~~ *:*

(1) Further the uniform treatment of insurers throughout the United States;

(2) Ensure market stability; or

(3) Ensure essential insurance is made available to Nevada residents; and

(e) Participate in and support other cooperative activities of public officers having supervision of the business of insurance.

Sec. 3. ~~[NRS 681A.150 is hereby amended to read as follows:~~

~~681A.150 No credit may be taken as an asset or as a deduction from liability on account of reinsurance unless [the] :~~

~~*1. The* reinsurer is authorized to transact insurance or reinsurance in this state [or the] *and the requirements of NRS 681A.200 and 681A.210 are met;*~~

~~*2. The* requirements of NRS 681A.155 to 681A.190, inclusive, and [in any of these cases] the requirements of NRS 681A.200 and 681A.210 [also] are met [.] *; or*~~

~~*3. The reinsurance is paid by the Nevada Reinsurance Program established in section 23 of this act.]~~ (Deleted by amendment.)

Sec. 4. ~~[Chapter 686B of NRS is hereby amended by adding thereto the provisions set forth as sections 5 to 45, inclusive, of this act.]~~ (Deleted by amendment.)

Sec. 5. ~~[*As used sections 5 to 44, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 6 to 22, inclusive, of this act have the meanings ascribed to them in those sections.]~~ (Deleted by amendment.)

Sec. 6. ~~[*"Administrator" means the entity chosen by the Board and approved by the Commissioner to administer the Reinsurance Program pursuant to section 23 of this act.]~~ (Deleted by amendment.)

Sec. 7. ~~[*"Assessment" means a dollar amount that the Board, upon the approval of the Commissioner, charges to eligible contributors and uses to defray the cost of the Reinsurance Program pursuant to subsection 4 of section 39 of this act.]~~ (Deleted by amendment.)

Sec. 8. ~~[*"Attachment point" means the threshold dollar amount for the costs of claims incurred by an eligible health carrier for the covered benefits of an enrolled individual in a benefit year above which the costs of claims for benefits are eligible for reinsurance payments under the Reinsurance Program.]~~ (Deleted by amendment.)

Sec. 9. ~~[*"Benefit year" means the calendar year during which an eligible health carrier provides coverage through a health benefit plan for an individual.]~~ (Deleted by amendment.)

Sec. 10. ~~[*"Board" means the Board of Directors of the Nevada Reinsurance Program created by section 24 of this act.]~~ (Deleted by amendment.)

Sec. 11. ~~[*"Coinsurance rate" means the percentage rate at which the Reinsurance Program must reimburse a reinsurance eligible health benefit plan for the costs of claims incurred for the covered benefits of an enrolled individual in a benefit year above the attachment point and below the reinsurance cap.]~~ (Deleted by amendment.)

Sec. 12. ~~[*"Eligible health carrier" means a health carrier offering reinsurance eligible health benefit plans in this State.*]~~ (Deleted by amendment.)

Sec. 13. ~~[*"Health benefit plan" has the meaning ascribed to it in NRS 687B.470.*]~~ (Deleted by amendment.)

Sec. 14. ~~[*"Health carrier" has the meaning ascribed to it in NRS 695G.024.*]~~ (Deleted by amendment.)

Sec. 15. ~~[*"Reinsurance cap" means the threshold dollar amount for the costs of claims incurred by a reinsurance eligible health benefit plan for the covered benefits of an enrolled individual in a benefit year above which the costs of claims for the benefits are no longer eligible for reinsurance payments.*]~~ (Deleted by amendment.)

Sec. 16. ~~[*"Reinsurance eligible health benefit plan" means a health benefit plan that provides coverage to persons and which:*~~

~~*1. Is delivered or issued for delivery in this State on or after January 1, 2020; and*~~

~~*2. Is not a grandfathered plan as defined in NRS 679A.094.*]~~ (Deleted by amendment.)

Sec. 17. ~~[*"Reinsurance eligible individual" means a natural person who is covered under a reinsurance eligible health benefit plan.*]~~ (Deleted by amendment.)

Sec. 18. ~~[*"Reinsurance payment" means the dollar amount paid by the Reinsurance Program to an eligible health carrier in accordance with section 36 of this act.*]~~ (Deleted by amendment.)

Sec. 19. ~~[*"Reinsurance payment parameters" means the attachment point, reinsurance cap and coinsurance rate for the Reinsurance Program established pursuant to sections 33, 34 and 35 of this act.*]~~ (Deleted by amendment.)

Sec. 20. ~~[*"Reinsurance plan of operation" means the plan of operation of the Reinsurance Program established pursuant to section 30 of this act.*]~~ (Deleted by amendment.)

Sec. 21. ~~[*"Reinsurance Program" means the Nevada Reinsurance Program established by section 23 of this act.*]~~ (Deleted by amendment.)

Sec. 22. ~~[*"Threshold dollar amount" means the dollar amount that an eligible health carrier or reinsurance eligible health benefit plan must pay before it is eligible to receive reinsurance payments under the Reinsurance Program.*]~~ (Deleted by amendment.)

Sec. 23. ~~[*1. The Nevada Reinsurance Program is hereby established as a nonprofit entity. The goal of the Reinsurance Program is to stabilize the rates and premiums for health benefit plans for individuals and provide greater financial certainty to consumers of health insurance in this State.*~~

~~*2. The Board shall administer the Reinsurance Program and:*~~

~~*(a) Prepare a reinsurance plan of operation pursuant to section 30 of this act and submit it to the Commissioner for approval;*~~

~~*(b) Conduct all activities required by the approved reinsurance plan of operation pursuant to section 31 of this act;*~~

~~*(c) With the approval of the Commissioner, enter into such contracts as are necessary or proper to carry out the administration of the Reinsurance Program pursuant to sections 5 to 44, inclusive, of this act, including, without limitation, entering into contracts with:*~~

~~*(1) Similar programs of reinsurance administered by other states for the joint performance of common functions; or*~~

~~*(2) Persons or other organizations for the performance of administrative functions that relate to programs of reinsurance;*~~

~~*(d) Take any legal action necessary or proper to:*~~

~~*(1) Recover assessments and penalties, as applicable, for or on behalf of the Reinsurance Program; or*~~

~~*(2) Avoid the payment of claims that are improper against the Reinsurance Program;*~~

~~*(e) Sue or be sued for reinsurance payments, including, without limitation, taking any legal action necessary or proper to recover any assessment for, on behalf of or against:*~~

~~*(1) Health carriers;*~~

~~*(2) Third-party administrators or other administrators participating in the Reinsurance Program; or*~~

~~*(3) Other persons participating in the Reinsurance Program;*~~

~~*(f) Require the Reinsurance Program to be audited:*~~

~~*(1) By an independent certified public accountant to assure the general accuracy of the financial data submitted to the Reinsurance Program; and*~~

~~*(2) In compliance with the audit procedures designed pursuant to paragraph (g);*~~

~~*(g) Design audit procedures that govern an audit conducted pursuant to paragraph (f);*~~

~~*(h) Borrow and repay such funds as, in the judgment of the Board, may be necessary for the administration of the Reinsurance Program; and*~~

~~*(i) Perform any other functions necessary to:*~~

~~*(1) Carry out the reinsurance plan of operation; and*~~

~~*(2) Implement any of the purposes of the Reinsurance Program.*~~

~~*3. The Board, in administering the Reinsurance Program pursuant to subsection 2, may:*~~

~~*(a) Appoint appropriate advisory committees and subcommittees, pursuant to section 28 of this act, as necessary to provide assistance in the administration of the Reinsurance Program; and*~~

~~*(b) Consider, when designing the audit procedures pursuant to paragraph (g) of subsection 2, the criteria and methods used in carrying out the risk adjustment activities pursuant to 42 U.S.C. § 18063.]*~~ (Deleted by amendment.)

Sec. 24. ~~[*1. The Board of Directors of the Nevada Reinsurance Program is hereby created. The Board consists of the following 13 members:*~~

~~(a) Ten voting members appointed by the Commissioner as follows:~~

~~(1) Six persons who represent insurers that provide health insurance coverage to individuals pursuant to chapter 689A of NRS;~~

~~(2) Two persons who represent the enrolled individual in the individual market; and~~

~~(3) Two persons who represent health care providers;~~

~~(b) One voting member appointed by the Senate Majority Leader;~~

~~(c) One voting member appointed by the Speaker of the Assembly; and~~

~~(d) The Commissioner, or his or her designated representative, as an ex officio, nonvoting member of the Board.~~

~~2. When making an appointment to the Board pursuant to subsection 1, the Commissioner, the Senate Majority Leader and the Speaker of the Assembly shall:~~

~~(a) Consider the collective expertise and experience of the existing voting members of the Board; and~~

~~(b) Attempt to make each appointment so that the voting members of the Board represent a range and diversity of:~~

~~(1) Skills;~~

~~(2) Knowledge;~~

~~(3) Experience; and~~

~~(4) Geographic and stakeholder perspectives.~~

~~3. Members of the Board shall serve without compensation except that while engaged in the business of the Board, each member is entitled to receive the per diem allowance or travel expenses provided for state officers and employees generally, to be paid from the proceeds of the assessments received by the Reinsurance Program as an administrative expense of the Reinsurance Program.]~~ (Deleted by amendment.)

Sec. 25. ~~[1. The term of each voting member of the Board appointed pursuant to section 24 of this act is 3 years, except that the initial terms of the voting members of the first Board must be staggered as follows:~~

~~Voting Member of the Board Category~~	~~Number of Members~~	~~Initial Term In Years~~
~~Represent carriers that provide health insurance~~	~~2~~	~~1~~
	~~2~~	~~2~~
	~~2~~	~~3~~
~~Represent the enrolled individual in the individual market~~	~~1~~	~~1~~
	~~1~~	~~2~~
~~Represent health care providers~~	~~1~~	~~1~~
	~~1~~	~~2~~
~~Appointed by the Nevada Senate Majority Leader~~	~~1~~	~~3~~
~~Appointed by the Speaker of the Assembly~~	~~1~~	~~3~~

~~2. A voting member of the Board may be reappointed.~~

~~*3. A voting member of the Board may not serve more than two terms.*~~

~~*4. The Commissioner, Senate Majority Leader or Speaker of the Assembly may remove a voting member of the Board that he or she appointed as a voting member of the Board if the voting member of the Board:*~~

~~*(a) Neglects his or her duty; or*~~

~~*(b) Commits misfeasance, malfeasance or nonfeasance while serving as a member of the Board.*~~

~~*5. At the expiration of the term of a voting member of the Board, or if a voting member of the Board resigns or is otherwise unable to complete his or her term, the Commissioner, the Senate Majority Leader or the Speaker of the Assembly, as applicable, shall appoint a replacement not later than 30 days after the vacancy occurs. All vacancies of the Board must be filled in the same manner of appointment as the voting member of the Board who created the vacancy.*~~

~~*6. Upon the expiration of his or her appointment, a voting member of the Board may continue to serve until:*~~

~~*(a) He or she is reappointed, if applicable; or*~~

~~*(b) A person is appointed as a successor.]*~~ (Deleted by amendment.)

Sec. 26. ~~*[1. The Board shall elect a Chair of the Board from among its members who shall serve for a term of 2 years.*~~

~~*2. If a vacancy occurs, the members of the Board shall elect a replacement Chair of the Board from among its members who shall serve for the remainder of the unexpired term.*~~

~~*3. The Chair of the Board may be reelected to one or more terms.]*~~ (Deleted by amendment.)

Sec. 27. ~~*[1. The Board shall meet:*~~

~~*(a) Until a reinsurance plan of operation has been approved by the Commissioner pursuant to section 30 of this act, at least twice each year;*~~

~~*(b) After a reinsurance plan of operation has been approved by the Commissioner pursuant to section 30 of this act, at least once each year; and*~~

~~*(c) At such other times as the Commissioner or the Chair of the Board deems necessary.*~~

~~*2. A majority of the voting members of the Board constitutes a quorum for the transaction of business.*~~

~~*3. A voting member of the Board may not vote by proxy.]*~~ (Deleted by amendment.)

Sec. 28. ~~*[1. The Board may appoint:*~~

~~*(a) The Administrator to carry out the provisions of sections 5 to 44, inclusive, of this act; and*~~

~~*(b) Subcommittees and advisory committees composed of members of the Board, former members of the Board or members of the general public who have experience with or knowledge of matters relating to health care or reinsurance to consider specific problems or other matters within the scope of the powers, duties and functions of the Board.*~~

~~*2. To the extent practicable, the members of such a subcommittee or advisory committee must be representative of a range and diversity of:*~~

~~*(a) Skills;*~~

~~*(b) Knowledge;*~~

~~*(c) Experience; and*~~

~~*(d) Geographic and stakeholder perspectives.*~~

~~*3. A member of such a subcommittee or advisory committee shall not be compensated or reimbursed for travel or other expenses relating to any duties as a member of the subcommittee or advisory committee.]*~~ (Deleted by amendment.)

Sec. 29. ~~*[The Board and any subcommittee or advisory committee appointed by the Board shall comply with the provisions of chapter 241 of NRS.]*~~ (Deleted by amendment.)

Sec. 30. ~~*[1. Not later than 120 days after the initial appointment of the Board, the Board shall submit to the Commissioner a reinsurance plan of operation that ensures the fair, reasonable and equitable administration of the Reinsurance Program. Once a reinsurance plan of operation has been approved by the Commissioner, the Board may amend the reinsurance plan of operation as needed, subject to the approval of the Commissioner.*~~

~~*2. The Commissioner shall, after notice and a hearing, approve a reinsurance plan of operation and any amendment to the reinsurance plan of operation submitted for his or her approval if he or she determines that the plan or amendment is suitable to ensure the fair, reasonable and equitable administration of the Reinsurance Program, in accordance with the provisions of sections 5 to 44, inclusive, of this act and NRS 681A.150.*~~

~~*3. If the Board fails to submit a suitable reinsurance plan of operation within 120 days after its appointment or if the Commissioner determines in accordance with subsection 2 that the reinsurance plan of operation as submitted is not suitable, the Commissioner may, after notice and a hearing, adopt and carry out a temporary reinsurance plan of operation which is effective only until the approval of a reinsurance plan of operation submitted by the Board.*~~

~~*4. Before approving a reinsurance plan of operation submitted by the Board, the Commissioner may amend the plan if he or she determines that such an amendment is necessary to ensure that the plan is suitable pursuant to subsection 2.*~~

~~*5. A reinsurance plan of operation becomes effective upon the written approval of the Commissioner.]*~~ (Deleted by amendment.)

Sec. 31. ~~*[A reinsurance plan of operation and a temporary reinsurance plan of operation established pursuant to section 30 of this act must:*~~

~~*1. Establish procedures for the handling and accounting of the assets of the Reinsurance Program and for an annual fiscal report to be submitted to the Commissioner pursuant to section 41 of this act.*~~

~~*2. Establish procedures for selecting the Administrator and set forth the powers and duties of the Administrator.*~~

~~*3. Establish procedures for determining the reinsurance payment parameters of the Reinsurance Program pursuant to section 34 of this act.*~~

~~*4. Establish procedures for the determination of any assessments to be charged to eligible contributors.*~~

~~*5. Establish procedures for collecting any assessments from eligible contributors. Any assessment collected must be deposited in the Nevada Reinsurance Program Account created by section 39 of this act for the purpose of paying claims and administrative expenses incurred by the Reinsurance Program.*~~

~~*6. Establish procedures for collecting any state or federal funds. Any funds collected must be deposited in the Nevada Reinsurance Program Account for the purpose of paying claims and administrative expenses incurred by the Reinsurance Program.*~~

~~*7. Establish regular times and places for meetings of the Board in connection with the operation of the Reinsurance Program that comply with section 27 of this act.*~~

~~*8. Establish data and information requirements for:*~~

~~*(a) The submission of requests for reinsurance payments by eligible health carriers;*~~

~~*(b) The processes for notification of eligible health carriers regarding reinsurance payments; and*~~

~~*(c) Issuing reinsurance payments.*~~

~~*9. Establish procedures for:*~~

~~*(a) Keeping records of all financial transactions;*~~

~~*(b) Submitting to the Commissioner and making available to the public the report required pursuant to section 41 of this act; and*~~

~~*(c) The submission of aggregated data by the Administrator to the Commissioner for preparation of any reports required under the terms of the appropriation of state or federal funds.*~~

~~*10. Provide for any additional matters necessary to carry out and administer the Reinsurance Program.]*~~ (Deleted by amendment.)

Sec. 32. ~~*[1. The Reinsurance Program must collect or access data from an eligible health carrier that are necessary to determine reinsurance payments, according to the data requirements pursuant to subsection 3 of section 37 of this act.*~~

~~*2. All funds received by or appropriated to the Reinsurance Program must be properly accounted for, in accordance with the reinsurance plan of operation.*~~

~~*3. The Board shall not use any funds appropriated to the Reinsurance Program for:*~~

~~*(a) Staff retreats;*~~

~~*(b) Promotional giveaways;*~~

~~*(c) Executive compensation that the Commissioner deems excessive;*~~

~~*(d) Promotion of federal or state legislative or regulatory change; or*~~

~~*(c) Any other purpose not established in the approved reinsurance plan of operation.*~~

~~*4. For each benefit year, the Reinsurance Program must notify eligible health carriers of any reinsurance payments. Such reinsurance payments must be made not later than June 30 of the year following the applicable benefit year.*~~

~~*5. On a quarterly basis during the benefit year, the Reinsurance Program must provide each eligible health carrier with the total amount of requests for reinsurance payments the Reinsurance Program has received from eligible health carriers during the applicable quarter of the benefit year.]*~~ (Deleted by amendment.)

Sec. 33. ~~*[1. The Commissioner shall approve annually reinsurance payment parameters for the Reinsurance Program that:*~~

~~*(a) Manage the Reinsurance Program within available financial resources and take into account any federal and state funding, appropriations or assessments that are available for use by the Reinsurance Program;*~~

~~*(b) Stabilize or reduce premium rates in the individual market;*~~

~~*(c) Increase participation in the individual market;*~~

~~*(d) Improve access to health care providers and health care services for those in the individual market;*~~

~~*(e) Mitigate the impact that high-risk individuals have on premium rates in the individual market; and*~~

~~*(f) Reflect any adjustments needed to comply with any requirements for the approval of federal or state funds.*~~

~~*2. The Board shall set annually the attachment point for the Reinsurance Program for the benefit year at an amount not exceeding the reinsurance cap.*~~

~~*3. The Board shall set annually the coinsurance rate for the Reinsurance Program for the benefit year at a rate between 50 percent and 80 percent.]*~~ (Deleted by amendment.)

Sec. 34. ~~*[1. Beginning with the 2021 benefit year, the Board shall annually propose to the Commissioner the reinsurance payment parameters for the next benefit year by January 15 of the year immediately preceding the next benefit year.*~~

~~*2. The Commissioner shall approve or reject the reinsurance payment parameters within 30 days after the proposal of the Board.*~~

~~*3. If the Commissioner fails to approve or reject the reinsurance payment parameters within 30 days after the proposal of the Board, the reinsurance payment parameters proposed by the Board are final and will be effective for the next benefit year.]*~~ (Deleted by amendment.)

Sec. 35. ~~*[1. Notwithstanding the provisions of sections 33 and 34 of this act, and subject to subsection 2, the reinsurance payment parameters for the 2020 benefit year are:*~~

~~*(a) An attachment point of $60,000;*~~

~~*(b) A coinsurance rate of 60 percent; and*~~

~~*(c) A reinsurance cap of $300,000.*~~

~~*2. The Board may alter the reinsurance payment parameters to the extent necessary to secure approval of state or federal funds.]*~~ (Deleted by amendment.)

Sec. 36. ~~*[1. Each reinsurance payment must be calculated with respect to costs incurred by an eligible health carrier to cover the claims and benefits filed by an individual enrolled during the benefit year.*~~

~~*2. If the costs incurred by an eligible health carrier pursuant to subsection 1 do not exceed the attachment point, the reinsurance payment is $0.*~~

~~*3. If the costs incurred by an eligible health carrier pursuant to subsection 1 exceed the attachment point, the reinsurance payment must be calculated as the product of the:*~~

~~*(a) Coinsurance rate; and*~~

~~*(b) Lesser of:*~~

~~*(1) The costs incurred by an eligible health carrier pursuant to subsection 1 minus the attachment point; or*~~

~~*(2) The reinsurance cap minus the attachment point.*~~

~~*4. The Board shall ensure that reinsurance payments made to eligible health carriers do not exceed the total amount paid of an eligible claim by the eligible health carrier.*~~

~~*5. As used in this section, "total amount paid of an eligible claim" means, as of the time the data is submitted or made accessible under subsection 3 of section 37, the dollar amount paid by the eligible health carrier based upon the allowed amount less any deductible, coinsurance, copayment or federal or state subsidy.]*~~ (Deleted by amendment.)

Sec. 37. ~~*[1. An eligible health carrier may request reinsurance payments from the Reinsurance Program after the requirements of this section and section 32 are met.*~~

~~*2. An eligible health carrier must make requests for reinsurance payments in accordance with any requirements that are:*~~

~~*(a) Established by the Board; and*~~

~~*(b) Reflected in the reinsurance plan of operation.*~~

~~*3. All submitted claims, working papers, recorded information, documents and copies thereof produced by, obtained by or disclosed to the Commissioner or any other person in the course of a health care examination made pursuant to this chapter are confidential, are not subject to subpoena and may not be made public by the Commissioner or any other person, except as necessary for a hearing or as provided by NRS 239.0115. A person to whom such information is given must agree in writing before receiving the information to provide to the information the same confidential treatment as required by this section, unless the prior written consent of the insurer to which it pertains has been obtained. In addition, no waiver of confidentiality or privilege with respect to any document, material or information occurs as a result of disclosure to the Commissioner pursuant to this section.*~~

~~*4. An eligible health carrier must provide the Reinsurance Program with access to the data within the dedicated data environment established by the eligible health carrier under the federal risk adjustment program pursuant to 42 U.S.C. § 18063, or any other appropriate data collection mechanism chosen by the Board and approved by the Commissioner. Eligible health carriers must submit an attestation to the Board asserting compliance with the:*~~

~~*(a) Applicable dedicated data environments;*~~

~~*(b) Data requirements;*~~

~~*(c) Establishment and usage of identification numbers for the enrolled individuals with such identification numbers being masked; and*~~

~~*(d) Data submission deadlines.*~~

~~*5. An eligible health carrier must provide the access described in subsection 4 for the applicable benefit year by April 30 of the year after the applicable benefit year.*~~

~~*6. An eligible health carrier must maintain documents and records, whether paper, electronic or in other media, sufficient to substantiate the requests for reinsurance payments made pursuant to this section for a period of at least 6 years from the date of request. An eligible health carrier must also make such documents and records available upon request of the Commissioner for the purposes of verification, investigation, audit or other review of the requests for reinsurance payments.*~~

~~*7. An eligible health carrier may be audited by the Reinsurance Program to assess the compliance of the eligible health carrier with the requirements of this section. The eligible health carrier must ensure that its contractors, subcontractors and agents cooperate with any audit authorized by this section. If an audit results in a proposed finding of material weakness or significant deficiency with respect to compliance with any requirement of this section, the eligible health carrier may provide a response to the proposed finding within 30 days of notification of the proposed finding. Within 30 days of the issuance of a final audit report that includes a finding of material weakness or significant deficiency, the eligible health carrier shall provide a written corrective action plan to the Reinsurance Program for approval. After the corrective action plan is approved by the Reinsurance Program, the eligible health carrier shall:*~~

~~*(a) Implement the approved corrective action plan within the timeframe stipulated in the approved corrective action plan; and*~~

~~*(b) Provide the Reinsurance Program with written documentation of the corrective action once taken.]*~~ (Deleted by amendment.)

Sec. 38. ~~*[1. The Board and the Administrator shall develop procedures to ensure the confidentiality of all data submitted by members in accordance with the requirements of the Reinsurance Program.*~~

~~*2. The procedures must ensure that all submitted claims, working papers, recorded information, documents and copies thereof produced by, obtained by or disclosed to the Commissioner or any other person in the course of an*~~

~~*examination made pursuant to this chapter are confidential and subject to the provisions of subsection 3 of section 37 of this act.*~~

~~*— 3. Nothing in this act precludes the Administrator or the Commissioner from sharing aggregated data submitted by companies in accordance with the requirements of the Reinsurance Program.]*~~ (Deleted by amendment.)

Sec. 39. ~~*[1. The Nevada Reinsurance Program Account is hereby created in the State General Fund.*~~

~~*— 2. The State Treasurer shall administer the Nevada Reinsurance Program Account and shall deposit into the Nevada Reinsurance Program Account all receipts from assessments and federal or state funds collected for the purpose of paying administrative expenses of the Reinsurance Program.*~~

~~*— 3. The State Treasurer shall, upon authorization from the Board, make expenditures from the Nevada Reinsurance Program Account to:*~~

~~*— (a) Operate and administer the Reinsurance Program; and*~~

~~*— (b) Make reinsurance payments to eligible health carriers.*~~

~~*— 4. The operational and administrative costs and reinsurance payments of the Reinsurance Program must be funded using the following amounts deposited in the Nevada Reinsurance Program Account in the following order:*~~

~~*— (a) Any federal funding available;*~~

~~*— (b) Any state funding available; and*~~

~~*— (c) Any amounts assessed to eligible contributors.]*~~ (Deleted by amendment.)

Sec. 40. ~~*[The Board shall keep accurate accounting for each benefit year of all:*~~

~~*— 1. Funds received by or appropriated to the Reinsurance Program;*~~

~~*— 2. Requests for reinsurance payments received from eligible health carriers;*~~

~~*— 3. Reinsurance payments made to eligible health carriers; and*~~

~~*— 4. Administrative and operational expenses incurred by the Reinsurance Program.]*~~ (Deleted by amendment.)

Sec. 41. ~~*[1. The Board shall submit to the Commissioner and make available to the public a report summarizing the operations of the Reinsurance Program for each benefit year, in a form approved by the Commissioner, by November 1 of the year following the applicable benefit year or 60 calendar days following the final disbursement of reinsurance payments for the applicable benefit year, whichever is later.*~~

~~*— 2. The report required pursuant to subsection 1 must, at a minimum, include the following information for the benefit year that is the subject of the report:*~~

~~*— (a) Funds deposited in the Nevada Reinsurance Program Account;*~~

~~*— (b) Requests for reinsurance payments received from eligible health carriers;*~~

~~*— (c) Reinsurance payments made to eligible health carriers; and*~~

~~*— (d) Administrative and operational expenses incurred for the Reinsurance Program.]*~~ (Deleted by amendment.)

Sec. 42. ~~[*1. The Board shall hire and cooperate with an independent certified public accountant that is licensed to do business in Nevada to perform an audit of the Reinsurance Program for each benefit year, in accordance with generally accepted auditing standards. The audit must, at a minimum:*~~

~~*(a) Assess compliance with the requirements of sections 5 to 44, inclusive, of this act; and*~~

~~*(b) Identify any material weaknesses or significant deficiencies of the Reinsurance Program and address manners in which to correct any such material weaknesses or deficiencies.*~~

~~*2. The Board, after receiving the completed audit pursuant to subsection 1, shall:*~~

~~*(a) Provide the Commissioner with the results of the audit;*~~

~~*(b) Identify to the Commissioner any material weakness or significant deficiency identified in the audit and address in writing to the Commissioner how the Board intends to correct any such material weakness or significant deficiency; and*~~

~~*(c) Make public the results of the audit, including, without limitation, any material weakness or significant deficiency and how the Board intends to correct the material weakness or significant deficiency.]*~~ (Deleted by amendment.)

Sec. 43. ~~[*The Commissioner shall:*~~

~~*1. Approve the selection of the Administrator made by the Board pursuant to subsection 2 of section 31 of this act and approve the Board's contract with the Administrator;*~~

~~*2. Contract with the Federal Government or another unit of State Government to ensure coordination of the Reinsurance Program with other governmental programs;*~~

~~*3. Undertake, directly or through contracts with other persons, studies or demonstration programs to develop awareness of the benefits of this chapter; and*~~

~~*4. Formulate general policy and adopt regulations that are reasonably necessary to administer this chapter.]*~~ (Deleted by amendment.)

Sec. 44. ~~[*In a rate filing submitted pursuant to NRS 686B.070, an eligible health carrier is required to identify, in a form approved by the Commissioner, the impact of reinsurance payments on the:*~~

~~*1. Costs of projected claims; and*~~

~~*2. Development of rates.]*~~ (Deleted by amendment.)

Sec. 45. *1. The Commissioner may apply to the Secretary of Health and Human Services pursuant to 42 U.S.C. § 18052 for a waiver for state innovation of applicable provisions of the Patient Protection and Affordable Care Act, Public Law 111-148, with respect to health insurance coverage in this State for a plan year beginning on or after January 1, 2020.*

2. The Commissioner may implement a state plan that meets the waiver requirements in a manner consistent with state and federal law and as approved by the Secretary of Health and Human Services.

Sec. 46. NRS 686B.010 is hereby amended to read as follows:

686B.010 1. The Legislature intends that NRS 686B.010 to 686B.1799, inclusive, *and section 45 of this act* be liberally construed to achieve the purposes stated in subsection 2, which constitute an aid and guide to interpretation but not an independent source of power.

2. The purposes of NRS 686B.010 to 686B.1799, inclusive, *and section 45 of this act* are to:

(a) Protect policyholders and the public against the adverse effects of excessive, inadequate or unfairly discriminatory rates;

(b) Encourage, as the most effective way to produce rates that conform to the standards of paragraph (a), independent action by and reasonable price competition among insurers;

(c) Provide formal regulatory controls for use if independent action and price competition fail;

(d) Authorize cooperative action among insurers in the rate-making process, and to regulate such cooperation in order to prevent practices that tend to bring about monopoly or to lessen or destroy competition;

(e) Encourage the most efficient and economic marketing practices; and

(f) Regulate the business of insurance in a manner that will preclude application of federal antitrust laws.

Sec. 47. NRS 686B.020 is hereby amended to read as follows:

686B.020 As used in NRS 686B.010 to 686B.1799, inclusive, *and section 45 of this act*, unless the context otherwise requires:

1. "Advisory organization," except as limited by NRS 686B.1752, means any person or organization which is controlled by or composed of two or more insurers and which engages in activities related to rate making. For the purposes of this subsection, two or more insurers with common ownership or operating in this State under common ownership constitute a single insurer. An advisory organization does not include:

(a) A joint underwriting association;

(b) An actuarial or legal consultant; or

(c) An employee or manager of an insurer.

2. "Market segment" means any line or kind of insurance or, if it is described in general terms, any subdivision thereof or any class of risks or combination of classes.

3. "Rate service organization" means any person, other than an employee of an insurer, who assists insurers in rate making or filing by:

(a) Collecting, compiling and furnishing loss or expense statistics;

(b) Recommending, making or filing rates or supplementary rate information; or

(c) Advising about rate questions, except as an attorney giving legal advice.

4. "Supplementary rate information" includes any manual or plan of rates, statistical plan, classification, rating schedule, minimum premium, policy fee, rating rule, rule of underwriting relating to rates and any other information prescribed by regulation of the Commissioner.

Sec. 48. NRS 686B.030 is hereby amended to read as follows:

686B.030 1. Except as otherwise provided in subsection 2 and NRS 686B.125, the provisions of NRS 686B.010 to 686B.1799, inclusive, *and section 45 of this act* apply to all kinds and lines of direct insurance written on risks or operations in this State by any insurer authorized to do business in this State, except:

(a) Ocean marine insurance;

(b) Contracts issued by fraternal benefit societies;

(c) Life insurance and credit life insurance;

(d) Variable and fixed annuities;

(e) Credit accident and health insurance;

(f) Property insurance for business and commercial risks;

(g) Casualty insurance for business and commercial risks other than insurance covering the liability of a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS;

(h) Surety insurance;

(i) Health insurance offered through a group health plan maintained by a large employer; and

(j) Credit involuntary unemployment insurance.

2. The exclusions set forth in paragraphs (f) and (g) of subsection 1 extend only to issues related to the determination or approval of premium rates.

Sec. 49. NRS 686B.040 is hereby amended to read as follows:

686B.040 1. Except as otherwise provided in subsection 2, the Commissioner may by rule exempt any person or class of persons or any market segment from any or all of the provisions of NRS 686B.010 to 686B.1799, inclusive, *and section 45 of this act* if and to the extent that the Commissioner finds their application unnecessary to achieve the purposes of those sections.

2. The Commissioner may not, by rule or otherwise, exempt an insurer from the provisions of NRS 686B.010 to 686B.1799, inclusive, *and section 45 of this act* with regard to insurance covering the liability of a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS for a breach of the practitioner's professional duty toward a patient.

Sec. 50. NRS 686B.080 is hereby amended to read as follows:

686B.080 1. Except as otherwise provided in subsections 2 to 5, inclusive, each filing and any supporting information filed under NRS 686B.010 to 686B.1799, inclusive, *and section 45 of this act* must, as soon as filed, be open to public inspection at any reasonable time. Copies may be obtained by any person on request and upon payment of a reasonable charge therefor.

2. All rates for health benefit plans available for purchase by individuals and small employers are considered proprietary and constitute trade secrets, and are not subject to disclosure by the Commissioner to persons outside the Division except as agreed to by the carrier or as ordered by a court of competent jurisdiction.

3. The provisions of subsection 2 expire annually on the date 30 days before open enrollment.

4. Except in cases of violations of NRS 689A.010 to 689A.740, inclusive, or 689C.015 to 689C.355, inclusive, the unified rate review template and rate filing documentation used by carriers servicing the individual and small employer markets are considered proprietary and constitute a trade secret, and are not subject to disclosure by the Commissioner to persons outside the Division except as agreed to by the carrier or as ordered by a court of competent jurisdiction.

5. An insurer providing blanket health insurance in accordance with the provisions of chapter 689B of NRS shall make all information concerning rates available to the Commissioner upon request. Such information is considered proprietary and constitutes a trade secret and is not subject to disclosure by the Commissioner to persons outside the Division except as agreed by the insurer or as ordered by a court of competent jurisdiction.

6. For the purposes of this section:

(a) "Open enrollment" has the meaning ascribed to it in 45 C.F.R. § 147.104(b)(1)(ii).

(b) "Rate filing documentation" and "unified rate review template" have the meanings ascribed to them in 45 C.F.R. § 154.215.

Sec. 51. NRS 686B.110 is hereby amended to read as follows:

686B.110 1. Except as otherwise provided in NRS 686B.112, the Commissioner shall consider each proposed increase or decrease in the rate of any kind or line of insurance or subdivision thereof filed with the Commissioner pursuant to subsection 1 of NRS 686B.070. If the Commissioner finds that a proposed increase will result in a rate which is not in compliance with NRS 686B.050 or subsection 3 of NRS 686B.070, the Commissioner shall disapprove the proposal. The Commissioner shall approve or disapprove each proposal no later than 30 days after it is determined by the Commissioner to be complete pursuant to subsection 6. If the Commissioner fails to approve or disapprove the proposal within that period, the proposal shall be deemed approved.

2. If the Commissioner disapproves a proposed increase or decrease in any rate pursuant to subsection 1, the Commissioner shall send a written notice of disapproval to the insurer or the rate service organization that filed the proposal. The notice must set forth the reasons the proposal is not in compliance with NRS 686B.050 or subsection 3 of NRS 686B.070 and must be sent to the insurer or the rate service organization not more than 30 days after the Commissioner determines that the proposal is complete pursuant to subsection 6.

3. Upon receipt of a written notice of disapproval from the Commissioner pursuant to subsection 2 or 6, the insurer or rate service organization may request that the Commissioner reconsider the proposed increase or decrease. The request for reconsideration must be received by the Commissioner not more than 30 days after the insurer or rate service organization receives the

written notice of disapproval from the Commissioner, except that if the insurer or rate service organization requests, in writing, an extension of 30 additional days in which to request a reconsideration, the Commissioner shall grant the extension. A request for reconsideration submitted pursuant to this subsection may include, without limitation, any documents or other information for review by the Commissioner in reconsidering the proposal. The Commissioner shall approve or disapprove the proposal upon reconsideration not later than 30 days after receipt of the request for reconsideration and shall notify the insurer or rate service organization of his or her approval or disapproval.

4. Whenever an insurer has no legally effective rates as a result of the Commissioner's disapproval of rates or other act, the Commissioner shall on request specify interim rates for the insurer that are high enough to protect the interests of all parties and may order that a specified portion of the premiums be placed in an escrow account approved by the Commissioner. When new rates become legally effective, the Commissioner shall order the escrowed funds or any overcharge in the interim rates to be distributed appropriately, except that refunds to policyholders that are de minimis must not be required.

5. If the Commissioner disapproves a proposed rate pursuant to subsection 1 or subsection 6 or upon reconsideration pursuant to subsection 3 and an insurer requests a hearing to determine the validity of the action of the Commissioner, the insurer has the burden of showing compliance with the applicable standards for rates established in NRS 686B.010 to 686B.1799, inclusive ~~[.]~~ *, and section 45 of this act.* Any such hearing must be held:

(a) Within 30 days after the request for a hearing has been submitted to the Commissioner; or

(b) Within a period agreed upon by the insurer and the Commissioner.

➥ If the hearing is not held within the period specified in paragraph (a) or (b), or if the Commissioner fails to issue an order concerning the proposed rate for which the hearing is held within 45 days after the hearing, the proposed rate shall be deemed approved.

6. The Commissioner shall by regulation specify the documents or any other information which must be included in a proposal to increase or decrease a rate submitted to the Commissioner pursuant to subsection 1. Each such proposal shall be deemed complete upon its filing with the Commissioner, unless the Commissioner, within 15 business days after the proposal is filed with the Commissioner, determines that the proposal is incomplete because the proposal does not comply with the regulations adopted by the Commissioner pursuant to this subsection. The Commissioner shall notify the insurer or rate service organization if the Commissioner determines that the proposal is incomplete. The notice must be sent within 15 business days after the proposal is filed with the Commissioner and must set forth the documents or other information that is required to complete the proposal. The Commissioner may disapprove the proposal if the insurer or rate service organization fails to provide the documents or other information to the Commissioner within 30 days after the insurer or rate service organization

receives the notice that the proposal is incomplete. If the Commissioner disapproves the proposal pursuant to this subsection, the Commissioner shall notify the insurer or rate service organization of that fact in writing.

Sec. 52. NRS 686B.112 is hereby amended to read as follows:

686B.112 1. The Commissioner shall consider each proposed increase or decrease in the rate of a health plan issued pursuant to the provisions of chapter 689A, 689B, 689C, 695B, 695C, 695D or 695F of NRS, including, without limitation, long-term care and Medicare supplement plans, filed with the Commissioner pursuant to subsection 1 of NRS 686B.070. If the Commissioner finds that a proposed increase will result in a rate which is not in compliance with NRS 686B.050 or subsection 3 of NRS 686B.070, the Commissioner shall disapprove the proposal. The Commissioner shall approve or disapprove each proposal not later than 60 days after the proposal is determined by the Commissioner to be complete pursuant to subsection 4. If the Commissioner fails to approve or disapprove the proposal within that period, the proposal shall be deemed approved.

2. Whenever an insurer has no legally effective rates as a result of the Commissioner's disapproval of rates or other act, the Commissioner shall on request specify interim rates for the insurer that are high enough to protect the interests of all parties and may order that a specified portion of the premiums be placed in an escrow account approved by the Commissioner. When new rates become legally effective, the Commissioner shall order the escrowed funds or any overcharge in the interim rates to be distributed appropriately, except that refunds to policyholders that are de minimis must not be required.

3. If the Commissioner disapproves a proposed rate pursuant to subsection 1, and an insurer requests a hearing to determine the validity of the action of the Commissioner, the insurer has the burden of showing compliance with the applicable standards for rates established in NRS 686B.010 to 686B.1799, inclusive ~~.~~ *, and section 45 of this act.* Any such hearing must be held:

(a) Within 30 days after the request for a hearing has been submitted to the Commissioner; or

(b) Within a period agreed upon by the insurer and the Commissioner.

➥ If the hearing is not held within the period specified in paragraph (a) or (b), or if the Commissioner fails to issue an order concerning the proposed rate for which the hearing is held within 45 days after the hearing, the proposed rate shall be deemed approved.

4. The Commissioner shall by regulation specify the documents or any other information which must be included in a proposal to increase or decrease a rate submitted to the Commissioner pursuant to subsection 1. Each such proposal shall be deemed complete upon its filing with the Commissioner, unless the Commissioner, within 15 business days after the proposal is filed with the Commissioner, determines that the proposal is incomplete because the proposal does not comply with the regulations adopted by the Commissioner pursuant to this subsection.

