

THE SEVENTY-FOURTH DAY

CARSON CITY (Thursday), April 18, 2019

Senate called to order at 11:46 a.m.

President Marshall presiding.

Roll called.

All present.

Prayer by the Chaplain, Staff Chaplain Peggy Locke.

We give You thanks, O Lord, God Almighty, the One who is, who was, and who is to come. We pray and give thanks, today, for our government and community leaders throughout our great State. We pray that You, O Lord, will give those in authority wisdom in every decision that needs to be made. Give them discernment and help them to continue to be strong and effective leaders. May they lead and govern with integrity, humility and compassion.

We pray for every Senator, their staff and families. We pray for Your peace, protection and provision for each family represented here today. We pray Your blessing on all our military and their families as well.

Ephesians 3:20: Now to Him who is able to do exceedingly abundantly above all that we ask or think, according to the power that works in us, to Him be glory in the church by Christ Jesus to all generations, forever and ever.

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 Education, to which was referred Senate Bill No. 89, 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. 182, 207, 242, 340, 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 Health and Human Services, to which were referred Senate Bills Nos. 194, 370, 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. 117, 245, 252, 427, 438, 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*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, April 17, 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. 260, 340, 450, 467, 471, 480, 484, 488, 490.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 88, 90, 109, 110, 120, 164, 174, 183, 195, 266, 285, 349.

Also, I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate Amendment No. 92 to Assembly Bill No. 65.

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 88.

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

Motion carried.

Assembly Bill No. 90.

Senator Ratti moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assembly Bill No. 109.

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

Motion carried.

Assembly Bill No. 110.

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

Motion carried.

Assembly Bill No. 120.

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

Motion carried.

Assembly Bill No. 164.

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

Motion carried.

Assembly Bill No. 174.

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

Motion carried.

Assembly Bill No. 183.

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

Motion carried.

Assembly Bill No. 195.

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

Assembly Bill No. 260.

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

Assembly Bill No. 266.

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

Assembly Bill No. 285.

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

Assembly Bill No. 340.

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

Assembly Bill No. 349.

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

Assembly Bill No. 450.

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

Assembly Bill No. 467.

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

Assembly Bill No. 471.

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

Assembly Bill No. 480.

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

Assembly Bill No. 484.

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

Assembly Bill No. 488.

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

Motion carried.

Assembly Bill No. 490.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 26.

Bill read second time and ordered to third reading.

Assembly Bill No. 154.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cancela moved that Senate Bill No. 201 be taken from the General File and placed on the General File on the last Agenda.

Motion carried.

Senator Cancela moved that Senate Bill No. 283 be taken from the General File and placed on the General File on the last Agenda.

Motion carried.

Senator Harris moved that Senate Bill No. 433 be taken from the General File and placed on the Secretary's desk.

Motion carried.

Senator Kieckhefer moved that Senate Bill No. 163 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 262.

Bill read third time.

Remarks by Senators Cancela, Hammond and Hardy.

SENATOR CANCELA:

I am proud to bring forward Senate Bill No. 262 for this Body's consideration. It makes changes to the tracking and reporting of information concerning the pricing of prescription drugs for treating asthma. One of the testimonies that stuck with me on this bill was hearing from my new friend, 12-year-old Joey, who talked about how difficult it is for his family to deal with the high cost of his asthma medications. The intent of this bill is to shed transparency on why those costs increase and help inform public policy so that we can make decisions to lower the cost of drugs like asthma drugs. The bill specifically has the Department of Health and Human Services compile and add to the list of drugs that have been subject to significant price increase in the immediately preceding two calendar years. It has certain reports that must be submitted by the manufacturer and by pharmacy benefit managers, and it indicates those reports must be compiled by the Department to analyze the pricing of essential asthma drugs. In addition, the bill authorizes the Department to use the money collected from any administrative penalties for failure to submit, to

establish and carry out those programs to provide education concerning asthma and to prevent asthma. I strongly urge this Body's support.

SENATOR HAMMOND:

Two years ago, we did something similar when we were considering medication for those who take insulin. What I liked about the legislation then is we were shedding light on the whole process all the way back to manufacturers, including PDMs and the like. I think this bill does the same thing here. I am grateful for the sponsor and what she is trying to accomplish. I will be voting for the bill.

SENATOR HARDY:

We have done this for diabetes. I write prescriptions for antibiotics, and people write prescriptions for anti-rheumatologics which are going up and up and up. Is there an appetite to do those this Session, or is that going to happen next Session? How do you differentiate which classes are so expensive that it is making problems for the people?

SENATOR CANCELA:

The reason I decided to look at asthma versus other disease states is that asthma is a chronic condition, so theoretically, medication for life. The population of people in Nevada that have asthma has increased over the last few years. The national average is 8 percent of all people have asthma. In Nevada, it is 10.4 of all adults and 11.3 of all children. We have a population who is dependent on medication whose costs have increased. This is why I am looking at asthma drug costs.

Roll call on Senate Bill No. 262:

YEAS—19.

NAYS—Hansen, Hardy—2.

Senate Bill No. 262 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 9.

Bill read third time.

Remarks by Senator Cannizzaro.

Senate Bill No. 9 provides that there is no time limit within which a criminal prosecution for a sexual assault arising out of the same facts and circumstances as a murder must be commenced.

Roll call on Senate Bill No. 9:

YEAS—21.

NAYS—None.

Senate Bill No. 9 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 21.

Bill read third time.

Remarks by Senators Spearman, Settlemeyer and Hammond.

SENATOR SPEARMAN:

Senate Bill No. 21 adopts the National Association of Insurance Commissioners' Insurance Data Security Model Law, which establishes data-security standards for insurers. Insurers licensed by the Division of Insurance of the Department of Business and Industry are required to, not later than January 1, 2021, establish a comprehensive information security program to protect information from a cybersecurity event. Not later than February 15, 2021, and each year thereafter,

the licensee must certify with the Commissioner of Insurance that the licensee is in compliance with the provisions of this bill.

The bill sets forth the actions that a licensee must take in response to a cybersecurity event, which include promptly notifying the Commissioner as well as notifying affected consumers that reside in this State. The Commissioner may examine and investigate the affairs of any licensee to determine compliance and may take action in the case of a violation of the provisions in this bill.

Finally, Senate Bill No. 21 provides an exemption for qualifying licensees from certain requirements of this bill and makes conforming changes.

SENATOR SETTELMEYER:

I rise in opposition to Senate Bill No. 21. In today's digital environment that we now live in, third-party vendors have become a natural part of the transactions. Whether on the agency side or the carrier side, it creates issues all along the way. The brand names of some of these property casualty sides are anywhere from Lexus Nexus to the Department of Motor Vehicles. They are not thrown in this category, but then, the other entities are responsible for any flaws they have. This means there are flaws in this bill since those individuals do not have to report to anyone under them, yet the people under them, as defined, will have no ability to compel those third-party vendors to provide them with information about the breach, but yet, they are guilty for not reporting something they have no control over someone to report. That, to me, is seriously flawed.

Furthermore, it is not likely that either of these vendors would ever provide that information to the licensees for those investigations.

For my reasons stated I believe it to be unreasonable and an impossible expectation of those license holders. I will be voting against it.

SENATOR HAMMOND:

What this bill seeks to do is already being done in two different ways, by NRS 603A and also at the federal level by the Gramm-Leach-Bliley Act. This bill creates redundancy and more regulatory layers. For that purpose, I oppose the bill.

SENATOR SPEARMAN:

As you look at security policies not only at the Internet but also every aspect of physical securities, redundancy is a key. These provisions have been vetted and vetted. As I said in my opening, this adopts the National Association of Insurance Commissioners. Redundancy is the key to security. Cybersecurity and hacking are on the rise. My own identity has been stolen twice and from unexpected places which would not have had to provide such security. There are many people doing business with people who do not have this security.

I will agree with my colleague from Senate District 18, yes, there is redundancy. In physical securities, most law enforcement members will tell you, redundancy is the key.

SENATOR SETTELMEYER:

I understand the discussion of redundancy, but by merely adding more layers of regulation, redundancy is not a good thing. You are asking health insurers be required to comply with four different schemes, NRS 603A.010 to 603A.290, plus HIPAA, plus GLBA and now Senate Bill No. 21. I just cannot support this.

Roll call on Senate Bill No. 21:

YEAS—13.

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

Senate Bill No. 21 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 24.

Bill read third time.

Remarks by Senator Ohrenschall.

Senate Bill No. 24 amends provisions relating to the Nevada Silver Haired Legislative Forum's organizational structure, membership, terms and duties of office, and *ex officio* membership of the Nevada delegates to the National Silver Haired Congress. More specifically, this excludes *ex officio* members from serving as officers of the Forum. It retains the voting privileges of *ex officio* members, if they meet certain qualifications. The bill clarifies the terms and duties of the president and vice president and eliminates the officer positions of secretary and treasurer. It requires the president, with the assistance of the Legislative Counsel Bureau, instead of the treasurer, to administer any account in which money received by the Forum is deposited. It creates two new officer positions to serve as 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. It authorizes the Forum to appoint one or more advisory members, sets forth the duties of advisory members and defines their term of office, which must not exceed 12 months.

The Nevada Silver Haired Legislative Forum was created by the Legislature to identify and act upon issues of importance to aging persons. The Forum is comprised of a number of appointed members equal to the number of State senators, which is 21. Among other qualifications, each member of the Forum must have been a registered voter for three years preceding his or her appointment in the senatorial district of the Senator who nominates them. Members of the National Silver Haired Congress from Nevada serve as *ex officio* members of the Forum.

Roll call on Senate Bill No. 24:

YEAS—21.

NAYS—None.

Senate Bill No. 24 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 25.

Bill read third time.

Remarks by Senator Parks.

Senate Bill No. 25 expands the authorized uses of the revenue collected from the surcharge that a board of county commissioners may impose for enhancement of the telephone system for reporting an emergency. The money may also be used for personnel and training associated with maintaining, updating, operating the equipment, hardware and software of portable event recording devices and vehicular-event recording devices and the maintenance, retention and redaction of audio and video events recorded on these devices.

A recipient of such revenue must 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.

Roll call on Senate Bill No. 25:

YEAS—21.

NAYS—None.

Senate Bill No. 25 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 72.

Bill read third time.

Remarks by Senator Pickard.

Senate Bill No. 72 provides for the suspension of a registered gaming employee who is arrested by an agent of the Nevada Gaming Control Board and extends indefinitely exemptions to the Open

Meeting Law for certain proceedings or actions conducted by the Board. The bill also adds new notification requirements for gaming employees who are or become security guards, revises the fee structure for applications processed by the Board and adds theft to the list of crimes for which the Board may revoke an employee's registration. The bill revises the definition of "associated equipment" and authorizes the Board to adopt regulations concerning technological advances that make it possible for associated equipment to be located at a hosting center.

Roll call on Senate Bill No. 72:

YEAS—21.

NAYS—None.

Senate Bill No. 72 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 88.

Bill read third time.

Remarks by Senator Settelmeyer.

Senate Bill No. 88 revises provisions concerning certain fees collected by the Commissioner of Insurance of the Department of Business and Industry for issuing and renewing appointments, certificates and licenses. The bill revises licensing requirements for adjusters and eliminates various provisions related to prelicensing requirements and licensing of associate adjusters.

Roll call on Senate Bill No. 88:

YEAS—21.

NAYS—None.

Senate Bill No. 88 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 154.

Bill read third time.

Remarks by Senator Cancela.

Senate Bill No. 154 requires the Public Utilities Commission of Nevada to adopt regulations authorizing a public utility that purchases natural gas for resale to engage in a renewable natural-gas activity and to recover the reasonable and prudent costs of such an activity. The activity must provide certain environmental benefits and be approved by the Commission. The measure also requires a public utility that purchases natural gas for resale to attempt to meet certain goals for incorporating renewable natural gas into its gas-supply portfolio.

Roll call on Senate Bill No. 154:

YEAS—21.

NAYS—None.

Senate Bill No. 154 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 197.

Bill read third time.

Remarks by Senators Scheible, Hardy, Kieckhefer and Pickard.

SENATOR SCHEIBLE:

Senate Bill No. 197 makes it unlawful for a manufacturer to import, sell or offer for sale in this State any cosmetics for which animal testing was conducted if the animal testing was conducted on or after January 1, 2020. A person who violates this provision could be charged under our general misdemeanor statutes. The bill provides certain exceptions to the prohibition if the animal testing is conducted to comply with the requirement of a federal, State or foreign regulatory agency. Additionally, the bill prohibits a political subdivision of this State from establishing or continuing prohibitions that are not identical to the prohibitions of this bill.

Finally, the bill 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.

SENATOR HARDY:

The concept of testing with animals goes way back, and obviously, we have had experiences testing with surgical procedures, for instance. In the past, we have had testing with products of conception. For cosmetics, we test on skin, real skin by real people. Just because you get a stem cell or a product of a stem cell origin or whatever kind, does not mean you are actually testing how it will react on a real person.

I am not in favor of this bill. Realistically, I believe we know there are some animals more human-like than others. I am not going to use the word "pig" right now in a sentence. When we test lipstick, sometimes, it is wise to test it on an animal before we test it on a human. I will not be in favor of this bill.

SENATOR KIECKHEFER:

This is one of those bills where we take the position it is not going to influence what happens in our market share. In terms of the consumer market for cosmetics in the State of Nevada, it is pretty small as it relates to the deployment of these products not only in the Country but also in the world. It is a question whether or not one thinks it is a necessary practice we should continue doing for items such as cosmetics and shampoos and other things like this. Science has advanced to a place where most companies making these products at this point are not doing it.

I can support the bill for that purpose and stand up for the little furry guys.

SENATOR PICKARD:

I have a practical question for the sponsor of the bill: how will this be enforceable, particularly when we live in a mobile society where one may purchase cosmetics in another state? This appears to be a prohibition on possession. How will we enforce this?

SENATOR SCHEIBLE:

This bill is carefully tailored to address manufacturers of cosmetic products, and it prohibits a manufacturer from importing, selling or offering to sell in this State a cosmetic that has been tested on animals. The purpose of this provision is to prevent people from being unintentionally caught up in a net that is cast too wide because it is the manufacturer who knows they are selling a product that has been tested on animals.

The bill states they are not allowed to do that here in Nevada. Any manufacturer would have sufficient knowledge of where they are selling their products. This bill is prospective in telling them, in the year 2020, they are going to have to stop selling products that have been animal tested in the State of Nevada.

SENATOR PICKARD:

What I am thinking is not necessarily another individual who would go and purchase it in another state. I am thinking more distributors. We purchase and obtain materials from all over the Country, and the manufacturer loses control once it is sold to a distributor who can then sell it elsewhere.

How do we enforce this? Again, the question is about enforcement not so much who is responsible. How do we actually enforce this on the ground?

SENATOR SCHEIBLE:

This bill applies to manufacturers. If there is an item being sold in the State of Nevada after the year 2020 which has been tested on animals and it comes to the attention of a consumer, an

advocacy group, an individual who works for a law enforcement agency, anybody could become aware of this violation of the law. When that violation is communicated to the Attorney General, it would be incumbent upon the Attorney General or another law-enforcement agency in the State to track down the manufacturer who violated the law and hold them responsible.

I contacted a constitutional law scholar to confirm if we would have proper jurisdiction over a manufacturer in another state who did this, and they would have sufficient context by having sold an item to a distributor to sell in Nevada for us to hold them responsible for violating our State laws.

Roll call on Senate Bill No. 197:

YEAS—14.