Sec. 53. NRS 686B.115 is hereby amended to read as follows:

686B.115 1. Any hearing held by the Commissioner to determine whether rates comply with the provisions of NRS 686B.010 to 686B.1799, inclusive, *and section 45 of this act* must be open to members of the public.

2. All costs for transcripts prepared pursuant to such a hearing must be paid by the insurer requesting the hearing.

3. At any hearing which is held by the Commissioner to determine whether rates comply with the provisions of NRS 686B.010 to 686B.1799, inclusive, *and section 45 of this act* and which involves rates for insurance covering the liability of a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS for a breach of the practitioner's professional duty toward a patient, if a person is not otherwise authorized pursuant to this title to become a party to the hearing by intervention, the person is entitled to provide testimony at the hearing if, not later than 2 days before the date set for the hearing, the person files with the Commissioner a written statement which states:

(a) The name and title of the person;

(b) The interest of the person in the hearing; and

(c) A brief summary describing the purpose of the testimony the person will offer at the hearing.

4. If a person provides testimony at a hearing in accordance with subsection 3:

(a) The Commissioner may, if the Commissioner finds it necessary to preserve order, prevent inordinate delay or protect the rights of the parties at the hearing, place reasonable limitations on the duration of the testimony and prohibit the person from providing testimony that is not relevant to the issues raised at the hearing.

(b) The Commissioner shall consider all relevant testimony provided by the person at the hearing in determining whether the rates comply with the provisions of NRS 686B.010 to 686B.1799, inclusive ~~[.]~~ *, and section 45 of this act.*

Sec. 54. NRS 686B.130 is hereby amended to read as follows:

686B.130 1. A rate service organization and an advisory organization shall not provide any service relating to the rates of any insurance subject to NRS 686B.010 to 686B.1799, inclusive, *and section 45 of this act* and an insurer shall not utilize the services of an organization for such purposes unless the organization has obtained a license pursuant to NRS 686B.140.

2. A rate service organization and an advisory organization shall not refuse to supply any services for which it is licensed in this state to any insurer authorized to do business in this state and offering to pay the fair and usual compensation for the services.

Sec. 55. NRS 687B.120 is hereby amended to read as follows:

687B.120 1. Except as otherwise provided in subsection 2:

(a) No life or health insurance policy or contract, annuity contract form, policy form, health care plan or plan for dental care, whether individual, group or blanket, including those to be issued by a health maintenance organization,

organization for dental care or prepaid limited health service organization, or application form where a written application is required and is to be made a part of the policy or contract, or printed rider or endorsement form or form of renewal certificate, or form of individual certificate or statement of coverage to be issued under group or blanket contracts, or by a health maintenance organization, organization for dental care or prepaid limited health service organization, may be delivered or issued for delivery in this state, unless the form has been filed with and approved by the Commissioner.

(b) As to *individual policies pursuant to paragraph (d) of subsection 2 of NRS 679B.220 or* group insurance policies effectuated and delivered outside this state but covering persons resident in this state, the ~~[group]~~ certificates to be delivered or issued for delivery in this state must be filed, for informational purposes only, with the Commissioner at the request of the Commissioner.

2. As to group insurance policies to be issued to a group approved pursuant to NRS 688B.030 or 689B.026, no policies of group insurance may be marketed to a resident or employer of this State unless the policy and any form or certificate to be issued pursuant to the policy has been filed with and approved by the Commissioner.

3. Every filing made pursuant to the provisions of subsection 1 or 2 must be made not less than 45 days in advance of any delivery pursuant to subsection 1 or marketing pursuant to subsection 2. At the expiration of 45 days the form so filed shall be deemed approved unless prior thereto it has been affirmatively approved or disapproved by order of the Commissioner. Approval of any such form by the Commissioner constitutes a waiver of any unexpired portion of such waiting period. The Commissioner may extend by not more than an additional 30 days the period within which the Commissioner may so affirmatively approve or disapprove any such form, by giving notice to the insurer of the extension before expiration of the initial 45-day period. At the expiration of any such period as so extended, and in the absence of prior affirmative approval or disapproval, any such form shall be deemed approved. The Commissioner may at any time, after notice and for cause shown, withdraw any such approval.

4. Any order of the Commissioner disapproving any such form or withdrawing a previous approval must state the grounds therefor and the particulars thereof in such detail as reasonably to inform the insurer thereof. Any such withdrawal of a previously approved form is effective at the expiration of such a period, not less than 30 days after the giving of notice of withdrawal, as the Commissioner in such notice prescribes.

5. The Commissioner may, by order, exempt from the requirements of this section for so long as the Commissioner deems proper any insurance document or form or type thereof specified in the order, to which, in the opinion of the Commissioner, this section may not practicably be applied, or the filing and approval of which are, in the opinion of the Commissioner, not desirable or necessary for the protection of the public.

6. Appeals from orders of the Commissioner disapproving any such form or withdrawing a previous approval may be taken as provided in NRS 679B.310 to 679B.370, inclusive.

Sec. 56. NRS 687B.480 is hereby amended to read as follows:

687B.480 ~~[1.]~~ All health benefit plans must be made available in the manner required by 45 C.F.R. § 147.104.

~~[2. In addition to the requirements of subsection 1, any health benefit plan for individuals that is not purchased on the Silver State Health Insurance Exchange established by NRS 695I.210:~~

~~(a) Must be made available for purchase at any time during the calendar year;~~

~~(b) Is subject to a waiting period of not more than 90 days after the date on which the application for coverage was received;~~

~~(c) Is effective upon the first day of the month immediately succeeding the month in which the waiting period expires; and~~

~~(d) Is not retroactive to the date on which the application for coverage was received.]~~

Sec. 57. ~~[NRS 687B.500 is hereby amended to read as follows:~~

~~687B.500 1. The premium rate charged by a health insurer for health benefit plans offered in the individual or small employer group market may vary with respect to the particular plan or coverage involved based solely on these characteristics:~~

~~(a) Whether the plan or coverage applies to an individual or a family;~~

~~(b) Geographic rating area;~~

~~(c) Tobacco use ; [, except that the rate shall not vary by a ratio of more than 1.5 to 1 for like individuals who vary in tobacco use;] and~~

~~(d) Age [, except that the rate must not vary by a ratio of more than 3 to 1 for like individuals of different age who are age 21 years or older and that the variation in rate must be actuarially justified for individuals who are under the age of 21 years,] consistent with the uniform age rating curve established in the Federal Act. For the purpose of identifying the appropriate age adjustment under this paragraph and the age band defined in the Federal Act to a specific enrollee, the enrollee's age as of the date of policy issuance or renewal must be used.~~

~~2. The provisions of subsection 1:~~

~~(a) Apply to a fraternal benefit society organized under chapter 695A of NRS; and~~

~~(b) Do not apply to grandfathered plans.~~

~~3. As used in this section, "small employer" has the meaning ascribed to it in NRS 689C.095.]~~ (Deleted by amendment.)

Sec. 58. NRS 690B.330 is hereby amended to read as follows:

690B.330 1. In each rating plan of an insurer that issues a policy of professional liability insurance to a practitioner licensed pursuant to chapter 630 or 633 of NRS, the insurer shall provide for a reduction in the premium for the policy if the practitioner implements a qualified risk

management system. The amount of the reduction in the premium must be determined by the Commissioner in accordance with the applicable standards for rates established in NRS 686B.010 to 686B.1799, inclusive ~~.~~ , *and section 45 of this act.*

2. A qualified risk management system must comply with all requirements established by the Commissioner.

3. The Commissioner shall adopt regulations to:

(a) Establish the requirements for a qualified risk management system; and

(b) Carry out the provisions of this section.

4. The provisions of this section apply to all rating plans which an insurer that issues a policy of professional liability insurance to a practitioner licensed pursuant to chapter 630 or 633 of NRS files with the Commissioner on and after the effective date of the regulations adopted by the Commissioner pursuant to this section.

Sec. 59. NRS 690B.360 is hereby amended to read as follows:

690B.360 1. The Commissioner may collect all information which is pertinent to monitoring whether an insurer that issues professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS is complying with the applicable standards for rates established in NRS 686B.010 to 686B.1799, inclusive ~~.~~ , *and section 45 of this act.* Such information may include, without limitation:

(a) The amount of gross premiums collected with regard to each medical specialty;

(b) Information relating to loss ratios;

(c) Information reported pursuant to NRS 690B.260; and

(d) Information reported pursuant to NRS 679B.430 and 679B.440.

2. In addition to the information collected pursuant to subsection 1, the Commissioner may request any additional information from an insurer:

(a) Whose rates and credit utilization are materially different from other insurers in the market for professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS in this State;

(b) Whose credit utilization shows a substantial change from the previous year; or

(c) Whose information collected pursuant to subsection 1 indicates a potentially adverse trend.

3. If the Commissioner requests additional information from an insurer pursuant to subsection 2, the Commissioner may:

(a) Determine whether the additional information offers a reasonable explanation for the results described in paragraph (a), (b) or (c) of subsection 2; and

(b) Take any steps permitted by law that are necessary and appropriate to assure the ongoing stability of the market for professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS in this State.

4. On an ongoing basis, the Commissioner may analyze and evaluate the information collected pursuant to this section to determine trends in and measure the health of the market for professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS in this State.

5. If the Commissioner convenes a hearing pursuant to subsection 1 of NRS 690B.350 and determines that the market for professional liability insurance issued to any class, type or specialty of practitioner licensed pursuant to chapter 630, 631 or 633 of NRS is not competitive and that such insurance is unavailable or unaffordable for a substantial number of such practitioners, the Commissioner shall prepare and submit a report of the Commissioner's findings and recommendations to the Director of the Legislative Counsel Bureau for transmittal to members of the Legislature.

Sec. 60. ~~[The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.]~~ (Deleted by amendment.)

Sec. 61. 1. This section and sections 1 to 55, inclusive, 58, 59 and 60 of this act become effective upon passage and approval.

2. Sections 56 and 57 of this act become effective on October 1, 2019.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 318 makes two changes to Senate Bill No. 482. The amendment deletes sections 3 through 44, which provide for the establishment of the Nevada Reinsurance Program, and deletes section 57, which would have allowed variations in a premium rate based on tobacco use and age consistent with the uniform age-rating curve.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Woodhouse moved that Senate Bill No. 275 taken from the General File and re-referred to the Committee on Finance, upon return from reprint.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 21.

Bill read second time.

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

Amendment No. 320.

SUMMARY—Enacts the Insurance Data Security Law. (BDR 57-221)

AN ACT relating to cybersecurity; enacting the Insurance Data Security Law; requiring certain licensees with licenses or other authorizations related to the provision and administration of insurance to develop, implement and maintain an information security program that meets certain requirements; establishing requirements for the selection and oversight of third-party service providers by such licensees; requiring certain insurers to submit to the

Commissioner of Insurance an annual statement certifying their compliance with certain cybersecurity requirements; enacting provisions governing the response of certain licensees to a cybersecurity event; authorizing the Commissioner to investigate and take disciplinary action against licensees for violations of certain cybersecurity requirements; making certain information obtained by the Commissioner confidential and privileged; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill adds new provisions to the Nevada Insurance Code in conformance with the National Association of Insurance Commissioners' Insurance Data Security Model Law.

Section 19 of this bill requires a licensee, not later than January 1, 2021, to develop and implement a comprehensive written information security program containing administrative, technical and physical safeguards for the protection of nonpublic information and the licensee's information systems, which the licensee is required to monitor, evaluate and adjust as appropriate. Section 19 also requires a licensee to assess the risks within its organization, implement certain security measures based on those risks and create an incident response plan to direct the response to and recovery from a cybersecurity event. Section 19 also provides that, beginning on January 1, 2022, a licensee is required to exercise diligence in selecting a third-party service provider and to require any such third-party service provider to implement appropriate measures to protect and secure its information systems and any nonpublic information held by the third-party security provider. Finally, Section 19 provides that, not later than February 15, 2021, and annually thereafter, each insurer domiciled in this State is required to submit to the Commissioner of Insurance a statement certifying that the insurer is in compliance with the requirements established by section 19.

Section 24 of this bill provides that certain insurers are exempt from the requirements imposed by section 19.

Section 20 of this bill requires a licensee to conduct an investigation if a cybersecurity event occurs or may have occurred and specifies the minimum requirements for such an investigation. If a licensee learns that a cybersecurity event occurred or may have occurred in a system maintained by a third-party service provider, the licensee is required to investigate the cybersecurity event or confirm and document that the third-party service provider has completed such an investigation.

Section 21 of this bill requires certain licensees to notify the Commissioner of any cybersecurity event and to notify consumers of the cybersecurity event in accordance with existing law. Section 21 also requires an assuming insurer to notify its affected ceding insurer and an insurer who was contacted by a consumer through an independent insurance producer to notify the producer of record for that consumer, if the producer of record is known. Under section 21, the ceding insurer or independent insurance producer is required to notify consumers of the cybersecurity event in accordance with existing law.

Section 22 of this bill authorizes the Commissioner to examine and investigate a licensee for violations of the requirements established by this bill and to take action to enforce those provisions.

Sections 23 and 26 of this bill establish that certain information which is obtained by the Commissioner , or obtained from the Commissioner by the National Association of Insurance Commissioners or a third-party consultant or vendor, in relation to cybersecurity is confidential and privileged, except for certain limited purposes.

Section 25 of this bill authorizes the Commissioner to suspend or revoke a license, certificate of authority or registration issued pursuant to the Nevada Insurance Code, to impose an administrative fine and to adopt regulations. Section 25 also authorizes a licensee to request a hearing on any administrative action taken by the Commissioner.

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

Section 1. Title 57 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 25, inclusive, of this act.

Sec. 2. *This chapter may be cited as the Insurance Data Security Law.*

Sec. 3. *1. The purpose and intent of this chapter is to establish standards for data security and standards for the investigation of and notification to the Commissioner of a cybersecurity event applicable to licensees.*

2. This chapter may not be construed to create or imply a private cause of action for violation of its provisions nor may it be construed to curtail a private cause of action which would otherwise exist in the absence of this chapter.

Sec. 4. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 5 to 18, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 5. *"Authorized individual" means an individual known to and screened by the licensee and determined to be necessary and appropriate to have access to the nonpublic information held by the licensee and its information system.*

Sec. 6. *"Consumer" means an individual, including, without limitation, an applicant, policyholder, insured, beneficiary, claimant or certificate holder, who is a resident of this State and whose nonpublic information is in the possession, custody or control of a licensee.*

Sec. 7. *1. "Cybersecurity event" means an event resulting in unauthorized access to or disruption or misuse of an information system or nonpublic information stored on such an information system.*

2. The term does not include:

(a) The unauthorized acquisition of encrypted nonpublic information if the encryption, process or key is not also acquired, released or used without authorization; or

(b) An event with regard to which the licensee has determined that the nonpublic information accessed by an unauthorized person has not been used or released and has been returned or destroyed.

Sec. 8. *"Encrypted" means the transformation of data into a form which results in a low probability of assigning meaning without the use of a protective process or key.*

Sec. 9. *"Information security program" means the administrative, technical and physical safeguards that a licensee uses to access, collect, distribute, process, protect, store, use, transmit, dispose of or otherwise handle nonpublic information.*

Sec. 10. *"Information system" means a discrete set of electronic information resources organized for the collection, processing, maintenance, use, sharing, dissemination or disposition of electronic nonpublic information, as well as any specialized system such as industrial or process controls systems, telephone switching and private branch exchange systems and environmental control systems.*

Sec. 11. *"Licensee" means any person licensed, authorized to operate or registered, or required to be licensed, authorized or registered, pursuant to this title. The term does not include ~~[(a)]~~ :*

1. Individual employees of insurers or agencies that are not owners, partners, officers or members of the insurer or agency;

2. An employer who possesses a certification as a self-insured employer pursuant to NRS 616B.312;

3. A purchasing group or a risk retention group chartered and licensed in a state other than this State ; or ~~[a licensee]~~

4. A person that is acting as an assuming insurer that is domiciled in another state or jurisdiction.

Sec. 12. *"Multifactor authentication" means authentication through verification of at least two of the following types of authentication factors:*

1. Knowledge factors, such as a password;

2. Possession factors, such as a token or text message on a mobile phone; or

3. Inherence factors, such as biometric characteristics.

Sec. 13. *"Nonpublic information" means electronic information that is not publicly available information and is:*

1. Business-related information of a licensee the tampering with which, or unauthorized disclosure, access or use of which, would cause a material adverse impact to the business, operations or security of the licensee.

2. Any information concerning a consumer which because of name, number, personal mark or other identifier can be used to identify such consumer, in combination with any one or more of the following data elements:

(a) Social security number;

(b) Driver's license number or non-driver identification card number;

(c) Account number, credit card number or debit card number;

(d) Any security code, access code or password that would permit access to a consumer's financial account; or

(e) Biometric records.

3. Any information or data, except age or gender, in any form or medium created by or derived from a health care provider or a consumer that can be used to identify a particular consumer and that relates to:

(a) The past, present or future physical, mental or behavioral health or condition of any consumer or a member of the consumer's family;

(b) The provision of health care to any consumer; or

(c) Payment for the provision of health care to any consumer.

Sec. 14. *"Person" means any individual or any nongovernmental entity, including, without limitation, any nongovernmental partnership, corporation, branch, agency or association.*

Sec. 15. *1. "Publicly available information" means any information that a licensee has a reasonable basis to believe is lawfully made available to the general public from:*

(a) Federal, state or local governmental records;

(b) Widely distributed media; or

(c) Disclosures to the general public that are required to be made by federal, state or local law.

2. For the purposes of this section, a licensee has a reasonable basis to believe that information is lawfully made available to the general public if the licensee has taken steps to determine:

(a) That the information is of the type that is available to the general public; and

(b) Whether a consumer can direct that the information not be made available to the general public and, if so, that such consumer has not done so.

Sec. 16. *"Risk assessment" means the risk assessment that each licensee is required to conduct under section 19 of this act.*

Sec. 17. *"State" means the State of Nevada.*

Sec. 18. *"Third-party service provider" means a person, other than a licensee, that contracts with a licensee to maintain, process or store or otherwise is permitted access to nonpublic information through the person's provision of services to the licensee.*

Sec. 19. *1. Commensurate with the size and complexity of the licensee, the nature and scope of the licensee's activities, including any use of third-party service providers, and the sensitivity of the nonpublic information used by the licensee or in the licensee's possession, custody or control, each licensee shall, not later than January 1, 2021, develop, implement and maintain a comprehensive, written information security program based on the licensee's risk assessment and that contains administrative, technical and physical safeguards for the protection of nonpublic information and the licensee's information system.*

2. A licensee's information security program must be designed to:

(a) Protect the security and confidentiality of nonpublic information and the security of the information system;

(b) Protect against threats or hazards to the security or integrity of nonpublic information and the information system;

(c) Protect against unauthorized access to or use of nonpublic information and minimize the likelihood of harm to any consumer; and

(d) Define and periodically reevaluate a schedule for retention of nonpublic information and a mechanism for its destruction when no longer needed.

3. To assess risk within its organization, a licensee shall, not later than January 1, 2021:

(a) Designate one or more employees, an affiliate or an outside vendor designated to act on behalf of the licensee who is responsible for the information security program;

(b) Identify reasonably foreseeable internal or external threats that could result in unauthorized access, transmission, disclosure, misuse, alteration or destruction of nonpublic information, including the security of information systems and nonpublic information that are accessible to, or held by, third-party service providers;

(c) Assess the likelihood and potential damage of these threats, taking into consideration the sensitivity of the nonpublic information;

(d) Assess the sufficiency of policies, procedures, information systems and other safeguards in place to manage these threats, including consideration of threats in each relevant area of the licensee's operations, including, without limitation:

(1) Employee training and management;

(2) Information systems, including, without limitation, network and software design, as well as information classification, governance, processing, storage, transmission and disposal; and

(3) Detecting, preventing and responding to attacks, intrusions or other system failures; and

(e) Implement information safeguards to manage the threats identified in its ongoing assessment and, not less than annually, assess the effectiveness of the safeguards' key controls, systems and procedures.

4. Based on its risk assessment, the licensee shall, not later than January 1, 2021:

(a) Design its information security program to mitigate the identified risks, commensurate with the size and complexity of the licensee and the nature and scope of the licensee's activities, including, without limitation, its use of third-party service providers, and the sensitivity of the nonpublic information used by the licensee or in the licensee's possession, custody or control;

(b) Determine which security measures listed below are appropriate and implement such security measures:

(1) Place access controls on information systems, including, without limitation, controls to authenticate and permit access only to authorized

individuals to protect against the unauthorized acquisition of nonpublic information;

(2) Identify and manage the data, personnel, devices, systems and facilities that enable the organization to achieve business purposes in accordance with their relative importance to business objectives and the organization's risk strategy;

(3) Restrict physical access to ~~[physical locations containing]~~ nonpublic information ~~[only]~~ to authorized individuals ~~[;]~~ only;

(4) Protect by encryption or other appropriate means all nonpublic information while being transmitted over an external network and all nonpublic information stored on a laptop computer or other portable computing or storage device or media;

(5) Adopt secure development practices for in-house developed applications utilized by the licensee and procedures for evaluating, assessing or testing the security of externally developed applications utilized by the licensee;

(6) Modify the information system in accordance with the licensee's information security program;

(7) Utilize effective controls, which may include, without limitation, multi-factor authentication procedures for any individual accessing nonpublic information;

(8) Regularly test and monitor systems and procedures to detect actual and attempted attacks on, or intrusions into, information systems;

(9) Include audit trails within the information security program designed to detect and respond to cybersecurity events and designed to reconstruct material financial transactions sufficient to support normal operations and obligations of the licensee;

(10) Implement measures to protect against destruction, loss or damage of nonpublic information due to environmental hazards, such as fire and water damage or other catastrophes or technological failures; and

(11) Develop, implement and maintain procedures for the secure disposal of nonpublic information in any format;

(c) Include cybersecurity risks in the licensee's enterprise risk management process;

(d) Stay informed regarding emerging threats or vulnerabilities and utilize reasonable security measures when sharing information relative to the character of the sharing and the type of information shared; and

(e) Provide its personnel with cybersecurity awareness training that is updated as necessary to reflect risks identified by the licensee in the risk assessment.

5. If the licensee has a board of directors, the board or an appropriate committee of the board shall, at a minimum:

(a) Require the licensee's executive management or its delegates to develop, implement and maintain the licensee's information security program in accordance with this section; and

(b) After the licensee has developed and implemented its information security program, require the licensee's executive management or its delegates to report in writing, at least annually, the following information:

(1) The overall status of the information security program and the licensee's compliance with this chapter; and

(2) Material matters related to the information security program, addressing issues such as risk assessment, risk management and control decisions, third-party service provider arrangements, the results of testing, cybersecurity events or violations and management's responses thereto and recommendations for changes in the information security program.

6. If executive management delegates any of its responsibilities under this section, it shall oversee the development, implementation and maintenance of the licensee's information security program prepared by the delegates and shall receive a report from the delegates complying with the requirements of the report to the board of directors pursuant to paragraph (b) of subsection 5.

7. Beginning on January 1, 2022, a licensee shall oversee all third-party service provider arrangements, including, without limitation, by:

(a) Exercising due diligence in selecting its third-party service provider; and

(b) Requiring a third-party service provider to implement appropriate administrative, technical and physical measures to protect and secure the information systems and nonpublic information that are accessible to, or held by, the third-party service provider.

8. After a licensee has implemented an information security program, the licensee shall monitor, evaluate and adjust, as appropriate, the information security program consistent with any relevant changes in technology, the sensitivity of its nonpublic information, internal or external threats to information and the licensee's own changing business arrangements, such as mergers and acquisitions, alliances and joint ventures, outsourcing arrangements and changes to information systems.

9. As part of its information security program, each licensee shall, not later than January 1, 2021, establish a written incident response plan designed to promptly respond to, and recover from, any cybersecurity event that compromises the confidentiality, integrity or availability of nonpublic information in its possession, the licensee's information systems or the continuing functionality of any aspect of the licensee's business and operations. Such incident response plan must address the following areas:

(a) The internal process for responding to a cybersecurity event;

(b) The goals of the incident response plan;

(c) The definition of clear roles, responsibilities and levels of decision-making authority;

(d) External and internal communications and information sharing;

(e) Identification of requirements for the remediation of any identified weaknesses in information systems and associated controls;

(f) Documentation and reporting regarding cybersecurity events and related incident response activities; and

(g) The evaluation and revision as necessary of the incident response plan following a cybersecurity event.

10. Not later than February 15, 2021, and not later than February 15 of each year thereafter, each insurer domiciled in this State shall submit to the Commissioner a written statement certifying that the insurer is in compliance with the requirements set forth in this section. Each insurer shall maintain for examination by the Division all records, schedules and data supporting this certification for a period of 5 years. To the extent an insurer has identified areas, systems or processes that require material improvement, updating or redesign, the insurer shall document the identification and the remedial efforts planned and underway to address such areas, systems or processes. Such documentation must be available for inspection by the Commissioner.

Sec. 20. *1. If the licensee learns that a cybersecurity event has or may have occurred, the licensee or an outside vendor or service provider designated to act on behalf of the licensee shall conduct a prompt investigation.*

2. During the investigation, the licensee or the outside vendor or security provider designated to act on behalf of the licensee shall, at a minimum, determine as much of the following information as possible:

(a) Whether a cybersecurity event has occurred;

(b) Assess the nature and scope of the cybersecurity event;

(c) Identify any nonpublic information that may have been involved in the cybersecurity event; and

(d) Perform or oversee reasonable measures to restore the security of the information systems compromised in the cybersecurity event in order to prevent further unauthorized acquisition, release or use of nonpublic information in the licensee's possession, custody or control.

3. If the licensee learns that a cybersecurity event has or may have occurred in a system maintained by a third-party service provider, the licensee must complete the actions listed in subsection 2 or confirm and document that the third-party service provider has completed those actions.

4. The licensee shall maintain records concerning all cybersecurity events for a period of at least 5 years from the date of the cybersecurity event and shall produce those records upon demand of the Commissioner.

Sec. 21. *1. As promptly as possible but in no event later than 72 hours after a determination that a cybersecurity event has occurred, the licensee impacted by the cybersecurity event shall notify the Commissioner of the cybersecurity event if:*

(a) This State is the licensee's state of domicile, in the case of an insurer, or this State is the licensee's home state, in the case of a licensee other than an insurer; or

(b) The licensee reasonably believes that the nonpublic information involved in the cybersecurity event is the nonpublic information of 250 or more

consumers residing in this State and that the cybersecurity event is either of the following:

(1) A cybersecurity event impacting the licensee of which notice is required to be provided to any governmental body, self-regulatory agency or other supervisory body pursuant to any state or federal law; or

(2) A cybersecurity event that has a reasonable likelihood of materially harming:

(I) Any consumer residing in this State; or

(II) Any material part of the normal operation of the licensee.

2. The licensee shall provide as much of the following information as possible to the Commissioner in a form prescribed by the Commissioner:

(a) Date of the cybersecurity event.

(b) Description of how the information was exposed, lost, stolen or breached, including, without limitation, the specific roles and responsibilities of third-party service providers, if any.

(c) How the cybersecurity event was discovered.

(d) Whether any lost, stolen or breached information has been recovered and if so, how this was done.

(e) The identity of the source of the cybersecurity event.

(f) Whether the licensee has filed a police report or has notified any regulatory, governmental or law enforcement agencies and, if so, when such notification was provided.

(g) Description of the specific types of information acquired without authorization. Specific types of information means particular data elements, including, for example, types of medical information, types of financial information or types of information allowing identification of the consumer.

(h) The period during which the information system was compromised by the cybersecurity event.

(i) The number of total consumers in this State affected by the cybersecurity event. The licensee shall provide the best estimate in the initial report to the Commissioner and update this estimate with each subsequent report to the Commissioner pursuant to this section.

(j) The results of any internal review identifying a lapse in either automated controls or internal procedures, or confirming that all automated controls and internal procedures were followed.

(k) Description of efforts being undertaken to remediate the situation which permitted the cybersecurity event to occur.

(l) A copy of the licensee's privacy policy and a statement outlining the steps the licensee will take to investigate and notify consumers affected by the cybersecurity event.

(m) The name of a contact person who is both familiar with the cybersecurity event and authorized to act for the licensee.

➥ *A licensee shall update and supplement any information provided pursuant to this subsection if the information has materially changed or if new information becomes available.*

3. A licensee shall comply with NRS 603A.220, as applicable, and provide a copy of the notice sent to consumers under that section to the Commissioner when a licensee is required to notify the Commissioner under subsection 1.

4. In the case of a cybersecurity event in a system maintained by a third-party service provider, of which the licensee has become aware, the licensee shall treat such event as it would under subsection 1 ~~[.]~~ *, unless the licensee receives verification from the third-party service provider that the third-party service provider provided the notice required by subsection 1. The computation of the licensee's deadlines shall begin on the day after the third-party service provider notifies the licensee of the cybersecurity event or the licensee otherwise has actual knowledge of the cybersecurity event, whichever is sooner. Nothing in this chapter shall prevent or abrogate an agreement between a licensee and another licensee, a third-party service provider or any other party to fulfill any of the investigation requirements imposed under section 20 of this act or notice requirements imposed under this section.*

5. In the case of a cybersecurity event involving nonpublic information that is used by a licensee that is acting as an assuming insurer or in the possession, custody or control of a licensee that is acting as an assuming insurer and that does not have a direct contractual relationship with the affected consumers:

(a) The assuming insurer shall notify its affected ceding insurers and the Commissioner of its state of domicile within 72 hours of making the determination that a cybersecurity event has occurred; and

(b) The ceding insurers that have a direct contractual relationship with affected consumers shall fulfill the consumer notification requirements imposed under NRS 603A.220 and any other notification requirements relating to a cybersecurity event imposed under this section.

6. In the case of a cybersecurity event involving nonpublic information that is in the possession, custody or control of a third-party service provider of a licensee that is an assuming insurer:

(a) The assuming insurer shall notify its affected ceding insurers and the Commissioner of its state of domicile within 72 hours of receiving notice from its third-party service provider that a cybersecurity event has occurred; and

(b) The ceding insurers that have a direct contractual relationship with affected consumers shall fulfill the consumer notification requirements imposed under NRS 603A.220 and any other notification requirements relating to a cybersecurity event imposed under this section.

7. In the case of a cybersecurity event involving nonpublic information that is in the possession, custody or control of a licensee that is an insurer or its third-party service provider and for which a consumer accessed the insurer's services through an independent provider of insurance, the insurer shall notify the producers of record of all affected consumers as soon as practicable as directed by the Commissioner. The insurer is excused from this obligation for any producers who are not authorized by law or contract to sell,

solicit or negotiate on behalf of the insurer, and in those instances in which ~~[it]~~ the insurer does not have the current producer of record information for any individual consumer.

Sec. 22. *1. The Commissioner may examine and investigate the affairs of any licensee to determine whether the licensee has been or is engaged in any conduct in violation of this chapter. This power is in addition to the powers which the Commissioner has under NRS 679B.120. Any such investigation or examination must be conducted pursuant to NRS 679B.230, 679B.240, 679B.250 and 679B.270 to 679B.300, inclusive.*

2. Whenever the Commissioner has reason to believe that a licensee has been or is engaged in conduct in this State which violates this chapter, the Commissioner may take action that is necessary or appropriate to enforce the provisions of this chapter.

Sec. 23. *1. Except as otherwise provided in this section, any documents, materials or other information in the control or possession of the Division that are furnished by a licensee or an employee or agent acting on behalf of the licensee pursuant to subsection 9 of section 19 of this act or paragraphs (b) to (e), inclusive, (h), (j) or (k) of subsection 2 of section 21 of this act or that are obtained by the Commissioner in an investigation or examination pursuant to section 22 of this act are confidential by law and privileged, are not subject to disclosure pursuant to chapter 239 or 241 of NRS or NRS 679B.285, are not subject to subpoena and are not subject to discovery or admissible in evidence in any private civil action. The Commissioner may use the documents, materials or other information in the furtherance of any regulatory or legal action brought as a part of the Commissioner's duties.*

2. The Commissioner and any person who received documents, materials or other information while acting under the authority of the Commissioner must not be permitted or required to testify in any private civil action concerning any confidential documents, materials or information subject to subsection 1.

3. In order to assist in the performance of the Commissioner's duties under this chapter, the Commissioner:

(a) May share documents, materials or other information, including, without limitation, documents, materials and other information that is confidential and privileged pursuant to subsection 1, with other state, federal or international regulatory agencies, with the National Association of Insurance Commissioners, its affiliates or subsidiaries, and with state, federal and international law enforcement authorities, provided that the recipient agrees in writing to maintain the confidentiality and privileged status of the document, material or other information;

(b) May receive documents, materials or other information, including, without limitation, otherwise confidential and privileged documents, materials or other information, from the National Association of Insurance Commissioners, its affiliates or subsidiaries and from regulatory and law enforcement officials of other foreign or domestic jurisdictions, and shall

maintain as confidential or privileged any document, material or information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material or information;

(c) May share documents, materials or other information subject to subsection 1, with a third-party consultant or vendor provided the consultant agrees in writing to maintain the confidentiality and privileged status of the document, material or other information; and

(d) May enter into agreements governing sharing and use of information consistent with this subsection.

4. No waiver of any applicable claim of confidentiality or privilege in the documents, materials or other information occurs as a result of disclosure to the Commissioner under this section or as a result of sharing as authorized in subsection 3.

5. Nothing in this chapter shall prohibit the Commissioner from releasing final, adjudicated actions that are open to public inspection to a database or other clearinghouse service maintained by the National Association of Insurance Commissioners, its affiliates or subsidiaries.

6. Documents, materials or other information in the possession or control of the National Association of Insurance Commissioners or a third-party consultant or vendor that are furnished by the Commissioner pursuant to subsection 3 are confidential by law and privileged, are not subject to subpoena and are not subject to discovery or admissible in evidence in any private civil action.

Sec. 24. *1. The following exceptions shall apply to this chapter:*

(a) A licensee ~~[with fewer than 10 employees, including any independent contractors,]~~ is exempt from section 19 of this act ~~[.]~~ :

(1) If the licensee has fewer than 10 employees, including any independent contractors.

(2) During any year in which the gross annual revenue of the licensee is less than $5,000,000.

(3) During any year in which the total assets of the licensee at the end of the year are less than $10,000,000.

(b) A licensee subject to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, 110 Stat. 1936, enacted August 21, 1996, that has established and maintains an information security program pursuant to such statutes, rules, regulations, procedures or guidelines established thereunder, will be considered to meet the requirements of section 19 of this act, provided that licensee is compliant with, and submits a written statement certifying its compliance with, the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, 110 Stat. 1936, and any applicable rules, regulations, procedures or guidelines established thereunder. To qualify for the exemption set forth in this paragraph, an insurer domiciled in this State must, not later than February 15

of each year for which the exemption is claimed, submit to the Commissioner the written statement required by this paragraph.

(c) An employee, agent representative or designee of a licensee, who is also a licensee, is exempt from section 19 of this act and need not develop its own information security program to the extent that the employee, agent, representative or designee is covered by the information security program of the other licensee.

2. In the event that a licensee ceases to qualify for an exemption, such a licensee shall have 180 days to comply with this chapter.

Sec. 25. *1. The Commissioner may:*

(a) Suspend or revoke a license, certificate of authority or registration issued pursuant to this title for a violation of this chapter or any regulation adopted hereunder.

(b) In addition to the suspension or revocation of a license, certificate of authority or registration, after notice and a hearing held pursuant to NRS 679B.310 to 679B.370, inclusive, impose an administrative fine of not more than $1,000 per day for each violation or failure to comply with the provisions of this chapter, up to a maximum fine of $50,000.

(c) Adopt any regulations necessary to carry out the purposes and provisions of this chapter.

2. A licensee who is aggrieved by an administrative action taken by the Commissioner may request a hearing pursuant to NRS 679B.310 to 679B.370, inclusive.

Sec. 26. 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, *section 23 of this act and* sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes

of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

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

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

Sec. 27. This act becomes effective:

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

2. On January 1, 2020, for all other purposes.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 320 makes five changes to Senate Bill No. 21: clarifies the definitions of "licensee" and "nonpublic information"; amends section 19 to require licenses to limit physical access to nonpublic information to authorized individuals only; amends section 21 to clarify which entities must alert the Commissioner in the case of a cybersecurity event; amends section 23 to amend that all documents, materials or other information provided by the Commissioner of Insurance to either the National Association of Insurance Commissioners or other third-party consultants has the same confidentiality protections that the material has in the possession of the Commissioner, and amends section 24 to remove licenses with lower revenues or assets from the requirements to develop, implement and maintain a comprehensive information security program.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 88.

Bill read second time.

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

Amendment No. 8.

SUMMARY—Revises provisions governing producers of insurance and other persons regulated by the Commissioner of Insurance. (BDR 57-220)

AN ACT relating to insurance; revising provisions relating to licenses, certificates, permits and other authorizations for producers of insurance and other persons regulated by the Commissioner of Insurance ; ~~[to conform to the National Association of Insurance Commissioners Uniform Producer Licensing Model Act; revising the length of validity of certain licenses, certificates, permits and other authorizations;]~~ revising certain educational requirements for persons regulated by the Commissioner of Insurance; revising certain licensing and other fees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Commissioner of Insurance to regulate insurance in this State. (NRS 679B.120) ~~[The laws of this State regulating producers of insurance and similar persons are based on the National Association of Insurance Commissioners Uniform Licensing Model Act. Existing Nevada law, based upon the Model Act in an earlier form, provides for the triennial renewal of the licenses, certificates, permits and other authorizations of producers of insurance and other persons regulated by the Commissioner. More recently, the Model Act has been amended to provide for biennial licenses, and these amendments have been adopted by most other states. Thus, producers of insurance and similar persons who operate in Nevada and also in other states, most of which operate with a 2-year renewal cycle, have to maintain multiple licenses and other authorizations with different expiration dates. This bill changes the current 3-year cycle for certain initial issuances and renewals to a 2-year cycle to conform to the Model Act.]~~ This bill ~~[also]~~ makes various ~~[other]~~ changes relating to obtaining or renewing licenses, certificates, permits or other types of authorizations governed by title 57 of NRS, including, without limitation, educational requirements.

Sections 1 and 2 of this bill revise certain fees for obtaining and renewing various licenses, certificates, permits and other authorizations . ~~[and reduce certain fees to reflect the 2-year renewal cycle versus the 3-year renewal cycle.]~~ Sections ~~[3 and 4]~~ 4-6, 8, 9 and 15 of this bill ~~[change the renewal cycle for an administrator's certificate to 2 years and make various other changes relating to administrators. Sections 5-7 of this bill revise various provisions governing producers of insurance, including educational requirements and procedures for applications and 2-year renewals. Sections 8-10 of this bill~~

~~change the renewal cycle for insurance consultants to 2 years and make other changes concerning the education and application process.]~~ remove certain educational requirements for the issuance of various licenses. Sections 6 and 7 of this bill remove certain references to fixed annuities. Sections 11-14, 17-21, 34 and 36 of this bill eliminate the requirements that associate adjusters be licensed. Sections 15 and 16 of this bill revise the licensing requirements for adjusters. ~~[Section 22 of this bill changes the renewal cycle for motor vehicle physical damage appraisers to 2 years. Section 23 of this bill changes the renewal cycle for surplus lines brokers to 2 years. Sections 24-27 of this bill change the renewal cycle to 2 years for agents and sellers who solicit and sell prepaid contracts for funeral and burial services.]~~ Section ~~[28]~~ 32 of this bill ~~[changes the renewal cycle for escrow officers to 2 years. Sections 30-32 of this bill change the certification requirements and the certification renewal cycle to 2 years for]~~ revises provisions governing the expiration of a certificate to operate as a health exchange enrollment ~~[facilitators. Section 33 of this bill changes the renewal cycle to 2 years for club agents for motor clubs. Section 35 of this bill provides for the transition of the various licenses, certificates, permits and other authorizations from a 3-year to a 2-year cycle, and for the pro-ration of the related fees.]~~ facilitator. Section 37 of this bill provides that this bill is effective on passage and approval for the purposes of adopting regulations and other preparatory administrative acts; and January 1, 2020, for all other purposes.

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

Section 1. NRS 680B.010 is hereby amended to read as follows:

680B.010 The Commissioner shall collect in advance and receipt for, and persons so served must pay to the Commissioner, fees and miscellaneous charges as follows:

1. Insurer's certificate of authority:

(a) Filing initial application $2,450

(b) Issuance of certificate:

(1) For any one kind of insurance as defined in NRS 681A.010 to 681A.080, inclusive 283

(2) For two or more kinds of insurance as so defined 578

(3) For a reinsurer 2,450

(c) Each annual continuation of a certificate 2,450

(d) Reinstatement pursuant to NRS 680A.180, 50 percent of the annual continuation fee otherwise required.

(e) Registration of additional title pursuant to NRS 680A.240 50

(f) Annual renewal of the registration of additional title pursuant to NRS 680A.240 25

2. Charter documents, other than those filed with an application for a certificate of authority. Filing amendments to articles of incorporation, charter, bylaws, power of attorney and other constituent documents of the insurer, each document $10

3. Annual statement or report. For filing annual statement or report ... $25
4. Service of process:
(a) Filing of power of attorney $5
(b) Acceptance of service of process..... 30
5. Licenses, appointments and renewals for producers of insurance:
(a) Application and license..... $125
(b) Appointment fee for each insurer 15
(c) Triennial ~~*[Biennial]*~~ renewal of each license..... 125 ~~*[85]*~~
(d) Temporary license 10
(e) Modification of an existing license..... 50
6. Surplus lines brokers:
(a) Application and license..... $125
(b) Triennial ~~*[Biennial]*~~ renewal of each license..... 125 ~~*[85]*~~
7. Managing general agents' licenses, appointments and renewals:
(a) Application and license..... $125
(b) Appointment fee for each insurer 15
(c) Triennial ~~*[Biennial]*~~ renewal of each license.....125 ~~*[85*~~
~~*(d) Annual renewal of appointment.....15]*~~
8. Adjusters', *as defined in NRS 684A.030*, licenses and renewals:
(a) ~~[Independent and public adjusters:~~
~~(1)]~~ Application and license..... $125
~~[(2)]~~ *(b)* Triennial
~~*[(b) Biennial]*~~ renewal of each license..... 125
~~[(b) Associate adjusters:~~
~~(1) Application and license..... 125~~
~~(2) Triennial renewal of each license..... 125~~ ~~*85*~~
~~*(c) Modification of an existing license 50]*~~
9. Licenses and renewals for appraisers of physical damage to motor vehicles:
(a) Application and license..... $125
(b) Triennial ~~*[Biennial]*~~ renewal of each license..... 125 ~~*[85]*~~
10. Additional title and property insurers pursuant to NRS 680A.240:
(a) Original registration..... $50
(b) Annual renewal..... 25
11. Insurance vending machines:
(a) Application and license, for each machine $125
(b) Triennial ~~*[Biennial]*~~ renewal of each license..... 125 ~~*[85]*~~
12. Permit for solicitation for securities:
(a) Application for permit $100
(b) Extension of permit 50
13. Securities salespersons for domestic insurers:
(a) Application and license..... $25
(b) Annual renewal of license 15
14. Rating organizations:
(a) Application and license..... $500

(b) Annual renewal..... 500

15. Certificates and renewals for administrators licensed pursuant to chapter 683A of NRS:

(a) Application and certificate of registration $125

(b) Triennial ~~[Biennial]~~ renewal ..... 125 ~~[85]~~

16. For copies of the insurance laws of Nevada, a fee which is not less than the cost of producing the copies.

17. Certified copies of certificates of authority and licenses issued pursuant to the Code $10

18. For copies and amendments of documents on file in the Division, a reasonable charge fixed by the Commissioner, including charges for duplicating or amending the forms and for certifying the copies and affixing the official seal.

19. Letter of clearance for a producer of insurance or other licensee if requested by someone other than the licensee $10

20. Certificate of status as a producer of insurance or other licensee if requested by someone other than the licensee $10

21. Licenses, appointments and renewals for bail agents:

(a) Application and license..... $125

(b) Appointment for each surety insurer 15

(c) Triennial renewal of each license 125

~~[(d) Annual renewal of appointment.....15]~~

22. Licenses and renewals for bail enforcement agents:

(a) Application and license..... $125

(b) Triennial renewal of each license 125

23. Licenses, appointments and renewals for general agents for bail:

(a) Application and license..... $125

(b) Initial appointment by each insurer 15

(c) Triennial renewal of each license 125

~~[(d) Annual renewal of appointment.....15]~~

24. Licenses and renewals for bail solicitors:

(a) Application and license..... $125

(b) Triennial renewal of each license 125

25. Licenses and renewals for title agents and escrow officers:

(a) Application and license..... $125

(b) Triennial ~~[Biennial]~~ renewal of each license..... 125 ~~[85]~~

(c) Appointment fee for each title insurer 15

~~[(d) Change in name or location of business or in association..... 10~~

~~Annual renewal of appointment.....15]~~

26. Certificate of authority and renewal for a seller of prepaid funeral contracts ..... $125 ~~[:~~

~~(a) Application and certificate..... $125~~

~~(b) Biennial renewal of each certificate..... 85]~~

27. Licenses and renewals for agents for prepaid funeral contracts:

(a) Application and license..... $125

(b) Triennial ~~[Biennial]~~ renewal of each license..... 125

~~[28. Licenses, appointments and renewals for agents for fraternal benefit societies:~~

~~(a) Application and license..... $125~~

~~(b) Appointment for each insurer..... 15~~

~~(c) Triennial renewal of each license..... 125~~

~~29.85]~~

28. Reinsurance intermediary broker or manager:

(a) Application and license..... $125

(b) Triennial ~~[Biennial]~~ renewal of each license..... 125

~~[30.85]~~

29. Agents for and sellers of prepaid burial contracts:

(a) Application and certificate or license $125

(b) Triennial ~~[Biennial]~~ renewal 125

~~[31.85]~~

30. Risk retention groups:

(a) Initial registration $250

(b) Each annual continuation of a certificate of registration 250

~~[32.]~~ *31.* Required filing of forms:

(a) For rates and policies..... $25

(b) For riders and endorsements..... 10

~~[33.]~~ *32.* Viatical settlements:

(a) Provider of viatical settlements:

(1) Application and license..... $1,000

(2) Annual renewal 1,000

(b) Broker of viatical settlements:

(1) Application and license..... 500

(2) Annual renewal 500

(c) Registration of producer of insurance acting as a viatical settlement broker 250

~~[34.]~~ *33.* Insurance consultants:

(a) Application and license..... $125

(b) Triennial ~~[Biennial]~~ renewal 125

~~[35.]~~ *34.* Licensee's association with or appointment or sponsorship by an organization:

(a) Initial appointment, association or sponsorship, for each organization $50

(b) Renewal of each association or sponsorship 50

(c) Annual renewal of appointment..... 15

~~[36.85~~

~~34.]~~ *35.* Purchasing groups:

(a) Initial registration and review of an application $100

(b) Each annual continuation of registration..... 100

~~[37.35.]~~ *36.* Exchange enrollment facilitators:

(a) Application and certificate..... $125

(b) Triennial ~~*[Biennial]*~~ renewal of each certificate..... 125 ~~*[85]*~~

(c) Temporary certificate..... 10

~~[(d) Modification of an existing certificate..... 50~~

~~38. *36.]*~~ *37.* In addition to any other fee or charge, all applicable fees required of any person, including, without limitation, persons listed in this section, pursuant to NRS 680C.110.

Sec. 2. NRS 680C.110 is hereby amended to read as follows:

680C.110 1. In addition to any other fee or charge, the Commissioner shall collect in advance and receipt for, and persons so served must pay to the Commissioner, the fees required by this section.

2. A fee required by this section must be:

(a) If an initial fee, paid at the time of an initial application or issuance of a license, as applicable;

(b) Except as otherwise provided in NRS 680A.180, 683A.378, 686A.380, 694C.230, 695A.080, 695B.135, 695D.150, 695H.090 and 696A.150, if an annual fee, paid on or before the date established by regulation of the Commissioner;

(c) If a ~~*[biennial or]*~~ triennial fee, paid on or before the time of continuation, renewal or other similar action in regard to a certificate, license, permit or other type of authorization, as applicable; and

(d) Deposited in the Fund for Insurance Administration and Enforcement created by NRS 680C.100.

3. The fees required pursuant to this section are not refundable.

4. The following fees must be paid by the following persons to the Commissioner:

(a) Associations of self-insured private employers, as defined in NRS 616A.050:

(1) Initial fee..... $1,300

(2) Annual fee..... $1,300

(b) Associations of self-insured public employers, as defined in NRS 616A.055:

(1) Initial fee..... $1,300

(2) Annual fee..... $1,300

(c) Independent review organizations, as provided for in NRS 616A.469 or 683A.3715, or both:

(1) Initial fee..... $60

(2) Annual ~~*[Biennial]*~~ fee..... $60

(d) Producers of insurance, as defined in NRS 679A.117:

(1) Initial fee..... $60

(2) Triennial fee..... $60

~~*[*~~ *Biennial fee*..... *$40]*

(e) Reinsurers, as provided for in NRS 681A.1551 or 681A.160, as applicable:

(1) Initial fee..... $1,300

(2) Annual fee..... $1,300

(f) Intermediaries, as defined in NRS 681A.330:
(1) Initial fee $60
(2) Triennial fee $60
~~[*Biennial fee ..... $40]~~
(g) Reinsurers, as defined in NRS 681A.370:
(1) Initial fee $1,300
(2) Annual fee $1,300
(h) Administrators, as defined in NRS 683A.025:
(1) Initial fee $60
(2) Triennial fee $60
~~[*Biennial fee ..... $40]~~
(i) Managing general agents, as defined in NRS 683A.060:
(1) Initial fee $60
(2) Triennial fee $60
~~[*Biennial fee ..... $40]~~
(j) Agents who perform utilization reviews, as defined in NRS 683A.376:
(1) Initial fee $60
(2) Annual fee $60
(k) Insurance consultants, as defined in NRS 683C.010:
(1) Initial fee $60
(2) Triennial fee $60
~~[*Biennial fee ..... $40]~~
(l) Independent adjusters, ~~*[Adjusters,]*~~ as defined in NRS 684A.030:
(1) Initial fee $60
(2) Triennial fee $60
(m) Public adjusters, as defined in NRS 684A.030:
(1) Initial fee $60
(2) Triennial fee $60
(n) ~~[Associate adjusters, as defined in NRS 684A.030:~~
~~(1) Initial fee ..... $60~~
~~(2) Triennial fee ..... $60~~
~~(o) *Biennial fee ..... $40~~
~~*(m)]~~ Motor vehicle physical damage appraisers, as defined in NRS 684B.010:
(1) Initial fee $60
(2) Triennial fee $60
~~[(p) *Biennial fee ..... $40~~
~~*(n)]~~ *(o)* Brokers, as defined in NRS 685A.031:
(1) Initial fee $60
(2) Triennial fee $60
~~[(q) *Biennial fee ..... $40~~
~~*(o)]~~ *(p)* Companies, as defined in NRS 686A.330:
(1) Initial fee $1,300
(2) Annual fee $1,300
~~[(r) *(p)]~~ *(q)* Rate service organizations, as defined in NRS 686B.020:

(1) Initial fee $1,300
(2) Annual fee $1,300

[(s) ~~(q)~~] *(r)* Brokers of viatical settlements, as defined in NRS 688C.030:
(1) Initial fee $60
(2) Annual fee $60

[(t) ~~(r)~~] *(s)* Providers of viatical settlements, as defined in NRS 688C.080:
(1) Initial fee $60
(2) Annual fee $60

[(u) ~~(s)~~] *(t)* Agents for prepaid burial contracts subject to the provisions of chapter 689 of NRS:
(1) Initial fee $60
(2) Triennial fee $60

~~[(v) Biennial fee ..... $40~~

~~(t)~~] *(u)* Agents for prepaid funeral contracts subject to the provisions of chapter 689 of NRS:
(1) Initial fee $60
(2) Triennial fee $60

~~[(w) Biennial fee ..... $40~~

~~(u)~~] *(v)* Sellers of prepaid burial contracts subject to the provisions of chapter 689 of NRS:
(1) Initial fee $60
(2) Triennial fee $60

~~[(x) Biennial fee ..... $40~~

~~(v)~~] *(w)* Sellers of prepaid funeral contracts subject to the provisions of chapter 689 of NRS:
(1) Initial fee $60
(2) Triennial fee $60

~~[(y) Biennial fee ..... $40~~

~~(w)~~] *(x)* Providers, as defined in NRS 690C.070:
(1) Initial fee $1,300
(2) Annual fee $1,300

[(z) ~~(x)~~] *(y)* Escrow officers, as defined in NRS 692A.028:
(1) Initial fee $60
(2) Triennial fee $60

~~[(aa) Biennial fee ..... $40~~

~~(y)~~] *(z)* Title agents, as defined in NRS 692A.060:
(1) Initial fee $60
(2) Triennial fee $60

~~[(bb) Biennial fee ..... $40~~

~~(z)~~] *(aa)* Captive insurers, as defined in NRS 694C.060:
(1) Initial fee $250
(2) Annual fee $250

~~[(cc) Insurance agents for societies, as provided for in NRS 695A.330:~~
~~(1) Initial fee ..... $60~~
~~(2) Triennial fee ..... $60~~

~~(dd) (aa)~~ *(bb)* Purchasing groups, as defined in NRS 695E.100:
(1) Initial fee $250
(2) Annual fee $250
~~(ee) (bb)~~ *(cc)* Risk retention groups, as defined in NRS 695E.110:
(1) Initial fee $250
(2) Annual fee $250
~~(ff) (cc)~~ *(dd)* Medical discount plans, as defined in NRS 695H.050:
(1) Initial fee $1,300
(2) Annual fee $1,300
~~(gg) (dd)~~ *(ee)* Club agents, as defined in NRS 696A.040:
(1) Initial fee $60
(2) Triennial fee $60
~~(hh) Biennial fee ..... $40~~
~~(ee)~~ *(ff)* Motor clubs, as defined in NRS 696A.050:
(1) Initial fee $1,300
(2) Annual fee $1,300
~~(ii) (ff)~~ *(gg)* Bail agents, as defined in NRS 697.040:
(1) Initial fee $60
(2) Triennial fee $60
~~(jj) (gg)~~ *(hh)* Bail enforcement agents, as defined in NRS 697.055:
(1) Initial fee $60
(2) Triennial fee $60
~~(kk) (hh)~~ *(ii)* Bail solicitors, as defined in NRS 697.060:
(1) Initial fee $60
(2) Triennial fee $60
~~(ll) (ii)~~ *(jj)* General agents, as defined in NRS 697.070:
(1) Initial fee $60
(2) Triennial fee $60
~~(mm) (jj)~~ *(kk)* Exchange enrollment facilitators, as defined in NRS 695J.050:
(1) Initial fee $60
(2) Triennial fee $60
~~*[Biennial fee ..... $40]*~~

5. An initial fee of $1,000 must be paid to the Commissioner by each:

(a) Insurer who is authorized to transact casualty insurance, as defined in NRS 681A.020;

(b) Insurer who is authorized to transact health insurance, as defined in NRS 681A.030;

(c) Insurer who is authorized to transact life insurance, as defined in NRS 681A.040;

(d) Insurer who is authorized to transact property insurance, as defined in NRS 681A.060;

(e) Title insurer, as defined in NRS 692A.070;

(f) Fraternal benefit society, as defined in NRS 695A.010;

(g) Corporation subject to the provisions of chapter 695B of NRS;

(h) Health maintenance organization, as defined in NRS 695C.030;

(i) Organization for dental care, as defined in NRS 695D.060; and

(j) Prepaid limited health service organization, as defined in NRS 695F.050.

6. An insurer who is required to pay an initial fee of $1,000 pursuant to subsection 5 shall also pay to the Commissioner an annual fee in an amount determined by the Commissioner. When determining the amount of the annual fee, the Commissioner must consider:

(a) The direct written premiums reported to the Commissioner by the insurer during the previous year;

(b) The number of insurers who are required to pay an annual fee pursuant to this subsection;

(c) The direct written premiums reported during the previous year by all insurers paying such fees; and

(d) The budget of the Division.

7. An insurer who is not required to pay an initial or annual fee pursuant to subsection 4 or subsections 5 and 6 shall pay to the Commissioner an initial fee of $1,300 and an annual fee of $1,300.

Sec. 3. ~~[NRS 683A.08526 is hereby amended to read as follows:~~

~~683A.08526 1. A certificate of registration as an administrator is valid for [3] 2 years after the date the Commissioner issues the certificate to the administrator.~~

~~2. An administrator may renew a certificate of registration if the administrator submits to the Commissioner:~~

~~(a) An application on a form prescribed by the Commissioner; and~~

~~(b) The fee for the renewal of the certificate of registration prescribed in NRS 680B.010 and, in addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110.~~

~~3. A certificate of registration that is suspended or revoked must be surrendered immediately to the Commissioner.]~~ (Deleted by amendment.)

Sec. 4. NRS 683A.242 is hereby amended to read as follows:

683A.242 1. An applicant for, or holder of, a license issued pursuant to NRS 683A.265 is not required to pass a written examination or meet any ~~[prelicensing education or]~~ continuing education requirements to receive or renew a license.

2. A travel retailer who is listed in the register maintained pursuant to NRS 683A.3685 or any employee or authorized representative of such a travel retailer who is listed in the register of a producer of limited lines travel insurance, is not required to pass any written examination or complete any education requirements other than the program of instruction or training required by paragraph (f) of subsection 1 of NRS 683A.369.

Sec. 5. NRS 683A.251 is hereby amended to read as follows:

683A.251 1. The Commissioner shall prescribe the form of application by a natural person for a license as a resident producer of insurance. The applicant must declare, under penalty of refusal to issue, or suspension or revocation of, the license, that the statements made in the application are true,

correct and complete to the best of his or her knowledge and belief. Before approving the application, the Commissioner must find that the applicant has:

(a) Attained the age of 18 years;

(b) Not committed any act that is a ground for refusal to issue, or suspension or revocation of, a license;

(c) ~~[Completed a course of study for the lines of authority for which the application is made, unless the applicant is exempt from this requirement;~~

~~(d)]~~ Paid all applicable fees prescribed for the license, which may not be refunded; and

~~[(e)]~~ *(d)* Successfully passed the examinations for the lines of authority for which application is made, unless the applicant is exempt from this requirement.

2. A business organization must be licensed as a producer of insurance in order to act as such. Application must be made on a form prescribed by the Commissioner. Before approving the application, the Commissioner must find that the applicant has:

(a) Paid all applicable fees prescribed for the license, which may not be refunded;

(b) Designated a natural person who is licensed as a producer of insurance and who is authorized to transact business on behalf of the business organization to be responsible for the organization's compliance with the laws and regulations of this State relating to insurance; *and*

(c) ~~[If the business organization has authorized a producer of insurance not designated pursuant to paragraph (b) to transact business on behalf of the business organization, submitted to the Commissioner on a form prescribed by the Commissioner the name of each producer of insurance authorized to transact business on behalf of the business organization; and~~

~~(d)]~~ Established and maintains a valid electronic mail address at the applicant's own expense.

3. A natural person who is a resident of this State applying for a license must, as part of his or her application and at the applicant's own expense:

(a) Arrange to have a complete set of his or her fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Commissioner;

(b) Submit to the Commissioner:

(1) A completed fingerprint card and written permission authorizing the Commissioner to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary; or

(2) Written verification, on a form prescribed by the Commissioner, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the

Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary; and

(c) Establish and maintain a valid electronic mail address.

4. The Commissioner may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to subparagraph (2) of paragraph (b) of subsection 3, submit those fingerprints to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Commissioner deems necessary;

(b) Request from each such agency any information regarding the applicant's background as the Commissioner deems necessary; and

(c) Adopt regulations concerning the procedures for obtaining this information.

5. The Commissioner may require any document reasonably necessary to verify information contained in an application.

Sec. 6. NRS 683A.261 is hereby amended to read as follows:

683A.261 1. Unless the Commissioner refuses to issue the license under NRS 683A.451, the Commissioner shall issue a license as a producer of insurance to a person who has satisfied the requirements of NRS 683A.241 and 683A.251. A producer of insurance may qualify for a license in one or more of the lines of authority permitted by statute or regulation, including:

(a) Life insurance on human lives, which includes benefits from endowments and annuities and may include additional benefits from death by accident and benefits for dismemberment by accident and for disability income.

(b) Accident and health insurance for sickness, bodily injury or accidental death, which may include benefits for disability income.

(c) Property insurance for direct or consequential loss or damage to property of every kind.

(d) Casualty insurance against legal liability, including liability for death, injury or disability and damage to real or personal property. For the purposes of a producer of insurance, this line of insurance includes surety indemnifying financial institutions or providing bonds for fidelity, performance of contracts or financial guaranty.

(e) Variable annuities and variable life insurance, including coverage reflecting the results of a separate investment account.

(f) Credit insurance, including credit life, credit accident and health, credit property, credit involuntary unemployment, guaranteed asset protection, and any other form of insurance offered in connection with an extension of credit that is limited to wholly or partially extinguishing the obligation which the Commissioner determines should be considered as limited-line credit insurance.

(g) Personal lines, consisting of automobile and motorcycle insurance and residential property insurance, including coverage for flood, of personal

watercraft and of excess liability, written over one or more underlying policies of automobile or residential property insurance.

(h) ~~[Fixed annuities, including, without limitation, indexed annuities, as a limited line.~~

~~(i)]~~ Travel insurance, as defined in NRS 683A.197, as a limited line.

~~[(j)]~~ *(i)* Rental car ~~[agency]~~ as a limited line.

~~[(k)]~~ *(j)* Portable electronics as a limited line.

~~[(l)]~~ *(k)* Crop as a limited line.

2. A license as a producer of insurance remains in effect unless revoked, suspended or otherwise terminated if a request for a renewal is submitted on or before the date for the renewal specified on the license, ~~*[biennially on or before the last day of the licensee's birth month or, for business entities, biennially on or before the last day of the month in which the license was issued,]*~~ all applicable fees for renewal are paid for each license ~~[and each authorization to transact business on behalf of a business organization licensed pursuant to subsection 2 of NRS 683A.251,]~~ and any requirement for education or any other requirement to renew the license is satisfied by the date specified on the license for the renewal. A producer of insurance may submit a request for a renewal of his or her license within 30 days after the date specified on the license for the renewal if the producer of insurance otherwise complies with the provisions of this subsection and pays, in addition to any fee paid pursuant to this subsection, a penalty of 50 percent of all applicable renewal fees, except for any fee required pursuant to NRS 680C.110. A license as a producer of insurance expires if the Commissioner receives a request for a renewal of the license more than 30 days after the date specified on the license for the renewal. A fee paid pursuant to this subsection is nonrefundable.

3. A natural person who allows his or her license as a producer of insurance to expire ~~*[lapse]*~~ may reapply for ~~*[reinstate]*~~ the same license within 12 months after the date specified on the license for a renewal without passing a written examination ~~[or completing a course of study required by paragraph (c) of subsection 1 of NRS 683A.251,]~~ but *any continuing education requirements must be met and* a penalty of twice all applicable renewal fees, except for any fee required pursuant to NRS 680C.110, is required for any request for a renewal of the license that is received after the date specified on the license for the renewal.

4. A licensed producer of insurance who is unable to renew his or her license because of military service, extended medical disability or other extenuating circumstance may request a waiver of the time limit and of any fine or sanction otherwise required or imposed because of the failure to renew.

5. A license must state the licensee's name, address, personal identification number, the date of issuance, the lines of authority and the date of expiration and must contain any other information the Commissioner considers necessary. The license must be made available for public inspection upon request.

6. A licensee shall inform the Commissioner of each change of business, residence or electronic mail address, in writing or by other means acceptable to the Commissioner, within 30 days after the change. If a licensee changes his or her business, residence or electronic mail address without giving written notice and the Commissioner is unable to locate the licensee after diligent effort, the Commissioner may revoke the license without a hearing. The mailing of a letter by certified mail, return receipt requested, addressed to the licensee at his or her last mailing address appearing on the records of the Division, and the return of the letter undelivered, constitutes a diligent effort by the Commissioner.

Sec. 7. NRS 683A.291 is hereby amended to read as follows:

683A.291 1. An applicant for licensing in this state as a producer of insurance who was previously licensed for the same lines of authority in another state need not complete any education or examination if the applicant is currently licensed in that state or, if the application is received within 90 days after the cancellation of the license, the other state certifies that the applicant was in good standing at the time of cancellation. Alternatively, the exemption is available if the records of the National Association of Insurance Commissioners show that the applicant is or was licensed and in good standing for the lines of authority requested.

2. An examination is not required for a producer of insurance who confines his or her activity to insurance categorized as limited line, credit, travel, portable electronics ~~[, baggage or fixed annuity, or covering vehicles leased for a short term.]~~ *or rental car.*

3. A person licensed in another state who moves to this state and desires to become licensed as a resident producer of insurance with the benefit of the exemption provided in subsection 1 must apply for licensing within 90 days after establishing legal residence.

Sec. 8. NRS 683C.030 is hereby amended to read as follows:

683C.030 1. An application for a license to act as an insurance consultant must be submitted to the Commissioner on forms prescribed by the Commissioner and must be accompanied by the applicable license fee set forth in NRS 680B.010 and, in addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110. The license fee set forth in NRS 680B.010 is not refundable. If the applicant is a natural person, the application must include the social security number of the applicant.

2. An applicant for an insurance consultant's license must successfully complete an examination ~~[and a course of instruction]~~ which the Commissioner shall establish by regulation.

3. Each license issued pursuant to this chapter is valid for 3 years from the date of issuance ~~*[renewable biennially on or before the last day of the licensee's birth month or, for business entities, biennially on or before the last day of the month in which the license was issued]*~~ or until it is suspended, revoked or otherwise terminated, and each insurance consultant must pay, in

addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110.

Sec. 9. NRS 683C.035 is hereby amended to read as follows:

683C.035 1. The Commissioner shall prescribe the form of application by a natural person for a license as an insurance consultant. The applicant must declare, under penalty of refusal to issue, or suspension or revocation of, the license, that the statements made in the application are true, correct and complete to the best of his or her knowledge and belief. Before approving the application, the Commissioner must find that the applicant has:

(a) Attained the age of 18 years.

(b) Not committed any act that is a ground for refusal to issue, or suspension or revocation of, a license pursuant to NRS 683A.451.

(c) Paid all applicable fees prescribed for the license, which may not be refunded.

(d) Passed each examination required for the license ~~[and successfully completed each course of instruction which the Commissioner requires by regulation,]~~ unless the applicant is a resident of another state and holds a similar license in that state.

2. A business organization must be licensed as an insurance consultant in order to act as such. Application must be made on a form prescribed by the Commissioner. Before approving the application, the Commissioner must find that the applicant has:

(a) Paid all applicable fees prescribed for the license, which may not be refunded; and

(b) Designated a natural person who is licensed as an insurance consultant in this State and who is affiliated with the business organization to be responsible for the organization's compliance with the laws and regulations of this State relating to insurance.

3. The Commissioner may require any document reasonably necessary to verify information contained in an application.

4. A license issued pursuant to this chapter is valid for 3 years after the date of issuance ~~*[renewable biennially on or before the last day of the licensee's birth month or, for business entities, biennially on or before the last day of the month in which the license was issued]*~~ or until it is suspended, revoked or otherwise terminated.

5. An insurance consultant may qualify for a license pursuant to this chapter in one or more of the lines of authority set forth in paragraphs (a) to (d), inclusive, of subsection 1 of NRS 683A.261.

Sec. 10. ~~[NRS 683C.040 is hereby amended to read as follows:~~

~~683C.040 1. A license may be renewed for additional [3-year] 2-*year* periods by submitting to the Commissioner an application for renewal and:~~

~~(a) If the application is made:~~

~~(1) [On] *Biennially on* or before the [expiration date of the license,] *last day of the licensee's birth month or, for business entities, biennially on or*~~

~~*before the last day of the month in which the license was issued*, all applicable renewal fees; or~~

~~(2) Not more than 30 days after the expiration date of the license, all applicable renewal fees plus any late fee required;~~

~~(b) If the applicant is a natural person, the statement required pursuant to NRS 683C.043; and~~

~~(c) If the applicant is a resident, proof of the successful completion of appropriate courses of study required for renewal, as established by the Commissioner by regulation.~~

~~2. The fees specified in this section are not refundable.]~~ (Deleted by amendment.)

Sec. 11. NRS 684A.020 is hereby amended to read as follows:

684A.020 1. Except as otherwise provided in subsection 2, "adjuster" means any person who, for compensation, including, without limitation, a fee or commission, investigates and settles, and reports to his or her principal relative to, claims:

(a) Arising under insurance contracts for property, casualty or surety coverage, including, without limitation, workers' compensation coverage, on behalf solely of the insurer or the insured; or

(b) Against a self-insurer who is providing similar coverage.

2. For the purposes of this chapter:

(a) ~~[An associate adjuster, as defined in NRS 684A.030;~~

~~(b)]~~ An attorney at law who adjusts insurance losses from time to time incidental to the practice of his or her profession;

~~[(c)]~~ *(b)* An adjuster of ocean marine losses;

~~[(d)]~~ *(c)* A salaried employee of an insurer, unless the employee:

(1) Investigates, negotiates or settles workers' compensation claims; and

(2) Obtains a license pursuant to this chapter;

~~[(e)]~~ *(d)* A salaried employee of a managing general agent maintaining an underwriting office in this state;

~~[(f)]~~ *(e)* An employee of an independent adjuster or an employee of an affiliate of an independent adjuster who is one of not more than 25 such employees under the supervision of an independent adjuster or licensed agent and who:

(1) Collects information relating to a claim for coverage arising under an insurance contract from or furnishes such information to an insured or a claimant; and

(2) Conducts data entry, including, without limitation, entering data into an automated claims adjudication system;

~~[(g)]~~ *(f)* A licensed agent who supervises not more than 25 employees described in paragraph ~~[(f);]~~ *(e);*

~~[(h)]~~ *(g)* A person who is employed only to collect factual information concerning a claim for coverage arising under an insurance contract;

~~[(i)]~~ *(h)* A person who is employed solely to obtain facts surrounding a claim or to furnish technical assistance to a licensed independent adjuster;

~~[(j)]~~ *(i)* A person who is employed to investigate suspected fraudulent insurance claims but who does not adjust losses or determine the payment of claims;

~~[(k)]~~ *(j)* A person who performs only executive, administrative, managerial or clerical duties, or any combination thereof, but does not investigate, negotiate or settle claims with a policyholder or claimant or the legal representative of a policyholder or claimant;

~~[(l)]~~ *(k)* A licensed health care provider or any employee thereof who provides managed care services if those services do not include the determination of compensability;

~~[(m)]~~ *(l)* A managed care organization or any employee thereof or an organization that provides managed care services or any employee thereof if the services provided do not include the determination of compensability;

~~[(n)]~~ *(m)* A person who settles only reinsurance or subrogation claims;

~~[(o)]~~ *(n)* A broker, agent or representative of a risk retention group;

~~[(p)]~~ *(o)* An attorney-in-fact of a reciprocal insurer;

~~[(q)]~~ *(p)* A manager of a branch office of an alien insurer that is located in the United States; or

~~[(r)]~~ *(q)* A person authorized to adjust claims under the authority of a third-party administrator who holds a certificate of registration issued by the Commissioner pursuant to NRS 683A.08524, unless the person investigates, negotiates or settles workers' compensation claims,

➥ is not considered an adjuster.

Sec. 12. NRS 684A.030 is hereby amended to read as follows:

684A.030 1. "Independent adjuster" means an adjuster who is representing the interests of an insurer or a self-insurer and who:

(a) Contracts for compensation with the insurer or self-insurer as an independent contractor or an employee of an independent contractor;

(b) Is treated for tax purposes by the insurer or self-insurer in a manner consistent with an independent contractor rather than an employee; and

(c) Investigates, negotiates or settles property, casualty or surety claims, including, without limitation, workers' compensation claims, for the insurer or self-insurer.

2. "Public adjuster" means an adjuster employed by and representing solely the financial interests of the insured named in the policy. The term does not include an adjuster who investigates, negotiates or settles workers' compensation claims.

3. "Company adjuster" means a salaried employee of an insurer who:

(a) Investigates, negotiates or settles *property, casualty or surety claims, including, without limitation,* workers' compensation claims; and

(b) Obtains a license pursuant to this chapter.

4. "Staff adjuster" means a person who investigates, negotiates or settles workers' compensation claims under the authority of a third-party administrator who holds a certificate of registration issued by the Commissioner pursuant to NRS 683A.08524.

~~[5. "Associate adjuster" means an employee of an adjuster who, under the direct supervision of the adjuster, assists in the investigation and settlement of insurance losses on behalf of his or her employer.]~~

Sec. 13. NRS 684A.035 is hereby amended to read as follows:

684A.035 1. The provisions of NRS 683A.341 and 686A.310 apply to adjusters . ~~[and associate adjusters.]~~

2. For the purposes of subsection 1, unless the context requires that a section apply only to producers of insurance or insurers, any reference in those sections to "producer of insurance" or "insurer" must be replaced by a reference to "adjuster ." ~~[or associate adjuster."]~~

Sec. 14. NRS 684A.040 is hereby amended to read as follows:

684A.040 1. Except as otherwise provided in NRS 684A.060, no person may act as, or hold himself or herself out to be, an adjuster ~~[or associate adjuster]~~ in this State unless then licensed as such under the applicable adjuster's license ~~[or associate adjuster's license, as the case may be,]~~ issued under the provisions of this chapter.

2. Any person violating the provisions of this section is guilty of a gross misdemeanor.

3. Except as otherwise provided in NRS 684A.060, a person who acts as an adjuster in this State without a license is subject to an administrative fine of not more than $1,000 for each violation.

4. A salaried employee of an insurer who investigates, negotiates or settles workers' compensation claims may, but is not required to, obtain a license as a company adjuster pursuant to this chapter. The provisions of subsections 1, 2 and 3 do not apply to a salaried employee of an insurer.

Sec. 15. NRS 684A.070 is hereby amended to read as follows:

684A.070 1. For the protection of the people of this State, the Commissioner may not issue or continue any license as an adjuster except in compliance with the provisions of this chapter. Any person for whom a license is issued or continued must:

(a) Be at least 18 years of age;

(b) Be eligible to declare this State as his or her home state;

(c) Be competent, trustworthy, financially responsible and of good reputation, as determined by the Commissioner;

(d) Never have been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion or conspiracy to defraud;

(e) Except as otherwise provided in subsection 4, never have committed any act that is a ground for refusal to issue, suspension or revocation of a license pursuant to NRS 683A.451;

(f) Unless exempted pursuant to NRS 684A.100 or 684A.105, successfully ~~[complete a prelicensing course of study prescribed by the Commissioner by regulation and]~~ pass all examinations required under this chapter; ~~[and]~~

(g) Not be concurrently licensed as a producer of insurance for property, casualty or surety or a surplus lines broker, except as a bail agent ~~[.]~~ *; and*

(h) Establish and maintain a valid electronic mail address.

2. A natural person who is a resident of this State applying for a license must, as part of his or her application and at the applicant's own expense:

(a) Arrange to have a complete set of his or her fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Commissioner; and

(b) Submit to the Commissioner:

(1) A completed fingerprint card and written permission authorizing the Commissioner to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary; or

(2) Written verification, on a form prescribed by the Commissioner, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary.

3. The Commissioner may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to subparagraph (2) of paragraph (b) of subsection 2, submit those fingerprints to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Commissioner deems necessary;

(b) Request from each such agency any information regarding the applicant's background as the Commissioner deems necessary; and

(c) Adopt regulations concerning the procedures for obtaining this information.

4. The Commissioner may waive the requirements of paragraph (d) or (e) of subsection 1 for good cause shown.

~~[5. For the purposes of paragraph (f) of subsection 1, the Commissioner shall adopt regulations establishing a prelicensing course of study for an adjuster.]~~

Sec. 16. NRS 684A.130 is hereby amended to read as follows:

684A.130 1. Each license issued under this chapter continues in force for 3 ~~*[2]*~~ years unless it is suspended, revoked or otherwise terminated. A license may be renewed upon payment of all applicable fees for renewal to the Commissioner, completion of any other requirement for renewal of the license specified in this chapter and submission of the statement required pursuant to NRS 684A.143 if the licensee is a natural person. The statement, if required, must be submitted, all requirements must be completed and all applicable fees must be paid ~~*[biennially]*~~ on or before the last day of the month in which the license is renewable. ~~*[licensee's birth month or, for business entities,*~~

~~*biennially on or before the last day of the month in which the license was issued.]*~~

2. Any license not so renewed expires at midnight on the last day specified for its renewal. The Commissioner may accept a request for renewal received by the Commissioner within 30 days after the expiration of the license if the request is accompanied by:

(a) A fee for renewal of 150 percent of all applicable fees otherwise required, except for any fee required pursuant to NRS 680C.110 and subsection 2 of NRS 684A.050;

(b) If the person requesting renewal is a natural person, the statement required pursuant to NRS 684A.143;

(c) Proof of successful completion of any requirement for an examination unless exempt pursuant to NRS 684A.105; and

(d) If applicable, a request for a waiver of the time limit for renewal and of any fine or sanction otherwise required or imposed because of the failure of the licensee to renew his or her license because of military service, extended medical disability or other extenuating circumstance.

3. ~~*[A natural person who allows his or her license as an adjuster to lapse may reinstate the same license within 12 months after the date specified on the license for its renewal without passing a written examination, but any continuing education requirements must be met and a penalty of twice all applicable renewal fees, except for any fee required pursuant to NRS 680C.110, is required for any request for renewal of the license that is received after the date specified on the license for its renewal.*~~

~~*3.]*~~ *An adjuster who is unable to comply with the procedures and requirements to renew a license due to military service, long-term medical disability or some other extenuating circumstance may request waiver of same and a waiver of any requirement relating to an examination, fine or other sanction imposed for failure to comply with such procedures or requirements.*

4. An adjuster shall inform the Commissioner by any means acceptable to the Commissioner of any change in the residence address or business address for the home state or in the legal name of the adjuster within 30 days of the change.

5. In order to assist in the performance of the duties of the Commissioner, the Commissioner may contract with nongovernmental entities, including, without limitation, the National Association of Insurance Commissioners or its affiliates or subsidiaries, to perform any ministerial function, including, without limitation, the collection of fees and data, related to licensing that the Commissioner may deem appropriate.

6. This section does not apply to temporary licenses issued under NRS 684A.150.

Sec. 17. NRS 684A.143 is hereby amended to read as follows:

684A.143 1. A natural person who applies for the issuance or renewal of a license *as an adjuster* shall submit to the Commissioner the statement prescribed by the Division of Welfare and Supportive Services of the

Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Commissioner shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license ~~[,]~~ *as an adjuster;* or

(b) A separate form prescribed by the Commissioner.

3. A license *as an adjuster* may not be issued or renewed by the Commissioner if the applicant is a natural person who:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Commissioner shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

~~[5. As used in this section, "license" means:~~

~~(a) A license as an adjuster; and~~

~~(b) A license as an associate adjuster.]~~

Sec. 18. NRS 684A.147 is hereby amended to read as follows:

684A.147 1. If the Commissioner receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license ~~[,]~~ *as an adjuster*, the Commissioner shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Commissioner receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Commissioner shall reinstate a license *as an adjuster* that has been suspended by a district court pursuant to NRS 425.540 if the Commissioner receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

~~[3. As used in this section, "license" means:~~

~~(a) A license as an adjuster; and~~

~~(b) A license as an associate adjuster.]~~

Sec. 19. NRS 684A.170 is hereby amended to read as follows:

684A.170 1. Every ~~[resident]~~ adjuster *who is a resident of this State* shall have and maintain in this state a place of business accessible to the public and from which the licensee principally conducts transactions under his or her license. The address of such place shall appear upon the application for a license and upon the license, when issued, and the licensee shall promptly notify the Commissioner in writing of any change thereof. Nothing in this section shall prohibit the maintenance of such place in the licensee's residence in this state.

2. The license of the licensee ~~[and those of associate adjusters employed by the licensee]~~ shall be conspicuously displayed in such place of business in a part thereof customarily open to the public.

Sec. 20. NRS 684A.210 is hereby amended to read as follows:

684A.210 1. The Commissioner may suspend, revoke, limit or refuse to continue any adjuster's license *:* ~~[or associate adjuster's license:]~~

(a) For any cause specified in any other provision of this chapter;

(b) For any applicable cause for revocation of the license of a producer of insurance under NRS 683A.451; or

(c) If the licensee has for compensation represented or attempted to represent both the insurer and the insured in the same transaction.

2. The license of a business entity may be suspended, revoked, limited or continuation refused for any cause which relates to any individual designated with respect to the license to exercise its powers.

3. The holder of any license which has been suspended or revoked shall forthwith surrender the license to the Commissioner.