NAYS—Goicoechea, Hammond, Hansen, Hardy, Pickard, SeEVERS Gansert, Settlemeyer—7.

Senate Bill No. 197 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 223.

Bill read third time.

Remarks by Senator Cannizzaro.

As members who were in this Body last Session are aware, we have done remarkable work to help reform the guardianship system to help prevent abuses which ran rampant over time. We have tailored legislation to address those issues. Senate Bill No. 223 creates additional steps to ensure those who are subject to a guardianship are properly cared for with securities in place in order to prevent abuse.

Senate Bill No. 223 eliminates certain notarial declarations for the nomination of a guardian and various powers of attorney. This is to ensure notaries are authorized to notarize a guardianship paperwork or a power of attorney. It requires certain placements for persons in a skilled-nursing home or other healthcare facility can only be done if a power of attorney expressly grants that authority.

This prevents abuses by ensuring that individuals are not under some random, broad power of attorney, but rather that power of attorney expressly gives the authority to place them in a skilled-nursing facility.

Additionally, the bill revises the form for a general power of attorney so the principal can indicate whether his or her agent may consent to them being placed in certain care facilities, and it revises provisions concerning how a transfer of a principal from one healthcare facility to another has to be approved and conducted. It requires that those notices sent to a healthcare facility must also be provided to the State Long-Term Care Ombudsman.

This is the right step in the right direction to continue to ensure that those who are under a guardianship or a power of attorney expressly grant the types of things they wish to see when they become incapable of making those decisions. I urge your support.

Roll call on Senate Bill No. 223:

YEAS—21.

NAYS—None.

Senate Bill No. 223 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 258.

Bill read third time.

Remarks by Senator Seevers Gansert.

Senate Bill No. 258 makes various changes related to applied behavior analysis (ABA). The bill removes certification as a State certified behavior interventionist from the Nevada Revised Statutes. It transfers certain responsibilities related to licensure for certain ABA providers from the Aging and Disability Services Division of the Department of Health and Human Services to the Board of Applied Behavior Analysis. The bill requires continuing education prescribed by the Board for behavior analysts or ABAs to be consistent with nationally recognized standards. It authorizes applicants for registration as a registered behavior technician to forego the required background check if he or she submits verification of having passed a criminal background check within the immediately preceding six months.

Roll call on Senate Bill No. 258:

YEAS—21.

NAYS—None.

Senate Bill No. 258 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 298.

Bill read third time.

Remarks by Senator Brooks.

Senate Bill No. 298 requires a recipient of a partial tax abatement for a renewable-energy facility to keep or cause to be kept records regarding employees of the facility and employees who worked on the construction of the facility. The recipient of this partial tax abatement must submit annually to the Office of Energy and the board of county commissioners of the county where the facility is located certified payrolls containing such information. The bill revises the definition of "wages" for purposes of determining eligibility for the partial tax abatement, excluding the amount of any health insurance plan, pension plan or *bona fide* fringe benefit that are provided to an employee. The Director of the Office of Energy may include in the fee charged to an applicant who submits an application for a partial tax abatement for a renewable-energy facility an additional amount to help sustain the work of the Office to support and expand renewable-energy development.

Roll call on Senate Bill No. 298:

YEAS—21.

NAYS—None.

Senate Bill No. 298 having received a two-thirds majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 382.

Bill read third time.

Remarks by Senator Cannizzaro.

Senate Bill No. 382 consolidates definitions and qualifies various terms concerning deeds of trusts, liens, notices of waiver, conveyances and nonresidential common-interest communities. The bill revises requirements concerning amendments to unit boundaries and allocated interests in residential units within a common-interest community, and it clarifies the requirement that a unit-owners association must provide written notice to unit owners within ten days of commencing a civil action applies only to civil action on which unit owners are entitled to vote.

Roll call on Senate Bill No. 382:

YEAS—21.

NAYS—None.

Senate Bill No. 382 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 396.

Bill read third time.

Remarks by Senator Denis.

Senate Bill No. 396 defines the term "state" to mean a "state of the United States: the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Northern Mariana Islands and the United States Virgin Islands" for the purpose of issuing a driver's license and identification card.

Roll call on Senate Bill No. 396:

YEAS—21.

NAYS—None.

Senate Bill No. 396 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 398.

Bill read third time.

Remarks by Senators Ratti, Kieckhefer, Settlemeyer, Goicoechea, Pickard, Hardy, Cancela and Spearman.

SENATOR RATTI:

Senate Bill No. 398 provides that a board of county commissioners and a governing body of an incorporated city have certain powers to ensure the availability or affordability of housing within their respective jurisdictions, as it is deemed one of the necessary powers to address matters of local concern. The bill allows a board of county commissioners or governing body of an incorporated city, respectively, to accept a payment of money in lieu of the performance of an obligation imposed upon a person by ordinance. The board of county commissioners or governing body of an incorporated city, respectively, which accepts a fee in lieu of affordable housing must account separately for that money and use that money only for the development or redevelopment of affordable housing.

This is one of a series of bills that seeks to give local governments the tools they need to be part of the solution to make sure we have sufficient affordable housing in our communities. I urge your support.

SENATOR KIECKHEFER:

Senate Bill No. 398 clarifies the powers we gave to local governments in the 2015 Session through a couple of home-rule bills for counties and cities. I am going to support this bill today to clarify those powers, which local governments have not yet used. I hope they do not use these powers to implement some of the more heavy-handed policies of government intervention in the housing market that, ultimately, reduce supply and do not address the root cause of the affordable-housing crisis we are currently experiencing.

SENATOR SETTELMAYER:

I previously discussed this issue with my colleague from District 13 and am worried about the concept that this bill goes to fiscal home-rule. It will allow counties and municipalities to persuade individuals to give them funds in a way I do not approve, fiscal home rule. This Body, on both

sides, needs to take a hard look at counties and tell them we not only want but also demand attainable housing. That will only happen by increasing supply. To increase supply we need to look at counties and allow owners with over two acres of land to have accessory dwellings units. Counties have to be told this is allowable. This discussion has to be held in regards to sewer and water as well. The counties do not like to hear this, but they are the ones who can solve this problem now. I do not feel they are, and we are the ones who should tell them to do so.

SENATOR GOICOECHEA:

Senate Bill No. 398 originally allowed local governments to extort money from developers; however, my colleague from District 13 brought an amendment that at least outlined where the money had to be held and how it would be spent. The initial bill would have allowed out-and-out extortion and had no guidelines for where the money would go or how it would be spent. Because she brought the amendment, I will support the bill. I hope this bill is tightened up on the other side and local government will not misuse powers they already have under home rule.

SENATOR PICKARD:

I rise in opposition to the bill. Although I support the idea we should be incentivizing and promoting affordable housing, there is a definite shortage. To use the heavy hand of government to apply, yet, another exaction on developers is counterproductive and will drive developers away from creating affordable housing. The better model would be to incentivize it and make it affordable for the developers to provide the affordable housing. This is the wrong approach. I will be opposing it and urge my colleagues to vote against this bill.

SENATOR HARDY:

I rise in opposition to the bill. Local governments have zoning and planning opportunities. If we do in-fill, make land available, have more density or, on our part, protect people from lawsuits, we have tools to help us. If we identify a percentage of units to be sold for less, the builder has to charge more for other units, and the percentage ends up costing more than what was affordable before. This has flaws. I am not sure it has worked successfully anywhere that I have felt comfortable.

SENATOR CANCELA:

I rise in support of Senate Bill No. 398. During our Interim Study on Affordable Housing, my colleague from District 13 said we need every tool in the toolbox when it comes to affordable housing. By clarifying the power our counties have that has already been granted to them, this bill further adds to that toolbox. It is an improvement on the status quo and clarifies the language. I urge my colleagues to support this measure.

SENATOR RATTI:

I appreciate the spirited debate on this subject. There is a philosophical difference in how we get there to make sure there is an adequate supply of either attainable or downright affordable housing. What we know is the market is not doing a good job of providing sufficient housing for all Nevadans. While there is reluctance to have government get involved in this arena in any form, as we have proceeded, as Nevada has matured and as the cost of housing has continued to rise, we are getting to a place in this State where we are in a desperate situation. We have many people at median income, low income, extremely low income who cannot attain safe, quality housing. That is an unacceptable state for the State of Nevada.

What this bill does is relatively narrow. It makes a clear statement that local governments have a legal authority that the majority of us believe they already have. Local governments have been tentative to use this authority because they are getting counsel from their attorneys at the city level it is not clear enough. This bill clarifies, when it comes to local powers and matters of local concern, all tools should be available to local governments. Some of those tools are market driven. I did not choose to include mandates in this bill because what is happening in Sparks is different from what is happening in Winnemucca, which is different from what is happening in North Las Vegas. Broad-based, Statewide mandates on policies do not make sense because these should be local decisions. That is what this bill is about.

There are transactions happening in local government today where a requirement is put on the developer, and the requirement can be waived if the developer is willing to invest resources into

abating the requirement. The "fee in lieu of" language in this bill ensures if a local government puts a requirement on a developer when it comes to affordable housing, the fee, if accepted as a fee in lieu of that requirement, will go to affordable housing and not be absorbed into the general fund, which is not an outcome any of us want.

I stand by Senate Bill No. 398. We are in crisis. We have heard from numerous Nevadans that they are unable to find a place to live. In Maslow's hierarchy of needs, food, shelter and clothing are essential. We are at a place where too many Nevadans cannot find shelter. I urge you to make sure the solutions in Nevada can come from the federal government, State government, local governments, philanthropic groups, and the private community. Everyone needs to be involved, and local governments need to have a clear message from us that they need to do the market analyses in their markets and use the tools available to them.

SENATOR SPEARMAN:

I rise in support of the bill. A couple of months ago, I had conversations with folks at Nellis. One of the groups that escapes conversations about affordable housing is our men and women in uniform. There are some on active duty, as well as veterans, who are caught in an inescapable web of unaffordable housing. One reason I am in support of this bill is it provides another opportunity for our veterans who have served ably and well and have sacrificed much. Many of the members of Nellis cannot find affordable housing, not just the single air personnel, but also those with families. This is another tool we can use as a society, in lieu of the yellow ribbon, to say, "Thank you for your service."

Roll call on Senate Bill No. 398:

YEAS—15.

NAYS—Hammond, Hansen, Hardy, Pickard, Seevers Gansert, Settelmeyer—6.

Senate Bill No. 398 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 435.

Bill read third time.

Remarks by Senator Cannizzaro.

Senate Bill No. 435 provides that a release of liability relating to a personal-injury claim made by the releaser may be voided within 60 days of the original release under certain circumstances. If the release is voided, the releaser must provide notice and return any money paid by the releasee. The bill also prohibits a person whose interest is adverse to the injured person to negotiate or otherwise attempt to obtain a settlement agreement within 15 days after the injury. A settlement, release of liability or any statement obtained illegally may not be used as evidence in a legal proceeding concerning the injury. Finally, the bill provides for the sharing of medical and related records between a claimant and an insurer in a claim relating to a policy of motor vehicle insurance.

Roll call on Senate Bill No. 435:

YEAS—21.

NAYS—None.

Senate Bill No. 435 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 436.

Bill read third time.

Remarks by Senator Ohrenschall.

Senate Bill No. 436 adds chiropractic to the list of professional services that can be included in a professional entity composed of persons engaged in rendering more than one type of professional service relating to medicine, homeopathy, osteopathy or psychology. The bill also clarifies that no practitioner in a professional entity described in the bill may render service beyond the scope of his or her licensed authority or influence or interfere with the healthcare decisions of another practitioner within the same group.

Roll call on Senate Bill No. 436:

YEAS—21.

NAYS—None.

Senate Bill No. 436 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 442.

Bill read third time.

Remarks by Senator Brooks.

Senate Bill No. 442 increases the maximum period from five to ten years for which permits for hazardous-waste facilities may be issued by the State Department of Conservation and Natural Resources.

Roll call on Senate Bill No. 442:

YEAS—21.

NAYS—None.

Senate Bill No. 442 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 463.

Bill read third time.

Remarks by Senators Scheible, Pickard and Parks.

SENATOR SCHEIBLE:

Senate Bill No. 463 increases from \$1 to \$4 the fee that the State Registrar must charge and collect for a certified copy of a death certificate. The bill expands the authorized use of such fees to include any program established by the coroner to promote the 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 or to provide bereavement services to members of the public within the county.

The bill authorizes a coroner to test a decedent under his or her jurisdiction for communicable diseases without obtaining a court order under certain circumstances. A coroner is authorized to subpoena the production of any material that is directly related or believed to contain evidence related to an investigation by the coroner. The coroner shall cause a postmortem examination to be performed by a forensic pathologist where it is apparent or can be reasonably inferred that a death may have been caused by drug use or poisoning, unless the death occurred following a hospitalization stay of 24 hours or more. 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 death certificate.

SENATOR PICKARD:

Once the coroner collects the fee, where does it go; how is it dispensed, and who is in control of it?

SENATOR SCHEIBLE:

The fund is created at the county level for the county coroner to distribute and establish bereavement programs and other types of mental-health advocacy programs.

SENATOR PARKS:

This money will be used to set up and expand a program that exists to provide post-traumatic training and relief to those who were faced with situations such as we experienced on October 1. These funds will accumulate and be used for programs to treat and give counseling to those who are relied upon to provide post-mortem work.

SENATOR PICKARD:

I support the idea of creating these services for the people who need them; it is commendable. It appears the county coroner is collecting this money. I am unaware the county coroner provides these services. Who will receive the money, administer it, create and put on the services? If it is not the coroner, who will it be?

SENATOR PARKS:

The money will stay in each county that collects it. It will be put into a special account for treating individuals who may have experienced the traumatic effect of these horrible events.

Roll call on Senate Bill No. 463:

YEAS—21.

NAYS—None.

Senate Bill No. 463 having received a two-thirds majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 475.

Bill read third time.

Remarks by Senator Harris.

Senate Bill No. 475 requires Nevada's Department of Education to develop an electronic tool that provides documents used in evaluations to certain educational personnel. The Department must also study the impact and validity of the Statewide performance evaluation system and report its findings to the Legislative Committee on Education.

For school year 2019-2020, the bill decreases from 40 to 20 the percentage of a teacher's or administrator's evaluation that is accounted for by pupil growth and further reduces the percentage to 15 percent for each school year thereafter. The State Board of Education is required to provide for annual evaluations of counselors, librarians and other licensed educational personnel, except for teachers and administrators.

Senate Bill No. 475 removes the authorization that a district may not renew the contract of a probationary teacher or administrator designated as "developing" and further removes the requirement that personnel designated as such for two consecutive years serve an additional probationary period.

Roll call on Senate Bill No. 475:

YEAS—17.

NAYS—Goicoechea, Kieckhefer, Settelmeyer, Washington—4.

Senate Bill No. 475 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 482.

Bill read third time.

Remarks by Senator Ratti.

Senate Bill No. 482 authorizes the Commissioner of the Division of Insurance of the Department of Business and Industry to enter into compacts with surrounding states and allows reciprocal licensing with neighboring states' health insurers to ensure essential insurance is made available in this State. Additionally, the bill authorizes the Commissioner to apply to the federal Secretary of the United States Department of Health and Human Services, in accordance with provisions of the Patient Protection and Affordable Care Act, for a State Innovation Waiver with respect to health-insurance coverage for a plan beginning on or after January 1, 2020.