Sec. 21. NRS 684A.220 is hereby amended to read as follows:

684A.220 NRS 683A.451, 683A.461 and 683A.480 also apply to suspension, revocation, limitation or refusal to continue adjusters' licenses , ~~[and associate adjusters' licenses,]~~ except where in conflict with the express provisions of this chapter.

Sec. 22. ~~[NRS 684B.080 is hereby amended to read as follows:~~

~~684B.080 1. Each license issued under this chapter continues in force for [3] 2 years unless it is suspended, revoked or otherwise terminated. A license may be renewed upon payment of all applicable fees for renewal to the Commissioner and submission of the statement required pursuant to NRS 684B.083 if the licensee is a natural person. The statement, if required, must be submitted and all applicable fees must be paid *biennially* on or before the last day of the [month in which the license is renewable.] *licensee's birth month or, for business entities, biennially on or before the last day of the month in which the license was issued.*~~

~~2. Any license not so renewed expires at midnight on the last day specified for its renewal. The Commissioner may accept a request for renewal received by the Commissioner within 30 days after the expiration of the license if the request is accompanied by a fee for renewal of 150 percent of all applicable~~

~~fees otherwise required, except for any fee required pursuant to NRS 680C.110, and the statement required pursuant to NRS 684B.083 if the person requesting renewal is a natural person.]~~ (Deleted by amendment.)

Sec. 23. ~~[NRS 685A.120 is hereby amended to read as follows:~~

~~685A.120 1. No person may act as, hold himself or herself out as or be a surplus lines broker with respect to subjects of insurance for which this State is the insured's home state unless the person is licensed as such by the Commissioner pursuant to this chapter.~~

~~2. Any person who has been licensed by this State as a producer of insurance for general lines for at least 6 months, or has been licensed in another state as a surplus lines broker and continues to be licensed in that state, and who is deemed by the Commissioner to be competent and trustworthy with respect to the handling of surplus lines may be licensed as a surplus lines broker upon:~~

~~(a) Application for a license and payment of all applicable fees for a license;~~

~~(b) Submitting the statement required pursuant to NRS 685A.127; and~~

~~(c) Passing any examination prescribed by the Commissioner on the subject of surplus lines.~~

~~3. An application for a license must be submitted to the Commissioner on a form designated and furnished by the Commissioner. The application must include the social security number of the applicant.~~

~~4. A license issued pursuant to this chapter [continues in force for 3 years]~~ ~~*is renewable biennially on or before the last day of the licensee's birth month or, for business entities, biennially on or before the last day of the month in which the license was issued*~~ ~~unless it is suspended, revoked or otherwise terminated. The license may be renewed upon submission of the statement required pursuant to NRS 685A.127 and payment of all applicable fees for renewal to the Commissioner on or before the last day of the month in which the license is renewable.~~

~~5. A license which is not renewed expires at midnight on the last day specified for its renewal. The Commissioner may accept a request for renewal received by the Commissioner within 30 days after the expiration of the license if the request is accompanied by:~~

~~(a) The statement required pursuant to NRS 685A.127;~~

~~(b) All applicable fees for renewal; and~~

~~(c) A penalty in an amount that is equal to 50 percent of all applicable fees for renewal, except for any fee required pursuant to NRS 680C.110.]~~ (Deleted by amendment.)

Sec. 24. ~~[NRS 689.205 is hereby amended to read as follows:~~

~~689.205 1. Each seller's certificate of authority issued pursuant to NRS 689.150 to 689.375, inclusive, [expires at midnight on April 30 of the third year following its date of issuance or renewal.]~~ ~~*is renewable biennially on or before the last day of the certificate holder's birth month or, for business entities, biennially on or before the last day of the month in which the certificate of authority was issued.*~~

~~2. The Commissioner shall renew a certificate of authority upon receiving a written request for renewal from the seller, accompanied by all applicable fees for renewal, which are not refundable, if the Commissioner finds that the seller is, at that time, in compliance with all applicable provisions of NRS 689.150 to 689.375, inclusive.~~

~~3. The Commissioner may accept a request for renewal received by the Commissioner within 30 days after the expiration of the certificate if the request is accompanied by a fee for renewal of 150 percent of all applicable fees otherwise required, except for any fee required pursuant to NRS 680C.110.]~~ (Deleted by amendment.)

Sec. 25. ~~[NRS 689.255 is hereby amended to read as follows:~~

~~689.255 1. Each agent's license issued pursuant to NRS 689.150 to 689.375, inclusive, [continues in force for 3 years]~~ *is renewable biennially on or before the last day of the licensee's birth month* ~~unless it is suspended, revoked or otherwise terminated.~~

~~2. An agent's license may be renewed at the request of the holder of a valid seller's certificate of authority, upon filing a written request for renewal accompanied by all applicable fees for renewal and the statement required pursuant to NRS 689.258. All applicable fees for renewal are nonrefundable.~~

~~3. Any license not so renewed expires at midnight on the last day of the month specified for its renewal. The Commissioner may accept a request for renewal received by the Commissioner within 30 days after the expiration of the license if the request is accompanied by a fee for renewal of 150 percent of all applicable fees otherwise required, except for any fee required pursuant to NRS 680C.110, and the statement required pursuant to NRS 689.258.~~

~~4. An agent's license is valid only while the agent is employed by a holder of a valid seller's certificate of authority.]~~ (Deleted by amendment.)

Sec. 26. ~~[NRS 689.505 is hereby amended to read as follows:~~

~~689.505 1. Each seller's permit issued pursuant to NRS 689.450 to 689.595, inclusive, [continues in effect for 3 years]~~ *is renewable biennially on or before the last day of the permit holder's birth month or, for business entities, biennially on or before the last day of the month in which the permit was issued* ~~unless it is suspended, revoked or otherwise terminated.~~

~~2. The Commissioner shall renew a seller's permit upon receiving a written request for renewal from the seller, accompanied by all applicable fees for renewal, which are not refundable, if the Commissioner finds that the seller is, at that time, in compliance with all applicable provisions of NRS 689.450 to 689.595, inclusive.~~

~~3. A permit which is not renewed expires at midnight on the last day specified for its renewal. The Commissioner may accept a request for renewal received by the Commissioner within 30 days after the expiration of the permit if the request is accompanied by a fee for renewal of 150 percent of all applicable fees otherwise required, except for any fee required pursuant to NRS 680C.110.]~~ (Deleted by amendment.)

Sec. 27. ~~[NRS 689.530 is hereby amended to read as follows:~~

~~689.530 1. Each agent's license issued pursuant to NRS 689.450 to 689.595, inclusive, [continues in effect for 3 years] *is renewable biennially on or before the last day of the licensee's birth month* unless it is suspended, revoked or otherwise terminated.~~

~~2. An agent's license may be renewed, unless it has been suspended or revoked, at the request of the holder of a valid seller's permit upon filing a written request for renewal accompanied by all applicable fees for renewal and the statement required pursuant to NRS 689.258. All applicable fees for renewal are not refundable.~~

~~3. The Commissioner may accept a request for renewal which is received by the Commissioner within 30 days after the expiration of the license if the request is accompanied by a fee for renewal of 150 percent of all applicable fees otherwise required, except for any fee required pursuant to NRS 680C.110, and the statement required pursuant to NRS 689.258.~~

~~4. An agent's license is valid only while the agent is employed by a holder of a valid seller's permit.]~~ (Deleted by amendment.)

Sec. 28. ~~[NRS 692A.103 is hereby amended to read as follows:~~

~~692A.103 1. A person who wishes to obtain a license as an escrow officer must:~~

~~(a) File a written application in the Office of the Commissioner;~~

~~(b) Except as otherwise provided in subsection 3, demonstrate competency in matters relating to escrows by:~~

~~(1) Having at least 1 year of recent experience with respect to escrows of a sufficient nature to allow the person to fulfill the responsibilities of an escrow officer; or~~

~~(2) Passing a written examination concerning escrows as prescribed by the Commissioner;~~

~~(c) Submit the name and business address of the title agent who will supervise the escrow officer;~~

~~(d) Submit the statement required pursuant to NRS 692A.1033; and~~

~~(e) Pay the fees required by NRS 680B.010 and, in addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110.~~

~~2. The Commissioner shall issue a license as an escrow officer to any person who satisfies the requirements of subsection 1.~~

~~3. The Commissioner may waive the requirements of paragraph (b) of subsection 1 if the applicant submits with his or her application satisfactory proof that the applicant, in good standing, currently holds a license, or held a license within 1 year before the date the applicant submits the application, which was issued pursuant to the provisions of NRS 645A.020.~~

~~4. A license issued pursuant to this chapter [continues in force for 3 years] *is renewable biennially on or before the last day of the licensee's birth month or, for business entities, biennially on or before the last day of the month in which the license was issued* unless it is suspended, revoked or otherwise terminated. The license may be renewed upon submission of the statement required pursuant to NRS 692A.1033 and payment of all applicable fees for~~

~~renewal to the Commissioner on or before the last day of the month in which the license is renewable.~~

~~5. A license which is not renewed expires at midnight on the last day specified for its renewal. The Commissioner may accept a request for renewal received by the Commissioner within 30 days after the expiration of the license if the request is accompanied by the statement required pursuant to NRS 692A.1033 and a fee for renewal of 150 percent of all applicable fees otherwise required, except for any fee required pursuant to NRS 680C.110.~~

~~6. The Commissioner shall adopt regulations to carry out the provisions of this section.]~~ (Deleted by amendment.)

Sec. 29. NRS 695C.055 is hereby amended to read as follows:

695C.055 1. The provisions of NRS 449.465, 679A.200, 679B.700, subsections 6 and 7 of NRS 680A.270, subsections 2, 4, 18, 19 and ~~[32]~~ *31* of NRS 680B.010, NRS 680B.020 to 680B.060, inclusive, chapter 686A of NRS, NRS 687B.500 and chapters 692C and 695G of NRS apply to a health maintenance organization.

2. For the purposes of subsection 1, unless the context requires that a provision apply only to insurers, any reference in those sections to "insurer" must be replaced by "health maintenance organization."

Sec. 30. ~~[NRS 695J.120 is hereby amended to read as follows:~~

~~695J.120 1. The Commissioner shall prescribe the form for application for a certificate as an exchange enrollment facilitator. The form must require the applicant to declare, under penalty of refusal to issue, or suspension or revocation of, the certificate of the applicant, that the statements made in the application are true, correct and complete to the best of his or her knowledge and belief.~~

~~2. Before approving an application, the Commissioner must find that the applicant:~~

~~(a) Meets the requirements of NRS 695J.110.~~

~~(b) Has not committed any act that is a ground for refusal to issue, or suspension or revocation of a certificate pursuant to NRS 683A.451.~~

~~(c) Paid all applicable fees prescribed pursuant to NRS 695J.110.~~

~~(d) Meets the requirements of subsections 3 and 5.~~

~~3. An applicant must, as part of his or her application and at the applicant's own expense:~~

~~(a) Arrange to have a complete set of his or her fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Commissioner; and~~

~~(b) Submit to the Commissioner:~~

~~(1) A completed fingerprint card and written permission authorizing the Commissioner to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary; or~~

~~(2) Written verification, on a form prescribed by the Commissioner, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary.~~

~~4. The Commissioner may:~~

~~(a) Unless the applicant's fingerprints are directly forwarded pursuant to subparagraph (2) of paragraph (b) of subsection 3, submit those fingerprints to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Commissioner deems necessary;~~

~~(b) Request from each such agency any information regarding the applicant's background as the Commissioner deems necessary; and~~

~~(c) Adopt regulations concerning the procedures for obtaining the information described in paragraph (b).~~

~~5. The Commissioner may require from the applicant any document reasonably necessary to verify information contained in an application.~~

~~6. Except as otherwise provided in NRS 695J.250, a certificate issued pursuant to this chapter is [valid for 3 years after the date of issuance]~~ *~~renewable biennially on or before the last day of the certificate holder's birth month~~* ~~unless it is suspended, revoked or otherwise terminated.]~~ (Deleted by amendment.)

Sec. 31. ~~[NRS 695J.140 is hereby amended to read as follows:~~

~~695J.140 1. A certificate may be renewed for an additional [3-year]~~ *~~2-year~~* ~~period by submitting to the Commissioner an application for renewal and:~~

~~(a) If the application is made:~~

~~(1) On or before the [expiration date of the certificate,]~~ *~~last day of the certificate holder's birth month~~*~~, all applicable renewal fees; or~~

~~(2) Except as otherwise provided in subsection 3 [:~~

~~(I) Not more than 30 days after the expiration date of the certificate, all applicable renewal fees plus any late fee required; or~~

~~(II) More than 30 days but not more than 1 year after the expiration date of the certificate, all applicable renewal fees plus a penalty of twice all applicable renewal fees, except for any fee required pursuant to NRS 680C.110.]~~ *~~, not more than 30 days after the expiration date of the certificate, all applicable renewal fees in addition to a late penalty of 150 percent; and~~*

~~(b) Proof of the successful completion of appropriate courses of study required for renewal, as established by the Commissioner by regulation.~~

~~2. The fees specified in this section are not refundable.~~

~~3. An exchange enrollment facilitator who is unable to renew his or her certificate because of military service, extended medical disability or other extenuating circumstance may request a waiver of the time limit and of any fine or sanction otherwise required or imposed because of the failure to renew.]~~ (Deleted by amendment.)

Sec. 32. NRS 695J.260 is hereby amended to read as follows:

695J.260 1. If an exchange enrollment facilitator fails to obtain an appointment by the Exchange within 30 days after the date on which the certificate was issued, the exchange enrollment facilitator's certificate expires and the exchange enrollment facilitator shall promptly deliver his or her certificate to the Commissioner.

2. If the Exchange terminates an exchange enrollment facilitator's appointment, the exchange enrollment facilitator is prohibited from engaging in the business of an exchange enrollment facilitator . ~~[under his or her certificate until such time as the exchange enrollment facilitator receives a new appointment by the Exchange. If the exchange enrollment facilitator does not obtain a new appointment by the Exchange within 30 days after the date the appointment was terminated, the exchange enrollment facilitator's certificate expires and the exchange enrollment facilitator shall promptly deliver his or her certificate to the Commissioner.]~~

3. Except as otherwise provided in subsection 4, if the Exchange terminates the appointment of an entity other than a natural person:

(a) The appointments of exchange enrollment facilitators named on the entity's appointment also terminate; and

(b) The exchange enrollment facilitator is prohibited from engaging in the business of an exchange enrollment facilitator under his or her certificate . ~~[until such time as the exchange enrollment facilitator receives a new appointment by the Exchange. If the exchange enrollment facilitator does not obtain a new appointment by the Exchange within 30 days after the date on which the appointment was terminated, the exchange enrollment facilitator's certificate expires and the exchange enrollment facilitator shall promptly deliver his or her certificate to the Commissioner.]~~

4. The provisions of subsection 3 do not apply to any appointments the exchange enrollment facilitator may have individually or through an entity other than the terminated entity.

5. Upon the termination of an appointment for an entity or certificate holder, the Executive Director of the Exchange shall notify the Commissioner of the effective date of the termination and the grounds for termination.

Sec. 33. ~~[NRS 696A.300 is hereby amended to read as follows:~~

~~696A.300 1. Each license for a club agent issued under this chapter [continues in force for 3 years]~~ *is renewable biennially on or before the last day of the licensee's birth month or, for business entities, biennially on or before the last day of the month in which the license was issued* ~~unless it is suspended, revoked or otherwise terminated. A license may be renewed upon submission of the statement required pursuant to NRS 696A.303 and payment~~

~~to the Commissioner of all applicable fees for renewal. The statement must be submitted and the fees must be paid on or before the last day of the month in which the license is renewable.~~

~~2. Any license not so renewed expires at midnight on the last day specified for its renewal. The Commissioner may accept a request for renewal received by the Commissioner within 30 days after the expiration of the license if the request is accompanied by the statement required pursuant to NRS 696A.303, a fee for renewal of 150 percent of all applicable fees otherwise required, except for any fee required pursuant to NRS 680C.110.~~

~~3. In addition to all applicable fees required pursuant to NRS 680C.110 to be deposited in the Fund for Insurance Administration and Enforcement created by NRS 680C.100, the Commissioner shall collect in advance and deposit with the State Treasurer for credit to the State General Fund the following fees for licensure as a club agent:~~

~~(a) Application and license..... $78~~

~~(b) Appointment by each motor club ..... 5~~

~~(c) [Triennial] *Biennial* renewal of each license ..... [78] *50]*~~

(Deleted by amendment.)

Sec. 34. NRS 648.018 is hereby amended to read as follows:

648.018 Except as to polygraphic examiners and interns, this chapter does not apply:

1. To any detective or officer belonging to the law enforcement agencies of the State of Nevada or the United States, or of any county or city of the State of Nevada, while the detective or officer is engaged in the performance of his or her official duties.

2. To special police officers appointed by the police department of any city, county, or city and county within the State of Nevada while the officer is engaged in the performance of his or her official duties.

3. To insurance adjusters ~~[and their associate adjusters]~~ licensed pursuant to the Nevada Insurance Adjusters Law who are not otherwise engaged in the business of private investigators.

4. To any private investigator, private patrol officer, process server, dog handler or security consultant employed by an employer regularly in connection with the affairs of that employer if a bona fide employer-employee relationship exists, except as otherwise provided in NRS 648.060, 648.140 and 648.203.

5. To a repossessor employed exclusively by one employer regularly in connection with the affairs of that employer if a bona fide employer-employee relationship exists, except as otherwise provided in NRS 648.060, 648.140 and 648.203.

6. To a person engaged exclusively in the business of obtaining and furnishing information as to the financial rating of persons.

7. To a charitable philanthropic society or association incorporated under the laws of this State which is organized and maintained for the public good and not for private profit.

8. To an attorney at law in performing his or her duties as such.

9. To a collection agency unless engaged in business as a repossessor, licensed by the Commissioner of Financial Institutions, or an employee thereof while acting within the scope of his or her employment while making an investigation incidental to the business of the agency, including an investigation of the location of a debtor or his or her assets and of property which the client has an interest in or lien upon.

10. To admitted insurers and agents and insurance brokers licensed by the State, performing duties in connection with insurance transacted by them.

11. To any bank organized pursuant to the laws of this State or to any national bank engaged in banking in this State.

12. To any person employed to administer a program of supervision for persons who are serving terms of residential confinement.

13. To any commercial registered agent, as defined in NRS 77.040, who obtains copies of, examines or extracts information from public records maintained by any foreign, federal, state or local government, or any agency or political subdivision of any foreign, federal, state or local government.

14. To any holder of a certificate of certified public accountant issued by the Nevada State Board of Accountancy pursuant to chapter 628 of NRS while performing his or her duties pursuant to the certificate.

15. To a person performing the repair or maintenance of a computer who performs a review or analysis of data contained on a computer solely for the purposes of diagnosing a computer hardware or software problem and who is not otherwise engaged in the business of a private investigator.

16. To any person who for any consideration engages in business or accepts employment to provide information security.

Sec. 35. ~~[Notwithstanding the amendatory provisions of sections 1, 2, 3, 6, 8, 9, 10, 16, 22 to 28, inclusive, 30, 31 and 33 of this act:~~

~~1. A certificate, license, permit or other type of authorization governed by any provision of sections 1, 2, 3, 6, 8, 9, 10, 16, 22 to 28, inclusive, 30, 31 or 33 of this act, which is issued or renewed:~~

~~(a) Before January 1, 2020; and~~

~~(b) With a date of expiration which is:~~

~~(1) On or after January 1, 2020; and~~

~~(2) Three years after the date of issuance or renewal,~~

~~→ is valid until the date of expiration provided when it was issued or most recently renewed immediately preceding January 1, 2020. Such a certificate, license, permit or other type of authorization need not be renewed until the date it would have needed to be renewed in the absence of the amendatory provisions of sections 1, 2, 3, 6, 8, 9, 10, 16, 22 to 28, inclusive, 30, 31 and 33 of this act.~~

~~2. The Division of Insurance of the Department of Business and Industry, upon the first renewal on or after January 1, 2020, of a certificate, license, permit or other type of authorization governed by any provision of sections 1, 2, 3, 6, 8, 9, 10, 16, 22 to 28, inclusive, 30, 31 or 33 of this act, shall:~~

~~(a) If applicable, renew the certificate, license, permit or other type of authorization for a period of time which is less than 2 years, as necessary to make the month of renewal of the certificate, license, permit or other type of authorization coincide with the birth month of the holder of the certificate, license, permit or other type of authorization; and~~

~~(b) Prorate and appropriately reduce any fees charged for the renewal of the certificate, license, permit or other type of authorization which is renewed pursuant to paragraph (a) for a period of time which is less than 2 years.]~~ (Deleted by amendment.)

Sec. 36. NRS 684A.140 is hereby repealed.

Sec. 37. This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and on January 1, 2020, for all other purposes.

TEXT OF REPEALED SECTION

684A.140 Associate adjuster: Application for license; fee; license; penalty.

1. Concurrently with an application for a license or for renewal of a license as an adjuster, the applicant or licensee must provide an appointment for each associate adjuster employed by him or her or to be employed by him or her contingent upon issuance of the license. Each person who desires to become licensed as an associate adjuster must submit an application to the Commissioner for such a license. The application must include the social security number of the applicant.

2. Upon payment of all applicable fees, the Commissioner shall issue and deliver to a licensed adjuster a license for each associate authorized by the State to act on behalf of the licensee. The Commissioner shall not issue a license as an associate adjuster to a person who is licensed as a producer of insurance for property, casualty or surety or a surplus lines broker.

3. The license of an associate adjuster may be renewed upon payment of all applicable fees. The license terminates at the same time as the license of the employing adjuster unless, within 30 days after the termination of the license, the associate adjuster submits to the Commissioner all applicable fees and a request to be employed by another employing adjuster. The Commissioner shall promptly terminate an associate adjuster's license upon written request therefor by the employing adjuster.

4. A person shall not act as or hold himself or herself out in this State to be an associate adjuster unless the person holds a current license as such issued to the person by the Commissioner. A violation of this provision is a gross misdemeanor.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 8 makes two changes to Senate Bill No. 88. The amendment removes all applicable changes to licensure fees and all language that change licenses to a two-year renewal cycle, and amends section 19 to remove "resident" and add "who is a resident of this State."

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 109.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 288.

SUMMARY—Requires cameras to be installed in certain classrooms within a public school which are used for special education. (BDR 34-10)

AN ACT relating to education; requiring public schools to install cameras in certain classrooms within a school which are used for special education; ~~[limiting]~~ prescribing the length of time such a recording may be retained; specifying the circumstances under which such a recording may be released; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it a crime to engage in surreptitious electronic surveillance on the property of a public school without the knowledge of the person being observed, unless for law enforcement purposes or as part of an installed system of security. (NRS 393.400) Section 1 of this bill requires each public school, including, without limitation, a charter school, to install, operate and maintain one or more video cameras that are capable of recording audio in each classroom within the school in which a majority of the pupils in regular attendance ~~[: (1)]~~ receive special education ~~[; (2) have speech and language delays which render the pupils unable to communicate effectively; and (3) are assigned to the classroom to receive special education for at least 50 percent]~~ for a certain percentage of the instructional day. Section 1, however, further requires a school that only provides special education to install a video camera in every classroom. Section 1 provides that a video camera may only be used to record a classroom during a regular school day. Section 1 also requires that written notice of the video camera be provided to each person likely to be recorded by the video camera, including, without limitation, the parent or legal guardian of a pupil receiving such special education at the school ~~[.]~~ , and posted at the entrance to the classroom. In addition, before assigning an employee of a public school to a classroom in the school where a video camera is installed, section 1 requires the principal of a public school to ensure that the employee receives certain training. Section 1 further provides that a recording made pursuant to section 1 is confidential and may only be viewed, released or used if consent is obtained from all persons who appear in the recording, or: (1) based on certain complaints or investigations; (2) based on possible criminal activity; (3) for use by the parent or legal guardian of a pupil in a legal proceeding; ~~[or]~~ (4) in response to a subpoena ~~[.]~~ ; or (5) by an employee or contractor of the school district to ensure that the video camera is operating properly. Finally, section 1 requires a recording to be retained by the public school for ~~[not more than 60 days or until the disposition of a complaint, whichever is longer,]~~ at least 45 days unless required to retain the recording

for a longer period by a court order, subpoena or other provision of law. Sections 3 and 4 of this bill make conforming changes.

Section 5 ~~[of]~~ this bill provides for the required installation of video cameras over a period of time. Public elementary schools are allowed to begin installing video cameras where required on July 1, 2020, and must complete such installations by June 30, 2022. Public middle schools, junior high schools and high schools may begin installing video cameras where required on July 1, 2022, and must complete such installations by June 30, 2024.

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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Each]~~ Except as otherwise provided in subsection 2, each school district and the governing body of each charter school, as applicable, shall provide equipment, including, without limitation, one or more video cameras with the capability of recording sound, to each public school which has a classroom in which a majority of the pupils who regularly are present in the classroom ~~[:~~

~~(a) Receive]~~ receive special education pursuant to the provisions of this section and NRS 388.417 to 388.469, inclusive ~~[;~~

~~(b) Have speech and language delays which render the pupils unable to communicate effectively; and~~

~~(c) Are assigned to the classroom to receive special education pursuant to the provisions of this section and NRS 388.417 to 388.469, inclusive, for at least 50 percent of the instructional day.]~~ :

(a) For pupils who are 6 to 21 years of age, for 60 percent or more of the instructional day; and

(b) For pupils who are 3 to 5 years of age, for 50 percent or more of the instructional day.

2. Each school district and the governing body of each charter school, as applicable, that has a public school that only enrolls pupils who receive special education pursuant to the provisions of this section and NRS 388.417 to 388.469, inclusive, shall ensure that each classroom in the school has the equipment described in subsection 1.

3. A public school that receives equipment pursuant to subsection 1 or 2 shall install one or more video cameras with the capability of recording sound in each classroom described in ~~[that]~~ the applicable subsection. The video cameras installed in such a classroom must record:

(a) The classroom only during a regular school day ~~[;]~~ that is part of the regular school year; and

(b) All areas of the classroom, except that the video camera must not record the interior of a bathroom or any other area in which a pupil may change or remove his or her clothing.

~~[3.]~~ 4. The principal of a public school shall ~~[provide]~~ :

(a) Provide written notice that a video camera has been or will be installed pursuant to this section to each parent or legal guardian of a pupil who receives such special education at the school and to any other person likely to be recorded by the video camera, including, without limitation, an employee of the school who will be assigned to work with one or more pupils in the classroom.

[.~~4.~~] *; and*

(b) Post at the entrance to any classroom in which a video camera is installed pursuant to this section notice that the classroom is under video and audio surveillance.

5. Before assigning any employee who provides services to pupils at a public school to provide such services in a classroom in which a video camera has been installed pursuant to subsection ~~[2,]~~ 3, the principal of the school shall ensure that the employee has received appropriate training concerning the use of the video camera, the rights and responsibilities of the employee regarding the video camera and the other provisions of this section.

~~[5. A]~~

6. Except as authorized by this subsection, a public school shall not allow the regular monitoring of a recording made by a video camera pursuant to this section by any person. ~~[and]~~ A public school may allow an employee or independent contractor to regularly monitor a recording made by a video camera pursuant to this section to ensure that the video camera is operating properly.

7. A public school shall retain any recording that is made pursuant to this section for ~~[not more than 60]~~ at least 45 days. ~~[or until the disposition of a complaint, whichever is longer,]~~ unless required to do so for a longer period by a court order, subpoena or pursuant to law.

~~[6.]~~ 8. The board of trustees of a school district and the governing body of a charter school may solicit or accept gifts, grants or donations from any person to support the purchase and installation of video cameras in public schools pursuant to this section.

~~[7.]~~ 9. A recording made pursuant to this section is confidential and is not a public book or record within the meaning of NRS 239.010. Except as otherwise provided in *subsection 8, subsections 6 and 10, a recording may not be viewed, released or used by any person unless the board of trustees of the school district or the governing body of the charter school that made the recording obtains the written consent of each person who appears in the recording or, for a pupil who appears in the recording, the parent or legal guardian of the pupil.*

~~[8. A]~~

10. To the extent not prohibited by federal law and in accordance with any regulations adopted by the State Board, a public school shall release a recording made pursuant to this section to:

(a) The parent or legal guardian of a pupil or an employee of the school, as applicable, who appears in a recording relating to a complaint filed with the Department.

(b) An employee designated by the Department to investigate a complaint relating to the recording.

(c) An agency which provides child welfare services as defined in NRS 432B.030 as part of an investigation of a report concerning the abuse or neglect of a child.

(d) A peace officer as part of a criminal investigation.

(e) A parent or legal guardian of a pupil who appears in the recording, for use in a legal proceeding.

(f) A court of competent jurisdiction in response to a subpoena issued by the court.

~~*[9.]*~~ *11. This section does not:*

(a) Create a cause of action; or

(b) Waive any immunity from liability or limitation on liability of a school district or a charter school, or an officer or employee of a school district or charter school that is otherwise provided by law.

~~*[10.]*~~ *12. The State Board may adopt such regulations as it deems necessary to carry out the provisions of this section.*

~~*[11.]*~~ *13. As used in this section, "complaint" means a complaint filed with the Department pursuant to 20 U.S.C. § 1415, 34 C.F.R. §§ 300.151 et seq. and NRS 388.463.*

Sec. 2. NRS 388.417 is hereby amended to read as follows:

388.417 As used in NRS 388.417 to 388.515, inclusive ~~[:]~~ *, and section 1 of this act:*

1. "Communication mode" means any system or method of communication used by a person with a disability, including, without limitation, a person who is deaf or whose hearing is impaired, to facilitate communication which may include, without limitation:

(a) American Sign Language;

(b) English-based manual or sign systems;

(c) Oral and aural communication;

(d) Spoken and written English, including speech reading or lip reading; and

(e) Communication with assistive technology devices.

2. "Dyslexia" means a neurological learning disability characterized by difficulties with accurate and fluent word recognition and poor spelling and decoding abilities that typically result from a deficit in the phonological component of language.

3. "Dyslexia intervention" means systematic, multisensory intervention offered in an appropriate setting that is derived from evidence-based research.

4. "Individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

5. "Individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

6. "Provider of special education" means a school within a school district or charter school that provides education or services to pupils with disabilities or any other entity that is responsible for providing education or services to a pupil with a disability for a school district or charter school.

7. "Pupil who receives early intervening services" means a person enrolled in kindergarten or grades 1 to 12, inclusive, who is not a pupil with a disability but who needs additional academic and behavioral support to succeed in a regular school program.

8. "Pupil with a disability" means a "child with a disability," as that term is defined in 20 U.S.C. § 1401(3)(A), who is under 22 years of age.

9. "Response to scientific, research-based intervention" means a collaborative process which assesses a pupil's response to scientific, research-based intervention that is matched to the needs of a pupil and that systematically monitors the level of performance and rate of learning of the pupil over time for the purpose of making data-based decisions concerning the need of the pupil for increasingly intensified services.

10. "Specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or using spoken or written language which is not primarily the result of a visual, hearing or motor impairment, intellectual disability, serious emotional disturbance, or an environmental, cultural or economic disadvantage. Such a disorder may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or perform mathematical calculations. The term includes, without limitation, perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia.

Sec. 3. NRS 393.400 is hereby amended to read as follows:

393.400 1. Except as otherwise provided in subsection 2, it is unlawful for a person to engage in any kind of surreptitious electronic surveillance on any property of a public school without the knowledge of the person being observed.

2. Subsection 1 does not apply to any electronic surveillance:

(a) Authorized by a court order issued to a public officer, based upon a showing of probable cause to believe that criminal activity is occurring on the property of the public school under surveillance;

(b) By a law enforcement agency pursuant to a criminal investigation;

(c) By a peace officer pursuant to NRS 289.830;

(d) Which is necessary as part of a system of security used to protect and ensure the safety of persons on the property of the public school ~~[;]~~ *, including, without limitation, a video camera installed, operated and maintained pursuant to section 1 of this act;* or

(e) Of a class or laboratory when authorized by the teacher of the class or laboratory.

Sec. 4. 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 1 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. 5. Notwithstanding the provisions of section 1 of this act:

1. The video cameras required to be installed in an elementary school pursuant to section 1 of this act may be installed on or after July 1, 2020, but must be installed not later than June 30, 2022.

2. The video cameras required to be installed in a middle school, junior high school or high school pursuant to section 1 of this act may be installed on or after July 1, 2022, but must be installed not later than June 30, 2024.

Sec. 6. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 7. This act becomes effective upon passage and approval for the purpose of adopting any regulations and performing any preliminary administrative tasks that are necessary to carry out the provisions of this act; and on July 1, 2020, for all other purposes.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 288 to Senate Bill No. 109 clarifies the classrooms where video cameras will be placed; requires a public school that only enrolls students receiving special education to place a video camera in every classroom; revises notification requirements and clarifies when a recording may be monitored; and ensures that any disclosure of information from recordings are provided in a manner that complies with federal law and any regulations adopted by the State Board of Education.

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. 197.

Bill read second time.

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

Amendment No. 480.

SUMMARY—Revises provisions relating to trade practices. (BDR 52-746)

AN ACT relating to trade practices; prohibiting the importation and sale of cosmetics for which testing was performed on an animal; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill ~~[prohibits]~~ makes it unlawful for a manufacturer ~~[from importing, selling]~~ to import, sell or ~~[offering]~~ offer for sale in this State any cosmetic for which testing was performed on certain animals. This bill provides ~~[: (1)]~~ certain exemptions to the prohibition for certain animal testing that is performed pursuant to federal, state or foreign regulatory requirements. ~~[; (2) treatment and protection as trade secrets for certain information that is provided to or reviewed by a district attorney or city attorney in investigating potential violations; and (3) for the imposition of civil penalties.]~~ A person who commits this crime is guilty of a misdemeanor, punishable by imprisonment in the county jail for a term of not more than 6 months, or a fine of up to $1,000, or both. (NRS 193.150) This bill also prohibits any political subdivision of this State or agency thereof from establishing or continuing prohibitions that are not identical to the provisions of this bill. This bill also allows an inventory of cosmetics which is otherwise in violation of the prohibition on or relating to animal testing to be sold on or before June 30, 2020.

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

Section 1. Chapter 597 of NRS is hereby amended by adding thereto a new section to read as follows:

1. It is unlawful for a manufacturer to import for profit, sell or offer for sale in this State any cosmetic for which animal testing was conducted or contracted by or on behalf of the manufacturer or any supplier of the manufacturer if the animal testing was conducted on or after January 1, 2020.

2. The prohibition in subsection 1 does not apply to animal testing that is conducted:

(a) To comply with a requirement of a federal or state regulatory agency if:

(1) The cosmetic or ingredient in the cosmetic which is tested is in wide use and cannot be replaced by another ingredient which is capable of performing a similar function;

(2) A specific human health problem relating to the cosmetic or ingredient is substantiated and the need to conduct animal testing is justified and supported by a detailed protocol for research that is proposed as the basis for the evaluation of the cosmetic or ingredient; and

(3) There does not exist a method of testing other than animal testing that is accepted for the relevant purpose by the federal or state regulatory agency.

(b) To comply with a requirement of a regulatory agency of a foreign jurisdiction, if no evidence derived from such testing was relied upon to substantiate the safety of a cosmetic sold within this State by the manufacturer.

(c) On any product or ingredient in the cosmetic subject to the requirements of Subchapter V of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. §§ 351 et seq.

(d) For purposes unrelated to cosmetics pursuant to a requirement of a federal, state or foreign regulatory agency, if no evidence derived from such

testing was relied upon to substantiate the safety of a cosmetic sold within this State by the manufacturer. A manufacturer is not prohibited from reviewing, assessing or retaining evidence from animal testing which is conducted pursuant to this paragraph.

3. ~~[A district attorney of a county or a city attorney of a city may, upon a determination that a violation of this section is likely to have occurred in the county or city, as applicable, review the data from testing upon which a manufacturer of cosmetics has relied in the development or manufacture of the relevant cosmetic sold in this State. Information provided or reviewed pursuant to this subsection is entitled to protection as a trade secret. Consistent with the procedures described in NRS 600A.070, the district attorney or city attorney, as applicable, shall enter a protective order with a manufacturer before receipt of the information from the manufacturer pursuant to this subsection and shall take other appropriate measures necessary to preserve the confidentiality of the information.~~

~~4. A violation of this section shall be punished by a civil penalty of $5,000 and an additional $1,000 for each day that the violation continues.~~

~~5. A violation of this section may be prosecuted by the district attorney of the county or the city attorney of the city in which the violation occurred. Any civil penalty collected pursuant to subsection 4 must be deposited in the county or city treasury, as applicable.~~

~~6.]~~ This section does not apply to:

(a) A cosmetic if the cosmetic in its final form was tested on animals before January 1, 2020, even if the cosmetic is manufactured on or after that date; or

(b) An ingredient in a cosmetic if the ingredient was sold in this State and was tested on animals before January 1, 2020, even if the ingredient is manufactured on or after that date.

~~[7.]~~ 4. No county, city, local government or other political subdivision of this State or agency thereof may establish or continue any prohibition on or relating to animal testing that is not identical to the prohibitions set forth in this section and that does not include the exemptions contained in subsection 2.

~~[8.]~~ 5. As used in this section:

(a) "Animal testing" means the internal or external application of a cosmetic, either in its final form or any ingredient thereof, to the skin, eyes or other body part of a live, nonhuman vertebrate.

(b) "Cosmetic" means any article intended to be rubbed, poured, sprinkled or sprayed on, introduced into or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness or altering the appearance, including, without limitation, personal hygiene products such as deodorant, shampoo or conditioner.

(c) "Ingredient" has the meaning ascribed to it in 21 C.F.R. § 700.3(e).

(d) "Manufacturer" means any person whose name appears on the label of a cosmetic pursuant to the requirements of 21 C.F.R. § 701.12.

(e) "Supplier" means any entity that supplies, directly or through a third party, any ingredient used by a manufacturer in the formulation of a cosmetic.

~~*[(f) "Trade secret" has the meaning ascribed to it in NRS 600A.030.]*~~

Sec. 2. An inventory of cosmetics which is otherwise in violation of section 1 of this act on January 1, 2020, may be sold on or before June 30, 2020.

Sec. 3. This act becomes effective on January 1, 2020.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 480 makes two changes to Senate Bill No. 197. The amendment deletes subsections 3, 4 and 5 of section 1, which authorize a county district attorney or a city attorney to prosecute a violation of the provisions of the bill, which is punishable by a civil penalty of $5,000 and an additional $1,000 for each day the violation occurs; provides that a person who violates the provisions of this bill is guilty of a misdemeanor. NRS 193.050 and 193.170 address that anything made unlawful or prohibited is a misdemeanor if no other penalty is provided. With the removal of the penalty by the amendment, these sections of NRS cause the misdemeanor provisions to affect the bill.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 258.

Bill read second time.

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

Amendment No. 163.

SUMMARY—Revises provisions relating to applied behavior analysis. (BDR 39-248)

AN ACT relating to applied behavior analysis; abolishing certification as a state certified behavior interventionist; transferring certain responsibilities concerning licensing and regulation from the Aging and Disability Services Division of the Department of Health and Human Services to the Board of Applied Behavior Analysis; authorizing the Board to delegate certain such responsibilities to the Division; requiring the Division to obtain the approval of the Board to conduct an investigation and perform certain related tasks; requiring continuing education for behavior analysts and assistant behavior analysts to meet nationally recognized standards; revising provisions relating to criminal background checks or applicants for registration as a registered behavior technician; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the certification of state certified behavior interventionists and the registration of registered behavior technicians by the Aging and Disability Services Division of the Department of Health and Human Services. To be registered as a registered behavior technician by the Division, a person is required to be registered as a Registered Behavior Technician, or have an equivalent credential, by the Behavior Analyst

Certification Board, Inc., or its successor organization. A person who wishes to be certified as a state certified behavior interventionist is required to meet the qualifications prescribed by the Board of Applied Behavior Analysis, which must be no less stringent than the requirements for registration as a Registered Behavior Technician, or an equivalent credential, by the Behavior Analyst Certification Board, Inc., or its successor organization. (NRS 437.205) Under existing law, both a registered behavior technician and a state certified behavior interventionist are authorized to provide behavioral therapy under the supervision of a licensed psychologist, behavior analyst or assistant behavior analyst. (NRS 437.050, 437.055, 437.505) Sections 1, 4-7, 9-14, 16-20, 23-29, 31, 33-46, 48-53 and 56 of this bill remove certification as a state certified behavior interventionist.