Finally, the bill eliminates provisions establishing requirements for any health-benefit plan for individuals that is not purchased on the Silver State Health Insurance Exchange. Provisions of this bill that eliminate established requirements for a health-benefit plan that is not purchased on the Exchange are effective on October 1, 2019. All other provisions are effective upon passage and approval.

Roll call on Senate Bill No. 482:

YEAS—21.

NAYS—None.

Senate Bill No. 482 having received a two-thirds majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 381.

Bill read third time.

Remarks by Senator Ratti.

Assembly Bill No. 381 designates April 16 as "Healthcare Decisions Day" in the State of Nevada and requires the Governor to issue a proclamation encouraging the observance of the day each year. The proclamation must, without limitation, call upon the news media, State and local officers, hospitals, nursing homes, assisted living facilities, continuing care retirement communities, hospice facilities, private nonprofit groups and foundations, and other public and private entities to bring to the attention of the adults in this State the importance of discussing the manner in which they would like to have their healthcare wishes carried out and of using an advance directive to express those wishes.

Since we are so close to Healthcare Decisions Day, I urge your support of this bill and urge each of you to spread the word it is important to think ahead about what kind of care you might want when you are not in a position to communicate those wishes anymore. I urge each of us in this Chamber to think about and communicate those wishes in advance and help everyone you know to do the same. It provides relief for families at the end of life, and I thank Assemblywoman Titus for bringing forward this bill.

Roll call on Assembly Bill No. 381:

YEAS—21.

NAYS—None.

Assembly Bill No. 381 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

WAIVERS AND EXEMPTIONS
NOTICE OF EXEMPTION

April 18, 2019

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bill No. 283.

MARK KRMPOTIC
Fiscal Analysis Division

Senator Cannizzaro moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 1:38 p.m.

SENATE IN SESSION

At 6:24 p.m.

President Marshall presiding.

Quorum present.

REPORTS OF COMMITTEE

Madam President:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 219, 323, 365, 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 Government Affairs, to which was referred Senate Bill No. 69, 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 Health and Human Services, to which was referred Senate Bill No. 446, 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. 20, 162, 173, 265, 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 Natural Resources, to which were referred Senate Bills Nos. 236, 250, 400, 417 has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MELANIE SCHEIBLE, *Chair*

SECOND READING AND AMENDMENT

Senate Bill No. 89.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 544.

SUMMARY—Makes various changes relating to education. (BDR 34-331)

AN ACT relating to education; revising provisions governing the annual reports of accountability for public schools; revising requirements for a plan to improve the achievement of pupils enrolled in a public school; requiring the State Board of Education to develop nonbinding recommendations for the pupil-specialized instructional support personnel ratio in public schools; requiring a school safety specialist to be designated for each public school; revising provisions related to providing a safe and respectful learning environment; revising provisions related to plans used by schools in responding to a crisis, emergency or suicide; revising provisions related to a statewide framework for providing integrated student supports for pupils enrolled in a public school and the families of such pupils; revising provisions related to school police officers; revising provisions relating to pupil discipline; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the boards of trustees of school districts, the sponsors of charter schools and the State Board of Education to prepare annual reports of accountability that contain certain information regarding public schools and pupils enrolled in public schools. (NRS 385A.070, 385A.240, 385A.250) Sections 1 and 2 of this bill require that the information must be included in the annual reports of accountability in a manner that allows the disaggregation of the information by certain categories of pupils.

Existing law requires the principal of each school, in consultation with the employees of the school, to prepare a plan to improve the achievement of pupils enrolled in the school and prescribes the requirements of such a plan. (NRS 385A.650) Section 3 of this bill requires such a plan to improve the achievement of pupils to include methods for evaluating and improving the school climate.

Existing law provides for the establishment of the Safe-to-Tell Program within the Office for a Safe and Respectful Learning Environment within the Department of Education. The Program enables any person to anonymously report any dangerous, violent or unlawful activity which is being conducted or threatened to be conducted on the property of a public school, at an activity sponsored by a public school or on a school bus of a public school. (NRS 388.1455) Section 13 of this bill: (1) revises the name of the Program to the SafeVoice Program; (2) requires that under certain circumstances a person who makes a report to the Program will not remain anonymous; and (3) requires that certain public safety agencies be authorized to access certain pupil information in response to a report to the Program. Sections 11-16 of this bill make conforming changes.

Section 5 of this bill requires the Governor to appoint a committee on statewide school safety to review certain issues and make recommendations related to school safety and the well-being of pupils.

Existing law requires the board of trustees of a school district or the governing body of a charter school or a private school to establish a committee to develop, review and update, on an annual basis, one plan to be used by all schools in the school district or every charter school or private school, as applicable, to use in responding to a crisis, emergency or suicide. (NRS 388.241-388.245, 394.1685-394.1688) Section 20 of this bill instead requires such a committee to develop a plan which constitutes the minimum requirements of a plan for a school to use. Section 6 of this bill: (1) requires the Division of Emergency Management of the Department of Public Safety to report to the Legislature certain information relating to the plan used by a public school, ~~for~~ charter school or private school in response to a crisis, emergency or suicide; and (2) authorizes the Division to conduct random audits of plans submitted to the Division ~~for~~ by public schools or charter schools. Sections 18-27 of this bill revise other provisions relating to the development, contents, approval and usage of plans used by a public school or charter school when responding to a crisis, emergency or suicide. Sections 36 and 37 of this bill require the development committee that developed or reviewed and updated the plan used by a private school when responding to a crisis, emergency or suicide to provide a copy of the plan to the governing body of the school on or before July 1 of each year.

Section 28 of this bill requires the statewide framework for providing and coordinating integrated student supports, which existing law specifies as the academic and nonacademic supports for pupils enrolled in public school and the families of such pupils, to include methods for: (1) engaging the parents and guardians of pupils; (2) assessing the social, emotional and academic development of pupils; and (3) screening, intervening and monitoring the social, emotional and academic progress of pupils. (NRS 388.885) Section 7 of this bill requires the State Board of Education to develop nonbinding recommendations for the ratio of pupils to specialized instructional support personnel in public schools for kindergarten and grades 1 to 12, inclusive. Section 7 also requires the board of trustees of each school district to develop a plan to achieve such ratios. Section 7.5 of this bill requires a school safety specialist to be designated for each school district and each charter school. The school safety specialist will be responsible for reviewing policies and procedures and overseeing various other functions relating to school safety.

Section 31 of this bill requires a person in charge of a school building to ensure that drills provided for the purpose of providing instruction to pupils in the appropriate procedures are followed in the event of a lockdown, fire or other emergency and the drills occur at different times during school hours. (NRS 392.450)

Section 38 of this bill removes school police officers from the list of "category II" peace officers, thereby making school police officers "category I" peace officers with unrestricted duties. (NRS 289.470) Sections 29 and 41 of this bill revise provisions relating to the jurisdiction and training of school police officers. Section 40 of this bill deems a board of trustees of a county

district that employs or appoints school police officers to be a "law enforcement agency" for the purposes of requiring such officers to wear portable event recording devices while on duty.

Existing law requires the principal of each public school to establish a plan to provide for the progressive discipline of pupils. (NRS 392.4644) Section 32 of this bill revises such criteria by instead providing for restorative discipline. Section 9 of this bill requires the Department to adopt requirements and methods for restorative discipline practices. Section 33 of this bill authorizes, rather than requires, a pupil who is removed from school premises to be assigned to a temporary alternative placement.

Existing law authorizes the governing body of a charter school to contract with the board of trustees of the school district in which the charter school is located to provide school police officers. Existing law also requires the board of trustees of a school district to enter into a contract to provide school police officers to a charter school if the governing body of a charter school makes a request for the provision of school police officers. (NRS 388A.378, 388A.384) Section 34 of this bill enacts a similar provision for a private school, including certain institutions that are not required to be licensed pursuant to chapter 394 of NRS.

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

Section 1. NRS 385A.240 is hereby amended to read as follows:

385A.240 1. The annual report of accountability prepared pursuant to NRS 385A.070 must include information on the attendance, truancy and transiency of pupils, including, without limitation:

(a) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school sponsored by the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(b) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033, 392.125 or 392.760, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(c) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. For the purposes of this paragraph, a pupil is not

transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(d) The number of habitual truants reported for each school in the district and for the district as a whole, including, without limitation, the number who are:

(1) Reported to an attendance officer, a school police officer or a local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144;

(2) Referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144; and

(3) Referred for the imposition of administrative sanctions pursuant to paragraph (c) of subsection 2 of NRS 392.144.

2. *The information included pursuant to subsection 1 must allow such information to be disaggregated by:*

(a) *Pupils who are economically disadvantaged;*

(b) *Pupils from major racial and ethnic groups;*

(c) *Pupils with disabilities;*

(d) *Pupils who are English learners;*

(e) *Pupils who are migratory children;*

(f) *Gender;*

(g) *Pupils who are homeless;*

(h) *Pupils in foster care; and*

(i) *Pupils whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard.*

3. On or before September 30 of each year:

(a) The board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required by paragraph (a) of subsection 1.

(b) The State Public Charter School Authority, the Achievement School District and each college or university within the Nevada System of Higher Education that sponsors a charter school shall submit to each advisory board to review school attendance created in a county pursuant to NRS 392.126 the information regarding the records of the attendance and truancy of pupils enrolled in the charter school located in that county, if any, in accordance with the regulations prescribed by the Department pursuant to subsection 3 of NRS 385A.070.

Sec. 2. NRS 385A.250 is hereby amended to read as follows:

385A.250 1. The annual report of accountability prepared pursuant to NRS 385A.070 must include information on the discipline of pupils, including, without limitation:

(a) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school sponsored by the district.

(b) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school sponsored by the district.

(c) Records of the suspension ~~and~~ or expulsion , or both, of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(d) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(e) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district:

(1) The number of reported violations of NRS 388.135 occurring at a school or otherwise involving a pupil enrolled at a school, regardless of the outcome of the investigation conducted pursuant to NRS 388.1351;

(2) The number of incidents determined to be bullying or cyber-bullying after an investigation is conducted pursuant to NRS 388.1351;

(3) The number of incidents resulting in suspension or expulsion , or both, for bullying or cyber-bullying; and

(4) Any actions taken to reduce the number of incidents of bullying or cyber-bullying including, without limitation, training that was offered or other policies, practices and programs that were implemented.

(f) For each high school in the district, including, without limitation, each charter school sponsored by the district that operates as a high school, and for high schools in the district as a whole:

(1) The number and percentage of pupils whose violations of the code of honor relating to cheating prescribed pursuant to NRS 392.461 or any other code of honor applicable to pupils enrolled in high school were reported to the principal of the high school, reported by the type of violation;

(2) The consequences, if any, to the pupil whose violation is reported pursuant to subparagraph (1), reported by the type of consequence;

(3) The number of any such violations of a code of honor in a previous school year by a pupil whose violation is reported pursuant to subparagraph (1), reported by the type of violation; and

(4) The process used by the high school to address violations of a code of honor which are reported to the principal.

2. *The information included pursuant to subsection 1 must allow such information to be disaggregated by:*

(a) *Pupils who are economically disadvantaged;*

(b) *Pupils from major racial and ethnic groups;*

(c) *Pupils with disabilities;*

(d) *Pupils who are English learners;*

(e) *Pupils who are migratory children;*

(f) *Gender;*

(g) *Pupils who are homeless;*

(h) *Pupils in foster care; and*

(i) *Pupils whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard.*

3. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

Sec. 3. NRS 385A.650 is hereby amended to read as follows:

385A.650 1. The principal of each school, including, without limitation, each charter school, shall, in consultation with the employees of the school, prepare a plan to improve the achievement of the pupils enrolled in the school.

2. The plan developed pursuant to subsection 1 must:

(a) Include any information prescribed by regulation of the State Board;
~~and~~

(b) *Include, without limitation, methods for evaluating and improving the school climate in the school; and*

(c) Comply with the provisions of 20 U.S.C. § 6311(d).

3. The principal of each school shall, in consultation with the employees of the school:

(a) Review the plan prepared pursuant to this section annually to evaluate the effectiveness of the plan; and

(b) Based upon the evaluation of the plan, make revisions, as necessary, to ensure that the plan is designed to improve the academic achievement of pupils enrolled in the school.

4. On or before the date prescribed by the Department, the principal of each school shall submit the plan or the revised plan, as applicable, to the:

(a) Department;

(b) Committee;

(c) Bureau; and

(d) Board of trustees of the school district in which the school is located or, if the school is a charter school, the sponsor of the charter school and the governing body of the charter school.

5. *As used in this section, "school climate" means the basis of which to measure the relationships between pupils and the parents or legal guardians of pupils and educational personnel, the cultural and linguistic competence of instructional materials and educational personnel, the emotional and physical safety of pupils and educational personnel and the social, emotional and academic development of pupils and educational personnel.*

Sec. 4. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[5, 6 and 7]~~ 5 to 7.5, inclusive, of this act.

Sec. 5. 1. *The Governor shall appoint a committee on statewide school safety. Appointments must be made to represent each of the geographic areas of the State.*

2. *The committee must consist of:*

(a) ~~The~~ One representative of the Department of Education;

(b) ~~One for more representatives~~ representative of the Department of Public Safety;

(c) One ~~for more representatives~~ representative of the Division of Emergency Management of the Department of Public Safety;

(d) One ~~for more representatives~~ representative of the Department of Health and Human Services;

(e) ~~[At least one]~~ One representative who is a licensed teacher in this State;

(f) One representative who is the principal of a school in this State;

(g) One superintendent of a school district in this State;

(h) One school resource officer assigned to a school in this State;

(i) One person employed as a paraprofessional, as defined in NRS 391.008, by a school in this State;

(j) One school psychologist employed by a school in this State;

(k) One provider of mental health other than a psychologist who provides services to pupils at a school in this State;

(l) The State Fire Marshal or his or her designee;

(m) One parent or legal guardian of a pupil enrolled in a school in this State;

~~(n)~~ (n) At least ~~one pupil~~ two pupils enrolled in a school in this State;
and

~~(g)~~ (o) Any other representative the Governor deems appropriate.

3. The committee shall:

(a) Establish methods which facilitate the ability of a pupil enrolled in a school in this State to express his or her ideas related to school safety and the well-being of pupils enrolled in schools in this State;

(b) Evaluate the impact of social media on school safety and the well-being of pupils enrolled in schools in this State; and

(c) Discuss and make recommendations to the Governor and the Department related to the findings of the committee.

4. As used in this section, "social media" has the meaning ascribed to it in NRS 232.003.

Sec. 6. The Division of Emergency Management of the Department of Public Safety:

1. Shall prepare a report regarding the extent to which ~~the~~ :

(a) The board of trustees of each school district, governing body of a charter school and each public school has complied with the provisions of NRS 388.243 and 388.245; and

(b) Each private school has complied with the provisions of NRS 394.1687 and 394.1688;

2. Shall, on or before January 1 of each year, submit the report prepared pursuant to subsection 1 to the Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session, to the Legislative Committee on Education; and

3. May conduct on a random basis audits of any plan submitted pursuant to NRS 388.243 and 388.245.

Sec. 7. 1. The State Board shall develop nonbinding recommendations for the ratio of pupils to specialized instructional support personnel in this

State for kindergarten and grades 1 to 12, inclusive. The board of trustees of each school district shall develop a 15-year strategic plan to achieve the ratio of pupils to specialized instructional support personnel in the district.

2. The recommendations developed by the State Board must:

- (a) Prescribe a suggested ratio of pupils per each type of specialized instructional support personnel in kindergarten and grades 1 to 12, inclusive;
- (b) Be based on evidence-based national standards; and
- (c) Take into account the unique needs of certain pupils, including, without limitation, pupils who are English learners.

3. As used in this section, "specialized instructional support personnel" includes persons employed by each school to provide necessary services such as assessment, diagnosis, counseling, educational services, therapeutic services and related services, as defined in 20 U.S.C. § 1401(26), to pupils. Such persons employed by a school include, without limitation:

- (a) A school counselor;
- (b) A school psychologist;
- (c) A school social worker;
- (d) A school nurse;
- (e) A speech-language pathologist;
- (f) A school library media specialist; and
- (g) Any other qualified professional.

Sec. 7.5. 1. The superintendent of schools of each school district shall designate an administrative employee to serve as the school safety specialist for the district. The principal of each charter school shall designate an administrative employee to serve as the school safety specialist for the charter school. Not later than 1 year after being designated pursuant to this subsection, a school safety specialist shall complete the training provided by the Office for a Safe and Respectful Learning Environment pursuant to NRS 388.1323.

2. A school safety specialist shall:

(a) Review policies and procedures of the school district or charter school, as applicable, that relate to school safety to determine whether those policies and procedures comply with state laws and regulations;

(b) Ensure that each school employee who interacts directly with pupils as part of his or her job duties receives information concerning mental health services available in the school district or charter school, as applicable, and persons to contact if a pupil needs such services;

(c) Ensure the provision to school employees and pupils of appropriate training concerning:

- (1) Mental health;
- (2) Emergency procedures, including, without limitation, the plan developed pursuant to NRS 388.243; and
- (3) Other matters relating to school safety and security;

(d) Annually conduct a school security risk assessment and submit the school security risk assessment to the Office for a Safe and Respectful Learning Environment for review pursuant to NRS 388.1323;

(e) Present the findings of the school security risk assessment conducted pursuant to paragraph (d) and any recommendations to improve school safety and security based on the assessment at a public meeting of the board of trustees of the school district or governing body of the charter school, as applicable;

(f) Not later than 30 days after the meeting described in paragraph (e), provide to the Director a summary of the findings of the school security risk assessment, any recommendations to improve school safety and security based on the assessment and any actions taken by the board of trustees or governing body, as applicable, based on those recommendations;

(g) Serve as the liaison for the school district or charter school, as applicable, with local public safety agencies, other governmental agencies, nonprofit organizations and the public regarding matters relating to school safety and security;

(h) At least once every 3 years, provide a tour of each school in the district or the charter school, as applicable, to employees of public safety agencies that are likely to be first responders to a crisis, emergency or suicide at the school; and

(i) Provide a written record to the board of trustees of the school district or the governing body of the charter school, as applicable, of any recommendations made by an employee of a public safety agency as a result of a tour provided pursuant to paragraph (h). The board of trustees or governing body, as applicable, shall maintain a record of such recommendations.

3. In a school district in a county whose population is 100,000 or more, the school safety specialist shall collaborate with the emergency manager designated pursuant to NRS 388.262 where appropriate in the performance of the duties prescribed in subsection 2.

4. As used in this section:

(a) "Administrative employee" means any person who holds a license as an administrator, issued by the Superintendent of Public Instruction, and is employed in that capacity by a school district or charter school.

(b) "Crisis" has the meaning ascribed to it in NRS 388.231.

(c) "Emergency" has the meaning ascribed to it in NRS 388.233.

Sec. 8. NRS 388.121 is hereby amended to read as follows:

388.121 As used in NRS 388.121 to 388.1395, inclusive, and section 5 of this act, unless the context otherwise requires, the words and terms defined in NRS 388.1215 to 388.127, inclusive, have the meanings ascribed to them in those sections.

Sec. 9. NRS 388.133 is hereby amended to read as follows:

388.133 1. The Department shall, in consultation with the governing bodies, educational personnel, local associations and organizations of parents

whose children are enrolled in schools throughout this State, and individual parents and legal guardians whose children are enrolled in schools throughout this State, prescribe by regulation a policy for all school districts and schools to provide a safe and respectful learning environment that is free of bullying and cyber-bullying.

2. The policy must include, without limitation:

(a) Requirements and methods for reporting violations of NRS 388.135, including, without limitation, violations among teachers and violations between teachers and administrators, coaches and other personnel of a school district or school;

(b) Requirements and methods for addressing the rights and needs of persons with diverse gender identities or expressions; ~~and~~

(c) *Requirements and methods for restorative disciplinary practices; and*

(d) A policy for use by school districts and schools to train members of the governing body and all administrators, teachers and all other personnel employed by the governing body. The policy must include, without limitation:

(1) Training in the appropriate methods to facilitate positive human relations among pupils by eliminating the use of bullying and cyber-bullying so that pupils may realize their full academic and personal potential;

(2) Training in methods to prevent, identify and report incidents of bullying and cyber-bullying;

(3) Training concerning the needs of persons with diverse gender identities or expressions;

(4) Training concerning the needs of pupils with disabilities and pupils with autism spectrum disorder;

(5) Methods to promote a positive learning environment;

(6) Methods to improve the school environment in a manner that will facilitate positive human relations among pupils; and

(7) Methods to teach skills to pupils so that the pupils are able to replace inappropriate behavior with positive behavior.

Sec. 10. NRS 388.1344 is hereby amended to read as follows:

388.1344 1. Each school safety team established pursuant to NRS 388.1343 must consist of the administrator of the school or his or her designee and the following persons appointed by the administrator:

(a) A school counselor ~~+~~, *school psychologist or social worker ~~+~~ if the school employs a person in such a position full-time;*

(b) At least one teacher who teaches at the school;

(c) At least one parent or legal guardian of a pupil enrolled in the school; ~~and~~

(d) *A school police officer or school resource officer ~~+~~ and*

~~(e) if the school employs a person in such a position full-time;~~

(e) For a middle school, junior high school or high school, one pupil enrolled in the school; and

(f) Any other persons appointed by the administrator.

2. The administrator of the school or his or her designee shall serve as the chair of the school safety team.

3. The school safety team shall:

- (a) Meet at least two times each year;
- (b) Identify and address patterns of bullying or cyber-bullying;
- (c) Review and strengthen school policies to prevent and address bullying or cyber-bullying;
- (d) Provide information to school personnel, pupils enrolled in the school and parents and legal guardians of pupils enrolled in the school on methods to address bullying and cyber-bullying; and
- (e) To the extent money is available, participate in any training conducted by the school district or school regarding bullying and cyber-bullying.

Sec. 11. NRS 388.1453 is hereby amended to read as follows:

388.1453 ~~["Safe to Tell"]~~ "SafeVoice Program" or "Program" means the ~~["Safe to Tell"]~~ SafeVoice Program established within the Office for a Safe and Respectful Learning Environment pursuant to NRS 388.1455.

Sec. 12. NRS 388.1454 is hereby amended to read as follows:

388.1454 The Legislature hereby finds and declares that ~~1. The ability to anonymously report information about dangerous, violent or unlawful activities, or the threat of such activities, conducted on school property, at an activity sponsored by a public school, on a school bus of a public school or by a pupil enrolled at a public school is critical in preventing, responding to and recovering from such activities.~~

~~2. It is in the best interest of this State to ensure the anonymity of a person who reports such an activity, or the threat of such an activity, and who wishes to remain anonymous and to ensure the confidentiality of any record or information associated with such a report.~~

~~3. It is the intent of the Legislature in enacting NRS 388.1451 to 388.1459, inclusive, to enable the people of this State to easily ~~and anonymously~~ provide to appropriate state or local public safety agencies and to school administrators information about dangerous, violent or unlawful activities, or the threat of such activities, conducted on school property, at an activity sponsored by a public school, on a school bus of a public school or by a pupil enrolled at a public school.~~

Sec. 13. NRS 388.1455 is hereby amended to read as follows:

388.1455 1. The Director shall establish the ~~["Safe to Tell"]~~ SafeVoice Program within the Office for a Safe and Respectful Learning Environment. The Program must enable any person to report ~~anonymously~~ to the Program any dangerous, violent or unlawful activity which is being conducted, or is threatened to be conducted, on school property, at an activity sponsored by a public school, on a school bus of a public school or by a pupil enrolled at a public school. Any information relating to any such dangerous, violent or unlawful activity, or threat thereof, received by the Program is confidential and, except as otherwise authorized pursuant to ~~paragraph (a) of~~ subsection 2 and NRS 388.1458, must not be disclosed to any person.

2. The Program must include, without limitation, methods and procedures to ensure that:

(a) Information reported to the Program is promptly forwarded to the appropriate public safety agencies, the Department and other appropriate state agencies, school administrators and other school employees, including, without limitation, the teams appointed pursuant to NRS 388.14553; ~~and~~

(b) The identity of a person who reports information to the Program ~~is~~

~~— (1) Is not known by any person designated by the Director to operate the Program;~~

~~— (2) Is not known by any person employed by, contracting with, serving as a volunteer with or otherwise assisting an organization with whom the Director enters into an agreement pursuant to subsection 3; and~~

~~— (3) Is not disclosed to any person.] may remain anonymous, unless the policies established and regulations adopted pursuant to subsection 6 require the identity of such a person to be disclosed; and~~

(c) The appropriate public safety agencies may access personally identifiable information concerning a pupil:

(1) To take the appropriate action in response to an activity or threat reported pursuant to this section;

(2) Twenty-four hours a day; and

(3) Subject to the confidentiality required pursuant to this section.

3. On behalf of the Program, the Director or his or her designee shall establish and operate a support center that meets the requirements of NRS 388.14557, which includes, without limitation, a hotline, Internet website, mobile telephone application and text messaging application or enter into an agreement with an organization that the Director determines is appropriately qualified and experienced, pursuant to which the organization will establish and operate such a support center, which includes, without limitation, a hotline, Internet website, mobile telephone application and text messaging application. The support center shall receive initial reports made to the Program through the hotline, Internet website, mobile telephone application and text messaging application and forward the information contained in the reports in the manner required by subsection 2.

4. The Director shall provide training regarding:

(a) The Program to employees and volunteers of each public safety agency, public safety answering point, board of trustees of a school district, governing body of a charter school and any other entity whose employees and volunteers the Director determines should receive training regarding the Program.

(b) Properly responding to a report received from the support center, including, without limitation, the manner in which to respond to reports of different types of dangerous, violent and unlawful activity and threats of such activity, to each member of a team appointed pursuant to NRS 388.14553.

(c) The procedure for making a report to the support center using the hotline, Internet website, mobile telephone application and text messaging application and collaborating to prevent dangerous, violent and unlawful

activity directed at teachers and other members of the staff of a school, pupils, family members of pupils and other persons.

5. The Director shall:

(a) Post information concerning the Program on an Internet website maintained by the Director;

(b) Provide to each public school educational materials regarding the Program, including, without limitation, information about the telephone number, address of the Internet website, mobile telephone application, text messaging application and any other methods by which a report may be made; and

(c) On or before July 1 of each year, submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Education a report containing a summary of the information reported to the Director pursuant to NRS 388.14557 during the immediately preceding 12 months and any other information that the Director determines would assist the Committee to evaluate the Program.

6. *The Department shall establish policies and adopt regulations pursuant to subsection 2 relating to the disclosure of the identity of a person who reports information to the Program. The regulations must include, without limitation, the disclosure of the identity of a person who reported information to the Program:*

(a) To ensure the safety and well-being of the person who reported information to the Program;

(b) To comply with the provisions of NRS 388.1351; or

(c) If the person knowingly reported false information to the Program.

7. As used in this section:

(a) "Public safety agency" has the meaning ascribed to it in NRS 239B.020.

(b) "Public safety answering point" has the meaning ascribed to it in NRS 707.500.

Sec. 14. NRS 388.1457 is hereby amended to read as follows:

388.1457 1. The ~~[Safe to Tell]~~ SafeVoice Program Account is hereby created in the State General Fund.

2. Except as otherwise provided in subsection 4, the money in the Account may be used only to implement and operate the ~~[Safe to Tell]~~ SafeVoice Program.

3. The Account must be administered by the Director, who may:

(a) Apply for and accept any gift, donation, bequest, grant or other source of money for deposit in the Account; and

(b) Expend any money received pursuant to paragraph (a) in accordance with subsection 2.

4. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

5. The money in the Account does not revert to the State General Fund at the end of any fiscal year.

6. The Director shall:

(a) Post on the Internet website maintained by the Department a list of each gift, donation, bequest, grant or other source of money, if any, received pursuant to subsection 3 for deposit in the Account and the name of the donor of each gift, donation, bequest, grant or other source of money;

(b) Update the list annually; and

(c) On or before February 1 of each year, transmit the list prepared for the immediately preceding year:

(1) In odd-numbered years, to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature; and

(2) In even-numbered years, to the Legislative Committee on Education.

Sec. 15. NRS 388.1458 is hereby amended to read as follows:

388.1458 1. Except as otherwise provided in this section or as otherwise authorized pursuant to ~~paragraph (a) of~~ subsection 2 of NRS 388.1455, a person must not be compelled to produce or disclose any record or information provided to the ~~Safe-to-Tell~~ SafeVoice Program.

2. A defendant in a criminal action may file a motion to compel a person to produce or disclose any record or information provided to the Program. A defendant in a criminal action who files such a motion shall serve a copy of the motion upon the prosecuting attorney and upon the Director, either or both of whom may file a response to the motion not later than a date determined by the court.

3. If the court grants a motion filed by a defendant in a criminal action pursuant to subsection 2, the court may conduct an in camera review of the record or information or make any other order which justice requires. Counsel for all parties shall be permitted to be present at every stage at which any counsel is permitted to be present. If the court determines that the record or information includes evidence that could be offered by the defendant to exculpate the defendant or to impeach the testimony of a witness ~~[-]~~ and unless otherwise authorized by subsection 2 of NRS 388.1455, the court shall order the record or information to be provided to the defendant. The identity of any person who reported information to the ~~Safe-to-Tell~~ SafeVoice Program must be redacted from any record or information provided pursuant to this subsection, and the record or information may be subject to a protective order further redacting the record or information or otherwise limiting the use of the record or information.

4. The record of any information redacted pursuant to subsection 3 must be sealed and preserved to be made available to the appellate court in the event of an appeal. If the time for appeal expires without an appeal, the court shall provide the record to the ~~Safe-to-Tell~~ SafeVoice Program.

Sec. 16. NRS 388.1459 is hereby amended to read as follows:

388.1459 Except as otherwise provided in NRS 388.1458 or as otherwise authorized pursuant to ~~paragraph (a) of~~ subsection 2 of NRS 388.1455, the willful disclosure of a record or information of the ~~Safe-to-Tell~~ SafeVoice Program, including, without limitation, the identity of a person who reported

information to the Program, or the willful neglect or refusal to obey any court order made pursuant to NRS 388.1458, is punishable as criminal contempt.

Sec. 17. NRS 388.229 is hereby amended to read as follows:

388.229 As used in NRS 388.229 to 388.266, inclusive, *and section 6 of this act*, unless the context otherwise requires, the words and terms defined in NRS 388.231 to 388.2359, inclusive, have the meanings ascribed to them in those sections.

Sec. 18. NRS 388.2358 is hereby amended to read as follows:

388.2358 "School resource officer" means a *school police officer*, deputy sheriff or other peace officer employed by a local law enforcement agency who is assigned to duty at one or more schools, interacts directly with pupils and whose responsibilities include, without limitation, providing guidance and information to pupils, families and educational personnel concerning the avoidance and prevention of crime.