Existing law authorizes the Board of Applied Behavior Analysis to adopt regulations governing its procedure, the examination and licensure, certification or registration of applicants, the granting, refusal, revocation or suspension of licenses, certificates or registrations and the practice of applied behavior analysis. (NRS 437.110) Existing law authorizes the Division to: (1) issue, renew, suspend, revoke and reinstate licenses and registrations; (2) impose disciplinary action against licensees and registrants; (3) adopt regulations prescribing fees for the issuance, renewal or reinstatement of a license or registration; (4) conduct investigations of licensees and registrants; and (5) perform certain related tasks to enforce provisions of law applicable to behavior analysts, assistant behavior analysts and registered behavior technicians. (NRS 437.130-437.140, 437.200-437.490) Sections ~~[2, 3, 8, 10, 11,]~~ 14, 16-23, 25, 26, 28, 29, 34, 36, 38 and 42 of this bill transfer the responsibilities to issue, renew, suspend, revoke and reinstate licenses, impose disciplinary action against licensees and registrants and prescribe fees to the Board, while still requiring the Division to collect applications, conduct investigations , disburse money and hold disciplinary hearings. Section 14 of this bill authorizes the Board to delegate those responsibilities to the Division except for making the final determination concerning the suspension or revocation of a license or the imposition of other disciplinary action. Sections 2, 3 and 8 of this bill make conforming changes. Sections 14, 15, 30, 32, 33, 35, 39 and 40 of this bill require the Division to obtain the approval of the Board before conducting investigations or performing certain related tasks. Section 31 of this bill requires the Board to file a complaint with the Division if it becomes aware that grounds for disciplinary action may exist as to a person practicing applied behavior analysis.

Existing law requires a behavior analyst or assistant behavior analyst to complete continuing education prescribed by the Board. (NRS 437.225) Section 23 of this bill requires the continuing education prescribed by the Board to be consistent with nationally recognized standards for such continuing education.

Existing law requires each person desiring a license as a behavior analyst or assistant behavior analyst or registration as a registered behavior technician to

undergo a criminal background check. (NRS 437.200) Section 18 of this bill authorizes an applicant for registration as a registered behavior technician to forego the required background check if he or she submits certain verification that he or she has, within the immediately preceding 6 months, passed a criminal background check for the purpose of certification by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization.

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

Section 1. NRS 437.001 is hereby amended to read as follows:

437.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 437.005 to ~~[437.055,]~~ *437.050,* inclusive, have the meanings ascribed to them in those sections.

Sec. 2. NRS 437.005 is hereby amended to read as follows:

437.005 "Assistant behavior analyst" means a person who holds current certification as a Board Certified Assistant Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, and is licensed as an assistant behavior analyst ~~[by the Division. *Board.]*~~ *pursuant to this chapter.*

Sec. 3. NRS 437.010 is hereby amended to read as follows:

437.010 "Behavior analyst" means a person who holds current certification as a Board Certified Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, and is licensed as a behavior analyst ~~[by the Division. *Board.]*~~ *pursuant to this chapter.*

Sec. 4. NRS 437.020 is hereby amended to read as follows:

437.020 "Community" means the entire area customarily served by behavior analysts and assistant behavior analysts among whom a patient may reasonably choose, not merely the particular area inhabited by the patients of an individual behavior analyst, assistant behavior analyst ~~[, state certified behavior interventionist]~~ or registered behavior technician or the particular city or place where the behavior analyst, assistant behavior analyst ~~[, state certified behavior interventionist]~~ or registered behavior technician has his or her office.

Sec. 5. NRS 437.030 is hereby amended to read as follows:

437.030 "Gross malpractice" means malpractice where the failure to exercise the requisite degree of care, diligence or skill consists of:

1. Practicing applied behavior analysis with a patient while the behavior analyst, assistant behavior analyst ~~[, state certified behavior interventionist]~~ or registered behavior technician is under the influence of an alcoholic beverage as defined in NRS 202.015 or any controlled substance;

2. Gross negligence;

3. Willful disregard of established methods and procedures in the practice of applied behavior analysis; or

4. Willful and consistent use of methods and procedures considered by behavior analysts, assistant behavior analysts ~~[, state certified behavior~~

~~interventionists]~~ or registered behavior technicians, as applicable, in the community to be inappropriate or unnecessary in the cases where used.

Sec. 6. NRS 437.035 is hereby amended to read as follows:

437.035 "Malpractice" means failure on the part of a behavior analyst, assistant behavior analyst ~~[, state certified behavior interventionist]~~ or registered behavior technician to exercise the degree of care, diligence and skill ordinarily exercised by behavior analysts, assistant behavior analysts ~~[, state certified behavior interventionists]~~ or registered behavior technicians, as applicable, in good standing in the community.

Sec. 7. NRS 437.040 is hereby amended to read as follows:

437.040 "Practice of applied behavior analysis" means the design, implementation and evaluation of instructional and environmental modifications based on scientific research and observations of behavior and the environment to produce socially significant improvement in human behavior, including, without limitation:

1. The empirical identification of functional relations between environment and behavior; and

2. The use of contextual factors, motivating operations, antecedent stimuli, positive reinforcement and other procedures to help a person develop new behaviors, increase or decrease existing behaviors and engage in certain behavior under specific environmental conditions.

➥ The term includes the provision of behavioral therapy by a behavior analyst, assistant behavior analyst ~~[, state certified behavior interventionist]~~ or registered behavior technician.

Sec. 8. NRS 437.050 is hereby amended to read as follows:

437.050 "Registered behavior technician" means a person who ~~[is]~~ *:*

1. Is certified as a registered behavior technician by the Behavior Analyst Certification Board, Inc., or its successor organization;

2. Is registered as such ~~[by the Division *Board]*~~ *pursuant to this chapter;* and ~~[provides]~~

3. Provides behavioral therapy under the supervision of:

~~[1.]~~ *(a)* A licensed psychologist;

~~[2.]~~ *(b)* A licensed behavior analyst; or

~~[3.]~~ *(c)* A licensed assistant behavior analyst.

Sec. 9. NRS 437.060 is hereby amended to read as follows:

437.060 The provisions of this chapter do not apply to:

1. A physician who is licensed to practice in this State;

2. A person who is licensed to practice dentistry in this State;

3. A person who is licensed as a psychologist pursuant to chapter 641 of NRS;

4. A person who is licensed as a marriage and family therapist or marriage and family therapist intern pursuant to chapter 641A of NRS;

5. A person who is licensed as a clinical professional counselor or clinical professional counselor intern pursuant to chapter 641A of NRS;

6. A person who is licensed to engage in social work pursuant to chapter 641B of NRS;

7. A person who is licensed as an occupational therapist or occupational therapy assistant pursuant to NRS 640A.010 to 640A.230, inclusive;

8. A person who is licensed as a clinical alcohol and drug abuse counselor, licensed or certified as an alcohol and drug abuse counselor or certified as an alcohol and drug abuse counselor intern, a clinical alcohol and drug abuse counselor intern, a problem gambling counselor or a problem gambling counselor intern, pursuant to chapter 641C of NRS;

9. Any member of the clergy;

10. A family member of a recipient of applied behavior analysis services who performs activities as directed by a behavior analyst or assistant behavior analyst; or

11. A person who provides applied behavior analysis services to a pupil in a public school in a manner consistent with the training and experience of the person,

➥ if such a person does not commit an act described in NRS 437.510 or represent himself or herself as a behavior analyst, assistant behavior analyst ~~[, state certified behavior interventionist]~~ or registered behavior technician.

Sec. 10. NRS 437.065 is hereby amended to read as follows:

437.065 1. A person is not required to be licensed ~~[, certified]~~ or registered ~~[by the Division *Board]*~~ *pursuant to this chapter* if he or she:

(a) Provides behavior modification services or training exclusively to animals and not to natural persons;

(b) Provides generalized applied behavior analysis services to an organization but does not provide such services directly to natural persons;

(c) Teaches applied behavior analysis or conducts research concerning applied behavior analysis but does not provide applied behavior analysis services directly to natural persons;

(d) Provides academic services, including, without limitation, tutoring, instructional design, curriculum production, assessment research and design, or test preparation but does not provide applied behavior analysis services directly to natural persons; or

(e) Conducts academic research relating to applied behavior analysis as a primary job responsibility but does not provide applied behavior analysis services directly to natural persons.

2. A person described in subsection 1:

(a) May refer to himself or herself as a behavior analyst; and

(b) Shall not represent or imply that he or she is licensed ~~[, certified]~~ or registered ~~[by the Division. *Board.]*~~ *pursuant to this chapter.*

Sec. 11. NRS 437.070 is hereby amended to read as follows:

437.070 1. A person who has matriculated at an accredited college or university and is not licensed ~~[, certified]~~ or registered ~~[by the Division *Board]*~~ *pursuant to this chapter* may practice applied behavior analysis under the direct supervision of a licensed behavior analyst as part of:

(a) A program in applied behavior analysis offered by the college or university in which he or she is enrolled; or

(b) An internship or fellowship.

2. A person described in subsection 1:

(a) Shall clearly identify himself or herself to any person to whom he or she provides applied behavior analysis services as a student, intern, trainee or fellow; and

(b) Shall not identify himself or herself as a behavior analyst, assistant behavior analyst ~~[, state certified behavior interventionist]~~ or registered behavior technician, or represent or imply that he or she is licensed ~~[, certified]~~ or registered ~~[by the Division.~~ ~~*Board.]*~~ *pursuant to this chapter.*

Sec. 12. NRS 437.075 is hereby amended to read as follows:

437.075 1. A licensed behavior analyst or assistant behavior analyst ~~[, state certified behavior interventionist]~~ or registered behavior technician shall limit his or her practice of applied behavior analysis to his or her areas of competence, as documented by education, training and experience.

2. The Board shall adopt regulations to ensure that licensed behavior analysts and assistant behavior analysts ~~[, state certified behavior interventionists]~~ and registered behavior technicians limit their practice of applied behavior analysis to their areas of competence.

Sec. 13. NRS 437.110 is hereby amended to read as follows:

437.110 The Board may make and promulgate rules and regulations not inconsistent with the provisions of this chapter governing its procedure, the examination and licensure ~~[, certification]~~ or registration of applicants, the granting, refusal, revocation or suspension of licenses ~~[, certificates]~~ or registrations and the practice of applied behavior analysis.

Sec. 14. NRS 437.130 is hereby amended to read as follows:

437.130 *1.* ~~[The Division]~~ *Except as otherwise provided in subsection 2, the Board* shall enforce the provisions of this chapter and may, under the provisions of this chapter:

~~[1.]~~ *(a)* Examine and pass upon the qualifications of applicants for licensure ~~[, certification]~~ and registration.

~~[2.]~~ *(b)* License ~~[, certify]~~ and register qualified applicants.

~~[3. Conduct investigations of licensees, certificate holders and registrants.~~

~~4.]~~ *(c)* Revoke or suspend licenses ~~[, certificates]~~ and registrations.

~~[5. Collect all fees and make]~~

~~*[(d) Make* disbursements pursuant to this chapter.]~~

2. Except as otherwise provided in this subsection, the Board may delegate to the Division, in whole or in part, any duty prescribed by subsection 1. The Board must make the final determination concerning the suspension or revocation of a license or registration or the imposition of any other disciplinary action.

3. The Division shall:

(a) Collect applications and fees and make disbursements pursuant to this chapter *:* ~~*[for transmittal to the Board.]*~~

(b) With the approval of the Board, conduct investigations of licensees and registrants ~~[.]~~ *; and*

(c) Perform any duty delegated by the Board pursuant to subsection 2.

Sec. 15. NRS 437.135 is hereby amended to read as follows:

437.135 In a manner consistent with the provisions of chapter 622A of NRS ~~[,]~~ *and with the approval of the Board,* the Division may hold hearings and conduct investigations related to its duties under this chapter and take evidence on any matter under inquiry before it.

Sec. 16. NRS 437.140 is hereby amended to read as follows:

437.140 1. The ~~[Division]~~ *Board* shall prescribe, by regulation, fees for the issuance, renewal and reinstatement of a license ~~[, certificate]~~ or registration and any other services provided by the Division pursuant to this chapter. The ~~[Division]~~ *Board* shall ensure, to the extent practicable, that the amount of such fees is sufficient to pay the costs incurred by the Board and the Division under the provisions of this chapter, including, without limitation, the compensation of the Board prescribed by NRS 437.105, and does not exceed the amount necessary to pay those costs.

2. Money received from the licensure of behavior analysts and assistant behavior analysts ~~[, certification of state certified behavior interventionists]~~ and registration of registered behavior technicians, civil penalties collected pursuant to this chapter and any appropriation, gift, grant or donation received by the Board or the Division for purposes relating to the duties of the Board or the Division under the provisions of this chapter must be deposited in a separate account in the State General Fund. The account must be administered by the Division. ~~*[Board.]*~~ Money in the account must be expended solely for the purposes of this chapter and does not revert to the State General Fund. The compensation provided for by this chapter and all expenses incurred under this chapter must be paid from the money in the account.

Sec. 17. NRS 437.145 is hereby amended to read as follows:

437.145 1. The Division shall make and keep:

(a) A record of all violations and prosecutions under the provisions of this chapter.

(b) A register of all licenses ~~[, certificates]~~ and registrations.

(c) A register of all holders of licenses ~~[, certificates]~~ and registrations.

2. These records must be kept in an office of the Division and, except as otherwise provided in this section, are subject to public inspection during normal working hours upon reasonable notice.

3. Except as otherwise provided in NRS 239.0115, the Division may keep the personnel records of applicants confidential.

4. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Division, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits

a written statement to the Division requesting that such documents and information be made public records.

5. The charging documents filed with the Division to initiate disciplinary action pursuant to chapter 622A of NRS and all other documents and information considered by the Division *and the Board* when determining whether to impose discipline are public records.

6. The provisions of this section do not prohibit the Division *or the Board* from communicating or cooperating with or providing any documents or other information to any licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 18. NRS 437.200 is hereby amended to read as follows:

437.200 1. Each person desiring a license as a behavior analyst or assistant behavior analyst ~~[, certification as a state certified behavior interventionist]~~ or registration as a registered behavior technician must:

(a) Make application to the Division upon a form and in a manner prescribed by the Division. The application must be accompanied by the application fee prescribed by the ~~[Division]~~ *Board pursuant to NRS 437.140* and include all information required to complete the application.

(b) ~~[As]~~ *Except as otherwise provided in subsection 3, as* part of the application and at his or her own expense:

(1) Arrange to have a complete set of fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Division; and

(2) Submit to the Division:

(I) A complete set of fingerprints and written permission authorizing the Division to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background, and to such other law enforcement agencies as the Division deems necessary for a report on the applicant's background; or

(II) Written verification, on a form prescribed by the Division, stating that the set of fingerprints of the applicant was taken and directly forwarded electronically or by other means to the Central Repository for Nevada Records of Criminal History and that the applicant provided written permission authorizing the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background, and to such other law enforcement agencies as the Division deems necessary for a report on the applicant's background.

2. The Division may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to sub-subparagraph (II) of subparagraph (2) of paragraph (b) of subsection 1, submit those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Division deems necessary; and

(b) Request from each agency to which the Division submits the fingerprints any information regarding the applicant's background as the Division deems necessary.

3. *An applicant for registration as a registered behavior technician is not required to comply with paragraph (b) of subsection 1 if he or she submits to the Division verification from a supervising psychologist, behavior analyst or assistant behavior analyst that* : ~~*[the applicant has, within the immediately preceding 6 months:]*~~

(a) ~~*[Undergone]*~~ *Within 6 months immediately preceding the date on which the application was submitted, the Behavior Analyst Certification Board, Inc., or its successor organization, determined the applicant to be eligible for registration as a registered behavior technician; and*

(b) It is the policy of the Behavior Analyst Certification Board, Inc., or its successor organization, to conduct an investigation into ~~*[his or her]*~~ *the criminal background of an applicant for registration as a registered behavior technician or an equivalent credential that* ~~*[included]*~~ *includes the submission of fingerprints to the Federal Bureau of Investigation* . ~~*[for the purpose of registration as a Registered Behavior Technician, or an equivalent credential, by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization; and*~~

~~*(b) Was found, as a result of the investigation, to be eligible for employment as a Registered Behavior Technician.]*~~

4. An application is not considered complete and received for purposes of evaluation pursuant to subsection ~~[5]~~ *4* of NRS 437.205 until the Division receives ~~[a]~~ *:*

(a) A complete set of fingerprints or verification that the fingerprints have been forwarded electronically or by other means to the Central Repository for Nevada Records of Criminal History, and written authorization from the applicant pursuant to this section ~~[.]~~ *; or*

(b) If the application is for registration as a registered behavior technician, the documentation described in subsection 3.

Sec. 19. NRS 437.205 is hereby amended to read as follows:

437.205 1. Except as otherwise provided in NRS 437.215 and 437.220, each application for licensure as a behavior analyst must be accompanied by evidence satisfactory to the ~~[Division]~~ *Board* that the applicant:

(a) Is of good moral character as determined by the ~~[Division.]~~ *Board.*

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

(c) Holds current certification as a Board Certified Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization.

2. Each application for licensure as an assistant behavior analyst must be accompanied by evidence satisfactory to the ~~[Division]~~ *Board* that the applicant:

(a) Is of good moral character as determined by the ~~[Division.]~~ *Board.*

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

(c) Holds current certification as a Board Certified Assistant Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization.

3. ~~[Each application for certification as a state certified behavior interventionist must contain proof that the applicant meets the qualifications prescribed by regulation of the Board, which must be no less stringent than the requirements for registration as a Registered Behavior Technician, or an equivalent credential, by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization.~~

~~4.]~~ Each application for registration as a registered behavior technician must contain proof that the applicant is registered as a Registered Behavior Technician, or an equivalent credential, by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization. The Board shall not require any additional education or training for registration as a registered behavior technician.

~~[5.]~~ *4. ~~[Upon receiving an application pursuant to this section, the Division shall:~~*

~~(a) Review the application and accompanying evidence; and~~

~~(b) Submit the application and accompanying evidence to the Board with a recommendation on whether the application meets the requirements for approval.~~

~~5.]~~ Except as otherwise provided in NRS 437.215 and 437.220, within 120 days after ~~[receiving]~~ *the Division receives* an application and the accompanying evidence ~~[from an applicant, the Division]~~ *, the Board* shall:

(a) Evaluate the application and accompanying evidence and determine whether the applicant is qualified pursuant to this section for licensure ~~[, certification]~~ or registration; and

(b) Issue a written statement to the applicant of its determination.

~~[6.]~~ *5.* If the ~~[Division]~~ *Board* determines that the qualifications of the applicant are insufficient for licensure ~~[, certification]~~ or registration, the written statement issued to the applicant pursuant to subsection 5 must include a detailed explanation of the reasons for that determination.

Sec. 20. NRS 437.210 is hereby amended to read as follows:

437.210 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license as a behavior analyst or assistant behavior analyst ~~[, certificate as a state certified behavior interventionist]~~ or registration as a registered behavior technician shall include the social security number of the applicant in the application submitted to the Division.

(b) An applicant for the issuance or renewal of a license as a behavior analyst or assistant behavior analyst ~~[, certificate as a state certified behavior interventionist]~~ or registration as a registered behavior technician shall submit to the Aging and Disability Services Division the statement prescribed by the

Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Aging and Disability Services Division shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license ~~[, certificate]~~ or registration; or

(b) A separate form prescribed by the Division.

3. A license as a behavior analyst or assistant behavior analyst ~~[, certificate as a state certified behavior interventionist]~~ or registration as a registered behavior technician must not be issued or renewed by the ~~[Aging and Disability Services Division]~~ *Board* if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Aging and Disability Services Division shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 21. NRS 437.215 is hereby amended to read as follows:

437.215 1. The ~~[Division]~~ *Board* may issue a license by endorsement as a behavior analyst to an applicant who meets the requirements set forth in this section. An applicant may submit to the Division an application for such a license if the applicant holds a corresponding valid and unrestricted license as a behavior analyst in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Division with his or her application:

(a) Proof satisfactory to the ~~[Division]~~ *Board* that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license as a behavior analyst; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Division to forward the fingerprints in the manner provided in NRS 437.200;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fee prescribed by the ~~[Division]~~ *Board* pursuant to the regulations adopted pursuant to NRS 437.140; and

(e) Any other information required by the Division.

3. ~~*[Upon receiving an application pursuant to this section, the Division shall:*~~

~~*(a) Review the application and accompanying evidence; and*~~

~~*(b) Submit the application and accompanying evidence to the Board and provide the Board with a recommendation on whether the application meets the requirements for approval.*~~

~~*4.]*~~ Not later than 15 business days after ~~[receiving]~~ *the Division receives* an application for a license by endorsement as a behavior analyst ~~*[from the Division]*~~ pursuant to this section, the ~~[Division]~~ *Board* shall provide written notice to the applicant of any additional information required by the ~~[Division]~~ *Board* to consider the application. Unless the ~~[Division]~~ *Board* denies the application for good cause, the ~~[Division]~~ *Board* shall approve the application and issue a license by endorsement as a behavior analyst to the applicant not later than:

(a) Forty-five days after receiving the application ; ~~*[from the Division;]*~~ or

(b) Ten days after the Division receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

Sec. 22. NRS 437.220 is hereby amended to read as follows:

437.220 1. The ~~[Division]~~ *Board* may issue a license by endorsement as a behavior analyst to an applicant who meets the requirements set forth in this section. An applicant may submit to the Division an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license as a behavior analyst in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the spouse, widow or widower of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Division with his or her application:

(a) Proof satisfactory to the ~~[Division]~~ *Board* that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as a behavior analyst; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Division to forward the fingerprints in the manner provided in NRS 437.200;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fee prescribed by the ~~[Division]~~ *Board* pursuant to the regulations adopted pursuant to NRS 437.140; and

(e) Any other information required by the Division.

3. ~~*[Upon receiving an application pursuant to this section, the Division shall:*~~

~~*(a) Review the application and accompanying evidence; and*~~

~~*(b) Submit the application and accompanying evidence to the Board with a recommendation on whether the application meets the requirements for approval.*~~

~~*4.]*~~ Not later than 15 business days after ~~[receiving]~~ *the Division receives* an application for a license by endorsement as a behavior analyst ~~*[from the Division]*~~ pursuant to this section, the ~~[Division]~~ *Board* shall provide written notice to the applicant of any additional information required by the ~~[Division]~~ *Board* to consider the application. Unless the ~~[Division]~~ *Board* denies the application for good cause, the ~~[Division]~~ *Board* shall approve the application and issue a license by endorsement as a behavior analyst to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the ~~[Division]~~ *Board* to complete the application; or

(b) Ten days after the Division receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. ~~*[5.]*~~ At any time before making a final decision on an application for a license by endorsement pursuant to this section, the ~~[Division]~~ *Board* may grant a provisional license authorizing an applicant to practice as a behavior analyst in accordance with regulations adopted by the Board.

5. ~~*[6.]*~~ As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 23. NRS 437.225 is hereby amended to read as follows:

437.225 1. To renew a license as a behavior analyst or assistant behavior analyst ~~[, certificate as a state certified behavior interventionist]~~ or registration as a registered behavior technician, each person must, on or before the first day of January of each odd-numbered year:

(a) Apply to the Division for renewal;

(b) Pay the biennial fee for the renewal of a license ~~[, certificate]~~ or registration;

(c) Submit evidence to the Division ~~[of]~~ *:*

(1) Of completion of the requirements for continuing education as set forth in regulations adopted by the ~~[Division,]~~ *Board*, if applicable; and

(2) That the person's certification or registration, as applicable, by the Behavior Analyst Certification Board, Inc., or its successor organization, remains valid and the holder remains in good standing; and

(d) Submit all information required to complete the renewal.

2. In addition to the requirements of subsection 1, to renew ~~[a certificate as a state certified behavior interventionist or]~~ registration as a registered behavior technician for the third time and every third renewal thereafter, a person must submit to an investigation of his or her criminal history in the manner prescribed in paragraph (b) of subsection 1 of NRS 437.200.

3. The ~~[Division]~~ *Board* shall ~~[,]~~ *adopt regulations that require,* as a prerequisite for the renewal of a license as a behavior analyst or assistant behavior analyst, ~~[require]~~ each holder to ~~[comply with the requirements for]~~ *complete* continuing education *,* ~~[adopted by the Board,]~~ which must ~~[include,]~~ *:*

(a) Be consistent with nationally recognized standards for the continuing education of behavior analysts or assistant behavior analysts, as applicable; and

(b) Include, without limitation, a requirement that the holder of a license receive at least 2 hours of instruction on evidence-based suicide prevention and awareness.

4. ~~[The Board may adopt regulations requiring each state certified behavior interventionist to receive continuing education as a prerequisite for the renewal of his or her certificate.~~

~~5.]~~ The Board shall not adopt regulations requiring a registered behavior technician to receive continuing education.

Sec. 24. NRS 437.330 is hereby amended to read as follows:

437.330 1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of a license as a behavior analyst or assistant behavior analyst ~~[, certificate as a state certified behavior interventionist]~~ or registration as a registered behavior technician must indicate in the application submitted to the Division whether the applicant has a state business license. If the applicant has a state business license, the applicant must include in the application the business identification number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS.

2. A license as a behavior analyst or assistant behavior analyst ~~[, certificate as a state certified behavior interventionist]~~ or registration as a registered behavior technician may not be renewed if:

(a) The applicant fails to submit the information required by subsection 1; or

(b) The State Controller has informed the Division pursuant to subsection 5 of NRS 353C.1965 that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:

(1) Satisfied the debt;

(2) Entered into an agreement for the payment of the debt pursuant to NRS 353C.130; or

(3) Demonstrated that the debt is not valid.

3. As used in this section:

(a) "Agency" has the meaning ascribed to it in NRS 353C.020.

(b) "Debt" has the meaning ascribed to it in NRS 353C.040.

Sec. 25. NRS 437.335 is hereby amended to read as follows:

437.335 1. The license of any behavior analyst or assistant behavior analyst ~~[, the certificate of a state certified behavior interventionist]~~ or the registration of a registered behavior technician who fails to pay the biennial fee for the renewal of a license ~~[, certificate]~~ or registration within 60 days after the date it is due is automatically suspended. The ~~[Division]~~ *Board* may, within 2 years after the date the license ~~[, certificate]~~ or registration is so suspended, reinstate the license ~~[, certificate]~~ or registration upon payment to the Division of the amount of the then current biennial fee for the renewal of a license ~~[, certificate]~~ or registration and the amount of the fee for the restoration of a license ~~[, certificate]~~ or registration so suspended. If the license ~~[, certificate]~~ or registration is not reinstated within 2 years, the ~~[Division]~~ *Board* may reinstate the license ~~[, certificate]~~ or registration only if it also determines that the holder of the license ~~[, certificate]~~ or registration is competent to practice as a behavior analyst, assistant behavior analyst ~~[, state certified behavior interventionist]~~ or registered behavior technician, as applicable.

2. A notice must be sent to any person who fails to pay the biennial fee, informing the person that his or her license ~~[, certificate]~~ or registration is suspended.

Sec. 26. NRS 437.400 is hereby amended to read as follows:

437.400 1. The ~~[Division]~~ *Board* may suspend or revoke a person's license as a behavior analyst or assistant behavior analyst ~~[, certificate as a state certified behavior interventionist]~~ or registration as a registered behavior technician, place the person on probation, require remediation for the person or take any other action specified by regulation if the Division finds by a preponderance of the evidence that the person has:

(a) Been convicted of a felony relating to the practice of applied behavior analysis.

(b) Been convicted of any crime or offense that reflects the inability of the person to practice applied behavior analysis with due regard for the health and safety of others.

(c) Been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

(d) Engaged in gross malpractice or repeated malpractice or gross negligence in the practice of applied behavior analysis.

(e) Except as otherwise provided in NRS 437.060 and 437.070, aided or abetted practice as a behavior analyst, assistant behavior analyst ~~[, state certified behavior interventionist]~~ or registered behavior technician by a person who is not licensed ~~[, certified]~~ or registered, as applicable, ~~[by the Division.~~ ~~*Board.]*~~ *pursuant to this chapter.*

(f) Made any fraudulent or untrue statement to the Division ~~[.]~~ *or the Board.*

(g) Violated a regulation adopted by the Board.

(h) Had a license, certificate or registration to practice applied behavior analysis suspended or revoked or has had any other disciplinary action taken against the person by another state or territory of the United States, the District of Columbia or a foreign country, if at least one of the grounds for discipline is the same or substantially equivalent to any ground contained in this chapter.

(i) Failed to report to the Division within 30 days the revocation, suspension or surrender of, or any other disciplinary action taken against, a license, certificate or registration to practice applied behavior analysis issued to the person by another state or territory of the United States, the District of Columbia or a foreign country.

(j) Violated or attempted to violate, directly or indirectly, or assisted in or abetted the violation of or conspired to violate a provision of this chapter.

(k) Performed or attempted to perform any professional service while impaired by alcohol or drugs or by a mental or physical illness, disorder or disease.

(l) Engaged in sexual activity with a patient or client.

(m) Been convicted of abuse or fraud in connection with any state or federal program which provides medical assistance.

(n) Been convicted of submitting a false claim for payment to the insurer of a patient or client.

(o) Operated a medical facility, as defined in NRS 449.0151, at any time during which:

(1) The license of the facility was suspended or revoked; or

(2) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This paragraph applies to an owner or other principal responsible for the operation of the facility.

2. As used in this section, "preponderance of the evidence" has the meaning ascribed to it in NRS 233B.0375.

Sec. 27. NRS 437.405 is hereby amended to read as follows:

437.405 The Board shall adopt regulations that establish grounds for disciplinary action for a licensed behavior analyst, licensed assistant behavior analyst ~~[, state certified behavior interventionist]~~ or registered behavior technician in addition to those prescribed by NRS 437.400.

Sec. 28. NRS 437.410 is hereby amended to read as follows:

437.410 1. If the Division or a hearing officer appointed by the Division finds a person guilty in a disciplinary proceeding, the Division *shall transmit notice of that finding to the Board. Upon receiving such notice, the Board* may:

(a) Administer a public reprimand.

(b) Limit the person's practice.

(c) Suspend the person's license ~~[, certificate]~~ or registration for a period of not more than 1 year.

(d) Revoke the person's license ~~[, certificate]~~ or registration.

(e) Impose a fine of not more than $5,000.

(f) Revoke or suspend the person's license ~~[, certificate]~~ or registration and impose a monetary penalty.

(g) Suspend the enforcement of any penalty by placing the person on probation. The ~~[Division]~~ *Board* may revoke the probation if the person does not follow any conditions imposed.

(h) Require the person to submit to the supervision of or counseling or treatment by a person designated by the ~~[Division.]~~ *Board.* The person named in the complaint is responsible for any expense incurred.

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

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

2. The ~~[Division]~~ *Board* shall not administer a private reprimand.

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

Sec. 29. NRS 437.415 is hereby amended to read as follows:

437.415 1. If the Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses ~~[, certificates]~~ and permits issued to a person who is the holder of a license ~~[, certificate]~~ or registration issued pursuant to this chapter, the Division *shall transmit the copy to the Board. The Board* shall deem the license ~~[, certificate]~~ or registration issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Division receives *and transmits to the Board* a letter issued to the holder of the license ~~[, certificate]~~ or registration by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license ~~[, certificate]~~ or registration has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The ~~[Division]~~ *Board* shall reinstate a license ~~[, certificate]~~ or registration issued pursuant to this chapter that has been suspended by a district court pursuant to NRS 425.540 if the Division receives *and transmits to the Board* a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license ~~[, certificate]~~ or registration was suspended stating that the person whose license ~~[, certificate]~~ or registration was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 30. NRS 437.425 is hereby amended to read as follows:

437.425 1. The Division or a hearing officer may *, with the approval of the Board,* issue subpoenas to compel the attendance of witnesses and the production of books, papers, documents, the records of patients and any other article related to the practice of applied behavior analysis.

2. If any witness refuses to attend or testify or produce any article as required by the subpoena, the Division may *, with the approval of the Board,* file a petition with the district court stating that:

(a) Due notice has been given for the time and place of attendance of the witness or the production of the required articles;

(b) The witness has been subpoenaed pursuant to this section; and

(c) The witness has failed or refused to attend or produce the articles required by the subpoena or has refused to answer questions propounded to him or her,

➥ and asking for an order of the court compelling the witness to attend and testify before the Division or a hearing officer, or produce the articles as required by the subpoena.

3. Upon such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and then and there show cause why the witness has not attended or testified or produced the articles. A certified copy of the order must be served upon the witness.

4. If it appears to the court that the subpoena was regularly issued, the court shall enter an order that the witness appear before the Division or a hearing officer at the time and place fixed in the order and testify or produce the required articles, and upon failure to obey the order the witness must be dealt with as for contempt of court.

Sec. 31. NRS 437.430 is hereby amended to read as follows:

437.430 1. The Division, *the Board or* any review panel of a hospital or an association of behavior analysts, assistant behavior analysts ~~[, state certified behavior interventionists]~~ or registered behavior technicians which becomes aware that any one or a combination of the grounds for initiating disciplinary action may exist as to a person practicing applied behavior analysis in this State shall, and any other person who is so aware may, file a written complaint specifying the relevant facts with the Division.

2. The Division shall retain all complaints filed with the Division pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 32. NRS 437.435 is hereby amended to read as follows:

437.435 When a complaint is filed with the Division, it shall review the complaint. If, from the complaint or from other official records, it appears that the complaint is not frivolous, the Division may ~~[:]~~ *, with the approval of the Board:*

1. Retain the Attorney General to investigate the complaint; and

2. If the Division retains the Attorney General, transmit the original complaint, along with further facts or information derived from the review, to the Attorney General.

Sec. 33. NRS 437.440 is hereby amended to read as follows:

437.440 1. The Division shall *request the approval of the Board to* conduct an investigation of each complaint filed pursuant to NRS 437.430 which sets forth reason to believe that a person has violated NRS 437.500. *Upon the approval of the Board, the Division shall conduct such an investigation.*

2. If, after an investigation, the Division determines that a person has violated NRS 437.500, the Division:

(a) May ~~[issue]~~ *, with the approval of the Board:*

(1) Issue and serve on the person an order to cease and desist from engaging in any activity prohibited by NRS 437.500 until the person obtains the proper license ~~[, certificate]~~ or registration ~~[from the Division;~~

~~(b) May issue *Board;]*~~ *; and*

(2) Issue a citation to the person; and

~~[(c)]~~ *(b)* Shall *request the approval of the Board to* provide a written summary of the Division's determination and any information relating to the violation to the Attorney General. *Upon the approval of the Board, the Division shall provide such a summary to the Attorney General.*

3. A citation issued pursuant to subsection 2 must be in writing and describe with particularity the nature of the violation. The citation also must inform the person of the provisions of subsection 5. Each violation of NRS 437.500 constitutes a separate offense for which a separate citation may be issued.

4. For any person who violates the provisions of NRS 437.500, the Division ~~*[Board]*~~ shall assess an administrative fine of:

(a) For a first violation, $500.

(b) For a second violation, $1,000.

(c) For a third or subsequent violation, $1,500.

5. To appeal a citation issued pursuant to subsection 2, a person must submit a written request for a hearing to the Division within 30 days after the date of issuance of the citation.

Sec. 34. NRS 437.445 is hereby amended to read as follows:

437.445 1. If the Division retains the Attorney General pursuant to NRS 437.435, the Attorney General shall conduct an investigation of a complaint transmitted to the Attorney General to determine whether it warrants proceedings for the modification, suspension or revocation of the license ~~[, certificate]~~ or registration. If the Attorney General determines that further proceedings are warranted, he or she shall report the results of the investigation together with a recommendation to the Division in a manner which does not violate the right of the person charged in the complaint to due process in any later hearing on the complaint.

2. The Division shall promptly make a determination with respect to each complaint reported to it by the Attorney General ~~[.]~~ *and submit that determination to the Board.* The ~~[Division]~~ *Board* shall:

(a) Dismiss the complaint; or

(b) Proceed with appropriate disciplinary action.

Sec. 35. NRS 437.450 is hereby amended to read as follows:

437.450 Notwithstanding the provisions of chapter 622A of NRS, if the Division has reason to believe that the conduct of any behavior analyst, assistant behavior analyst ~~[, state certified behavior interventionist]~~ or registered behavior technician has raised a reasonable question as to

competence to practice applied behavior analysis with reasonable skill and safety to patients, the Division may *, with the approval of the Board,* require the behavior analyst, assistant behavior analyst ~~[, state certified behavior interventionist]~~ or registered behavior technician to take a written or oral examination to determine whether the behavior analyst, assistant behavior analyst ~~[, state certified behavior interventionist]~~ or registered behavior technician is competent to practice applied behavior analysis. If an examination is required, the reasons therefor must be documented and made available to the behavior analyst, assistant behavior analyst ~~[, state certified behavior interventionist]~~ or registered behavior technician being examined.

Sec. 36. NRS 437.455 is hereby amended to read as follows:

437.455 Notwithstanding the provisions of chapter 622A of NRS, if the ~~[Division or a hearing officer]~~ *Board* issues an order suspending the license of a behavior analyst or assistant behavior analyst ~~[, certificate of a state certified behavior interventionist]~~ or registration of a registered behavior technician pending proceedings for disciplinary action and requires the behavior analyst, assistant behavior analyst ~~[, state certified behavior interventionist]~~ or registered behavior technician to submit to an examination of his or her competency to practice applied behavior analysis, the examination must be conducted and the results obtained within 60 days after the ~~[Division or hearing officer]~~ *Board* issues the order.

Sec. 37. NRS 437.465 is hereby amended to read as follows:

437.465 Notwithstanding the provisions of chapter 622A of NRS, in any disciplinary proceeding before the Division or a hearing officer conducted under the provisions of this chapter:

1. Proof of actual injury need not be established where the complaint charges deceptive or unethical professional conduct or practice of applied behavior analysis harmful to the public.

2. A certified copy of the record of a court or a licensing agency showing a conviction or the suspension or revocation of a license as a behavior analyst or assistant behavior analyst ~~[, certificate as a state certified behavior interventionist]~~ or registration as a registered behavior technician is conclusive evidence of its occurrence.

3. The entering of a plea of nolo contendere in a court of competent jurisdiction shall be deemed a conviction of the offense charged.

Sec. 38. NRS 437.470 is hereby amended to read as follows:

437.470 1. Any person who has been placed on probation or whose license ~~[, certificate]~~ or registration has been limited, suspended or revoked pursuant to this chapter is entitled to judicial review of the order.

2. Every order which limits the practice of applied behavior analysis or suspends or revokes a license ~~[, certificate]~~ or registration is effective from the date the ~~[Division certifies]~~ *Board issues* the order until the date the order is modified or reversed by a final judgment of the court.

3. The district court shall give a petition for judicial review of the order priority over other civil matters which are not expressly given priority by law.

Sec. 39. NRS 437.475 is hereby amended to read as follows:

437.475 *1.* Notwithstanding the provisions of chapter 622A of NRS:

~~[1.]~~ *(a)* Pending disciplinary proceedings before the Division or a hearing officer, the court may, upon application by the Division or the Attorney General, issue a temporary restraining order or a preliminary injunction to enjoin any unprofessional conduct of a behavior analyst, an assistant behavior analyst ~~[, a state certified behavior interventionist]~~ or a registered behavior technician which is harmful to the public, to limit the practice of the behavior analyst, assistant behavior analyst ~~[, state certified behavior interventionist]~~ or registered behavior technician or to suspend the license to practice as a behavior analyst or assistant behavior analyst ~~[, certificate to practice as a state certified behavior interventionist]~~ or registration to practice as a registered behavior technician without proof of actual damage sustained by any person, this provision being a preventive as well as a punitive measure.

~~[2.]~~ *(b)* The disciplinary proceedings before the Division or a hearing officer must be instituted and determined as promptly as the requirements for investigation of the case reasonably allow.

2. The Division shall not make an application pursuant to subsection 1 without the approval of the Board.

Sec. 40. NRS 437.480 is hereby amended to read as follows:

437.480 1. The Division *, with the approval of the Board,* or the Attorney General may maintain in any court of competent jurisdiction a suit for an injunction against any person practicing in violation of NRS 437.510 or as a behavior analyst, assistant behavior analyst ~~[, state certified behavior interventionist]~~ or registered behavior technician without the proper license ~~[, certificate]~~ or registration*.* ~~[from the Division. *Board.]~~

2. Such an injunction:

(a) May be issued without proof of actual damage sustained by any person, this provision being a preventive as well as a punitive measure.

(b) Does not relieve any person from criminal prosecution for practicing without a license ~~[, certificate]~~ or registration.