Sec. 19. NRS 388.241 is hereby amended to read as follows:

388.241 1. The board of trustees of each school district shall establish a development committee to develop one plan, *which constitutes the minimum requirements of a plan*, to be used by all the public schools other than the charter schools in the school district in responding to a crisis, emergency or suicide. The governing body of each charter school shall establish a development committee to develop a plan, *which constitutes the minimum requirements of a plan*, to be used by the charter school in responding to a crisis, emergency or suicide.

2. The membership of a development committee must consist of:

(a) At least one member of the board of trustees or of the governing body that established the committee;

(b) At least one administrator of a school in the school district or of the charter school;

(c) At least one licensed teacher of a school in the school district or of the charter school;

(d) At least one employee of a school in the school district or of the charter school who is not a licensed teacher and who is not responsible for the administration of the school;

(e) At least one parent or legal guardian of a pupil who is enrolled in a school in the school district or in the charter school;

(f) At least one representative of a local law enforcement agency in the county in which the school district or charter school is located;

(g) At least one school police officer, including, without limitation, a chief of school police of the school district if the school district has school police officers; ~~and~~

(h) At least one representative of a state or local organization for emergency management ~~[-]~~; *and*

(i) *At least one mental health professional, including, without limitation:*

(1) *A counselor of a school in the school district or of the charter school;*

(2) A psychologist of a school in the school district or of the charter school; or

(3) A licensed social worker of a school in the school district or of the charter school.

3. The membership of a development committee may also include any other person whom the board of trustees or the governing body deems appropriate, including, without limitation:

~~(a) A counselor of a school in the school district or of the charter school;~~
~~(b) A psychologist of a school in the school district or of the charter school;~~
~~(c) A licensed social worker of a school in the school district or of the charter school;~~

~~(d)~~ A pupil in grade 10 or higher of a school in the school district or a pupil in grade 10 or higher of the charter school if a school in the school district or the charter school includes grade 10 or higher; and

~~(e)~~ (b) An attorney or judge who resides or works in the county in which the school district or charter school is located.

4. The board of trustees of each school district and the governing body of each charter school shall determine the term of each member of the development committee that it establishes. Each development committee may adopt rules for its own management and government.

Sec. 20. NRS 388.243 is hereby amended to read as follows:

388.243 1. Each development committee established by the board of trustees of a school district shall develop one plan , *which constitutes the minimum requirements of a plan*, to be used by all the public schools other than the charter schools in the school district in responding to a crisis, emergency or suicide. Each development committee established by the governing body of a charter school shall develop a plan , *which constitutes the minimum requirements of a plan*, to be used by the charter school in responding to a crisis, emergency or suicide. Each development committee shall, when developing the plan:

(a) Consult with local social service agencies and local public safety agencies in the county in which its school district or charter school is located.

(b) If the school district has an emergency manager designated pursuant to NRS 388.262, consult with the emergency manager.

(c) If the school district has school resource officers, consult with the school resource officer or a person designated by him or her.

(d) If the school district has school police officers, consult with the chief of school police of the school district or a person designated by him or her.

(e) Consult with the director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.

(f) Consult with the State Fire Marshal or his or her designee and a representative of a local government responsible for enforcement of the ordinances, codes or other regulations governing fire safety.

(g) Determine which persons and organizations in the community, including, without limitation, a provider of mental health services which is operated by a state or local agency, that could be made available to assist pupils and staff in recovering from a crisis, emergency or suicide.

2. The plan developed pursuant to subsection 1 must include, without limitation:

(a) The plans, procedures and information included in the model plan developed by the Department pursuant to NRS 388.253;

(b) A procedure for responding to a crisis or an emergency and for responding during the period after a crisis or an emergency has concluded, including, without limitation, a crisis or an emergency that results in immediate physical harm to a pupil or employee of a school in the school district or the charter school;

(c) A procedure for enforcing discipline within a school in the school district or the charter school and for obtaining and maintaining a safe and orderly environment during a crisis or an emergency;

(d) The names of persons and organizations in the community, including, without limitation, a provider of mental health services which is operated by a state or local agency, that are available to provide counseling and other services to pupils and staff of the school to assist them in recovering from a crisis, emergency or suicide; ~~and~~

(e) A plan for making the persons and organizations described in paragraph (d) available to pupils and staff after a crisis, emergency or suicide ~~to~~;

(f) A procedure for responding to a crisis or an emergency that occurs during an extracurricular activity which takes place on school grounds;

(g) A plan which includes strategies to assist pupils and staff at a school in recovering from a suicide; and

~~(g)~~ *(h) A description of the organizational structure which ensures there is a clearly defined hierarchy of authority and responsibility used by the school for the purpose of responding to a crisis, emergency or suicide.*

3. Each development committee shall provide a copy of the plan that it develops pursuant to this section to the board of trustees of the school district that established the committee or the governing body of the charter school that established the committee.

4. *The board of trustees of the school district that established the committee or the governing body of the charter school that established the committee shall submit for approval to the Division of Emergency Management of the Department of Public Safety the plan developed pursuant to this section.*

5. Except as otherwise provided in NRS 388.249 and 388.251, each public school must comply with the plan developed for it pursuant to this section.

Sec. 21. NRS 388.245 is hereby amended to read as follows:

388.245 1. Each development committee shall, at least once each year, review and update as appropriate the plan that it developed pursuant to

NRS 388.243. In reviewing and updating the plan, the development committee shall consult with the director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.

2. Each development committee shall provide an updated copy of the plan to the board of trustees of the school district that established the committee or the governing body of the charter school that established the committee.

3. *On or before July 1 of each year, the board of trustees of the school district that established the committee or the governing body of the charter school that established the committee shall submit for approval to the Division of Emergency Management of the Department of Public Safety the plan updated pursuant to subsection 1.*

4. The board of trustees of each school district and the governing body of each charter school shall:

(a) Post a notice of the completion of each review and update that its development committee performs pursuant to subsection 1 at each school in its school district or at its charter school;

(b) File with the Department a copy of the notice provided pursuant to paragraph (a);

(c) Post a copy of NRS 388.229 to 388.266, inclusive, *and section 6 of this act* at each school in its school district or at its charter school;

(d) Retain a copy of each plan developed pursuant to NRS 388.243, each plan updated pursuant to subsection 1 and each deviation approved pursuant to NRS 388.251;

(e) Provide a copy of each plan developed pursuant to NRS 388.243 and each plan updated pursuant to subsection 1 to:

(1) Each local public safety agency in the county in which the school district or charter school is located; *and*

(2) ~~The Division of Emergency Management of the Department of Public Safety; and~~

~~—(3) The local organization for emergency management, if any;~~

(f) Upon request, provide a copy of each plan developed pursuant to NRS 388.243 and each plan updated pursuant to subsection 1 to a local agency that is included in the plan and to an employee of a school who is included in the plan;

(g) Provide a copy of each deviation approved pursuant to NRS 388.251 as soon as practicable to:

(1) The Department;

(2) A local public safety agency in the county in which the school district or charter school is located;

(3) The Division of Emergency Management of the Department of Public Safety;

(4) The local organization for emergency management, if any;

(5) A local agency that is included in the plan; and

(6) An employee of a school who is included in the plan; and

(h) At least once each year, provide training in responding to a crisis and training in responding to an emergency to each employee of the school district or of the charter school, including, without limitation, training concerning drills for evacuating and securing schools.

~~{4}~~ 5. The board of trustees of each school district and the governing body of each charter school may apply for and accept gifts, grants and contributions from any public or private source to carry out the provisions of NRS 388.229 to 388.266, inclusive ~~{ }~~, and *section 6 of this act*.

Sec. 22. NRS 388.247 is hereby amended to read as follows:

388.247 1. The principal of each public school shall establish a school committee to review the plan developed ~~{for the school}~~ pursuant to NRS 388.243 ~~{ }~~ and *make recommendations pursuant to NRS 388.249*.

2. The membership of a school committee must consist of:

- (a) The principal of the school;
- (b) Two licensed employees of the school;
- (c) One employee of the school who is not a licensed employee and who is not responsible for the administration of the school;
- (d) One school police officer of the school if the school has school police officers; and
- (e) One parent or legal guardian of a pupil who is enrolled in the school.

3. The membership of a school committee may also include any other person whom the principal of the school deems appropriate, including, without limitation:

- (a) A member of the board of trustees of the school district in which the school is located or a member of the governing body of the charter school;
- (b) A counselor of the school;
- (c) A psychologist of the school;
- (d) A licensed social worker of the school;
- (e) A representative of a local law enforcement agency in the county, city or town in which the school is located; ~~{and}~~
- (f) *The State Fire Marshal or his or her designee or a representative of a local government responsible for enforcement of the ordinances, codes or other regulations governing fire safety; and*
- (g) A pupil in grade ~~{10}~~ 7 or higher from the school if the school includes grade ~~{10}~~ 7 or higher.

4. The principal of a public school, including, without limitation, a charter school, shall determine the term of each member of the school committee. Each school committee may adopt rules for its own management and government.

Sec. 23. NRS 388.249 is hereby amended to read as follows:

388.249 1. Each school committee shall, at least once each year, review the plan developed ~~{for the school}~~ pursuant to NRS 388.243 and determine whether the school should deviate from the plan.

2. Each school committee shall, when reviewing the plan : ~~{consult with}~~

(a) ~~The~~ Consult with the local social service agencies and law enforcement agencies in the county, city or town in which its school is located.

(b) ~~The~~ Consult with the director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.

(c) Consider the specific needs and characteristics of the school, including, without limitation, the length of time for law enforcement to respond to the school ~~and~~ and for a fire-fighting agency to respond to a fire, explosion or other similar emergency.

3. If a school committee determines that the school should deviate from the plan, the school committee shall notify the development committee that developed the plan, describe the proposed deviation and explain the reason for the proposed deviation. The school may deviate from the plan only if the deviation is approved by the development committee pursuant to NRS 388.251.

4. Each public school shall post at the school a notice of the completion of each review that the school committee performs pursuant to this section.

Sec. 24. NRS 388.253 is hereby amended to read as follows:

388.253 1. The Department shall, with assistance from other state agencies, including, without limitation, the Division of Emergency Management, the Investigation Division, and the Nevada Highway Patrol Division of the Department of Public Safety, develop a model plan for the management of:

(a) A suicide; or

(b) A crisis or emergency that involves a public school or a private school and that requires immediate action.

2. The model plan must include, without limitation, a procedure for:

(a) In response to a crisis or emergency:

(1) Coordinating the resources of local, state and federal agencies, officers and employees, as appropriate;

(2) Accounting for all persons within a school;

(3) Assisting persons within a school in a school district, a charter school or a private school to communicate with each other;

(4) Assisting persons within a school in a school district, a charter school or a private school to communicate with persons located outside the school, including, without limitation, relatives of pupils and relatives of employees of such a school, the news media and persons from local, state or federal agencies that are responding to a crisis or an emergency;

(5) Assisting pupils of a school in the school district, a charter school or a private school, employees of such a school and relatives of such pupils and employees to move safely within and away from the school, including, without limitation, a procedure for evacuating the school and a procedure for securing the school;

(6) Reunifying a pupil with his or her parent or legal guardian;

- (7) Providing any necessary medical assistance;
- (8) Recovering from a crisis or emergency;
- (9) Carrying out a lockdown at a school; ~~and~~
- (10) Providing shelter in specific areas of a school; *and*
- (11) *Providing disaster behavioral health related to a crisis, emergency or suicide;*

(b) Providing specific information relating to managing a crisis or emergency that is a result of:

- (1) An incident involving hazardous materials;
- (2) An incident involving mass casualties;
- (3) An incident involving an active shooter;
- (4) An incident involving a fire, explosion or other similar situation;
- (5) An outbreak of disease;

~~(5)~~ (6) Any threat or hazard identified in the hazard mitigation plan of the county in which the school district is located, if such a plan exists; or

- ~~(6)~~ (7) Any other situation, threat or hazard deemed appropriate;

(c) Providing pupils and staff at a school that has experienced a crisis, emergency or suicide with access to counseling and other resources to assist in recovering from the crisis, emergency or suicide; ~~and~~

(d) Evacuating pupils and employees of a charter school to a designated space within an identified public middle school, junior high school or high school in a school district that is separate from the general population of the school and large enough to accommodate the charter school, and such a space may include, without limitation, a gymnasium or multipurpose room of the public school ~~†~~;

(e) *Selecting an assessment tool which assists in responding to a threat against the school by a pupil or pupils; and*

(f) *On an annual basis, providing drills to instruct pupils in the appropriate procedures to be followed in response to a crisis or an emergency. Such drills must occur:*

- (1) *At different times during normal school hours; and*
- (2) *In cooperation with other state agencies, pursuant to this section.*

3. In developing the model plan, the Department shall consider the plans developed pursuant to NRS 388.243 and 394.1687 and updated pursuant to NRS 388.245 and 394.1688.

4. The Department shall require a school district to ensure that each public school in the school district identified pursuant to paragraph (d) of subsection 2 is prepared to allow a charter school to evacuate to the school when necessary in accordance with the procedure included in the model plan developed pursuant to subsection 1. A charter school shall hold harmless, indemnify and defend the school district to which it evacuates during a crisis or an emergency against any claim or liability arising from an act or omission by the school district or an employee or officer of the school district.

5. The Department may disseminate to any appropriate local, state or federal agency, officer or employee, as the Department determines is necessary:

- (a) The model plan developed by the Department pursuant to subsection 1;
- (b) A plan developed pursuant to NRS 388.243 or updated pursuant to NRS 388.245;
- (c) A plan developed pursuant to NRS 394.1687 or updated pursuant to NRS 394.1688; and
- (d) A deviation approved pursuant to NRS 388.251 or 394.1692.

6. The Department shall, at least once each year, review and update as appropriate the model plan developed pursuant to subsection 1.

Sec. 25. NRS 388.259 is hereby amended to read as follows:

388.259 A plan developed *or approved* pursuant to NRS 388.243 or updated *or approved* pursuant to NRS 388.245, a deviation and any information submitted to a development committee pursuant to NRS 388.249, a deviation approved pursuant to NRS 388.251 and the model plan developed pursuant to NRS 388.253 are confidential and, except as otherwise provided in NRS 239.0115 and NRS 388.229 to 388.266, inclusive, *and section 6 of this act* must not be disclosed to any person or government, governmental agency or political subdivision of a government.

Sec. 26. NRS 388.261 is hereby amended to read as follows:

388.261 The provisions of chapter 241 of NRS do not apply to a meeting of:

- 1. A development committee;
- 2. A school committee;
- 3. The State Board if the meeting concerns a regulation adopted pursuant to NRS 388.255; ~~{or}~~
- 4. The Department *of Education* if the meeting concerns the model plan developed pursuant to NRS 388.253 ~~{-}~~; *or*
- 5. *The Division of Emergency Management of the Department of Public Safety if the meeting concerns the approval of a plan developed pursuant to NRS 388.243 or the approval of a plan updated pursuant to NRS 388.245.*

Sec. 27. NRS 388.265 is hereby amended to read as follows:

388.265 1. The Department of Education shall, at least once each year, coordinate with the Division of Emergency Management of the Department of Public Safety, any emergency manager designated pursuant to NRS 388.262, any chief of police of a school district that has police officers and any school resource officer to conduct a conference regarding safety in public schools.

2. The board of trustees of each school district shall designate persons to attend the conference held pursuant to subsection 1. The persons so designated must include, without limitation:

- (a) An administrator from the school district;
- (b) If the school district has school resource officers, a school resource officer or a person designated by him or her;

(c) If the school district has school police officers, the chief of school police of the school district or a person designated by him or her; and

(d) If the school district has an emergency manager designated pursuant to NRS 388.262, the emergency manager.

3. The conference conducted pursuant to subsection 1 may be attended by:

(a) A licensed teacher of a school or charter school;

(b) Educational support personnel employed by a school district or charter school;

(c) The parent or legal guardian of a pupil who is enrolled in a public school; ~~and~~

(d) An employee of a local law enforcement agency ~~[-];~~ and

(e) A person employed or appointed to serve as a school police officer.

4. The State Public Charter School Authority shall annually, at a designated meeting of the State Public Charter School Authority or at a workshop or conference coordinated by the State Public Charter School Authority, discuss safety in charter schools. The governing body of each charter school shall designate persons to attend a meeting, workshop or conference at which such a discussion will take place pursuant to this subsection.

Sec. 28. NRS 388.885 is hereby amended to read as follows:

388.885 1. The Department shall, to the extent money is available, establish a statewide framework for providing and coordinating integrated student supports for pupils enrolled in public schools and the families of such pupils. The statewide framework must:

(a) Establish minimum standards for the provision of integrated student supports by school districts and charter schools. Such standards must be designed to allow a school district or charter school the flexibility to address the unique needs of the pupils enrolled in the school district or charter school.

(b) Establish a protocol for providing and coordinating integrated student supports. Such a protocol must be designed to:

(1) Support a school-based approach to promoting the success of all pupils by establishing a means to identify barriers to academic achievement and educational attainment of all pupils and ~~[-a method]~~ *methods* for intervening and providing ~~[-coordinated]~~ *integrated student supports which are coordinated* to reduce those barriers ~~[-];~~ *including, without limitation, methods for:*

(I) *Engaging the parents and guardians of pupils;*

(II) *Assessing the social, emotional and academic development of pupils;* ~~and~~

(III) *Attaining appropriate behavior from pupils; and*

(IV) *Screening, intervening and monitoring the social, emotional and academic progress of pupils;*

(2) Encourage the provision of education in a manner that is centered around pupils and their families and is culturally and linguistically appropriate;

(3) Encourage providers of integrated student supports to collaborate to improve academic achievement and educational attainment, including, without limitation, by:

(I) Engaging in shared decision-making;

(II) Establishing a referral process that reduces duplication of services and increases efficiencies in the manner in which barriers to academic achievement and educational attainment are addressed by such providers; and

(III) Establishing productive working relationships between such providers;

(4) Encourage collaboration between the Department and local educational agencies to develop training regarding:

(I) Best practices for providing integrated student supports;

(II) Establishing effective integrated student support teams comprised of persons or governmental entities providing integrated student supports;

(III) Effective communication between providers of integrated student supports; and

(IV) Compliance with applicable state and federal law; and

(5) Support statewide and local organizations in their efforts to provide leadership, coordination, technical assistance, professional development and advocacy to improve access to integrated student supports and expand upon existing integrated student supports that address the physical, emotional and educational needs of pupils.

(c) Include integration and coordination across school- and community-based providers of integrated student support services through the establishment of partnerships and systems that support this framework.

(d) Establish accountability standards for each administrator of a school to ensure the provision and coordination of integrated student supports.

2. The board of trustees of each school district and the governing body of each charter school shall:

(a) Annually conduct a needs assessment for pupils enrolled in the school district or charter school, as applicable, to identify the academic and nonacademic supports needed within the district or charter school. The board of trustees of a school district or the governing body of a charter school shall be deemed to have satisfied this requirement if the board of trustees or the governing body has conducted such a needs assessment for the purpose of complying with any provision of federal law or any other provision of state law that requires the board of trustees or governing body to conduct such a needs assessment.

(b) Ensure that mechanisms for data-driven decision-making are in place and the academic progress of pupils for whom integrated student supports have been provided is tracked.

(c) Ensure integration and coordination between providers of integrated student supports.

(d) To the extent money is available, ensure that pupils have access to social workers, mental health workers, counselors, psychologists, nurses,

speech-language pathologists, audiologists and other school-based specialized instructional support personnel or community-based medical or behavioral providers of health care.

3. Any request for proposals issued by a local educational agency for integrated student supports must include provisions requiring a provider of integrated student supports to comply with the protocol established by the Department pursuant to subsection 1.

4. As used in this section, ~~["support"]~~ "integrated student support" means any measure designed to assist a pupil in ~~["improving"]~~ :

(a) *Improving* his or her academic achievement and educational attainment and maintaining stability and positivity in his or her life ~~[-]~~ ; and

(b) *His or her social, emotional and academic development.*

Sec. 29. NRS 391.282 is hereby amended to read as follows:

391.282 1. The jurisdiction of each school police officer of a school district extends to all school property, buildings and facilities within the school district and, if the board of trustees has entered into a contract with a charter school for the provision of school police officers pursuant to NRS 388A.384, all property, buildings and facilities in which the charter school is located, for the purpose of:

(a) Protecting school district personnel, pupils, or real or personal property; or

(b) Cooperating with local law enforcement agencies in matters relating to personnel, pupils or real or personal property of the school district.

2. In addition to the jurisdiction set forth in subsection 1, a school police officer of a school district has jurisdiction:

(a) Beyond the school property, buildings and facilities ~~["when"]~~ :

(1) *When* in hot pursuit of a person believed to have committed a crime; or

(2) *While investigating matters that originated within the jurisdiction of the school police officer relating to personnel, pupils or real or personal property of the school district;*

(b) At activities or events sponsored by the school district that are in a location other than the school property, buildings or facilities within the school district; and

(c) ~~["When authorized by the superintendent of schools of the school district, on"]~~ *On* the streets that are adjacent to the school property, buildings and facilities within the school district ~~["for the purpose of issuing traffic citations for"]~~ *to* ~~["make arrests for"]~~ *enforce* violations of traffic laws and ordinances . ~~["during the times that the school is in session or school related activities are in progress."]~~

3. A law enforcement agency that is contacted for assistance by a public school or private school which does not have school police shall respond according to the protocol of the law enforcement agency established for responding to calls for assistance from the general public.

Sec. 30. NRS 392.128 is hereby amended to read as follows:

392.128 1. Each advisory board to review school attendance created pursuant to NRS 392.126 shall:

(a) Review the records of the attendance and truancy of pupils submitted to the advisory board to review school attendance by the board of trustees of the school district or the State Public Charter School Authority, the Achievement School District or a college or university within the Nevada System of Higher Education that sponsors a charter school pursuant to subsection ~~2~~ 3 of NRS 385A.240;

(b) Identify factors that contribute to the truancy of pupils in the school district;

(c) Establish programs to reduce the truancy of pupils in the school district, including, without limitation, the coordination of services available in the community to assist with the intervention, diversion and discipline of pupils who are truant;

(d) At least annually, evaluate the effectiveness of those programs;

(e) Establish a procedure for schools and school districts for the reporting of the status of pupils as habitual truants; and

(f) Inform the parents and legal guardians of the pupils who are enrolled in the schools within the district of the policies and procedures adopted pursuant to the provisions of this section.

2. The chair of an advisory board may divide the advisory board into subcommittees. The advisory board may delegate one or more of the duties of the advisory board to a subcommittee of the advisory board, including, without limitation, holding hearings pursuant to NRS 392.147. If the chair of an advisory board divides the advisory board into subcommittees, the chair shall notify the board of trustees of the school district of this action. Upon receipt of such a notice, the board of trustees shall establish rules and procedures for each such subcommittee. A subcommittee shall abide by the applicable rules and procedures when it takes action or makes decisions.

3. An advisory board to review school attendance may work with a family resource center or other provider of community services to provide assistance to pupils who are truant. The advisory board shall identify areas within the school district in which community services are not available to assist pupils who are truant. As used in this subsection, "family resource center" has the meaning ascribed to it in NRS 430A.040.

4. An advisory board to review school attendance created in a county pursuant to NRS 392.126 may use money appropriated by the Legislature and any other money made available to the advisory board for the use of programs to reduce the truancy of pupils in the school district. The advisory board to review school attendance shall, on a quarterly basis, provide to the board of trustees of the school district an accounting of the money used by the advisory board to review school attendance to reduce the truancy of pupils in the school district.

Sec. 31. NRS 392.450 is hereby amended to read as follows:

392.450 1. The board of trustees of each school district and the governing body of each charter school shall provide drills for the pupils in the schools in the school district or the charter schools at least once each month during the school year to instruct those pupils in the appropriate procedures to be followed in the event of a lockdown, fire or other emergency. Not more than three of the drills provided pursuant to this subsection may include instruction in the appropriate procedures to be followed in the event of a chemical explosion, related emergencies and other natural disasters. At least one-half of the drills provided pursuant to this subsection must include instruction in appropriate procedures to be followed in the event of a lockdown.

2. In all cities or towns, the drills required by subsection 1 must be approved by the chief of the fire department of the city or town, if the city or town has a regularly organized, paid fire department or voluntary fire department ~~[-]~~, and must be conducted in accordance with any applicable fire code and any direction from the State Fire Marshal. In addition, the drills in each school must be conducted under the supervision of the:

(a) Person designated for this purpose by the board of trustees of the school district or the governing body of a charter school in a county whose population is less than 100,000; or

(b) Emergency manager designated pursuant to NRS 388.262 in a county whose population is 100,000 or more.

3. A diagram of the approved escape route and any other information related to the drills required by subsection 1 which is approved by the chief of the fire department or, if there is no fire department, the State Fire Marshal must be kept posted in every classroom of every public school by the principal or teacher in charge thereof.

4. The principal, teacher or other person in charge of each school building shall ~~cause~~ :

(a) Cause the provisions of this section to be enforced ~~[-]~~; and

(b) Ensure the drills provided pursuant to subsection 1 occur at different times during normal school hours.

5. Any violation of the provisions of this section is a misdemeanor.

6. As used in this section, "lockdown" has the meaning ascribed to it in NRS 388.2343.

Sec. 32. NRS 392.4644 is hereby amended to read as follows:

392.4644 1. The principal of each public school shall establish a plan to provide for the ~~progressive~~ restorative discipline of pupils and on-site review of disciplinary decisions. The plan must:

(a) Be developed with the input and participation of teachers and other educational personnel and support personnel who are employed at the school, and the parents and guardians of pupils who are enrolled in the school.

(b) Be consistent with the written rules of behavior prescribed in accordance with NRS 392.463.

(c) Include, without limitation, provisions designed to address the specific disciplinary needs and concerns of the school.

(d) *Provide restorative disciplinary practices which include, without limitation:*

- (1) *Holding a pupil accountable for his or her behavior;*
- (2) *Restoration or remedies related to the behavior of the pupil;*
- (3) *Relief for any victim of the pupil; and*
- (4) *Changing the behavior of the pupil.*

(e) Provide for the temporary removal of a pupil from a classroom or other premises of a public school in accordance with NRS 392.4645.

~~{(e)}~~ (f) Include the names of any members of a committee to review the temporary alternative placement of pupils required by NRS 392.4647.

2. On or before September 15 of each year, the principal of each public school shall:

(a) Review the plan in consultation with the teachers and other educational personnel and support personnel who are employed at the school;

(b) Based upon the review, make revisions to the plan, as recommended by the teachers and other educational personnel and support personnel, if necessary;

(c) Post a copy of the plan or the revised plan, as applicable, on the Internet website maintained by the school or school district;

(d) Distribute to each teacher and all educational support personnel who are employed at or assigned to the school a written or electronic copy of the plan or the revised plan, as applicable; and

(e) Submit a copy of the plan or the revised plan, as applicable, to the superintendent of schools of the school district.

3. On or before October 15 of each year, the superintendent of schools of each school district shall submit a report to the board of trustees of the school district that includes:

(a) A compilation of the plans submitted pursuant to this subsection by each school within the school district.

(b) The name of each principal, if any, who has not complied with the requirements of this section.

4. On or before November 15 of each year, the board of trustees of each school district shall:

(a) Submit a written report to the Superintendent of Public Instruction based upon the compilation submitted pursuant to subsection 3 that reports the progress of each school within the district in complying with the requirements of this section; and

(b) Post a copy of the report on the Internet website maintained by the school district.

Sec. 33. NRS 392.4645 is hereby amended to read as follows:

392.4645 1. The plan established pursuant to NRS 392.4644 must provide for the temporary removal of a pupil from a classroom or other premises of a public school if, in the judgment of the teacher or other staff

member responsible for the classroom or other premises, as applicable, the pupil has engaged in behavior that seriously interferes with the ability of the teacher to teach the other pupils in the classroom and with the ability of the other pupils to learn or with the ability of the staff member to discharge his or her duties. The plan must provide that, upon the removal of a pupil from a classroom or any other premises of a public school pursuant to this section, the principal of the school shall provide an explanation of the reason for the removal of the pupil to the pupil and offer the pupil an opportunity to respond to the explanation. Within 24 hours after the removal of a pupil pursuant to this section, the principal of the school shall notify the parent or legal guardian of the pupil of the removal.

2. Except as otherwise provided in subsection 3, a pupil who is removed from a classroom or any other premises of a public school pursuant to this section ~~must~~ *may* be assigned to a temporary alternative placement pursuant to which the pupil:

- (a) Is separated, to the extent practicable, from pupils who are not assigned to a temporary alternative placement;
- (b) Studies or remains under the supervision of appropriate personnel of the school district; and
- (c) Is prohibited from engaging in any extracurricular activity sponsored by the school.

3. The principal shall not assign a pupil to a temporary alternative placement if the suspension or expulsion of a pupil who is removed from the classroom pursuant to this section is:

- (a) Required by NRS 392.466; or
- (b) Authorized by NRS 392.467 and the principal decides to proceed in accordance with that section.

↪ If the principal proceeds in accordance with NRS 392.466 or 392.467, the pupil must be removed from school in accordance with those sections and the provisions of NRS 392.4642 to 392.4648, inclusive, do not apply to the pupil.

Sec. 34. Chapter 394 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The governing body of a private school may contract with the board of trustees of the school district in which the private school is located for the provision of school police officers.*

2. *If the governing body of a private school makes a request to the board of trustees of the school district in which the private school is located for the provision of school police officers pursuant to subsection 1, the board of trustees of the school district must enter into a contract with the governing body for that purpose. Such a contract must provide the payment by the private school for the provision of school police officers by the school district which must be in an amount not to exceed the actual cost to the school district of providing the officers, including, without limitation, any other costs associated with providing the officers.*

3. Any contract for the provision of school police officers pursuant to this section must be entered into between the governing body of a private school and the board of trustees of the school district not later than March 15 for the next school year and must provide for the provision of school police officers for not less than 3 school years.

4. A school district that enters into a contract pursuant to this section with the governing body of a private school for the provision of school police officers is immune from civil and criminal liability for any act or omission of a school police officer that provides services to the private school pursuant to the contract.

5. As used in this section, "private school" means a school licensed pursuant to this chapter or an institution exempt from such licensing pursuant to NRS 394.211.

Sec. 35. NRS 394.168 is hereby amended to read as follows:

394.168 As used in NRS 394.168 to 394.1699, inclusive, and section 34 of this act, unless the context otherwise requires, the words and terms defined in NRS 394.1681 to 394.1684, inclusive, have the meanings ascribed to them in those sections.