Sec. 41. NRS 437.485 is hereby amended to read as follows:

437.485 In addition to any other immunity provided by the provisions of chapter 622A of NRS, the Division, a review panel of a hospital, an association of behavior analysts, assistant behavior analysts ~~[, state certified behavior interventionists]~~ or registered behavior technicians, or any other person who or organization which initiates a complaint or assists in any lawful investigation or proceeding concerning the licensure of a behavior analyst or assistant behavior analyst ~~[, certification of a state certified behavior interventionist]~~ or registration of a registered behavior technician or the discipline of a behavior analyst, an assistant behavior analyst ~~[, a state certified behavior interventionist]~~ or a registered behavior technician for gross malpractice, repeated malpractice, professional incompetence or unprofessional conduct is immune from any civil action for that initiation or

assistance or any consequential damages, if the person or organization acted without malicious intent.

Sec. 42. NRS 437.490 is hereby amended to read as follows:

437.490 1. Any person:

(a) Whose practice of applied behavior analysis has been limited;

(b) Whose license ~~[, certificate]~~ or registration has been revoked; or

(c) Who has been placed on probation,

➥ by an order of the ~~[Division or a hearing officer]~~ *Board* may apply to the Division after 1 year for removal of the limitation or termination of the probation or may apply to the Division pursuant to the provisions of chapter 622A of NRS for reinstatement of the revoked license ~~[, certificate]~~ or registration.

2. In hearing the application, the Division:

(a) May require the person to submit such evidence of changed conditions and of fitness as it considers proper.

(b) Shall determine whether under all the circumstances the time of the application is reasonable.

(c) ~~[May]~~ *Shall submit its determination concerning the application to the Board.*

3. Upon receiving a determination of the Division pursuant to paragraph (c) of subsection 2, the Board may deny the application or modify or rescind its order as it considers the evidence and the public safety warrants.

Sec. 43. NRS 437.500 is hereby amended to read as follows:

437.500 Except as otherwise provided in NRS 437.060, 437.065 and 437.070, a person shall not represent himself or herself as a behavior analyst, assistant behavior ~~[analyst, state certified behavior interventionist]~~ or registered behavior technician within the meaning of this chapter or engage in the practice of applied behavior analysis unless he or she is licensed ~~[, certified]~~ or registered as required by the provisions of this chapter.

Sec. 44. NRS 437.505 is hereby amended to read as follows:

437.505 1. A licensed assistant behavior analyst shall not provide or supervise behavioral therapy except under the supervision of:

(a) A licensed psychologist; or

(b) A licensed behavior analyst.

2. A ~~[state certified behavior interventionist or]~~ registered behavior technician shall not provide behavioral therapy except under the supervision of:

(a) A licensed psychologist;

(b) A licensed behavior analyst; or

(c) A licensed assistant behavior analyst.

Sec. 45. NRS 437.510 is hereby amended to read as follows:

437.510 Any person who:

1. Presents as his or her own the diploma, license, certificate, registration or credentials of another;

2. Gives either false or forged evidence of any kind to the Division in connection with an application for a license ~~[, certificate]~~ or registration;

3. Practices applied behavior analysis under a false or assumed name or falsely personates another behavior analyst, assistant behavior analyst ~~[, state certified behavior interventionist]~~ or registered behavior technician of a like or different name;

4. Except as otherwise provided in NRS 437.060 and 437.065, represents himself or herself as a behavior analyst, assistant behavior analyst ~~[, state certified behavior interventionist]~~ or registered behavior technician, or uses any title or description which indicates or implies that he or she is a behavior analyst, assistant behavior analyst ~~[, state certified behavior interventionist]~~ or registered behavior technician, unless he or she has been issued a license ~~[, certificate]~~ or registration as required by this chapter; or

5. Except as otherwise provided in NRS 437.060, 437.065 and 437.070, practices as an applied behavior analyst, assistant behavior analyst ~~[, state certified behavior interventionist]~~ or registered behavior technician unless he or she has been issued a license ~~[, certificate]~~ or registration, as applicable,

➥ is guilty of a gross misdemeanor.

Sec. 46. NRS 287.0276 is hereby amended to read as follows:

287.0276 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance must provide coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders to persons covered by the plan of self-insurance under the age of 18 years or, if enrolled in high school, until the person reaches the age of 22 years.

2. Coverage provided under this section is subject to:

(a) A maximum benefit of the actuarial equivalent of $72,000 per year for applied behavior analysis treatment; and

(b) Copayment, deductible and coinsurance provisions and any other general exclusion or limitation of a plan of self-insurance to the same extent as other medical services or prescription drugs covered by the policy.

3. A governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance which provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period for coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the plan of self-insurance; or

(b) Refuse to issue a plan of self-insurance or cancel a plan of self-insurance solely because the person applying for or covered by the plan of self-insurance uses or may use in the future any of the services listed in subsection 1.

4. Except as otherwise provided in subsections 1 and 2, a governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance shall not limit the number of visits an insured may make to any person, entity or group for treatment of autism spectrum disorders.

5. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or rehabilitative care, prescription care, psychiatric care, psychological care, behavioral therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

➥ A governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance may request a copy of and review a treatment plan created pursuant to this subsection.

6. A plan of self-insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2011, has the legal effect of including the coverage required by subsection 1, and any provision of the plan of self-insurance or the renewal which is in conflict with subsection 1 or 2 is void.

7. Nothing in this section shall be construed as requiring a governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance to provide reimbursement to a school for services delivered through school services.

8. As used in this section:

(a) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) "Autism spectrum disorder" has the meaning ascribed to it in NRS 427A.875.

(c) "Behavioral therapy" means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst ~~[,]~~ *or* registered behavior technician . ~~[or state certified behavior interventionist.]~~

(d) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

(e) "Habilitative or rehabilitative care" means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

(f) "Licensed assistant behavior analyst" means a person who holds current certification as a Board Certified Assistant Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the Aging and Disability Services Division of the Department of Health and Human Services and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.

(g) "Licensed behavior analyst" means a person who holds current certification as a Board Certified Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization and is licensed as a behavior analyst by the Aging and Disability Services Division of the Department of Health and Human Services.

(h) "Prescription care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

(i) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

(j) "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(k) "Registered behavior technician" has the meaning ascribed to it in NRS 437.050.

(l) "Screening for autism spectrum disorders" means all medically appropriate assessments, evaluations or tests to diagnose whether a person has an autism spectrum disorder.

(m) ~~["State-certified behavior interventionist" has the meaning ascribed to it in NRS 437.055.~~

~~— (n)]~~ "Therapeutic care" means services provided by licensed or certified speech-language pathologists, occupational therapists and physical therapists.

~~[(o)]~~ *(n)* "Treatment plan" means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 47. NRS 427A.040 is hereby amended to read as follows:

427A.040 1. The Division shall, consistent with the priorities established by the Commission pursuant to NRS 427A.038:

(a) Serve as a clearinghouse for information related to problems of the aged and aging.

(b) Assist the Director in all matters pertaining to problems of the aged and aging.

(c) Develop plans, conduct and arrange for research and demonstration programs in the field of aging.

(d) Provide technical assistance and consultation to political subdivisions with respect to programs for the aged and aging.

(e) Prepare, publish and disseminate educational materials dealing with the welfare of older persons.

(f) Gather statistics in the field of aging which other federal and state agencies are not collecting.

(g) Stimulate more effective use of existing resources and available services for the aged and aging.

(h) Develop and coordinate efforts to carry out a comprehensive State Plan for Providing Services to Meet the Needs of Older Persons. In developing and revising the State Plan, the Division shall consider, among other things, the amount of money available from the Federal Government for services to aging persons and the conditions attached to the acceptance of such money, and the limitations of legislative appropriations for services to aging persons.

(i) Coordinate all state and federal funding of service programs to the aging in the State.

2. The Division shall:

(a) Provide access to information about services or programs for persons with disabilities that are available in this State.

(b) Work with persons with disabilities, persons interested in matters relating to persons with disabilities and state and local governmental agencies in:

(1) Developing and improving policies of this State concerning programs or services for persons with disabilities, including, without limitation, policies concerning the manner in which complaints relating to services provided pursuant to specific programs should be addressed; and

(2) Making recommendations concerning new policies or services that may benefit persons with disabilities.

(c) Serve as a liaison between state governmental agencies that provide services or programs to persons with disabilities to facilitate communication and the coordination of information and any other matters relating to services or programs for persons with disabilities.

(d) Serve as a liaison between local governmental agencies in this State that provide services or programs to persons with disabilities to facilitate communication and the coordination of information and any other matters relating to services or programs for persons with disabilities. To inform local governmental agencies in this State of services and programs of other local governmental agencies in this State for persons with disabilities pursuant to this subsection, the Division shall:

(1) Provide technical assistance to local governmental agencies, including, without limitation, assistance in establishing an electronic network

that connects the Division to each of the local governmental agencies that provides services or programs to persons with disabilities;

(2) Work with counties and other local governmental entities in this State that do not provide services or programs to persons with disabilities to establish such services or programs; and

(3) Assist local governmental agencies in this State to locate sources of funding from the Federal Government and other private and public sources to establish or enhance services or programs for persons with disabilities.

(e) Administer the following programs in this State that provide services for persons with disabilities:

(1) The program established pursuant to NRS 427A.791, 427A.793 and 427A.795 to provide services for persons with physical disabilities;

(2) The programs established pursuant to NRS 427A.800, 427A.850 and 427A.860 to provide services to persons with traumatic brain injuries;

(3) The program established pursuant to NRS 427A.797 to provide devices for telecommunication to persons who are deaf and persons with impaired speech or hearing;

(4) Any state program for independent living established pursuant to 29 U.S.C. §§ 796 et seq., with the Rehabilitation Division of the Department of Employment, Training and Rehabilitation acting as the designated state unit, as that term is defined in 34 C.F.R. § ~~[364.4;]~~ *385.4;* and

(5) Any state program established pursuant to the Assistive Technology Act of 1998, 29 U.S.C. §§ 3001 et seq.

(f) Provide information to persons with disabilities on matters relating to the availability of housing for persons with disabilities and identify sources of funding for new housing opportunities for persons with disabilities.

(g) Before establishing policies or making decisions that will affect the lives of persons with disabilities, consult with persons with disabilities and members of the public in this State through the use of surveys, focus groups, hearings or councils of persons with disabilities to receive:

(1) Meaningful input from persons with disabilities regarding the extent to which such persons are receiving services, including, without limitation, services described in their individual service plans, and their satisfaction with those services; and

(2) Public input regarding the development, implementation and review of any programs or services for persons with disabilities.

(h) Publish and make available to governmental entities and the general public a biennial report which:

(1) Provides a strategy for the expanding or restructuring of services in the community for persons with disabilities that is consistent with the need for such expansion or restructuring;

(2) Reports the progress of the Division in carrying out the strategic planning goals for persons with disabilities identified pursuant to chapter 541, Statutes of Nevada 2001;

(3) Documents significant problems affecting persons with disabilities when accessing public services, if the Division is aware of any such problems;

(4) Provides a summary and analysis of the status of the practice of interpreting and the practice of realtime captioning, including, without limitation, the number of persons engaged in the practice of interpreting in an educational setting in each professional classification established pursuant to NRS 656A.100 and the number of persons engaged in the practice of realtime captioning in an educational setting; and

(5) Recommends strategies and, if determined necessary by the Division, legislation for improving the ability of the State to provide services to persons with disabilities and advocate for the rights of persons with disabilities.

3. The Division shall confer with the Department as the sole state agency in the State responsible for administering the provisions of this chapter and chapter 435 of NRS.

4. The Division shall ~~[administer]~~ *:*

(a) Administer the provisions of chapters 435 ~~[, 437]~~ and 656A of NRS ~~[.]~~ *; and*

(b) Assist the Board of Applied Behavior Analysis in the administration of the provisions of chapter 437 of NRS as prescribed in that chapter.

5. The Division may contract with any appropriate public or private agency, organization or institution, in order to carry out the provisions of this chapter and chapter 435 of NRS.

Sec. 48. NRS 641.029 is hereby amended to read as follows:

641.029 The provisions of this chapter do not apply to:

1. A physician who is licensed to practice in this State;

2. A person who is licensed to practice dentistry in this State;

3. A person who is licensed as a marriage and family therapist or marriage and family therapist intern pursuant to chapter 641A of NRS;

4. A person who is licensed as a clinical professional counselor or clinical professional counselor intern pursuant to chapter 641A of NRS;

5. A person who is licensed to engage in social work pursuant to chapter 641B of NRS;

6. A person who is licensed as an occupational therapist or occupational therapy assistant pursuant to NRS 640A.010 to 640A.230, inclusive;

7. A person who is licensed as a clinical alcohol and drug abuse counselor, licensed or certified as an alcohol and drug abuse counselor or certified as an alcohol and drug abuse counselor intern, a clinical alcohol and drug abuse counselor intern, a problem gambling counselor or a problem gambling counselor intern, pursuant to chapter 641C of NRS;

8. A person who is licensed as a behavior analyst or an assistant behavior analyst ~~[, certified as a state certified behavior interventionist]~~ or registered as a registered behavior technician pursuant to chapter 437 of NRS, while engaged in the practice of applied behavior analysis as defined in NRS 437.040; or

9. Any member of the clergy,

➥ if such a person does not commit an act described in NRS 641.440 or represent himself or herself as a psychologist.

Sec. 49. NRS 689A.0435 is hereby amended to read as follows:

689A.0435 1. A health benefit plan must provide an option of coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders for persons covered by the policy under the age of 18 years or, if enrolled in high school, until the person reaches the age of 22 years.

2. Optional coverage provided pursuant to this section must be subject to:

(a) A maximum benefit of not less than the actuarial equivalent of $72,000 per year for applied behavior analysis treatment; and

(b) Copayment, deductible and coinsurance provisions and any other general exclusions or limitations of a policy of health insurance to the same extent as other medical services or prescription drugs covered by the policy.

3. A health benefit plan that offers or issues a policy of health insurance which provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period for optional coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the policy; or

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use in the future any of the services listed in subsection 1.

4. Except as otherwise provided in subsections 1 and 2, an insurer who offers optional coverage pursuant to subsection 1 shall not limit the number of visits an insured may make to any person, entity or group for treatment of autism spectrum disorders.

5. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or rehabilitative care, prescription care, psychiatric care, psychological care, behavioral therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

➥ An insurer may request a copy of and review a treatment plan created pursuant to this subsection.

6. Nothing in this section shall be construed as requiring an insurer to provide reimbursement to a school for services delivered through school services.

7. As used in this section:

(a) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and

consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) "Autism spectrum disorder" has the meaning ascribed to it in NRS 427A.875.

(c) "Behavioral therapy" means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst ~~[,]~~ *or* registered behavior technician . ~~[or state-certified behavior interventionist.]~~

(d) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

(e) "Habilitative or rehabilitative care" means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

(f) "Licensed assistant behavior analyst" means a person who holds current certification as a Board Certified Assistant Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the Aging and Disability Services Division of the Department of Health and Human Services and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.

(g) "Licensed behavior analyst" means a person who holds current certification as a Board Certified Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, and is licensed as a behavior analyst by the Aging and Disability Services Division of the Department of Health and Human Services.

(h) "Prescription care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

(i) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

(j) "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(k) "Registered behavior technician" has the meaning ascribed to it in NRS 437.050.

(l) "Screening for autism spectrum disorders" means medically necessary assessments, evaluations or tests to screen and diagnose whether a person has an autism spectrum disorder.

(m) ~~["State-certified behavior interventionist" has the meaning ascribed to it in NRS 437.055.~~

~~— (n)~~] "Therapeutic care" means services provided by licensed or certified speech-language pathologists, occupational therapists and physical therapists.

[~~(o)~~] *(n)* "Treatment plan" means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 50. NRS 689B.0335 is hereby amended to read as follows:

689B.0335 1. A health benefit plan must provide coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders to persons covered by the policy of group health insurance under the age of 18 years or, if enrolled in high school, until the person reaches the age of 22 years.

2. Coverage provided under this section is subject to:

(a) A maximum benefit of the actuarial equivalent of $72,000 per year for applied behavior analysis treatment; and

(b) Copayment, deductible and coinsurance provisions and any other general exclusion or limitation of a policy of group health insurance to the same extent as other medical services or prescription drugs covered by the policy.

3. A health benefit plan that offers or issues a policy of group health insurance which provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period for coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the policy; or

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use in the future any of the services listed in subsection 1.

4. Except as otherwise provided in subsections 1 and 2, an insurer shall not limit the number of visits an insured may make to any person, entity or group for treatment of autism spectrum disorders.

5. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or rehabilitative care, prescription care, psychiatric care, psychological care, behavioral therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

➥ An insurer may request a copy of and review a treatment plan created pursuant to this subsection.

6. A policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2011, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with subsection 1 or 2 is void.

7. Nothing in this section shall be construed as requiring an insurer to provide reimbursement to a school for services delivered through school services.

8. As used in this section:

(a) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) "Autism spectrum disorder" has the meaning ascribed to it in NRS 427A.875.

(c) "Behavioral therapy" means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst ~~[,]~~ *or* registered behavior technician . ~~[or state-certified behavior interventionist.]~~

(d) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

(e) "Habilitative or rehabilitative care" means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

(f) "Licensed assistant behavior analyst" means a person who holds current certification as a Board Certified Assistant Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the Aging and Disability Services Division of the Department of Health and Human Services and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.

(g) "Licensed behavior analyst" means a person who holds current certification as a Board Certified Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization and is licensed as a behavior analyst by the Aging and Disability Services Division of the Department of Health and Human Services.

(h) "Prescription care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

(i) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

(j) "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(k) "Registered behavior technician" has the meaning ascribed to it in NRS 437.050.

(l) "Screening for autism spectrum disorders" means medically necessary assessments, evaluations or tests to screen and diagnose whether a person has an autism spectrum disorder.

(m) ~~["State certified behavior interventionist" has the meaning ascribed to it in NRS 437.055.~~

~~(n)]~~ "Therapeutic care" means services provided by licensed or certified speech-language pathologists, occupational therapists and physical therapists.

~~[(o)]~~ *(n)* "Treatment plan" means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 51. NRS 689C.1655 is hereby amended to read as follows:

689C.1655 1. A health benefit plan must provide coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders to persons covered by the health benefit plan under the age of 18 years or, if enrolled in high school, until the person reaches the age of 22 years.

2. Coverage provided under this section is subject to:

(a) A maximum benefit of the actuarial equivalent of $72,000 per year for applied behavior analysis treatment; and

(b) Copayment, deductible and coinsurance provisions and any other general exclusion or limitation of a health benefit plan to the same extent as other medical services or prescription drugs covered by the plan.

3. A health benefit plan that offers or issues a policy of group health insurance which provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period for coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the plan; or

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use in the future any of the services listed in subsection 1.

4. Except as otherwise provided in subsections 1 and 2, a carrier shall not limit the number of visits an insured may make to any person, entity or group for treatment of autism spectrum disorders.

5. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or rehabilitative care, prescription care, psychiatric care, psychological care, behavioral therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

➥ A carrier may request a copy of and review a treatment plan created pursuant to this subsection.

6. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2011, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with subsection 1 or 2 is void.

7. Nothing in this section shall be construed as requiring a carrier to provide reimbursement to a school for services delivered through school services.

8. As used in this section:

(a) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) "Autism spectrum disorder" has the meaning ascribed to it in NRS 427A.875.

(c) "Behavioral therapy" means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst ~~[,]~~ *or* registered behavior technician . ~~[or state certified behavior interventionist.]~~

(d) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

(e) "Habilitative or rehabilitative care" means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

(f) "Licensed assistant behavior analyst" means a person who holds current certification as a Board Certified Assistant Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the Aging and Disability Services Division of the Department of Health and Human Services and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.

(g) "Licensed behavior analyst" means a person who holds current certification as a Board Certified Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that

organization and is licensed as a behavior analyst by the Aging and Disability Services Division of the Department of Health and Human Services.

(h) "Prescription care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

(i) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

(j) "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(k) "Registered behavior technician" has the meaning ascribed to it in NRS 437.050.

(l) "Screening for autism spectrum disorders" means medically necessary assessments, evaluations or tests to screen and diagnose whether a person has an autism spectrum disorder.

(m) ~~["State-certified behavior interventionist" has the meaning ascribed to it in NRS 437.055.~~

~~— (n)]~~ "Therapeutic care" means services provided by licensed or certified speech-language pathologists, occupational therapists and physical therapists.

~~[(o)]~~ *(n)* "Treatment plan" means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 52. NRS 695C.1717 is hereby amended to read as follows:

695C.1717 1. A health care plan issued by a health maintenance organization must provide coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders to persons covered by the health care plan under the age of 18 years or, if enrolled in high school, until the person reaches the age of 22 years.

2. Coverage provided under this section is subject to:

(a) A maximum benefit of the actuarial equivalent of $72,000 per year for applied behavior analysis treatment; and

(b) Copayment, deductible and coinsurance provisions and any other general exclusion or limitation of a health care plan to the same extent as other medical services or prescription drugs covered by the plan.

3. A health care plan issued by a health maintenance organization that provides coverage for outpatient care shall not:

(a) Require an enrollee to pay a higher deductible, copayment or coinsurance or require a longer waiting period for coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the plan; or

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use in the future any of the services listed in subsection 1.

4. Except as otherwise provided in subsections 1 and 2, a health maintenance organization shall not limit the number of visits an enrollee may make to any person, entity or group for treatment of autism spectrum disorders.

5. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or rehabilitative care, prescription care, psychiatric care, psychological care, behavioral therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

➥ A health maintenance organization may request a copy of and review a treatment plan created pursuant to this subsection.

6. Evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2011, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with subsection 1 or 2 is void.

7. Nothing in this section shall be construed as requiring a health maintenance organization to provide reimbursement to a school for services delivered through school services.

8. As used in this section:

(a) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) "Autism spectrum disorder" has the meaning ascribed to it in NRS 427A.875.

(c) "Behavioral therapy" means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst ~~[,]~~ *or* registered behavior technician . ~~[or state-certified behavior interventionist.]~~

(d) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

(e) "Habilitative or rehabilitative care" means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

(f) "Licensed assistant behavior analyst" means a person who holds current certification as a Board Certified Assistant Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the Aging and Disability Services Division of the Department of Health and Human Services and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.

(g) "Licensed behavior analyst" means a person who holds current certification as a Board Certified Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization and is licensed as a behavior analyst by the Aging and Disability Services Division of the Department of Health and Human Services.

(h) "Prescription care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

(i) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

(j) "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(k) "Registered behavior technician" has the meaning ascribed to it in NRS 437.050.

(l) "Screening for autism spectrum disorders" means medically necessary assessments, evaluations or tests to screen and diagnose whether a person has an autism spectrum disorder.

(m) ~~["State certified behavior interventionist" has the meaning ascribed to it in NRS 437.055.~~

~~(n)]~~ "Therapeutic care" means services provided by licensed or certified speech-language pathologists, occupational therapists and physical therapists.

~~[(o)]~~ *(n)* "Treatment plan" means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 53. NRS 695G.1645 is hereby amended to read as follows:

695G.1645 1. A health care plan issued by a managed care organization for group coverage must provide coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders to persons covered by the health care plan under the age of 18 years or, if enrolled in high school, until the person reaches the age of 22 years.

2. A health care plan issued by a managed care organization for individual coverage must provide an option for coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders to persons covered by the health care plan under the age of 18 years or, if enrolled in high school, until the person reaches the age of 22 years.

3. Coverage provided under this section is subject to:

(a) A maximum benefit of the actuarial equivalent of $72,000 per year for applied behavior analysis treatment; and

(b) Copayment, deductible and coinsurance provisions and any other general exclusion or limitation of a health care plan to the same extent as other medical services or prescription drugs covered by the plan.

4. A managed care organization that offers or issues a health care plan which provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period for coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the plan; or

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use in the future any of the services listed in subsection 1.

5. Except as otherwise provided in subsections 1, 2 and 3, a managed care organization shall not limit the number of visits an insured may make to any person, entity or group for treatment of autism spectrum disorders.

6. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or rehabilitative care, prescription care, psychiatric care, psychological care, behavioral therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

➥ A managed care organization may request a copy of and review a treatment plan created pursuant to this subsection.

7. An evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2011, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with subsection 1 or 3 is void.

8. Nothing in this section shall be construed as requiring a managed care organization to provide reimbursement to a school for services delivered through school services.

9. As used in this section:

(a) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) "Autism spectrum disorder" has the meaning ascribed to it in NRS 427A.875.

(c) "Behavioral therapy" means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst ~~[,]~~ *or* registered behavior technician . ~~[or state certified behavior interventionist.]~~

(d) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

(e) "Habilitative or rehabilitative care" means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

(f) "Licensed assistant behavior analyst" means a person who holds current certification as a Board Certified Assistant Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the Aging and Disability Services Division of the Department of Health and Human Services and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.

(g) "Licensed behavior analyst" means a person who holds current certification as a Board Certified Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization and is licensed as a behavior analyst by the Aging and Disability Services Division of the Department of Health and Human Services.

(h) "Prescription care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

(i) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

(j) "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(k) "Registered behavior technician" has the meaning ascribed to it in NRS 437.050.

(l) "Screening for autism spectrum disorders" means medically necessary assessments, evaluations or tests to screen and diagnose whether a person has an autism spectrum disorder.

(m) ~~["State certified behavior interventionist" has the meaning ascribed to it in NRS 437.055.~~

~~(n)]~~ "Therapeutic care" means services provided by licensed or certified speech-language pathologists, occupational therapists and physical therapists.

~~[(o)]~~ *(n)* "Treatment plan" means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 54. Notwithstanding the amendatory provisions of this act:

1. A state certified behavior interventionist who is certified by the Aging and Disability Services Division of the Department of Health and Human Services before July 1, 2019, shall be deemed to be registered as a registered behavior technician by the Board of Applied Behavior Analysis until January 1, 2020.

2. Any disciplinary or other administrative action taken against a behavior analyst, assistant behavior analyst, state certified behavior interventionist or registered behavior technician by the Aging and Disability Services Division of the Department of Health and Human Services before July 1, 2019, remains in effect as if the action had been taken by the Board of Applied Behavior Analysis.

3. A license as a behavior analyst or assistant behavior analyst or registration as a registered behavior technician that is valid on July 1, 2019, and that was issued by the Aging and Disability Services Division of the Department of Health and Human Services:

(a) Shall be deemed to be issued by the Board of Applied Behavior Analysis; and

(b) Remains valid until its date of expiration, if the holder of the license otherwise remains qualified for the issuance or renewal of the license on or after July 1, 2019.

Sec. 55. Notwithstanding the amendatory provisions of section 16 of this act transferring authority to adopt regulations prescribing fees for the issuance or renewal of a license as a behavior analyst or assistant behavior analyst from the Aging and Disability Services Division of the Department of Health and Human Services to the Board of Applied Behavior Analysis, any regulations adopted by the Board of Psychological Examiners pursuant to NRS 641.100 and 641.228, before July 1, 2019, that prescribe fees for the issuance or renewal of the license of a behavior analyst or assistant behavior analyst remain in effect and may be enforced by the Aging and Disability Services Division of the Department of Health and Human Services until the Board of Applied Behavior Analysis adopts regulations to repeal or replace those regulations.

Sec. 56. NRS 437.055 is hereby repealed.

Sec. 57. This act becomes effective on July 1, 2019.

TEXT OF REPEALED SECTION

437.055 "State certified behavior interventionist" defined. "State certified behavior interventionist" means a person who is certified as such by the Division and provides behavioral therapy under the supervision of:

1. A licensed psychologist;

2. A licensed behavior analyst; or

3. A licensed assistant behavior analyst.

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 163 to Senate Bill No. 258 revises the licensing and regulatory duties of the Aging and Disability Services Division of the Department of Health and Human Services and the Board of Applied Behavior Analysis and authorizes the Board to delegate certain duties to the Division, and it requires certain continuing education prescribed by the Board for behavior analysts and assistant behavior analysts to be consistent with nationally recognized standards.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 283.

Bill read second time.

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

Amendment No. 354.

SUMMARY—Revises provisions relating to prescription drugs. (BDR 38-114)

AN ACT relating to prescription drugs; revising provisions concerning the administration of coverage of prescription drugs under the State Plan for Medicaid and the Children's Health Insurance Program; revising provisions governing restrictions imposed on the list of preferred prescription drugs to be used for the Medicaid program; revising the criteria for selecting prescription drugs for inclusion on that list; authorizing the Pharmacy and Therapeutics Committee to close certain meetings under certain circumstances; expanding the scope of the computerized program to track prescriptions; authorizing the Division of Public and Behavioral Health of the Department of Health and Human Services to access the program for certain purposes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law : (1) requires the Department of Health and Human Services to administer the Medicaid program; and (2) authorizes the Department to contract with a health maintenance organization to provide services to recipients of Medicaid through managed care. (NRS 422.270, 422.273) Section 1 of this bill requires any contract between the Department of Health and Human Services and a private insurer or pharmacy benefit manager to provide services related to prescription drug coverage under the State Plan for Medicaid or the Children's Health Insurance Program to require the insurer or pharmacy benefit manager to provide to the Department any information concerning such services provided pursuant to the contract. If the Department does not enter into such a contract, section 1 requires the Department to directly manage and coordinate such services. Section 1.3 of this bill otherwise prohibits the Department from contracting with a managed care organization for any services related to coverage of prescription drugs for recipients of Medicaid. Section 1.6 of this bill makes a conforming change.

Existing law requires the Department by regulation to develop: (1) a list of preferred prescription drugs to be used for the Medicaid program; and (2) a list of prescription drugs which must be excluded from any restrictions that are

imposed on the list of preferred prescription drugs to be used for the Medicaid program. (NRS 422.4025) Section ~~[1]~~ 1.9 of this bill removes ~~[the requirement that the Department develop a]~~ certain categories of prescription drugs from the list of prescription drugs which must be excluded from any restrictions that are imposed on the list of preferred prescription drugs to be used for the Medicaid program.

Existing law requires the Department to create a Pharmacy and Therapeutics Committee to make decisions concerning the inclusion of therapeutic prescription drugs on the list of preferred prescription drugs to be used by the Medicaid program. (NRS 422.4025, 422.4035) Existing law requires the Committee to base its decisions on evidence of clinical efficacy and safety of prescription drugs without consideration of cost. (NRS 422.405) Section 2 of this bill removes this requirement. Instead, section 2 requires the Committee to determine whether one or more therapeutic prescription drugs in a class of drugs demonstrate significantly higher clinical efficacy and safety than other drugs in the class. If the Committee determines that one such drug exists, section 2 requires the drug to be included on the list of preferred prescription drugs. If the Committee determines that multiple such drugs exist, section 2 authorizes the Committee to consider cost effectiveness when determining which of those drugs should be included on the list of preferred prescription drugs.

Existing federal law requires certain information concerning the price of prescription drugs used in the Medicaid program to remain confidential. (42 U.S.C. 1396r-8) Section 2 authorizes the Committee to close any portion of a meeting during which it considers the cost effectiveness of a prescription drug.

Existing law requires the State Board of Pharmacy and the Investigation Division of the Department of Public Safety to cooperatively develop a computerized program to track each prescription for a controlled substance listed in schedule II, III, IV or V that is filled by a registered pharmacy or dispensed by a registered practitioner. (NRS 453.162) Section 4 of this bill expands the scope of the program to track each prescription filled by a registered pharmacy or dispensed by a registered practitioner, regardless of whether the drug prescribed is a controlled substance. Section 6 of this bill authorizes the Division of Public and Behavioral Health of the Department of Health and Human Services to access the program for certain purposes related to public health. Sections 3, 5, 7 and 8 of this bill make conforming changes.

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

Section 1. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, the Department shall directly manage, direct and coordinate all payments and rebates for prescription drugs and all other services and payments relating to the

provision of prescription drugs under the State Plan for Medicaid and the Children's Health Insurance Program.

2. The Department may enter into a contract with a private insurer or pharmacy benefit manager for the provision of any services described in subsection 1. Such a contract:

(a) Must require the insurer or pharmacy benefit manager to disclose to the Department any information relating to the services covered by the contract, including, without limitation, information concerning dispensing fees, measures for the control of costs, rebates collected and paid and any fees and charges imposed by the pharmacy benefit manager pursuant to the contract.

(b) May require the insurer or pharmacy benefit manager to provide the entire amount of any rebates received for the purchase of prescription drugs to the Department.

3. As used in this section, "pharmacy benefit manager" has the meaning ascribed to it in NRS 683A.174.

Sec. 1.3. NRS 422.273 is hereby amended to read as follows:

422.273 1. For any Medicaid managed care program established in the State of Nevada, the Department shall contract only with a health maintenance organization that has:

(a) Negotiated in good faith with a federally-qualified health center to provide health care services for the health maintenance organization;

(b) Negotiated in good faith with the University Medical Center of Southern Nevada to provide inpatient and ambulatory services to recipients of Medicaid; and

(c) Negotiated in good faith with the University of Nevada School of Medicine to provide health care services to recipients of Medicaid.

➥ Nothing in this section shall be construed as exempting a federally-qualified health center, the University Medical Center of Southern Nevada or the University of Nevada School of Medicine from the requirements for contracting with the health maintenance organization.

2. During the development and implementation of any Medicaid managed care program, the Department shall cooperate with the University of Nevada School of Medicine by assisting in the provision of an adequate and diverse group of patients upon which the school may base its educational programs.

3. The University of Nevada School of Medicine may establish a nonprofit organization to assist in any research necessary for the development of a Medicaid managed care program, receive and accept gifts, grants and donations to support such a program and assist in establishing educational services about the program for recipients of Medicaid.

4. For the purpose of contracting with a Medicaid managed care program pursuant to this section, a health maintenance organization is exempt from the provisions of NRS 695C.123.

5. *Except as authorized by section 1 of this act, the Department shall not contract with a managed care organization for any services relating to coverage of prescription drugs for recipients of Medicaid. Such coverage must*

be managed and coordinated by the Department in accordance with NRS 422.401 to 422.406, inclusive, and section 1 of this act.

6. The provisions of this section apply to any managed care organization, including a health maintenance organization, that provides health care services to recipients of Medicaid under the State Plan for Medicaid or the Children's Health Insurance Program pursuant to a contract with the Division. Such a managed care organization or health maintenance organization is not required to establish a system for conducting external reviews of adverse determinations in accordance with chapter 695B, 695C or 695G of NRS. This subsection does not exempt such a managed care organization or health maintenance organization for services provided pursuant to any other contract.

~~[6.]~~ *7.* As used in this section, unless the context otherwise requires:

(a) "Federally-qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).

(b) "Health maintenance organization" has the meaning ascribed to it in NRS 695C.030.

(c) "Managed care organization" has the meaning ascribed to it in NRS 695G.050.

Sec. 1.6. NRS 422.401 is hereby amended to read as follows:

422.401 As used in NRS 422.401 to 422.406, inclusive, *and section 1 of this act,* unless the context otherwise requires, the words and terms defined in NRS 422.4015 and 422.402 have the meanings ascribed to them in those sections.

~~[Section 1.]~~ *Sec. 1.9.* NRS 422.4025 is hereby amended to read as follows:

422.4025 1. The Department shall, by regulation, develop a list of preferred prescription drugs to be used for the Medicaid program.

2. The Department shall, by regulation, establish a list of prescription drugs which must be excluded from any restrictions that are imposed on drugs that are on the list of preferred prescription drugs established pursuant to subsection 1. The list established pursuant to this subsection must include, without limitation:

(a) ~~[Atypical and typical antipsychotic medications that are prescribed for the treatment of a mental illness of a patient who is receiving services pursuant to Medicaid;~~

~~(b)]~~ Prescription drugs that are prescribed for the treatment of the human immunodeficiency virus or acquired immunodeficiency syndrome, including, without limitation, protease inhibitors and antiretroviral medications; ~~[~~

~~(c) Anticonvulsant medications;~~

~~(d)]~~ *(b)* Antirejection medications for organ transplants;

~~[(e) Antidiabetic medications;~~

~~(f)]~~ *and*

(c) Antihemophilic medications . ~~[; and~~

~~(g) Any prescription drug which the Committee identifies as appropriate for exclusion from any restrictions that are imposed on drugs that are on the list of preferred prescription drugs.]~~

3. The regulations must provide that the Committee makes the final determination of:

(a) Whether a class of therapeutic prescription drugs is included on the list of preferred prescription drugs and is excluded from any restrictions that are imposed on drugs that are on the list of preferred prescription drugs; ~~*[; and]*~~

(b) Which therapeutically equivalent prescription drugs will be reviewed for inclusion on the list of preferred prescription drugs ~~*[.]*~~ and for exclusion from any restrictions that are imposed on drugs that are on the list of preferred prescription drugs; and

(c) Which prescription drugs should be excluded from any restrictions that are imposed on drugs that are on the list of preferred prescription drugs based on continuity of care concerning a specific diagnosis, condition, class of therapeutic prescription drugs or medical specialty.

4. ~~*[3.]*~~ The regulations must provide that each new pharmaceutical product and each existing pharmaceutical product for which there is new clinical evidence supporting its inclusion on the list of preferred prescription drugs must be made available pursuant to the Medicaid program with prior authorization until the Committee reviews the product or the evidence.

Sec. 2. NRS 422.405 is hereby amended to read as follows:

422.405 1. The Department shall, by regulation, set forth the duties of the Committee which must include, without limitation:

(a) Identifying the prescription drugs which should be included on the list of preferred prescription drugs developed by the Department for the Medicaid program pursuant to NRS 422.4025 ~~*[.]*~~ and the prescription drugs which should be excluded from any restrictions that are imposed on drugs that are on the list of preferred prescription drugs;

(b) Identifying classes of therapeutic prescription drugs for its review and performing a clinical analysis of each drug included in each class that is identified for review; and

(c) Reviewing at least annually all classes of therapeutic prescription drugs on the list of preferred prescription drugs developed by the Department for the Medicaid program pursuant to NRS 422.4025.

2. The Department shall, by regulation, require the Committee to:

(a) ~~[Base its decisions on evidence of clinical efficacy and safety without consideration of the cost of the prescription drugs being considered by the Committee;~~

~~(b)]~~ Review new pharmaceutical products in as expeditious a manner as possible; and

~~[(c)]~~ *(b)* Consider new clinical evidence supporting the inclusion of an existing pharmaceutical product on the list of preferred prescription drugs developed by the Department for the Medicaid program and new clinical evidence supporting the exclusion of an existing pharmaceutical product from

any restrictions that are imposed on drugs that are on the list of preferred prescription drugs in as expeditious a manner as possible.

3. The Department shall, by regulation, authorize the Committee to:

(a) In carrying out its duties, exercise clinical judgment and analyze peer review articles, published studies, and other medical and scientific information; and

(b) Establish subcommittees to analyze specific issues that arise as the Committee carries out its duties.

4. When identifying the prescription drugs to include on the list of preferred prescription drugs developed by the Department for the Medicaid program pursuant to NRS 422.4025, the Committee shall determine whether any therapeutic prescription drug in a class of drugs identified pursuant to paragraph (b) of subsection 1 demonstrates significantly higher clinical efficacy and safety than other drugs in the class. If the Committee:

(a) Identifies one such drug in a class, the drug must be included on the list of preferred prescription drugs without consideration of cost.

(b) Identifies two or more such drugs in a class with similarly high levels of clinical efficacy and safety or determines that all drugs in the class have similarly high levels of clinical efficacy and safety, the Committee may consider cost effectiveness, including, without limitation, the price of the drugs and any rebates or other discounts available, when determining which of those drugs to include on the list of preferred prescription drugs.

5. The Committee may close any portion of a meeting during which it considers the cost effectiveness of a prescription drug is considered pursuant to subsection 4. Any portion of a meeting that is closed pursuant to this subsection is not subject to the provisions of chapter 241 of NRS.

Sec. 3. NRS 241.016 is hereby amended to read as follows:

241.016 1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.

2. The following are exempt from the requirements of this chapter:

(a) The Legislature of the State of Nevada.

(b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 228.495, 239C.140, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 289.387, 295.121, 360.247, 388.261, 388A.495, 388C.150, 388G.710, 388G.730, 392.147, 392.467, 394.1699, 396.3295, *422.405,* 433.534, 435.610, 463.110, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725, which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,

➥ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

Sec. 4. NRS 453.162 is hereby amended to read as follows:

453.162 1. The Board and the Division shall cooperatively develop a computerized program to track each prescription ~~[for a controlled substance listed in schedule II, III, IV or V]~~ that is filled by a pharmacy that is registered with the Board or that is dispensed by a practitioner who is registered with the Board. The program must:

(a) Be designed to provide information regarding:

(1) The inappropriate use by a patient of controlled substances listed in schedules II, III, IV or V to pharmacies, practitioners and appropriate state and local governmental agencies, including, without limitation, law enforcement agencies and occupational licensing boards, to prevent the improper or illegal use of those controlled substances; and

(2) Statistical data relating to the use of ~~[those controlled substances]~~ *prescription drugs* that is not specific to a particular patient.