Sec. 36. NRS 394.1688 is hereby amended to read as follows:

394.1688 1. Each development committee shall, at least once each year, review and update as appropriate the plan that it developed pursuant to NRS 394.1687. In reviewing and updating the plan, the development committee shall consult with the director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.

2. ~~Each~~ On or before July 1 of each year, each development committee shall provide an updated copy of the plan to the governing body of the school.

3. The governing body of each private school shall:

(a) Post a notice of the completion of each review and update that its development committee performs pursuant to subsection 1 at the school;

(b) File with the Department a copy of the notice provided pursuant to paragraph (a);

(c) Post a copy of NRS 388.253 and 394.168 to 394.1699, inclusive, at the school;

(d) Retain a copy of each plan developed pursuant to NRS 394.1687, each plan updated pursuant to subsection 1 and each deviation approved pursuant to NRS 394.1692;

(e) ~~Provide~~ On or before July 1 of each year, provide a copy of each plan developed pursuant to NRS 394.1687 and each plan updated pursuant to subsection 1 to:

(1) Each local public safety agency in the county in which the school is located;

(2) The Division of Emergency Management of the Department of Public Safety; and

(3) The local organization for emergency management, if any;

(f) Upon request, provide a copy of each plan developed pursuant to NRS 394.1687 and each plan updated pursuant to subsection 1 to a local agency that is included in the plan and to an employee of the school who is included in the plan;

(g) Upon request, provide a copy of each deviation approved pursuant to NRS 394.1692 to:

(1) The Department;

(2) A local public safety agency in the county in which the school is located;

(3) The Division of Emergency Management of the Department of Public Safety;

(4) The local organization for emergency management, if any;

(5) A local agency that is included in the plan; and

(6) An employee of the school who is included in the plan; and

(h) At least once each year, provide training in responding to a crisis and training in responding to an emergency to each employee of the school, including, without limitation, training concerning drills for evacuating and securing the school.

4. As used in this section, "public safety agency" has the meaning ascribed to it in NRS 388.2345.

Sec. 37. 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 ~~and~~ *and school district if the school district has school police officers*, 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 ~~and~~ *and school district if the school district has school police officers*, as applicable.

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 38. NRS 289.470 is hereby amended to read as follows:

289.470 "Category II peace officer" means:

1. The bailiffs of the district courts, justice courts and municipal courts whose duties require them to carry weapons and make arrests;

2. Subject to the provisions of NRS 258.070, constables and their deputies;

3. Inspectors employed by the Nevada Transportation Authority who exercise those powers of enforcement conferred by chapters 706 and 712 of NRS;

4. Special investigators who are employed full-time by the office of any district attorney or the Attorney General;

5. Investigators of arson for fire departments who are specially designated by the appointing authority;

6. The brand inspectors of the State Department of Agriculture who exercise the powers of enforcement conferred by chapter 565 of NRS;

7. The field agents and inspectors of the State Department of Agriculture who exercise the powers of enforcement conferred by NRS 561.225;

8. Investigators for the State Forester Firewarden who are specially designated by the State Forester Firewarden and whose primary duties are related to the investigation of arson;

9. ~~School police officers employed by the board of trustees of any county school district;~~

~~10.]~~ Agents of the Nevada Gaming Control Board who exercise the powers of enforcement specified in NRS 289.360, 463.140 or 463.1405, except those agents whose duties relate primarily to auditing, accounting, the

collection of taxes or license fees, or the investigation of applicants for licenses;

~~{11}~~ 10. Investigators and administrators of the Division of Compliance Enforcement of the Department of Motor Vehicles who perform the duties specified in subsection 2 of NRS 481.048;

~~{12}~~ 11. Officers and investigators of the Section for the Control of Emissions From Vehicles and the Enforcement of Matters Related to the Use of Special Fuel of the Department of Motor Vehicles who perform the duties specified in subsection 3 of NRS 481.0481;

~~{13}~~ 12. Legislative police officers of the State of Nevada;

~~{14}~~ 13. Parole counselors of the Division of Child and Family Services of the Department of Health and Human Services;

~~{15}~~ 14. Juvenile probation officers and deputy juvenile probation officers employed by the various judicial districts in the State of Nevada or by a department of juvenile justice services established by ordinance pursuant to NRS 62G.210 whose official duties require them to enforce court orders on juvenile offenders and make arrests;

~~{16}~~ 15. Field investigators of the Taxicab Authority;

~~{17}~~ 16. Security officers employed full-time by a city or county whose official duties require them to carry weapons and make arrests;

~~{18}~~ 17. The chief of a department of alternative sentencing created pursuant to NRS 211A.080 and the assistant alternative sentencing officers employed by that department;

~~{19}~~ 18. Criminal investigators who are employed by the Secretary of State; and

~~{20}~~ 19. The Inspector General of the Department of Corrections and any person employed by the Department as a criminal investigator.

Sec. 39. NRS 289.480 is hereby amended to read as follows:

289.480 "Category III peace officer" means a peace officer whose authority is limited to correctional services, including the superintendents and correctional officers of the Department of Corrections. The term does not include a person described in subsection ~~{20}~~ 19 of NRS 289.470.

Sec. 40. NRS 289.830 is hereby amended to read as follows:

289.830 1. A law enforcement agency shall require uniformed peace officers that it employs and who routinely interact with the public to wear a portable event recording device while on duty. Each law enforcement agency shall adopt policies and procedures governing the use of portable event recording devices, which must include, without limitation:

(a) Except as otherwise provided in paragraph (d), requiring activation of a portable event recording device whenever a peace officer is responding to a call for service or at the initiation of any other law enforcement or investigative encounter between a uniformed peace officer and a member of the public;

(b) Except as otherwise provided in paragraph (d), prohibiting deactivation of a portable event recording device until the conclusion of a law enforcement or investigative encounter;

- (c) Prohibiting the recording of general activity;
- (d) Protecting the privacy of persons:
 - (1) In a private residence;
 - (2) Seeking to report a crime or provide information regarding a crime or ongoing investigation anonymously; or
 - (3) Claiming to be a victim of a crime;
- (e) Requiring that any video recorded by a portable event recording device must be retained by the law enforcement agency for not less than 15 days; and
- (f) Establishing disciplinary rules for peace officers who:
 - (1) Fail to operate a portable event recording device in accordance with any departmental policies;
 - (2) Intentionally manipulate a video recorded by a portable event recording device; or
 - (3) Prematurely erase a video recorded by a portable event recording device.

2. Any record made by a portable event recording device pursuant to this section is a public record which may be:

- (a) Requested only on a per incident basis; and
- (b) Available for inspection only at the location where the record is held if the record contains confidential information that may not otherwise be redacted.

3. As used in this section:

- (a) "Law enforcement agency" means:
 - (1) The sheriff's office of a county;
 - (2) A metropolitan police department;
 - (3) A police department of an incorporated city;
 - (4) A department, division or municipal court of a city or town that employs marshals; ~~or~~
 - (5) The Nevada Highway Patrol ~~[-]~~; or
 - (6) *A board of trustees of any county school district that employs or appoints school police officers.*

(b) "Portable event recording device" means a device issued to a peace officer by a law enforcement agency to be worn on his or her body and which records both audio and visual events occurring during an encounter with a member of the public while performing his or her duties as a peace officer.

Sec. 41. NRS 432B.610 is hereby amended to read as follows:

432B.610 1. The Peace Officers' Standards and Training Commission shall:

(a) Require each category I peace officer to complete a program of training for the detection and investigation of and response to cases of sexual abuse or sexual exploitation of children under the age of 18 years.

(b) Not certify any person as a category I peace officer unless the person has completed the program of training required pursuant to paragraph (a).

(c) Establish a program to provide the training required pursuant to paragraph (a).

(d) Adopt regulations necessary to carry out the provisions of this section.

2. As used in this section, "category I peace officer" means:

(a) Sheriffs of counties and of metropolitan police departments, their deputies and correctional officers;

(b) Personnel of the Nevada Highway Patrol whose principal duty is to enforce one or more laws of this State, and any person promoted from such a duty to a supervisory position related to such a duty;

(c) Marshals, police officers and correctional officers of cities and towns;

(d) Members of the Police Department of the Nevada System of Higher Education;

(e) Employees of the Division of State Parks of the State Department of Conservation and Natural Resources designated by the Administrator of the Division who exercise police powers specified in NRS 289.260;

(f) The Chief, investigators and agents of the Investigation Division of the Department of Public Safety; ~~and~~

(g) The personnel of the Department of Wildlife who exercise those powers of enforcement conferred by title 45 and chapter 488 of NRS ~~[-]~~; *and*

(h) *School police officers employed or appointed by the board of trustees of any county school district.*

Sec. 42. A person employed or appointed as a school police officer before July 1, 2019, must be certified by the Peace Officers' Standards and Training Commission as a category I officer on or before January 1, 2021.

Sec. 43. 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. 44. This act becomes effective on July 1, 2019.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 544 to Senate Bill No. 89 makes the following changes. It revises sections 6, 10 and 20 to capture recommendations from the final report of the Governor's School Safety Task Force not included in the original bill language. It adds provisions of Senate Bill No. 318 concerning school safety specialists into section 7.5 of this bill. Section 3 adds relationships between parents and educational personnel to the definition of "school climate" and includes achieving appropriate "behavior" in identifying barriers to academic achievement and educational attainment in section 28.

The bill revises the review of emergency plans in section 23 to include local fire-agency response time. It includes an incident involving fire or explosion in model emergency plans in section 24. The bill ensures school drills are in line with fire code and the State Fire Marshal in section 31. It revises the language in section 29 concerning the jurisdiction of school police officers of a school district. It makes changes to representatives on the Governor-appointed Committee on Statewide School Safety in section 5, the Emergency Response Plan Development Committee in section 20 and the school committee that reviews such plans in section 22.

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. 117.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 130.

SUMMARY—Revises certain provisions relating to real property.
(BDR 10-642)

AN ACT relating to real property; authorizing certain persons to record a declaration relating to real property under certain circumstances; revising certain provisions concerning restrictions and prohibitions relating to real property; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that any provision in a written instrument which purports to forbid or restrict a conveyance, encumbrance, leasing or mortgaging of real property to any person on the basis of race, color, religion, ancestry, national origin, sexual orientation, or gender identity or expression is voidable by the grantee or the grantee's successors and assigns and that such a restriction or prohibition may be voided by such a person by filing an affidavit with the county recorder declaring the restriction or prohibition void. Existing law also provides that any restriction or prohibition by way of covenant, condition upon use or occupation, or transfer of title to real property, which restricts or prohibits the use or occupation of real property based on the acquirer's, user's or occupier's race, color, religion, ancestry, national origin, sexual orientation, or gender identity or expression is voidable and that such a restriction or prohibition may be voided by the grantee or grantee's successors and assigns by filing an affidavit with the county recorder declaring the restriction or prohibition void. (NRS 111.237)

Section ~~1.5~~ 1.5 of this bill provides that any restriction or prohibition based on race, color, religion, ancestry, national origin, sexual orientation, or gender identity or expression is void, instead of voidable, eliminating the requirement to file an affidavit with the county recorder to void such a provision. Section ~~1.5~~ 1.5 also adds disability, familial status and sex to the list of restrictions and prohibitions which are void.

~~If a person requests a copy of an original recorded document that contains such a restriction or prohibition, section 1 requires the county recorder to redact the restriction or prohibition and provide an annotation on the copy or on an attached cover sheet. Section 1 then requires the county recorder to record the redacted and annotated copy without charging a fee to the requester of the copy for such a recording. Section 1 also authorizes the county recorder to redact, annotate and record a copy of the original recorded document before any such copy is requested. Section 1 also provides that nothing in the section requires the county recorder to redact and annotate an original recorded document.~~

~~Section 1 authorizes the county recorder to seek advice from the district attorney of the county as to whether a provision in an original recorded document contains such a restriction or prohibition. Section 1 also requires the~~

~~district attorney to provide such advice, upon the county recorder's request. Section 1 authorizes the county recorder to rely on such advice when redacting other recorded documents that contain identical language.~~

~~Section 1 also authorizes the county recorder to provide a copy of an original recorded document that contains such a restriction or prohibition, if the requester affirms to the county recorder that the copy will be used for research purposes and that such a copy will not be made part of any legal document or transaction.~~

~~Section 1 also requires a title insurance company, escrow company, real estate broker, real estate agent or homeowners' association to provide a redacted and annotated copy of an original recorded document instead of the original recorded document containing such a restriction or prohibition. Finally, section 1 requires the county recorder to charge the same fee for a copy of a redacted and annotated recording as a copy of an original recorded document.]~~

Section 1.5 authorizes an owner or owners of real property that is subject to a restriction or prohibition that is void and unenforceable by operation of law to record a declaration of removal of discriminatory restriction that acts to remove such a provision from the original recorded instrument. Section 1.5 requires: (1) the owner or owners to file the declaration with the county recorder of the county in which the real property is located; and (2) the county recorder to record and index the declaration under certain circumstances. Section 1 of this bill requires the Real Estate Division of the Department of Business and Industry to create the declaration form. Section 1 also requires the declaration form to contain certain information.

Existing law prohibits a county recorder from recording certain documents related to real property unless the document being recorded contains certain information. (NRS 111.312) Section 2 of this bill additionally prohibits the county recorder from recording a declaration of removal of discriminatory restriction unless the declaration contains the required information.

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

Section 1. Chapter 111 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Real Estate Division of the Department of Business and Industry shall:

(a) Solicit recommendations from the county recorder of each county concerning the design and contents of a form that may be used to make a declaration of removal of a discriminatory restriction pursuant to NRS 111.237.

(b) Prescribe such a form after considering all recommendations solicited pursuant to paragraph (a).

2. The form must provide for the inclusion of the following:

(a) Identifying information concerning the original written instrument that contains a prohibition or restriction that is void and unenforceable pursuant to NRS 111.237;

(b) The name or names of the owner or owners of the property;

(c) The assessor's parcel number;

(d) The legal description of the real property as provided in the original written instrument;

(e) The mailing address of the owner or owners of the property; and

(f) The following statements in 14-point font, in substantially the following form:

(1) The referenced original written instrument contains discriminatory restrictions that are void and unenforceable pursuant to NRS 111.237. This declaration removes from the referenced original instrument all provisions that are void and unenforceable pursuant to NRS 111.237 and is valid solely for that purpose; and

(2) All persons in this State shall have an equal opportunity to inherit, purchase, lease, rent, sell, hold and convey real property without discrimination, distinction or restriction because of race, color, religion, ancestry, national origin, disability, familial status, sex, sexual orientation or gender identity or expression pursuant to chapter 118 of NRS.

3. The form must be made available, free of charge:

(a) By the Real Estate Division at its principal office designated pursuant to NRS 645.170 and at each branch office established pursuant to NRS 645.170 and on any Internet website maintained by the Division; and

(b) By the county recorder at the office of the county recorder and on any Internet website maintained by the county recorder in his or her official capacity.

~~Section 1.1~~ Sec. 1.5. NRS 111.237 is hereby amended to read as follows:

111.237 1. Every provision in a written instrument relating to real property which purports to forbid or restrict the conveyance, encumbrance, leasing or mortgaging of such real property to any person of a specified race, color, religion, ancestry, national origin, *disability, familial status, sex*, sexual orientation, or gender identity or expression is ~~voidable by the grantee, the grantee's successors and assigns in the manner prescribed in subsection 3.~~ *void and unenforceable* and every restriction or prohibition as to the use or occupation of real property because of the user's or occupier's race, color, religion, ancestry, national origin, *disability, familial status, sex*, sexual orientation, or gender identity or expression is ~~voidable by the grantee, the grantee's successors and assigns in the manner prescribed in subsection 3.~~ *void and unenforceable*.

2. Every restriction or prohibition, whether by way of covenant, condition upon use or occupation, or upon transfer of title to real property, which restriction or prohibition directly or indirectly limits the acquisition, use or occupation of such property because of the acquirer's, user's or occupier's race, color, religion, ancestry, national origin, *disability, familial status, sex*, sexual orientation, or gender identity or expression is ~~voidable by the grantee, the~~

grantee's successors and assigns in the manner prescribed in subsection 3.] void and unenforceable.

3. ~~[The owner or owners of any real property subject to any restriction or prohibition specified in subsections 1 and 2 may record an affidavit declaring such restrictions or prohibitions to be void in the office of the county recorder in which such real property is located, and such recording shall operate to remove such restrictions or prohibitions. Except as otherwise provided in subsection 7, a county recorder shall not produce nor provide a copy of an original recorded document which contains any restriction or prohibition specified in subsections 1 and 2, unless the county recorder:~~

~~—(a) Redacts the copy of the original recorded document by deleting or striking out the provision containing the restriction or prohibition specified in subsection 1 or 2, without making any other substantive change;~~

~~—(b) Adds an annotation to the redacted copy of the original recorded document, or on a cover sheet attached to the copy, which contains a statement in substantially the following form:~~

~~This document has been redacted to remove a provision on page (insert page number), section (insert section number) that is void and unenforceable pursuant to NRS 111.237. All people in this State shall have an equal opportunity to inherit, purchase, lease, rent, sell, hold and convey real property without discrimination, distinction or restriction because of race, color, religion, ancestry, national origin, disability, familial status, sex, sexual orientation, or gender identity or expression; and~~

~~—(c) Without charging the requester of the copy a fee for recording the document, records the redacted and annotated copy of the original recorded document as a valid substitute for the original recorded document, notwithstanding any other requirements for amending the original recorded document.~~

~~—4. Before receiving a request for a copy of an original recorded document, a county recorder may follow the procedure set forth in subsection 3 by making a redacted and annotated copy of an original recorded document which contains a restriction or prohibition specified in subsections 1 and 2.~~

~~—5. A county recorder may:~~

~~—(a) Request the district attorney of the county to provide direction to the county recorder as to whether a provision or provisions in an original recorded document are restrictions or prohibitions specified in subsections 1 and 2. If the county recorder makes such a request, the district attorney of the county shall provide the requested direction to the county recorder.~~

~~—(b) Rely on the information provided by the district attorney pursuant to paragraph (a) when producing and providing a redacted and annotated copy of a similarly recorded document pursuant to subsection 3, if the similarly recorded document contains identical language to that contained in the original request pursuant to paragraph (a).~~

~~6. Nothing in this section shall be construed to require the county recorder to alter an original recorded document or facsimile thereof.~~

~~7. A county recorder may provide a copy of an original recorded document which contains a restriction or prohibition specified in subsections 1 and 2 if the requester of the copy affirms to the county recorder that the copy:~~

~~(a) Will be used solely for research purposes; and~~

~~(b) Will not be made part of any deed, contract or other legal document or transaction.~~

~~8. The fee charged by the county recorder for copying a redacted and annotated copy of the original recorded document pursuant to subsection 3 must be the same as the fee charged for copying an original recorded document.~~

~~9. If an original recorded document contains a restriction or prohibition specified in subsections 1 and 2, a title insurance company, escrow company, real estate broker, real estate agent or homeowners' association shall not provide a copy of the original recorded document to any person, and shall instead provide a redacted and annotated copy of the original recorded document pursuant to subsection 3.~~

~~10. The owner or owners of any real property subject to a restriction or prohibition that is void and unenforceable by operation of law pursuant to subsection 1 or 2 may record a form prescribed by the Real Estate Division of the Department of Business and Industry pursuant to section 1 of this act declaring that all such restrictions or prohibitions are removed from the referenced original written instrument.~~

4. The form must be completed and signed by the owner or owners of the real property and filed in the office of the county recorder in which the real property is located.

5. If the form is filed with the appropriate county recorder pursuant to subsection 4, the county recorder shall record and index the form with any other restriction or prohibition upon real property, including, without limitation, real property within a common-interest community pursuant to chapter 116 of NRS.

6. If the form is not filed with the county recorder of the appropriate county pursuant to subsection 4, the county recorder shall transfer the form to the county recorder of the appropriate county for recording and indexing in the manner described in subsection 5.

7. Nothing in this section regarding familial status shall be construed to apply to housing for older persons so long as such housing complies with the requirements of 42 U.S.C. § 3607.

8. As used in this section:

(a) "Disability" means, with respect to a person:

(1) A physical or mental impairment that substantially limits one or more of the major life activities of the person;

(2) A record of such an impairment; or

(3) Being regarded as having such an impairment.

(b) "Familial status" means the fact that a person:

(1) Lives with a child under the age of 18 and has:

(I) Lawful custody of the child; or

(II) Written permission to live with the child from the person who has lawful custody of the child;

(2) Is pregnant; or

(3) Has begun the proceeding to adopt or otherwise obtain lawful custody of a child.

Sec. 2. 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 declaration of removal of discriminatory restriction, 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 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. 3. This act becomes effective upon passage and approval for the purpose of performing any preparatory administrative tasks necessary to carry out the provisions of this act, and on October 1, 2019, for all other purposes.

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 130 to Senate Bill No. 117 does several things. It expands protections to be consistent with NRS 118.020 and makes discriminatory restrictions "void and unenforceable" instead of "voidable." It clarifies that familial status protection does not apply to age 55-plus communities and that 55-plus communities are not considered familial status restrictions. It replaces the original statutory Affidavit with a standardized Declaration of Removal of Discriminatory Restriction. It applies "the owner or owners of any real property" to any owner of a lot within a subdivision whose covenants, conditions and restrictions (CC&Rs) are applicable to the whole subdivision. It requires and provides a standardized form for the Declaration of Removal of Discriminatory Restriction and provides for the recording of a Declaration of Removal of Discriminatory Restriction as for other conveyances of real property to ensure proper indexing to the original CC&Rs. It provides that the Real Estate Division of the Department of Business and Industry will work with county recorders to design and make available the standard Declaration of Removal of Discriminatory Restriction form. Finally, it revises effective dates of the bill to accommodate administrative and regulatory processes.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 182.

Bill read second time.

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

Amendment No. 31.

SUMMARY—Revises provisions relating to peace officers. (BDR 23-561)

AN ACT relating to law enforcement; conferring the powers of a peace officer on certain law enforcement personnel relating to Indian tribes under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing federal law, Congress delegated limited authority relating to Indian tribes to the states, authorizing certain states, including Nevada, to exercise broad criminal jurisdiction and limited civil jurisdiction over tribal lands within those states. Existing state law, however, prohibits this State from assuming such jurisdiction unless the affected Indian tribe consents to the delegation of authority. (Pub. Law No. 83-280, 25 U.S.C. §§ 1321-1326; NRS 41.430)

Existing law recognizes certain persons as peace officers. (NRS 289.150-289.360) Section 1 of this bill confers the same powers of a peace officer on persons employed by Indian tribes as law enforcement officers

under certain circumstances. Section 1 requires such an officer to receive ~~the equivalent to~~ certification as a category I peace officer ~~[certification from]~~ by the Peace Officers' Standards and Training Commission. Additionally, section 1 limits the authority of the officer acting as a peace officer to within the boundaries of the Indian reservation or Indian colony, unless the Indian tribe executes a written agreement with a ~~law enforcement agency setting forth the nature of the relationship between the Indian tribe and the law enforcement agency, including~~ county sheriff. Section 1 provides that the agreement must include: (1) information relating to the rights and responsibilities of certain persons; and (2) the authority of the officer to act outside of the Indian reservation or Indian colony and within the ~~jurisdictional~~ geographic boundaries of the ~~law enforcement agency~~ county.

Section 1 provides that a county sheriff shall have the jurisdiction and authority to enter into a written agreement with an Indian tribe on behalf of a metropolitan police department or the police department of an incorporated city located within the geographic boundaries of the county. Section 1 also provides that such a police department is deemed to have consented to: (1) the jurisdiction and authority of the county sheriff to execute such an agreement with the Indian tribe on behalf of the law enforcement agency; and (2) all of the terms of the executed agreement. Section 1 also prohibits such law enforcement agencies from independently executing a written agreement with an Indian tribe for the purposes set forth in section 1. Finally, section 1 provides that nothing in ~~this~~ that section impairs or affects the sovereignty of the Indian tribe. Section 3 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 289 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *In accordance with the provisions of NRS 41.430 and 194.040, a person employed as a police officer by an Indian tribe may exercise the powers of a peace officer.*

2. *Before any officer pursuant to subsection 1 shall exercise the powers of a peace officer, he or she must ~~receive a certification, equivalent to that of~~ be certified as a category I peace officer ~~[, from]~~ by the Peace Officers' Standards and Training Commission.*

3. *The authority of an officer pursuant to subsection 1 to exercise the powers of a peace officer is limited ~~[within]~~ to the boundaries of the Indian reservation or Indian colony, unless a ~~law enforcement agency~~ county sheriff and the Indian tribe, in consultation, execute a written agreement. ~~[setting forth their]~~ Such an agreement must include, without limitation:*

(a) ~~The respective rights and responsibilities [, including, without limitation, the]~~ of the county sheriff, the Indian tribe and any law enforcement agency pursuant to subsection 4; and

(b) The authority of the officer to act within the ~~jurisdictional~~ geographic boundaries of the ~~law enforcement agency~~ county.

4. The county sheriff shall have jurisdiction and authority to execute a written agreement with an Indian tribe pursuant to subsection 3 on behalf of all law enforcement agencies who have authority to act within the geographic boundaries of the county, and such an agreement shall unilaterally bind all such law enforcement agencies to the terms of the written agreement.

5. For the purpose of this section, a law enforcement agency pursuant to subsection 4:

(a) Is deemed to have consented to:

(1) The jurisdiction and authority of the county sheriff to execute a written agreement pursuant to subsection 3 on behalf of the law enforcement agency; and

(2) All of the terms of the written agreement executed pursuant to subsection 3; and

(b) Shall not independently execute a written agreement with an Indian tribe for any purpose set forth in this section.

6. Nothing in this section impairs or affects the existing status and sovereignty of an Indian tribe as established under the laws of the United States.

~~5.~~ 7. As used in this section:

(a) "Category I peace officer" has the meaning ascribed to it in NRS 289.460.

(b) "Indian tribe" means any tribe, band, nation or other organized group or community of Indians which is recognized as eligible for the special programs and services provided by the United States to native Indians because of their status as native Indians and has executed a written agreement with the Peace Officers' Standards and Training Commission.

(c) "Law enforcement agency" means a metropolitan police department or the police department of an incorporated city.

(d) "Written agreement" includes, without limitation, an interlocal agreement or memorandum of understanding executed between a ~~law enforcement agency~~ county sheriff and an Indian tribe.

Sec. 2. NRS 289.010 is hereby amended to read as follows:

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

1. "Administrative file" means any file of a peace officer containing information, comments or documents about the peace officer. The term does not include any file relating to an investigation conducted pursuant to NRS 289.057 or a criminal investigation of a peace officer.

2. "Choke hold" means the holding of a person's neck in a manner specifically intended to restrict the flow of oxygen or blood to the person's lungs or brain. The term includes the arm-bar restraint, carotid restraint and lateral vascular neck restraint.

3. "Peace officer" means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive ~~of~~, and section 1 of this act.

4. "Punitive action" means any action which may lead to dismissal, demotion, suspension, reduction in salary, written reprimand or transfer of a peace officer for purposes of punishment.

Sec. 3. NRS 171.1255 is hereby amended to read as follows:

171.1255 1. Except as otherwise provided in subsection 2, an officer or agent of the Bureau of Indian Affairs or a person employed as a police officer by an Indian tribe may make an arrest in obedience to a warrant delivered to him or her, or may, without a warrant, arrest a person:

(a) For a public offense committed or attempted in the officer or agent's presence.

(b) When a person arrested has committed a felony or gross misdemeanor, although not in the officer or agent's presence.

(c) When a felony or gross misdemeanor has in fact been committed, and the officer or agent has reasonable cause for believing the person arrested to have committed it.

(d) On a charge made, upon a reasonable cause, of the commission of a felony or gross misdemeanor by the person arrested.

(e) When a warrant has in fact been issued in this State for the arrest of a named or described person for a public offense, and the officer or agent has reasonable cause to believe that the person arrested is the person so named or described.

(f) When the peace officer has probable cause to believe that the person to be arrested has committed a battery upon that person's spouse and the peace officer finds evidence of bodily harm to the spouse.

2. Such an officer or agent may make an arrest pursuant to subsection 1 only:

(a) Within the boundaries of an Indian reservation or Indian colony for an offense committed on that reservation or colony; or

(b) Outside the boundaries of an Indian reservation or Indian colony if the officer or agent is ~~in~~ :

(1) Acting under an agreement pursuant to subsection 3 of section 1 of this act; or

(2) In fresh pursuit of a person who is reasonably believed by the officer or agent to have committed a felony within the boundaries of the reservation or colony or has committed, or attempted to commit, any criminal offense within those boundaries in the presence of the officer or agent.

➤ For the purposes of this subsection, "fresh pursuit" has the meaning ascribed to it in NRS 171.156.

Sec. 4. This act becomes effective on July 1, 2019.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

This amendment relates to peace officers. The amendment does three things. It clarifies it is the sheriff of the county who is authorized to grant or deny the authority to exercise the powers of a peace officer within the jurisdictional boundaries of the county. It requires that an officer must be certified as a category 1 peace officer by the Nevada Peace Officer Standards and Training Commission, not an equivalent certification. It uses the term "consultation" as the formal means by which such an agreement would be negotiated between a sheriff and an Indian tribe.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 194.

Bill read second time.

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

Amendment No. 522.

SUMMARY—Establishes programs for certain persons of low-income and persons in foster care. (BDR 38-780)

AN ACT relating to public assistance; requiring the ~~(Department of Health and Human Services)~~ Office of the State Treasurer to establish the Individual Development Account Program under which certain persons may establish an individual development account; establishing a credit against the modified business tax for certain taxpayers or other persons; creating the Nevada Statewide Council on Financial Independence; prohibiting certain entities from considering money deposited into an individual development account by certain persons to be income under certain circumstances; requiring certain entities to ensure that instruction in financial literacy is provided to certain persons; requiring the State Treasurer to ensure that certain instruction and training is provided to a tenant of a housing project; authorizing the Board of Regents of the University of Nevada to waive certain fees and tuition for certain children placed in foster homes or in the custody of an agency which provides child welfare services; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Oregon Individual Development Account Initiative Program allows certain persons from low-income households to establish an individual development account into which the person deposits money to save and later use for certain purposes. A fiduciary organization manages the Program and matches the amounts deposited by a person for not less than \$1 nor more than \$5 for each \$1 deposited by the person. Money used for matching purposes is donated to the Program, with such donations resulting in a tax credit for the person who donated the money. (Or. Rev. Stat. §§ 458.670-458.700) Sections 14-24 of this bill establish a similar program in this State entitled the Individual Development Account Program. Section 19 of this bill: (1) requires the ~~(Department of Health and Human Services)~~ Office of the State Treasurer to establish the Program; and (2) authorizes the ~~(