(b) Be administered by the Board, the Investigation Division, the Division of Public and Behavioral Health of the Department and various practitioners, representatives of professional associations for practitioners, representatives of occupational licensing boards and prosecuting attorneys selected by the Board and the Investigation Division.

(c) Not infringe on the legal use of a controlled substance *or other prescription drug, including, without limitation, the legal use of a controlled substance or other prescription drug* for the management of severe or intractable pain.

(d) Include the contact information of each person who is required to access the database of the program pursuant to NRS 453.164, including, without limitation:

(1) The name of the person;

(2) The physical address of the person;

(3) The telephone number of the person; and

(4) If the person maintains an electronic mail address, the electronic mail address of the person.

(e) Include, for each prescription of a controlled substance listed in schedule II, III, IV or V:

(1) The fewest number of days necessary to consume the quantity of the controlled substance dispensed to the patient if the patient consumes the

maximum dose of the controlled substance authorized by the prescribing practitioner; *and*

(2) Each state in which the patient to whom the controlled substance was prescribed has previously resided or filled a prescription for a controlled substance listed in schedule II, III, IV or V . ~~[; and~~

~~(3) The]~~

(f) Include, for each prescription, the code established in the International Classification of Diseases, Tenth Revision, Clinical Modification, adopted by the National Center for Health Statistics and the Centers for Medicare and Medicaid Services, or the code used in any successor classification system adopted by the National Center for Health Statistics and the Centers for Medicare and Medicaid Services, that corresponds to the diagnosis for which the ~~[controlled substance]~~ *prescription drug* was prescribed.

~~[(f)]~~ *(g)* To the extent that money is available, include:

(1) A means by which a practitioner may designate in the database of the program that he or she suspects that a patient is seeking a prescription for a controlled substance for an improper or illegal purpose. If the Board reviews the designation and determines that such a designation is warranted, the Board shall inform pharmacies, practitioners and appropriate state agencies that the patient is seeking a prescription for a controlled substance for an improper or illegal purpose as described in subparagraph (1) of paragraph (a).

(2) The ability to integrate the records of patients in the database of the program with the electronic health records of practitioners.

2. The Board, the Division and each employee thereof are immune from civil and criminal liability for any action relating to the collection, maintenance and transmission of information pursuant to this section and NRS 453.163 to 453.1645, inclusive, if a good faith effort is made to comply with applicable laws and regulations.

3. The Board and the Division may apply for any available grants and accept any gifts, grants or donations to assist in developing and maintaining the program required by this section.

Sec. 5. NRS 453.163 is hereby amended to read as follows:

453.163 1. Except as otherwise provided in this subsection, each person registered pursuant to this chapter to dispense a controlled substance listed in schedule II, III, IV or V for human consumption shall, not later than the end of the next business day after dispensing a ~~[controlled substance,]~~ *prescription drug*, upload to the database of the program established pursuant to NRS 453.162 the information described in ~~[paragraph]~~ *paragraphs* (d) *, (e) and (f)* of subsection 1 of NRS 453.162 ~~[.]~~ *, to the extent applicable.* The requirements of this subsection do not apply if the ~~[controlled substance]~~ *prescription drug* is administered directly by a practitioner to a patient in a health care facility, as defined in NRS 439.960, a child who is a resident in a child care facility, as defined in NRS 432A.024, or a prisoner, as defined in NRS 208.085. The Board shall establish by regulation and impose

administrative penalties for the failure to upload information pursuant to this subsection.

2. The Board and the Division may cooperatively enter into a written agreement with an agency of any other state to provide, receive or exchange information obtained by the program with a program established in that state which is substantially similar to the program established pursuant to NRS 453.162, including, without limitation, providing such state access to the database of the program or transmitting information to and receiving information from such state. Any information provided, received or exchanged as part of an agreement made pursuant to this section may only be used in accordance with the provisions of this chapter.

3. A practitioner who is authorized to write prescriptions for and each person who is authorized to dispense controlled substances listed in schedule II, III, IV or V for human consumption who makes a good faith effort to comply with applicable laws and regulations when transmitting to the Board or the Division a report or information required by this section or NRS 453.162 or 453.164, or a regulation adopted pursuant thereto, is immune from civil and criminal liability relating to such action.

Sec. 6. NRS 453.164 is hereby amended to read as follows:

453.164 1. The Board shall provide Internet access to the database of the program established pursuant to NRS 453.162 to an occupational licensing board that licenses any practitioner who is authorized to write prescriptions for human consumption of controlled substances listed in schedule II, III, IV or V. An occupational licensing board that is provided access to the database pursuant to this section may access the database to investigate a complaint, report or other information that indicates fraudulent, illegal, unauthorized or otherwise inappropriate activity related to the prescribing, dispensing or use of a controlled substance.

2. The Board and the Division must have access to the program established pursuant to NRS 453.162 to identify any suspected fraudulent, illegal, unauthorized or otherwise inappropriate activity related to the prescribing, dispensing or use of controlled substances.

3. *The Division of Public and Behavioral Health of the Department of Health and Human Services must have access to the program established pursuant to NRS 453.162 to review, analyze and inform research, outreach and intervention relating to public health.*

4. Except as otherwise provided in subsection ~~[4,]~~ *5,* the Board or the *Investigation* Division *of the Department of Public Safety* shall report any activity it reasonably suspects may:

(a) Indicate fraudulent, illegal, unauthorized or otherwise inappropriate activity related to the prescribing, dispensing or use of a controlled substance to the appropriate law enforcement agency or occupational licensing board and provide the law enforcement agency or occupational licensing board with the relevant information obtained from the program for further investigation.

(b) Indicate the inappropriate use by a patient of a controlled substance to the occupational licensing board of each practitioner who has prescribed the controlled substance to the patient. The occupational licensing board may access the database of the program established pursuant to NRS 453.162 to determine which practitioners are prescribing the controlled substance to the patient. The occupational licensing board may use this information for any purpose it deems necessary, including, without limitation, alerting a practitioner that a patient may be fraudulently obtaining a controlled substance or determining whether a practitioner is engaged in unlawful or unprofessional conduct.

~~[4.]~~ *5.* The Board or Division may withhold any report required by subsection ~~[3]~~ *4* if the Board determines that doing so is necessary to avoid interfering with any pending administrative or criminal investigation into the suspected fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, dispensing or use of a controlled substance.

~~[5.]~~ *6.* The Board and the Division shall cooperatively develop a course of training for persons who are required or authorized to receive access to the database of the program pursuant to subsection ~~[7]~~ *8* or NRS 453.1645 and 453.165 and require each such person to complete the course of training before the person is provided with Internet access to the database.

~~[6.]~~ *7.* Each practitioner who is authorized to write prescriptions for and each person who is authorized to dispense controlled substances listed in schedule II, III, IV or V for human consumption shall complete the course of instruction described in subsection ~~[5.]~~ *6.* The Board shall provide Internet access to the database to each such practitioner or other person who completes the course of instruction.

~~[7.]~~ *8.* Each practitioner who is authorized to write prescriptions for human consumption of controlled substances listed in schedule II, III, IV or V shall, to the extent the program allows, access the database of the program established pursuant to NRS 453.162 at least once each 6 months to:

(a) Review the information concerning the practitioner that is listed in the database, including, without limitation, information concerning prescriptions issued by the practitioner, and notify the Board if any such information is not correct; and

(b) Verify to the Board that he or she continues to have access to and has accessed the database as required by this subsection.

~~[8.]~~ *9.* Information obtained from the program relating to a practitioner or a patient is confidential and, except as otherwise provided by this section and NRS 239.0115, 453.162 and 453.163, must not be disclosed to any person. That information must be disclosed:

(a) Upon a request made on a notarized form prescribed by the Board by a person about whom the information requested concerns or upon such a request on behalf of that person by his or her attorney; or

(b) Upon the lawful order of a court of competent jurisdiction.

~~[9.]~~ *10.* If the Board, the Division or a law enforcement agency determines that the database of the program has been intentionally accessed by a person or for a purpose not authorized pursuant to NRS 453.162 to 453.165, inclusive, the Board, Division or law enforcement agency, as applicable, must notify any person whose information was accessed by an unauthorized person or for an unauthorized purpose.

Sec. 7. NRS 453.1645 is hereby amended to read as follows:

453.1645 1. Except as otherwise provided in this section, the Board shall allow:

(a) A coroner or medical examiner to have Internet access to the database of the computerized program developed pursuant to NRS 453.162 if the coroner or medical examiner has completed the course of training developed pursuant to subsection ~~[5]~~ *6* of NRS 453.164.

(b) A deputy of a coroner or medical examiner to have Internet access to the database of the computerized program developed pursuant to NRS 453.162 if:

(1) The deputy has completed the course of training developed pursuant to subsection ~~[5]~~ *6* of NRS 453.164; and

(2) The coroner or medical examiner who employs the deputy has submitted the certification required pursuant to subsection 2 to the Board.

2. Before the deputy of a coroner or medical examiner may be given access to the database pursuant to subsection 1, the coroner or medical examiner who employs the deputy must certify to the Board that the deputy has been approved to have such access and meets the requirements of subsection 1. Such certification must be made on a form provided by the Board and renewed annually.

3. When a coroner, medical examiner or deputy thereof accesses the database of the computerized program pursuant to this section, the coroner, medical examiner or deputy thereof must enter a unique user name assigned to the coroner, medical examiner or deputy thereof and, if applicable, the case number corresponding to the investigation being conducted by the coroner, medical examiner or deputy thereof.

4. A coroner, medical examiner or deputy thereof who has access to the database of the computerized program pursuant to subsection 1 may access the database only to:

(a) Investigate the death of a person; or

(b) Upload information to the database pursuant to NRS 453.1635.

5. The Board or the Division may suspend or terminate access to the database of the computerized program pursuant to this section if a coroner, medical examiner or deputy thereof violates any provision of this section.

Sec. 8. NRS 453.165 is hereby amended to read as follows:

453.165 1. Except as otherwise provided in this section, the Board shall allow an employee of a law enforcement agency to have Internet access to the database of the computerized program developed pursuant to NRS 453.162 if:

(a) The employee has been approved by his or her employer to have such access;

(b) The employee has completed the course of training developed pursuant to subsection ~~[5]~~ *6* of NRS 453.164; and

(c) The law enforcement agency has submitted the certification required pursuant to subsection 2 to the Board.

2. Before an employee of a law enforcement agency may be given access to the database pursuant to subsection 1, the law enforcement agency must certify to the Board that the employee has been approved to be given such access and meets the requirements of subsection 1. Such certification must be made on a form provided by the Board and renewed annually.

3. When an employee of a law enforcement agency accesses the database of the computerized program pursuant to this section, the employee must enter a unique user name assigned to the employee and, if applicable, the case number corresponding to the investigation pursuant to which the employee is accessing the database.

4. An employee of a law enforcement agency who is given access to the database of the computerized program pursuant to subsection 1 may access the database for no other purpose than to:

(a) Investigate a crime related to prescription drugs; or

(b) Upload information to the database pursuant to NRS 453.1635.

5. A law enforcement agency whose employees are provided access to the database of the computerized program pursuant to this section shall monitor the use of the database by the employees of the law enforcement agency and establish appropriate disciplinary action to take against an employee who violates the provisions of this section.

6. The Board or the Division may suspend or terminate access to the database of the computerized program pursuant to this section if a law enforcement agency or employee thereof violates any provision of this section.

Sec. 9. 1. This section and sections 1 ~~[and 2]~~ to 3, inclusive, of this act become effective on July 1, 2019.

2. Sections ~~[3]~~ 4 to 8, inclusive, of this act become effective:

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

(b) On January 1, 2020, for all other purposes.

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 354 to Senate Bill No. 283 requires any contract between the Department of Health and Human Services and a private insurer or pharmacy benefit manger (PBM) to provide services related to prescription drug coverage under the State Plan for Medicaid or the Children's Health Insurance Program to require the insurer or PBM to provide the Department any information concerning such services. If the Department does not enter into such a contract, it must directly manage and coordinate these services. It also removes certain categories of prescription drugs from the list of prescription drugs that must be excluded from any restrictions imposed on the list of preferred prescription drugs used for the Medicaid programs.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 298.

Bill read second time.

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

Amendment No. 323.

SUMMARY—Revises provisions relating to partial tax abatements for certain renewable energy facilities. (BDR 58-908)

AN ACT relating to renewable energy facilities; requiring the recipients of certain partial tax abatements to create and retain certain records and submit an annual payroll report to the Office of Energy ~~[; providing for an on-site inspection or audit of a facility receiving a partial tax abatement to be conducted by the Office;]~~ and the board of county commissioners of the county in which the facility receiving a partial tax abatement is located; providing that the wage used to determine eligibility for certain partial tax abatements does not include certain fringe benefits; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes certain renewable energy facilities to apply for a partial abatement of certain taxes. (NRS 701A.300-701A.390) For a renewable energy facility to be eligible for such a partial tax abatement, a certain number of full-time employees must be employed on the construction of the facility, including a certain percentage of employees who are Nevada residents, and the wages paid to employees of the facility or employees working on the construction of the facility must represent a certain percentage of the average statewide hourly wage, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation. (NRS 701A.365)

Section 2 of this bill requires a recipient of such a partial tax abatement to keep or cause to be kept certain records regarding employees of the facility and employees who worked on the construction of the facility.

Section 3 of this bill requires a recipient of a partial tax abatement to submit to the Office of Energy ~~[,]~~ and the board of county commissioners of the county in which the facility receiving a partial tax abatement is located, on an annual basis, a certified payroll report containing certain information. ~~[Section 3 also authorizes the Office to conduct an on-site inspection or audit of a renewable energy facility which is receiving a partial tax abatement and requires the Office to conduct such an on-site inspection or audit at the request of the board of county commissioners of the county in which the renewable energy facility is located. Section 3 also requires a recipient of a partial tax abatement to provide certain records to the Office to verify the information contained in a certified payroll report, and to make available certain records in connection with an on-site inspection or audit by the Office.]~~

For the purpose of determining the wage that must be paid to employees of a facility and employees working on the construction of a facility in order for a facility to be eligible for a partial tax abatement, existing law defines "wage" as including the cost of certain bona fide fringe benefits which are provided to an employee, including pension and health benefits. (NRS 701A.365) Section 4 of this bill provides that wages, for the purposes of determining eligibility for a partial tax abatement, do not include the amount of any health insurance plan, pension or other bona fide fringe benefits which are provided to an employee.

Existing law authorizes the Director of the Office of Energy to charge and collect a fee from each applicant who submits an application for a partial abatement of certain taxes that does not exceed the cost to the Director for processing and approving such applications. (NRS 701A.390) Section 5 of this bill ~~[makes a conforming change.]~~ authorizes the Director to include in the fee charged to applicants an additional amount to help sustain the work of the Office to support and expand renewable energy development in this State.

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

Section 1. Chapter 701A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ~~[1.]~~ *A recipient of a partial abatement of taxes pursuant to this section and NRS 701A.300 to 701A.390, inclusive, and section 3 of this act shall keep or cause to be kept* ~~[:~~

~~(a) An accurate record showing, for each employee who performed work on the construction of the facility, including, without limitation, the employee of any contractor or subcontractor who performed work on the facility, and for each employee of the facility in this State:~~

~~(1) The name of the employee;~~

~~(2) The occupation of the employee;~~

~~(3) If the employee has a driver's license or identification card, an indication of the state or other jurisdiction that issued the license or card; and~~

~~(4) The actual per diem, wages and benefits paid to the employee.~~

~~(b) An additional accurate record showing, for each employee who performed work on the construction of the facility, including, without limitation, the employee of any contractor or subcontractor who performed work on the facility, who has a driver's license or identification card and each employee of the facility in this State who has a driver's license or identification card:~~

~~(1) The name of the employee;~~

~~(2) The driver's license number or identification card number of the employee; and~~

~~(3) The state or other jurisdiction that issued the license or card.~~

~~2. The records maintained pursuant to this section must be open at all reasonable hours to the inspection of the Office of Energy.]~~ *the records required to be kept by a contractor engaged on a public work pursuant to*

subsection 5 of NRS 338.070 for each employee who performed work on the construction of the facility, including, without limitation, the employee of any contractor or subcontractor who performed work on the facility, and for each employee of the facility.

Sec. 3. ~~[1.]~~ *A recipient of a partial abatement of taxes pursuant to this section and NRS 701A.300 to 701A.390, inclusive, and section 2 of this act shall submit annually to the Office of Energy and the board of county commissioners of the county in which the facility is located a certified payroll report on a form or in a format prescribed by the Director. The certified payroll report must:*

~~[(a)]~~ *1. Be accompanied by a statement certifying the truthfulness and accuracy of the payroll report; and*

~~[(b)]~~ *2. Include the information contained in the records required to be kept pursuant to section 2 of this act . ~~[;~~*

~~*(c) List employees based on the type of work actually performed by the employee and based on the number of hours worked per employee per day;*~~

~~*(d) Include an itemization of all contributions made to a third party pursuant to a fund, plan or program in the name of an employee; and*~~

~~*(e) Contain such other information as the Office deems necessary to determine whether the facility continues to meet any eligibility requirements for the abatement.*~~

~~*2. The Office of Energy shall provide a copy of the certified payroll report submitted pursuant to subsection 1 to the board of county commissioners of the county in which the facility is located.*~~

~~*3. Upon the request of the Office of Energy, a recipient of a partial abatement of taxes pursuant to this section and NRS 701A.300 to 701A.390, inclusive, and section 2 of this act shall provide to the Office payroll records and any other records deemed necessary by the Office to verify the accuracy of information contained in a certified payroll report submitted pursuant to subsection 1.*~~

~~*4. The Office may conduct an on-site inspection or audit of a facility which is receiving a partial abatement of taxes pursuant to this section and NRS 701A.300 to 701A.390, inclusive, and section 2 of this act at any time to verify whether the facility continues to meet any eligibility requirements for the partial abatement of taxes. The Office shall conduct such an inspection or audit upon the request of the board of county commissioners of the county in which the facility is located. A facility shall make available to the Office all books, accounts, claims, reports, vouchers and other records requested by the Office in connection with any such inspection or audit. The Office shall confine requests for such records to those which specifically relate to the eligibility of the facility for the abatement.]*~~

Sec. 4. NRS 701A.365 is hereby amended to read as follows:

701A.365 1. The Director, in consultation with the Office of Economic Development, shall approve an application for a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive, *and sections 2 and 3 of this act* if the

Director, in consultation with the Office of Economic Development, makes the following determinations:

(a) The applicant has executed an agreement with the Director which must:

(1) State that the facility will, after the date on which the abatement becomes effective, continue in operation in this State for a period specified by the Director, which must be at least 10 years, and will continue to meet the eligibility requirements for the abatement; and

(2) Bind the successors in interest in the facility for the specified period.

(b) The facility is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the facility operates.

(c) No funding is or will be provided by any governmental entity in this State for the acquisition, design or construction of the facility or for the acquisition of any land therefor, except any private activity bonds as defined in 26 U.S.C. § 141.

(d) Except as otherwise provided in paragraph (e), if the facility will be located in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the facility meets the following requirements:

(1) There will be 75 or more full-time employees working on the construction of the facility during the second quarter of construction, including, unless waived by the Director for good cause, at least 50 percent who are residents of Nevada;

(2) Establishing the facility will require the facility to make a capital investment of at least $10,000,000 in this State in capital assets that will be retained at the location of the facility until at least the date which is 5 years after the date on which the abatement becomes effective;

(3) The average hourly wage that will be paid by the facility to its employees in this State is at least 110 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year; and

(4) Except as otherwise provided in subsection 6, the average hourly wage of the employees working on the construction of the facility will be at least 175 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The employees working on the construction of the facility must be provided a health insurance plan that is provided by a third-party administrator and includes health insurance coverage for dependents of the employees; and

(II) The cost of the benefits provided to the employees working on the construction of the facility will meet the minimum requirements for benefits established by the Director by regulation pursuant to NRS 701A.390.

(e) If the facility will be located in a county whose population is less than 100,000, in an area of a county whose population is 100,000 or more that is

located within the geographic boundaries of an area that is designated as rural by the United States Department of Agriculture and at least 20 miles outside of the geographic boundaries of an area designated as urban by the United States Department of Agriculture, or in a city whose population is less than 60,000, the facility meets the following requirements:

(1) There will be 50 or more full-time employees working on the construction of the facility during the second quarter of construction, including, unless waived by the Director for good cause, at least 50 percent who are residents of Nevada;

(2) Establishing the facility will require the facility to make a capital investment of at least $3,000,000 in this State in capital assets that will be retained at the location of the facility until at least the date which is 5 years after the date on which the abatement becomes effective;

(3) The average hourly wage that will be paid by the facility to its employees in this State is at least 110 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year; and

(4) Except as otherwise provided in subsection 6, the average hourly wage of the employees working on the construction of the facility will be at least 175 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The employees working on the construction of the facility must be provided a health insurance plan that is provided by a third-party administrator and includes health insurance coverage for dependents of the employees; and

(II) The cost of the benefits provided to the employees working on the construction of the facility will meet the minimum requirements for benefits established by the Director by regulation pursuant to NRS 701A.390.

(f) The financial benefits that will result to this State from the employment by the facility of the residents of this State and from capital investments by the facility in this State will exceed the loss of tax revenue that will result from the abatement.

(g) The facility is consistent with the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053.

2. The Director shall not approve an application for a partial abatement of the taxes imposed pursuant to chapter 361 of NRS submitted pursuant to NRS 701A.360 by a facility for the generation of process heat from solar renewable energy or a wholesale facility for the generation of electricity from renewable energy unless the application is approved or deemed approved pursuant to this subsection. The board of county commissioners of a county must provide notice to the Director that the board intends to consider an application and, if such notice is given, must approve or deny the application

not later than 30 days after the board receives a copy of the application. The board of county commissioners:

(a) Shall, in considering an application pursuant to this subsection, make a recommendation to the Director regarding the application;

(b) May, in considering an application pursuant to this subsection, deny an application only if the board of county commissioners determines, based on relevant information, that:

(1) The projected cost of the services that the local government is required to provide to the facility will exceed the amount of tax revenue that the local government is projected to receive as a result of the abatement; or

(2) The projected financial benefits that will result to the county from the employment by the facility of the residents of this State and from capital investments by the facility in the county will not exceed the projected loss of tax revenue that will result from the abatement;

(c) Must not condition the approval of the application on a requirement that the facility agree to purchase, lease or otherwise acquire in its own name or on behalf of the county any infrastructure, equipment, facilities or other property in the county that is not directly related to or otherwise necessary for the construction and operation of the facility; and

(d) May, without regard to whether the board has provided notice to the Director of its intent to consider the application, make a recommendation to the Director regarding the application.

➥ If the board of county commissioners does not approve or deny the application within 30 days after the board receives from the Director a copy of the application, the application shall be deemed approved.

3. Notwithstanding the provisions of subsection 1, the Director, in consultation with the Office of Economic Development, may, if the Director, in consultation with the Office, determines that such action is necessary:

(a) Approve an application for a partial abatement for a facility that does not meet any requirement set forth in subparagraph (1) or (2) of paragraph (d) of subsection 1 or subparagraph (1) or (2) of paragraph (e) of subsection 1; or

(b) Add additional requirements that a facility must meet to qualify for a partial abatement.

4. The Director shall cooperate with the Office of Economic Development in carrying out the provisions of this section.

5. The Director shall submit to the Office of Economic Development an annual report, at such a time and containing such information as the Office may require, regarding the partial abatements granted pursuant to this section.

6. The provisions of subparagraph (4) of paragraph (d) of subsection 1 and subparagraph (4) of paragraph (e) of subsection 1 concerning the average hourly wage of the employees working on the construction of a facility do not apply to the wages of an apprentice as that term is defined in NRS 610.010.

7. As used in this section, "wage" or "wages" ~~[has the meaning ascribed to it in NRS 338.010.]~~ *:*

(a) Means the basic hourly rate of pay.

(b) Does not include the amount of any health insurance plan, pension or other bona fide fringe benefits which are a benefit to the employee.

Sec. 5. NRS 701A.390 is hereby amended to read as follows:

701A.390 The Director:

1. Shall adopt regulations:

(a) Prescribing the minimum level of benefits that a facility must provide to its employees *;* ~~[if the facility is going to use benefits paid to employees as a basis to qualify for a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive;]~~

(b) Prescribing such requirements for an application for a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive, *and sections 2 and 3 of this act* as will ensure that all information and other documentation necessary for the Director, in consultation with the Office of Economic Development, to make an appropriate determination is filed with the Director;

(c) Requiring each recipient of a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive, *and sections 2 and 3 of this act* to file annually with the Director such information and documentation as may be necessary for the Director to determine whether the recipient is in compliance with any eligibility requirements for the abatement; and

(d) Regarding the capital investment that a facility must make to meet the requirement set forth in paragraph (d) or (e) of subsection 1 of NRS 701A.365; and

2. May adopt such other regulations as the Director determines to be necessary to carry out the provisions of NRS 701A.300 to 701A.390, inclusive ~~[;]~~ *, and sections 2 and 3 of this act;* and

3. May charge and collect a fee from each applicant who submits an application for a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive ~~[.]~~ *, and sections 2 and 3 of this act.* The amount of the fee must *consist of:*

(a) An amount that does not exceed the actual cost to the Director for processing and approving the application ~~[.]~~ *; and*

(b) A reasonable amount determined by the Director and designed to help sustain the work of the Office to support and expand renewable energy development in this State by administering the provisions of NRS 701A.300 to 701A.390, inclusive, and sections 2 and 3 of this act.

Sec. 5.5. The amendatory provisions of this act do not apply to a person who is granted a partial abatement of taxes pursuant to NRS 701A.300 to 701A.390, inclusive, and sections 2 and 3 of this act, if the application for such an abatement was submitted before July 1, 2020.

Sec. 6. This act becomes effective on July 1, ~~[2019,]~~ 2020, and expires by limitation on June 30, 2049.

Senator Cancela moved the adoption of the amendment.

Remarks by Senator Cancela.

Amendment No. 323 makes seven changes to Senate Bill No. 298. The amendment deletes the requirement the records must be open at all reasonable hours to the inspection of the Governor's

Office of Energy; deletes paragraphs (b) to (e) of subsection 1 of section 3 of the bill, which specify the information to be included in a certified payroll report, and instead requires the report to include the information required to be kept in a report pursuant to subsection 5 of Nevada Revised Statutes 338.070; requires a recipient of a partial tax abatement to also submit annually a certified payroll report to the board of county commissioners in the county in which the facility is located; deletes the Office from conducting an onsite inspection or audit of a renewable-energy facility that receives a partial tax abatement; deletes the requirement that a recipient of a partial tax abatement provide certain records to the Office to verify the information in a certified payroll report; revises the amount of the fee the Office may charge and collect from each applicant who submits an application for a partial tax abatement; changes the effective date of the bill to July 1, 2020, and clarifies that the amendatory provisions apply only to applications submitted after the effective date.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 322.

Bill read second time.

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

Amendment No. 513.

SUMMARY—Revises provisions relating to peace officers. (BDR ~~[53-918)]~~ S-918)

AN ACT relating to peace officers; ~~[revising the definition of "police officer" for the purposes of certain provisions relating to occupational diseases;]~~ providing for an increase in compensation for state law enforcement officers for a specified period to the extent of available money; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[The Nevada Occupational Diseases Act provides for the payment of compensation for temporary or permanent disability or death for the occupational diseases of lung disease and heart disease for certain firefighters, arson investigators and police officers. (Chapter 617 of NRS) The Act provides that these occupational diseases are conclusively presumed to have arisen out of and in the course of the employment under certain circumstances. (NRS 617.455, 617.457) "Police officer" is defined in the Act to include specified law enforcement officers in this State. (NRS 617.135) Existing law confers the powers of a peace officer on certain specified persons. (NRS 289.150-289.360)~~

~~Section 1 of this bill expands the definition of "police officer" for purposes of the Nevada Occupational Diseases Act to include any person upon whom some or all of the powers of a peace officer are conferred. In addition, because other provisions of existing law reference "police officer" as that term is defined in the Act, section 1 makes applicable to such persons certain provisions concerning: (1) exemption from service as grand or trial jurors; (2) compensation for police officers with temporary disabilities; (3) certain programs of group insurance or other medical or hospital services for the surviving spouse or any child of police officers and firefighters; and (4)~~

~~industrial insurance coverage. (NRS 6.020, 281.153, 287.021, 287.0477, chapters 616A-616D of NRS)]~~

To the extent that money is available, ~~[section 2 of]~~ this bill requires an increase in the level of compensation for state law enforcement officers for Fiscal Years 2019-2020 and 2020-2021. If the officers are under a paramilitary organizational structure, ~~[section 2]~~ this bill provides for an increase of 10 percent for officers who hold the rank of sergeant or below and 5 percent for those officers who hold a rank higher than sergeant. If the level of compensation after the 10 percent increase of an officer who holds the rank of sergeant is less than 5 percent above the highest level of compensation of the rank below sergeant after the 10 percent increase, ~~[section 2]~~ this bill provides that the level of compensation of the officer who holds the rank of sergeant is required to be increased so that it equals 5 percent above the highest level of compensation of the rank below sergeant. If the officers are not under a paramilitary organizational structure, ~~[section 2]~~ this bill provides that the increase in compensation level is 5 percent.

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

Section 1. ~~[NRS 617.135 is hereby amended to read as follows:~~

~~617.135 "Police officer" [includes:~~

~~1. A sheriff, deputy sheriff, officer of a metropolitan police department or city police officer;~~

~~2. A chief, inspector, supervisor, commercial officer or trooper of the Nevada Highway Patrol Division of the Department of Public Safety;~~

~~3. A chief, investigator or agent of the Investigation Division of the Department of Public Safety;~~

~~4. A chief, supervisor, investigator or training officer of the Training Division of the Department of Public Safety;~~

~~5. A chief or investigator of an office of the Department of Public Safety that conducts internal investigations of employees of the Department of Public Safety or investigates other issues relating to the professional responsibility of those employees;~~

~~6. A chief or investigator of the Department of Public Safety whose duties include, without limitation:~~

~~(a) The execution, administration or enforcement of the provisions of chapter 179A of NRS; and~~

~~(b) The provision of technology support services to the Director and the divisions of the Department of Public Safety;~~

~~7. An officer or investigator of the Section for the Control of Emissions From Vehicles and the Enforcement of Matters Related to the Use of Special Fuel of the Department of Motor Vehicles;~~

~~8. An investigator of the Division of Compliance Enforcement of the Department of Motor Vehicles;~~

~~9. A member of the police department of the Nevada System of Higher Education;~~

~~10. A:~~

~~(a) Uniformed employee of; or~~

~~(b) Forensic specialist employed by,~~

~~➥ the Department of Corrections whose position requires regular and frequent contact with the offenders imprisoned and subjects the employee to recall in emergencies;~~

~~11. A parole and probation officer of the Division of Parole and Probation of the Department of Public Safety;~~

~~12. A forensic specialist or correctional officer employed by the Division of Public and Behavioral Health of the Department of Health and Human Services at facilities for mentally disordered offenders;~~

~~13. The State Fire Marshal and his or her assistant and deputies;~~

~~14. A game warden of the Department of Wildlife who has the powers of a peace officer pursuant to NRS 289.280;~~

~~15. A ranger or employee of the Division of State Parks of the State Department of Conservation and Natural Resources who has the powers of a peace officer pursuant to NRS 289.260; and~~

~~16. A bailiff or a deputy marshal of the district court or justice court whose duties require him or her to carry a weapon and to make arrests.]~~ *means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.]* (Deleted by amendment.)

Sec. 2. 1. Effective July 1, 2019, until June 30, 2021, the Division of Human Resource Management of the Department of Administration, the Board of Regents of the University of Nevada and any other officer or agency of the Executive Department of the State Government that is responsible for payment of the compensation of its employees shall, to the extent money is available, increase the level of compensation of:

(a) Except as otherwise provided in paragraphs (b) and (d), its employees upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive, and who hold a rank of sergeant or below by 10 percent.

(b) Except as otherwise provided in paragraph (d), its employees:

(1) Upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive;

(2) Who hold the rank of sergeant; and

(3) Whose level of compensation after the increase pursuant to paragraph (a) does not exceed by 5 percent the highest level of compensation of the rank below sergeant after the increase pursuant to paragraph (a),

➥ by the percentage after the increase pursuant to paragraph (a) by which their level of compensation will equal 5 percent more than the highest level of compensation of the rank below sergeant.

(c) Except as otherwise provided in paragraph (d), its employees upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive, and who hold a rank higher than sergeant by 5 percent.

(d) Its employees upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive, and who are not under a paramilitary organizational structure by 5 percent.

2. Effective July 1, 2019, until June 30, 2021, the Supreme Court shall, to the extent money is available, increase the level of compensation of:

(a) Except as otherwise provided in paragraphs (b) and (d), its employees upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive, and who hold the rank of sergeant or below by 10 percent.

(b) Except as otherwise provided in paragraph (d), its employees:

(1) Upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive;

(2) Who hold the rank of sergeant; and

(3) Whose level of compensation after the increase pursuant to paragraph (a) does not exceed by 5 percent the highest level of compensation of the rank below sergeant after the increase pursuant to paragraph (a),

➥ by the percentage after the increase pursuant to paragraph (a) by which their level of compensation will equal 5 percent more than the highest level of compensation of the rank below sergeant.

(c) Except as otherwise provided in paragraph (d), its employees upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive, and who hold a rank higher than sergeant by 5 percent.

(d) Its employees upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive, and who are not under a paramilitary organizational structure by 5 percent.

3. Effective July 1, 2019, until June 30, 2021, the Legislative Commission shall, to the extent money is available, increase the level of compensation of:

(a) Except as otherwise provided in paragraphs (b) and (d), each employee of the Legislative Counsel Bureau upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive, and who holds the rank of sergeant or below by 10 percent.

(b) Except as otherwise provided in paragraph (d), each employee of the Legislative Counsel Bureau:

(1) Upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive;

(2) Who holds the rank of sergeant; and

(3) Whose level of compensation after the increase pursuant to paragraph (a) does not exceed by 5 percent the highest level of compensation of the rank below sergeant after the increase pursuant to paragraph (a),

➥ by the percentage after the increase pursuant to paragraph (a) by which his or her level of compensation will equal 5 percent more than the highest level of compensation of the rank below sergeant.

(c) Except as otherwise provided in paragraph (d), each employee of the Legislative Counsel Bureau upon whom some or all of the powers of a peace

officer are conferred pursuant to NRS 289.150 to 289.360, inclusive, and who holds a rank higher than sergeant by 5 percent.

(d) Each employee of the Legislative Counsel Bureau upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive, and who is not under a paramilitary organizational structure by 5 percent.

Sec. 3. This act becomes effective on July 1, 2019.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 513 makes one change to Senate Bill No. 322. The amendment deletes section 1, which expands the definition of "police officer" for the purpose of the Nevada Occupational Diseases Act.

Amendment adopted.

Senator Spearman 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. 396.

Bill read second time.

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

Amendment No. 172.

SUMMARY—Revises provisions relating to certain licenses and cards issued by the Department of Motor Vehicles. (BDR 43-1041)

AN ACT relating to drivers' licenses; revising provisions governing the use of a driver's license from another jurisdiction for certain purposes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Department of Motor Vehicles to issue to certain persons a driver's license, a driver authorization card, an identification card or a motorcycle driver's license. (NRS 483.340, 483.820, 486.071) When applying for such a license or card, the applicant may use his or her driver's license that was issued by another state, the District of Columbia or any territory of the United States to prove his or her full legal name and age, and for certain other purposes. The Department is not obligated to accept such a license, however, under certain circumstances. Section 1 of this bill defines, for the purposes of chapter 483 of NRS which governs the issuance of such licenses and cards, the term "state" to mean a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Northern Mariana Islands and the United States Virgin Islands ~~[or any territory or insular possession subject to the jurisdiction of the United States]~~ so that the provisions apply equally to each of those jurisdictions. Sections 2-5 of this bill make conforming changes, and section 6 of this bill

makes a conforming change to the provisions governing the issuance of a motorcycle driver's license.

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

Section 1. Chapter 483 of NRS is hereby amended by adding thereto a new section to read as follows:

"State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Northern Mariana Islands and the United States Virgin Islands . ~~[or any territory or insular possession subject to the jurisdiction of the United States.]~~

Sec. 2. NRS 483.020 is hereby amended to read as follows:

483.020 As used in NRS 483.010 to 483.630, inclusive, unless the context otherwise requires, the words and terms defined in NRS 483.030 to 483.190, inclusive, *and section 1 of this act* have the meanings ascribed to them in those sections.

Sec. 3. NRS 483.290 is hereby amended to read as follows:

483.290 1. An application for an instruction permit or for a driver's license must:

(a) Be made upon a form furnished by the Department.

(b) Be verified by the applicant before a person authorized to administer oaths. Officers and employees of the Department may administer those oaths without charge.

(c) Be accompanied by the required fee.

(d) State the full legal name, date of birth, sex, address of principal residence and mailing address, if different from the address of principal residence, of the applicant and briefly describe the applicant.

(e) State whether the applicant has theretofore been licensed as a driver, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for the suspension, revocation or refusal.

(f) Include such other information as the Department may require to determine the competency and eligibility of the applicant.

2. Every applicant must furnish proof of his or her full legal name and age by displaying:

(a) An original or certified copy of the required documents as prescribed by regulation; or

(b) A photo identification card issued by the Department of Corrections pursuant to NRS 209.511.

3. The Department shall adopt regulations prescribing the documents an applicant may use to furnish proof of his or her full legal name and age to the Department pursuant to paragraph (a) of subsection 2, including, without limitation, a document issued by the Department pursuant to NRS 483.375 or 483.8605.

4. At the time of applying for a driver's license, an applicant may, if eligible, preregister or register to vote pursuant to NRS 293.524.

5. Every applicant who has been assigned a social security number must furnish proof of his or her social security number by displaying:

(a) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or

(b) Other proof acceptable to the Department, including, without limitation, records of employment or federal income tax returns.

6. The Department may refuse to accept a driver's license issued by another state ~~[, the District of Columbia or any territory of the United States]~~ if the Department determines that the other state ~~[, the District of Columbia or the territory of the United States]~~ has less stringent standards than the State of Nevada for the issuance of a driver's license.

7. With respect to any document presented by a person who was born outside of the United States , *the Commonwealth of Puerto Rico, American Samoa, Guam, the Northern Mariana Islands or the United States Virgin Islands* ~~*[or any territory or insular possession of the United States]*~~ to prove his or her full legal name and age, the Department:

(a) May, if the document has expired, refuse to accept the document or refuse to issue a driver's license to the person presenting the document, or both; and

(b) Shall issue to the person presenting the document a driver's license that is valid only during the time the applicant is authorized to stay in the United States, or if there is no definite end to the time the applicant is authorized to stay, the driver's license is valid for 1 year beginning on the date of issuance.

8. The Administrator shall adopt regulations setting forth criteria pursuant to which the Department will issue or refuse to issue a driver's license in accordance with this section to a person who is a citizen of any state ~~[, the District of Columbia, any territory of the United States]~~ or a foreign country. The criteria pursuant to which the Department shall issue or refuse to issue a driver's license to a citizen of a foreign country must be based upon the purpose for which that person is present within the United States.

9. Notwithstanding any other provision of this section, the Department shall not accept a consular identification card as proof of the age or identity of an applicant for an instruction permit or for a driver's license. As used in this subsection, "consular identification card" has the meaning ascribed to it in NRS 232.006.

Sec. 4. NRS 483.291 is hereby amended to read as follows:

483.291 1. An application for an instruction permit or for a driver authorization card must:

(a) Be made upon a form furnished by the Department.

(b) Be verified by the applicant before a person authorized to administer oaths. Officers and employees of the Department may administer those oaths without charge.

(c) Be accompanied by the required fee.

(d) State the name, date of birth, sex and residence address of the applicant and briefly describe the applicant.

(e) State whether the applicant has theretofore been licensed as a driver, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for the suspension, revocation or refusal.

(f) Include such other information as the Department may require to determine the competency and eligibility of the applicant.

2. Every applicant must furnish proof of his or her name and age by displaying an original or certified copy of:

(a) Any one of the following documents:

(1) A birth certificate issued by a state ~~[,]~~ *or* a political subdivision of a state *;* ~~[, the District of Columbia or any territory of the United States;]~~

(2) A driver's license issued by another state ~~[, the District of Columbia or any territory of the United States]~~ which is issued pursuant to the standards established by 6 C.F.R. Part 37, Subparts A to E, inclusive, and which contains a security mark approved by the United States Department of Homeland Security in accordance with 6 C.F.R. § 37.17;

(3) A passport issued by the United States Government;

(4) A military identification card or military dependent identification card issued by any branch of the Armed Forces of the United States;

(5) For persons who served in any branch of the Armed Forces of the United States, a report of separation;

(6) A Certificate of Degree of Indian or Alaska Native Blood issued by the United States Government;

(7) A Certificate of Citizenship, Certificate of Naturalization, Permanent Resident Card or Temporary Resident Card issued by the United States Citizenship and Immigration Services of the Department of Homeland Security;

(8) A Consular Report of Birth Abroad issued by the Department of State;

(9) A document issued by the Department pursuant to NRS 483.375 or 483.8605; or

(10) Such other documentation as specified by the Department by regulation; or

(b) Any two of the following documents:

(1) A driver's license issued by another state ~~[, the District of Columbia or any territory of the United States]~~ other than such a driver's license described in subparagraph (2) of paragraph (a);

(2) A passport issued by a foreign government;

(3) A birth certificate issued by a foreign government;

(4) A consular identification card issued by the Government of Mexico or a document issued by another government that the Department determines is substantially similar; or

(5) Any other proof acceptable to the Department.

➥ No document which is written in a language other than English may be accepted by the Department pursuant to this subsection unless it is accompanied by a verified translation of the document in the English language.

3. Every applicant must prove his or her residence in this State by displaying an original or certified copy of any two of the following documents:

(a) A receipt from the rent or lease of a residence located in this State;

(b) A record from a public utility for a service address located in this State which is dated within the previous 60 days;

(c) A bank or credit card statement indicating a residential address located in this State which is dated within the previous 60 days;

(d) A stub from an employment check indicating a residential address located in this State;

(e) A document issued by an insurance company or its agent, including, without limitation, an insurance card, binder or bill, indicating a residential address located in this State;

(f) A record, receipt or bill from a medical provider indicating a residential address located in this State; or

(g) Any other document as prescribed by the Department by regulation.

4. Except as otherwise provided in subsection 5, a driver authorization card or instruction permit obtained in accordance with this section must:

(a) Contain the same information as prescribed for a driver's license pursuant to NRS 483.340 and any regulations adopted pursuant thereto;

(b) Be of the same design as a driver's license and contain only the minimum number of changes from that design that are necessary to comply with subsection 5; and

(c) Be numbered from the same sequence of numbers as a driver's license.

5. A driver authorization card or instruction permit obtained in accordance with this section must comply with the requirements of section 202(d)(11) of the Real ID Act of 2005, Public Law 109-13, Division B, Title II, 119 Stat. 302, 312-15, 49 U.S.C. § 30301 note.

6. Notwithstanding the provisions of NRS 483.380, every driver authorization card:

(a) Expires on the fourth anniversary of the holder's birthday, measured in the case of initial issuance or renewal from the birthday nearest the date of issuance or renewal.

(b) Is renewable at any time before its expiration upon application and payment of the required fee. The Department may, by regulation, defer the expiration of the driver authorization card of a person who is on active duty in the Armed Forces of the United States upon such terms and conditions as it may prescribe. The Department may similarly defer the expiration of the driver authorization card of the spouse or dependent son or daughter of that person if the spouse or child is residing with the person.

7. A driver authorization card shall not be used to determine eligibility for any benefits, licenses or services issued or provided by this State or its political subdivisions.

8. Except as otherwise provided in this section or by specific statute, any provision of this title that applies to drivers' licenses shall be deemed to apply to a driver authorization card and an instruction permit obtained in accordance with this section.

Sec. 5. NRS 483.860 is hereby amended to read as follows:

483.860 1. Every applicant for an identification card must furnish proof of his or her full legal name and age by presenting:

(a) An original or certified copy of the required documents as prescribed by regulation; or

(b) A photo identification card issued by the Department of Corrections pursuant to NRS 209.511.

2. The Director shall adopt regulations:

(a) Prescribing the documents an applicant may use to furnish proof of his or her full legal name and age to the Department pursuant to paragraph (a) of subsection 1, including, without limitation, a document issued by the Department pursuant to NRS 483.375 or 483.8605; and

(b) Setting forth criteria pursuant to which the Department will issue or refuse to issue an identification card in accordance with this section to a person who is a citizen of a state ~~[, the District of Columbia, any territory of the United States]~~ or a foreign country. The criteria pursuant to which the Department shall issue or refuse to issue an identification card to a citizen of a foreign country must be based upon the purpose for which that person is present within the United States.

3. Notwithstanding any other provision of this section, the Department shall not accept a consular identification card as proof of the age or identity of an applicant for an identification card. As used in this subsection, "consular identification card" has the meaning ascribed to it in NRS 232.006.

Sec. 6. NRS 486.081 is hereby amended to read as follows:

486.081 1. Every application for a motorcycle driver's license must be made upon a form furnished by the Department and must be verified by the applicant before a person authorized to administer oaths. Officers and employees of the Department may administer those oaths without charge.

2. Every application must:

(a) State the full legal name, date of birth, sex, address of principal residence and mailing address, if different from the address of principal residence;

(b) Briefly describe the applicant;

(c) State whether the applicant has previously been licensed as a driver, and, if so, when and by what state or country;

(d) State whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation or refusal; and

(e) Give such other information as the Department requires to determine the competency and eligibility of the applicant.

3. Every applicant shall furnish proof of his or her full legal name and age by displaying an original or certified copy of the required documents as prescribed by regulation.

4. The Department shall adopt regulations prescribing the documents an applicant may use to furnish proof of his or her full legal name and age to the Department, including, without limitation, a document issued by the Department pursuant to NRS 483.375 or 483.8605.

5. Every applicant who has been assigned a social security number must furnish proof of the social security number by displaying:

(a) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or

(b) Other proof acceptable to the Department, including, without limitation, records of employment or federal income tax returns.

6. The Department may refuse to accept a driver's license issued by another state, the District of Columbia *, the Commonwealth of Puerto Rico, American Samoa, Guam, the Northern Mariana Islands and the United States Virgin Islands* ~~[or any a territory or insular possession of the United States]~~ if the Department determines that the other state, the District of Columbia *, the Commonwealth of Puerto Rico, American Samoa, Guam, the Northern Mariana Islands or the United States Virgin Islands* ~~[or the territory or insular possession of the United States]~~ has less stringent standards than the State of Nevada for the issuance of a driver's license.

7. With respect to any document that has expired:

(a) The Department may refuse to accept the document or refuse to issue a driver's license to the person presenting the document, or both; and

(b) If the document indicates that the person is authorized to stay in the United States, the Department shall issue to the person presenting the document a driver's license that is valid only during the time the applicant is authorized to stay in the United States, or if there is no definite end to the time the applicant is authorized to stay, the driver's license is valid for 1 year beginning on the date of issuance.

8. The Director shall adopt regulations setting forth criteria pursuant to which the Department will issue or refuse to issue a driver's license in accordance with this section to a person who is a citizen of a state, the District of Columbia, ~~[any]~~ *the Commonwealth of Puerto Rico, American Samoa, Guam, the Northern Mariana Islands and the United States Virgin Islands* ~~[or a territory or insular possession of the United States]~~ or a foreign country. The criteria pursuant to which the Department shall issue or refuse to issue a driver's license to a citizen of a foreign country must be based upon the purpose for which that person is present within the United States.

9. Notwithstanding any other provision of this section, the Department shall not accept a consular identification card as proof of the age or identity of

an applicant for a motorcycle driver's license. As used in this subsection, "consular identification card" has the meaning ascribed to it in NRS 232.006.

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

Senator Cancela moved the adoption of the amendment.

Remarks by Senator Cancela.

Amendment No. 172 makes one change to Senate Bill No. 396. The amendment removes "any territory of insular possession subject to the jurisdiction of the United States" from the definition of state.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 475.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 282.

SUMMARY—Revises provisions relating to the evaluation of educational employees and makes various other changes to provisions relating to education. (BDR 34-816)

AN ACT relating to education; requiring the development of an electronic tool for providing documents concerning evaluations of educational employees to the employees; requiring certain licensed educational personnel to be evaluated pursuant to the statewide performance evaluation system; reducing the percentage of the evaluation of a teacher or certain administrators comprised by pupil performance; removing certain sanctions for a teacher or administrator whose performance is designated as developing; requiring a study of the impact and validity of the statewide performance evaluation system; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Education to establish a statewide performance evaluation system for evaluating the performance of educational employees. (NRS 391.465) Section 1 of this bill requires the Department of Education to develop an electronic tool for providing documents concerning such evaluations to educational employees. Section 2 of this bill makes a conforming change.

Existing law prescribes separate requirements concerning the evaluation of teachers and administrators, including: (1) administrators who provide primarily administrative services at the school level; and (2) administrators at the district level who provide direct supervision of the principal of a school. (NRS 391.680-391.720) Existing law additionally authorizes the State Board to provide for evaluations of counselors, librarians and other licensed educational personnel, except for teachers and administrators. (NRS 391.675) Section 6 of this bill instead requires such other licensed educational personnel to be evaluated annually in a similar manner to teachers. Sections 3-5 and 7 of this bill make conforming changes.

Existing law requires pupil growth to account for 40 percent of the evaluation of a teacher or administrator who provides direct instructional services to pupils at a school. (NRS 391.465, 391.480) Section 4 of this bill instead requires pupil growth to account for 20 percent of the evaluation of a teacher or such an administrator ~~[. Section 4 also requires instructional practice to account for 60 percent of the evaluation and professional responsibilities to account for 20 percent of the evaluation.]~~ for the 2019-2020 school year. Section 4.5 decreases this percentage to 15 percent for each school year thereafter.

Existing law requires the overall performance of an educational employee to be designated as highly effective, effective, developing or ineffective. (NRS 391.465) Existing law: (1) authorizes a school district not to renew the contract of a probationary teacher or certain administrators whose performance is designated as developing or ineffective; and (2) requires a postprobationary employee whose performance is designated as developing or ineffective for 2 consecutive years to serve an additional probationary period. (NRS 391.725, 391.730) Section 7 of this bill removes authorization for a school district not to renew the contract of a probationary teacher or administrator whose performance is designated as developing. Section 8 of this bill removes the requirement that a postprobationary employee whose performance is designated as developing for 2 consecutive years must serve an additional probationary period. Section 9 of this bill requires the Department to enter into a contract with a consultant to study the impact and validity of the statewide performance evaluation system.

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

Section 1. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

The Department shall, in consultation with the boards of trustees of school districts ~~[,]~~ and the Council, develop an electronic tool for providing documents concerning evaluations conducted pursuant to NRS 391.680 to 391.730, inclusive, to teachers, administrators and other licensed educational personnel. The tool must ~~[:~~

~~1. Allow]~~ allow an administrator who conducts an evaluation to:

~~[(a)]~~ 1. Immediately share documents concerning the evaluation with the teacher, administrator or other licensed educational employee who is the subject of the evaluation; and

~~[(b)]~~ 2. Recommend professional development courses to improve the performance and knowledge of the teacher, administrator or other licensed educational employee who is the subject of the evaluation.

~~[2. Include, without limitation, drop-down menus that allow the teacher, administrator or other licensed educational employee to access a description of each indicator used in the evaluation.]~~

Sec. 2. NRS 391.450 is hereby amended to read as follows:

391.450 As used in NRS 391.450 to 391.485, inclusive, *and section 1 of this act,* "Council" means the Teachers and Leaders Council of Nevada created by NRS 391.455.

Sec. 3. NRS 391.460 is hereby amended to read as follows:

391.460 1. The Council shall:

(a) Make recommendations to the State Board concerning the adoption of regulations for establishing a statewide performance evaluation system to ensure that teachers, administrators who provide primarily administrative services at the school level , ~~[and]~~ administrators at the district level who provide direct supervision of the principal of a school, and who do not provide primarily direct instructional services to pupils, *and other licensed educational personnel,* regardless of whether licensed as a teacher or administrator, including, without limitation, a principal and vice principal are:

(1) Evaluated using multiple, fair, timely, rigorous and valid methods, which includes evaluations based upon pupil growth as required by NRS 391.465;

(2) Afforded a meaningful opportunity to improve their effectiveness through professional development that is linked to their evaluations; and

(3) Provided with the means to share effective educational methods with other teachers , ~~[and]~~ administrators *and other licensed educational personnel* throughout this State.

(b) Develop and recommend to the State Board a plan, including duties and associated costs, for the development and implementation of the performance evaluation system by the Department and school districts.

(c) Consider the role of professional standards for teachers , ~~[and]~~ administrators *and other licensed educational personnel* to which paragraph (a) applies and, as it determines appropriate, develop a plan for recommending the adoption of such standards by the State Board.

(d) Develop and recommend to the State Board a process for peer observations of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching, and includes, without limitation, conducting observations, participating in conferences before and after observations of the teacher and providing information and resources to the teacher about strategies for effective teaching.

2. The performance evaluation system recommended by the Council must ensure that:

(a) Data derived from the evaluations is used to create professional development programs that enhance the effectiveness of teachers , ~~[and]~~ administrators ~~[,]~~ and *other licensed educational personnel; and*

(b) A timeline is included for monitoring the performance evaluation system at least annually for quality, reliability, validity, fairness, consistency and objectivity.

3. The Council may establish such working groups, task forces and similar entities from within or outside its membership as necessary to address specific issues or otherwise to assist in its work.

4. The State Board shall consider the recommendations made by the Council pursuant to this section and shall adopt regulations establishing a statewide performance evaluation system as required by NRS 391.465.

Sec. 4. NRS 391.465 is hereby amended to read as follows:

391.465 1. The State Board shall, based upon the recommendations of the Teachers and Leaders Council of Nevada submitted pursuant to NRS 391.460, adopt regulations establishing a statewide performance evaluation system which incorporates multiple measures of an employee's performance. Except as otherwise provided in subsection 3, the State Board shall prescribe the tools to be used by a school district for obtaining such measures.

2. The statewide performance evaluation system must:

(a) Require that an employee's overall performance is determined to be:

(1) Highly effective;

(2) Effective;

(3) Developing; or

(4) Ineffective.

(b) Include the criteria for making each designation identified in paragraph (a).

(c) Except as otherwise provided in subsections 2 and 3 of NRS 391.695 and subsections 2 and 3 of NRS 391.715, require that pupil ~~[:~~

~~*(1) Pupil]*~~ growth, as determined pursuant to NRS 391.480, account for ~~[~~40~~]~~ *20* percent of the evaluation ~~[.]~~ *of a teacher or administrator who provides direct instructional services to pupils at a school in a school district.*

~~*[(2) Instructional practice account for 60 percent of the evaluation of a teacher or administrator who provides direct instructional services to pupils at a school in a school district.*~~

~~*(3) Professional responsibilities account for 20 percent of the evaluation of a teacher or administrator who provides direct instructional services to pupils at a school in a school district.]*~~

(d) Include an evaluation of whether the teacher, or administrator who provides primarily administrative services at the school level or administrator at the district level who provides direct supervision of the principal of a school, and who does not provide primarily direct instructional services to pupils, regardless of whether the probationary administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal ~~[,]~~ *or licensed educational employee, other than a teacher or administrator,* employs practices and strategies to involve and engage the parents and families of pupils.

(e) Include a process for peer observations of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching, and includes, without limitation,

conducting observations, participating in conferences before and after observations of the teacher and providing information and resources to the teacher about strategies for effective teaching. The regulations must include the criteria for school districts to determine which educational personnel are qualified to conduct peer observations pursuant to the process.

3. A school district may apply to the State Board to use a performance evaluation system and tools that are different than the evaluation system and tools prescribed pursuant to subsection 1. The application must be in the form prescribed by the State Board and must include, without limitation, a description of the evaluation system and tools proposed to be used by the school district. The State Board may approve the use of the proposed evaluation system and tools if it determines that the proposed evaluation system and tools apply standards and indicators that are equivalent to those prescribed by the State Board.

4. An administrator at the district level who provides direct supervision of the principal of a school and who also serves as the superintendent of schools of a school district must not be evaluated using the statewide performance evaluation system.

Sec. 4.5. NRS 391.465 is hereby amended to read as follows:

391.465 1. The State Board shall, based upon the recommendations of the Teachers and Leaders Council of Nevada submitted pursuant to NRS 391.460, adopt regulations establishing a statewide performance evaluation system which incorporates multiple measures of an employee's performance. Except as otherwise provided in subsection 3, the State Board shall prescribe the tools to be used by a school district for obtaining such measures.

2. The statewide performance evaluation system must:

(a) Require that an employee's overall performance is determined to be:

(1) Highly effective;

(2) Effective;

(3) Developing; or

(4) Ineffective.

(b) Include the criteria for making each designation identified in paragraph (a).

(c) Except as otherwise provided in subsections 2 and 3 of NRS 391.695 and subsections 2 and 3 of NRS 391.715, require that pupil growth, as determined pursuant to NRS 391.480, account for ~~[20]~~ *15* percent of the evaluation of a teacher or administrator who provides direct instructional services to pupils at a school in a school district.

(d) Include an evaluation of whether the teacher, or administrator who provides primarily administrative services at the school level or administrator at the district level who provides direct supervision of the principal of a school, and who does not provide primarily direct instructional services to pupils, regardless of whether the probationary administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal or

licensed educational employee, other than a teacher or administrator, employs practices and strategies to involve and engage the parents and families of pupils.

(e) Include a process for peer observations of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching, and includes, without limitation, conducting observations, participating in conferences before and after observations of the teacher and providing information and resources to the teacher about strategies for effective teaching. The regulations must include the criteria for school districts to determine which educational personnel are qualified to conduct peer observations pursuant to the process.

3. A school district may apply to the State Board to use a performance evaluation system and tools that are different than the evaluation system and tools prescribed pursuant to subsection 1. The application must be in the form prescribed by the State Board and must include, without limitation, a description of the evaluation system and tools proposed to be used by the school district. The State Board may approve the use of the proposed evaluation system and tools if it determines that the proposed evaluation system and tools apply standards and indicators that are equivalent to those prescribed by the State Board.

4. An administrator at the district level who provides direct supervision of the principal of a school and who also serves as the superintendent of schools of a school district must not be evaluated using the statewide performance evaluation system.

Sec. 5. NRS 391.485 is hereby amended to read as follows:

391.485 1. The State Board shall annually review the statewide performance evaluation system to ensure accuracy and reliability. Such a review must include, without limitation, an analysis of the:

(a) Number and percentage of teachers , ~~[and]~~ administrators *and other licensed educational personnel* who receive each designation identified in paragraph (a) of subsection 2 of NRS 391.465 in each school, school district, and the State as a whole;

(b) Data used to evaluate pupil growth in each school, school district and the State as a whole, including, without limitation, any observations; and

(c) Effect of the evaluations conducted pursuant to the statewide system of accountability for public schools on the academic performance of pupils enrolled in the school district in each school and school district, and the State as a whole.

2. The board of trustees of each school district shall annually review the manner in which schools in the school district carry out the evaluation of teachers , ~~[and]~~ administrators *and other licensed educational personnel* pursuant to the statewide performance evaluation system.

3. The Department may review the manner in which the statewide performance evaluation system is carried out by each school district, including,

without limitation, the manner in which the learning goals for pupils are established and evaluated pursuant to NRS 391.480.

Sec. 6. NRS 391.675 is hereby amended to read as follows:

391.675 *1.* The State Board ~~[may provide]~~ *shall adopt regulations providing* for evaluations of counselors, librarians and other licensed educational personnel, except for teachers and administrators, and determine the manner in which to measure the performance of such personnel, including, without limitation, whether to use pupil achievement data as part of the evaluation. *The regulations adopted pursuant to this section must require:*

(a) The evaluation of each counselor, librarian or other licensed educational employee at least once each school year; and

(b) Such evaluations to be conducted, to the extent practicable, in a similar manner to the evaluations of teachers conducted pursuant to NRS 391.680 to 391.695, inclusive.

2. The counselor, librarian or other licensed educational employee must receive a copy of each evaluation not later than 15 days after the evaluation. A copy of the evaluation and the response of the employee must be permanently attached to the personnel file of the employee. Upon the request of the counselor, librarian or other licensed educational employee, a reasonable effort must be made to assist the employee to improve his or her performance based upon the recommendations reported in the evaluation of the employee.

Sec. 7. NRS 391.725 is hereby amended to read as follows:

391.725 1. If a written evaluation of a probationary teacher, ~~[or]~~ a probationary administrator who provides primarily administrative services at the school level and who does not provide primarily direct instructional services to pupils, regardless of whether the probationary administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal ~~[,]~~ *or a probationary licensed educational employee, other than a teacher or administrator,* designates the overall performance of the teacher *,* ~~[or]~~ administrator *or probationary licensed educational employee* as ~~["developing" or]~~ "ineffective":

(a) The written evaluation must include the following statement: "Please be advised that, pursuant to Nevada law, your contract may not be renewed for the next school year. If you receive ~~[a 'developing' or]~~ *an* 'ineffective' evaluation and are reemployed for a second or third year of your probationary period, you may request that your next evaluation be conducted by another administrator. You may also request, to the administrator who conducted the evaluation, reasonable assistance in improving your performance based upon the recommendations reported in the evaluation for which you request assistance, and upon such request, a reasonable effort will be made to assist you in improving your performance."

(b) The probationary teacher *,* ~~[or]~~ probationary administrator ~~[,]~~ *or probationary licensed educational employee,* as applicable, must acknowledge in writing that he or she has received and understands the statement described in paragraph (a).

2. If a probationary teacher , ~~[or]~~ probationary administrator *or probationary licensed educational employee, other than a teacher or administrator,* to which subsection 1 applies requests that his or her next evaluation be conducted by another administrator in accordance with the notice required by subsection 1, the administrator conducting the evaluation must be:

(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and

(b) Selected by the probationary teacher , ~~[or]~~ probationary administrator ~~[,]~~ *or probationary licensed educational employee, other than a teacher or administrator,* as applicable, from a list of three candidates submitted by the superintendent.

3. If a probationary teacher , ~~[or]~~ probationary administrator *or probationary licensed educational employee, other than a teacher or administrator* to which subsection 1 applies requests assistance in improving performance reported in his or her evaluation, the administrator who conducted the evaluation shall ensure that a reasonable effort is made to assist the probationary teacher , ~~[or]~~ probationary administrator *or probationary licensed educational employee, as applicable,* in improving his or her performance.

Sec. 8. NRS 391.730 is hereby amended to read as follows:

391.730 Except as otherwise provided in NRS 391.825, a postprobationary employee who receives an evaluation designating his or her overall performance as:

1. ~~[Developing;~~

~~2.]~~ Ineffective; or

~~[3.]~~ *2.* Developing during 1 year of the 2-year consecutive period and ineffective during the other year of the period,

➥ for 2 consecutive school years shall be deemed to be a probationary employee for the purposes of NRS 391.650 to 391.830, inclusive, and must serve an additional probationary period in accordance with the provisions of NRS 391.820.

Sec. 9. The Department of Education shall:

1. Enter into a contract with a consultant to study the impact and validity of the statewide performance evaluation system established pursuant to NRS 391.465.

2. Request an allocation by the Interim Finance Committee from the Contingency Account pursuant to NRS 353.266, 353.268 and 353.269 for the money needed to conduct the study.

3. On or before July 1, 2020:

(a) Submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Education a report of the findings of the study conducted pursuant to subsection 1; and

(b) Present the findings of the study conducted pursuant to subsection 1 at a meeting of the Legislative Committee on Education.

Sec. 10. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 11. ~~[This act becomes effective:~~

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

~~2. On January 1, 2020, for all other purposes.]~~

1. This section and sections 1 to 4, inclusive, and 5 to 10, inclusive, of this act become effective on July 1, 2019.

2. Section 4.5 of this act becomes effective on July 1, 2020.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 282 to Senate Bill No. 475 does the following: clarifies that the Teacher and Leaders Council of Nevada should be consulted in developing an electronic tool for providing evaluation documents; revises pupil growth to account for 20 percent of a teacher's evaluation during the School Year 2019-2020 and 15 percent every school year thereafter; and changes the effective date for certain provisions.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 184.

Bill read third time.

Remarks by Senator Seevers Gansert.

Senate Bill No. 184 expands the list of potential witnesses to an allegation of child abuse, neglect or corporal punishment that may be interviewed by a child welfare-service agency to include any child who is identified as a witness to allegations contained in a report of such abuse or neglect. The bill requires the consent of the parent or guardian of any such child witness who is to be interviewed and provides for the protection of the identity of the child. A child welfare-service agency with a substantiated report of certain child abuse, neglect or corporal punishment must provide the parent or guardian of the child a summary of the outcome of the investigation and any disciplinary action taken against the person who allegedly committed the abuse or neglect. The parent or guardian may disclose certain information related to the report to an attorney for the child or the parent or guardian.

Roll call on Senate Bill No. 184:

YEAS—21.

NAYS—None.

Senate Bill No. 184 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 262.

Bill read third time.

The following amendment was proposed by Senator Settelmeyer:

Amendment No. 529.

SUMMARY—Makes various changes relating to ~~[provide for]~~ tracking and reporting of information concerning the pricing of certain prescription drugs ~~[for treating asthma.]~~ (BDR 40-55)

AN ACT relating to prescription drugs; making various changes to provide for tracking and reporting of information concerning the pricing of prescription drugs for treating asthma; requiring certain insurers to provide certain notice concerning those drugs to insureds; providing for an administrative penalty for failure to provide certain information concerning those drugs to the Department of Health and Human Services; allowing such information to be protected as a trade secret; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services to compile: (1) a list of prescription drugs that the Department determines to be essential for treating diabetes in this State; and (2) a list of such prescription drugs that have been subject to a significant price increase within the immediately preceding 2 calendar years. (NRS 439B.630) Existing law requires the manufacturer of a prescription drug included on the list of essential diabetes drugs to submit to the Department an annual report that contains certain information concerning the cost of the drug. (NRS 439B.635) Existing law additionally requires the manufacturer of a drug included on the list of essential diabetes drugs that have undergone a substantial cost increase to submit to the Department a report concerning the reasons for the cost increase. (NRS 439B.640) Existing law requires a pharmacy benefit manager to report certain information concerning essential diabetes drugs to the Department. (NRS 439B.645) Existing law authorizes the Department to impose an administrative penalty against a manufacturer, pharmacy benefit manager, nonprofit organization or pharmaceutical sales representative who fails to provide the required information. (NRS 439B.695) The Department is required to analyze the information submitted by such manufacturers and compile a report concerning the reasons for and effect of the pricing of essential diabetes drugs. (NRS 439B.650) Existing law requires an insurer that offers or issues a policy of individual health insurance and uses a formulary to provide, during each open enrollment period, a notice of any drugs on the list of essential diabetes drugs that have been removed from the formulary or will be removed from the formulary during the current plan year or the next plan year. (NRS 689A.405)

~~[This]~~ Sections 1-3, 4 and 5 of this bill ~~[makes]~~ make those provisions apply to drugs for treating asthma to the same extent as drugs for treating diabetes. Additionally, section 3 of this bill authorizes the Department to use the money collected from administrative penalties for failure to submit a required report to establish and carry out programs to provide education concerning asthma and to prevent asthma.

Existing law provides that information disclosed to the Department by a manufacturer of a list of essential diabetes drugs is not a trade secret for the purposes of provisions prohibiting the theft and misappropriation of trade secrets. (NRS 600A.030) Section 3.5 of this bill removes this provision,

allowing such information to constitute a trade secret if it otherwise meets the requirements to be considered a trade secret.

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

Section 1. NRS 439B.630 is hereby amended to read as follows:

439B.630 On or before February 1 of each year, the Department shall compile:

1. A list of prescription drugs that the Department determines to be essential for treating *asthma and* diabetes in this State and the wholesale acquisition cost of each such drug on the list. The list must include, without limitation, all forms of insulin and biguanides marketed for sale in this State.

2. A list of prescription drugs described in subsection 1 that have been subject to an increase in the wholesale acquisition cost of a percentage equal to or greater than:

(a) The percentage increase in the Consumer Price Index, Medical Care Component during the immediately preceding calendar year; or

(b) Twice the percentage increase in the Consumer Price Index, Medical Care Component during the immediately preceding 2 calendar years.

Sec. 2. NRS 439B.650 is hereby amended to read as follows:

439B.650 On or before June 1 of each year, the Department shall analyze the information submitted pursuant to NRS 439B.635, 439B.640 and 439B.645 and compile a report on the price of the prescription drugs that appear on the most current lists compiled by the Department pursuant to NRS 439B.630, the reasons for any increases in those prices and the effect of those prices on overall spending on prescription drugs in this State. The report may include, without limitation, opportunities for persons and entities in this State to lower the cost of drugs for the treatment of *asthma and* diabetes while maintaining access to such drugs.

Sec. 3. NRS 439B.695 is hereby amended to read as follows:

439B.695 1. If a pharmacy that is licensed under the provisions of chapter 639 of NRS and is located within the State of Nevada fails to provide to the Department the information required to be provided pursuant to NRS 439B.655 or fails to provide such information on a timely basis, and the failure was not caused by excusable neglect, technical problems or other extenuating circumstances, the Department may impose against the pharmacy an administrative penalty of not more than $500 for each day of such failure.

2. If a manufacturer fails to provide to the Department the information required by NRS 439B.635, 439B.640 or 439B.660, a pharmacy benefit manager fails to provide to the Department the information required by NRS 439B.645, a nonprofit organization fails to post or provide to the Department, as applicable, the information required by NRS 439B.665 or a manufacturer, pharmacy benefit manager or nonprofit organization fails to post or provide, as applicable, such information on a timely basis, and the failure was not caused by excusable neglect, technical problems or other extenuating circumstances, the Department may impose against the

manufacturer, pharmacy benefit manager or nonprofit organization, as applicable, an administrative penalty of not more than $5,000 for each day of such failure.

3. If a pharmaceutical sales representative fails to comply with the requirements of NRS 439B.660, the Department may impose against the pharmaceutical sales representative an administrative penalty of not more than $500 for each day of such failure.

4. Any money collected as administrative penalties pursuant to this section must be accounted for separately and used by the Department to establish and carry out programs to provide education concerning *asthma and* diabetes and prevent ~~[diabetes.]~~ *those diseases.*

Sec. 3.5. NRS 600A.030 is hereby amended to read as follows:

600A.030 As used in this chapter, unless the context otherwise requires:

1. "Improper means" includes, without limitation:

(a) Theft;

(b) Bribery;

(c) Misrepresentation;

(d) Willful breach or willful inducement of a breach of a duty to maintain secrecy;

(e) Willful breach or willful inducement of a breach of a duty imposed by common law, statute, contract, license, protective order or other court or administrative order; and

(f) Espionage through electronic or other means.

2. "Misappropriation" means:

(a) Acquisition of the trade secret of another by a person by improper means;

(b) Acquisition of a trade secret of another by a person who knows or has reason to know that the trade secret was acquired by improper means; or

(c) Disclosure or use of a trade secret of another without express or implied consent by a person who:

(1) Used improper means to acquire knowledge of the trade secret;

(2) At the time of disclosure or use, knew or had reason to know that his or her knowledge of the trade secret was:

(I) Derived from or through a person who had used improper means to acquire it;

(II) Acquired under circumstances giving rise to a duty to maintain its secrecy or limit its use; or

(III) Derived from or through a person who owed a duty to the person seeking relief to maintain its secrecy or limit its use; or

(3) Before a material change of his or her position, knew or had reason to know that it was a trade secret and that knowledge of it had been acquired by accident or mistake.

3. "Owner" means the person who holds legal or equitable title to a trade secret.

4. "Person" means a natural person, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

5. "Trade secret" ~~[.~~

~~(a) Means]~~ *means* information, including, without limitation, a formula, pattern, compilation, program, device, method, technique, product, system, process, design, prototype, procedure, computer programming instruction or code that:

~~[(1)]~~ *(a)* Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by the public or any other persons who can obtain commercial or economic value from its disclosure or use; and

~~[(2)]~~ *(b)* Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

~~[(b) Does not include any information that a manufacturer is required to report pursuant to NRS 439B.635 or 439B.640, information that a pharmaceutical sales representative is required to report pursuant to NRS 439B.660 or information that a pharmacy benefit manager is required to report pursuant to NRS 439B.645, to the extent that such information is required to be disclosed by those sections.]~~

Sec. 4. NRS 689A.405 is hereby amended to read as follows:

689A.405 1. An insurer that offers or issues a policy of health insurance which provides coverage for prescription drugs shall include with any summary, certificate or evidence of that coverage provided to an insured, notice of whether a formulary is used and, if so, of the opportunity to secure information regarding the formulary from the insurer pursuant to subsection 2. The notice required by this subsection must:

(a) Be in a language that is easily understood and in a format that is easy to understand;

(b) Include an explanation of what a formulary is; and

(c) If a formulary is used, include:

(1) An explanation of:

(I) How often the contents of the formulary are reviewed; and

(II) The procedure and criteria for determining which prescription drugs are included in and excluded from the formulary; and

(2) The telephone number of the insurer for making a request for information regarding the formulary pursuant to subsection 2.

2. If an insurer offers or issues a policy of health insurance which provides coverage for prescription drugs and a formulary is used, the insurer shall:

(a) Provide to any insured or participating provider of health care, upon request:

(1) Information regarding whether a specific drug is included in the formulary.

(2) Access to the most current list of prescription drugs in the formulary, organized by major therapeutic category, with an indication of whether any

listed drugs are preferred over other listed drugs. If more than one formulary is maintained, the insurer shall notify the requester that a choice of formulary lists is available.

(b) Notify each person who requests information regarding the formulary, that the inclusion of a drug in the formulary does not guarantee that a provider of health care will prescribe that drug for a particular medical condition.

(c) During each period for open enrollment, publish on an Internet website that is operated by the insurer and accessible to the public or include in any enrollment materials distributed by the insurer a notice of all prescription drugs that:

(1) Are included on the most recent list of drugs that are essential for treating *asthma and* diabetes in this State compiled by the Department of Health and Human Services pursuant to subsection 1 of NRS 439B.630; and

(2) Have been removed or will be removed from the formulary during the current plan year or the next plan year.

(d) Update the notice required by paragraph (c) throughout the period for open enrollment.

Sec. 5. This act becomes effective:

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

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

Senator Settelmeyer moved the adoption of the amendment.

Remarks by Senators Settelmeyer and Cancela.

SENATOR SETTELMEYER:

With regards to Amendment No. 529 to Senate Bill No. 262, I have approved similar concepts in the past supporting other medication. There has been litigation and settlement on this issue. In order to avoid costly litigation in the future, I seek to codify this settlement in *Nevada Revised Statutes* and to all other drugs that would go into this categorization.

This will not reduce required information that is submitted to the Department nor change the regulatory process of the State, manufacturers or what prescription-box manufacturers currently follow. It will ensure the information submitted pursuant to this bill is not treated differently than any other trade-secret information the State currently collects from other industries or for other means.

SENATOR CANCELA:

Although I appreciate the intent of this amendment, there are two points worth noting to this Body. This amendment could potentially weaken the information the State would receive from manufacturers and pharmacy benefit managers, essential information for understanding drug pricing in the State. This is why the language is written to reflect the bill from 2017.

Second, upon passage of Senate Bill 539 of the 79th Session, litigation ensued, and the State defended its case. As a result, through negotiations on the regulations, the suit was withdrawn. There was no formal settlement. The regulations addressed the concerns of the parties involved in the suit. I am hopeful the regulatory process will allow this discussion to move forward. The language in the amendment waters down the intent of this bill, and I ask the Body to reject it.

Motion failed.

Senator Cancela moved that the bill be taken from the General File and placed on the top of the General File for the next legislative day.

Motion carried.

REMARKS FROM THE FLOOR

Senator Cannizzaro requested that her remarks be entered in the Journal.

It is my sincere privilege today to welcome everyone to Alumni Day at the Legislature. As I look out upon this Chamber, I see many faces that have served with great distinction in the Nevada State Legislature. As a tradition, each Session the current Legislature welcomes back former Legislators in an effort to recognize the significant contributions made by these fine men and women from Sessions past. Additionally, this is also a time to reflect and recognize the service of Legislators who have recently passed away and are no longer with us.

As a citizen Legislature, which is composed of part-time Legislators from different walks of life, many former lawmakers served at a tremendous personal sacrifice to their careers or families. They did so for the greater good and in service to their fellow Nevadans, and it is this selfless contribution to our State that we also recognize here, today.

In addition to recognizing their service, today also affords current Legislators the opportunity to meet and speak with former Legislators. It gives us a chance to learn from those who served in the past and have helped shape Nevada. I would like to recognize and thank the former Legislators here with us today. Your service to our great State will always be revered by this Body and the people of Nevada. Please enjoy your day and well-deserved recognition in Carson City.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR.

On request of Senator Cancela, the privilege of the floor of the Senate Chamber for this day was extended to Nicole Lang and Aaromoni Raftery.

On request of Senator Cannizzaro, the privilege of the floor of the Senate Chamber for this day was extended to Scarlett Ancell, Benjamin Barragan, Cassius Benyameen, Alexis Bottrell, Kelsie Brady, Kindle Brady, Ethan Conrady, Neiah Conrady, Luke De Soto, Korissa Fox, Raegan Fox, Benjamin Garcia, Danny Garcia, Pedro Garcia, Alayna Kolish, Aliyah Kolish, Alyvia Kolish, Kiley Kolish, Mariah Kolish, Rusty McAllister, Lilyana Rosales, Taleigha Ross, Hunter Smith, Angelo Tatonetti and RJ Williams.

On request of Senator Denis, the privilege of the floor of the Senate Chamber for this day was extended to Tricia Catalino, Stacey Fisher, Susan Priestman, LuAnn Tucker and Kiara Williams.

On request of Senator Dondero Loop, the privilege of the floor of the Senate Chamber for this day was extended to Secretary of State Barbara Cegavske.

On request of Senator Goicoechea, the privilege of the floor of the Senate Chamber for this day was extended to Christian Lowe.

On request of Senator Hammond, the privilege of the floor of the Senate Chamber for this day was extended to former Senator Mike Sloan.

On request of Senator Hansen, the privilege of the floor of the Senate Chamber for this day was extended to Jesus Faz and Jorge Sanchez.

On request of Senator Hardy, the privilege of the floor of the Senate Chamber for this day was extended to former Senator Jospeh Heck, Marian Haffy Jr. and Crystal Vargas.

On request of Senator Harris, the privilege of the floor of the Senate Chamber for this day was extended to Attorney General Aaron Ford.

On request of Senator Kieckhefer, the privilege of the floor of the Senate Chamber for this day was extended to former Senator Ernest Adler.

On request of Senator Ohrenschall, the privilege of the floor of the Senate Chamber for this day was extended to Adonis Capa, Forrest Darby, George Dunkhurst Jr., Leticia Gonzalez, Mary Hartman, Fabiola Morales, Lana Prusinski and Nathaniel Prusinski and B.J. Thomas.

On request of Senator Parks, the privilege of the floor of the Senate Chamber for this day was extended to former Senator Helen Foley.

On request of Senator Pickard, the privilege of the floor of the Senate Chamber for this day was extended to Taylor Allison.

On request of Senator Ratti, the privilege of the floor of the Senate Chamber for this day was extended to Jon Amado, Jaiden Benton, Ted Bobo, Elyse Boszik, Alondra Caldera-Wells, Angle Dangel, Dean Dodd, Alex Estrada, Stephen Haney, Eli Harris, Trey Henry, Alden Kamaanu, Nathan Lacruze, Rodney Lauriano, Amber Lyman, former Senator Bernice Mathews, Anthony Martin, Arnold Martin, Sean Morris, Adam Nicely, Fernando Romo, Abraham Serrano and James Thissen

On request of Senator Scheible, the privilege of the floor of the Senate Chamber for this day was extended to former Senator Dennis Nolan.

On request of Senator Seevers Gansert, the privilege of the floor of the Senate Chamber for this day was extended to Joshua Marin-Mora and Kate Torres.

On request of Senator Settelmeyer, the privilege of the floor of the Senate Chamber for this day was extended to former Lieutenant Governor Brian Krolicki.

On request of Senator Spearman, the privilege of the floor of the Senate Chamber for this day was extended to Mary Milburn.

On request of Senator Washington, the privilege of the floor of the Senate Chamber for this day was extended to Nicholas Felixon and Andrew Legalley.

On request of Senator Woodhouse, the privilege of the floor of the Senate Chamber for this day was extended to former Senator Joseph Neal.

Senator Cannizzaro moved that the Senate adjourn until Thursday, April 18, 2019, at 11:00 a.m.

Motion carried.

Senate adjourned at 6:45 p.m.

Approved:

KATE MARSHALL
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate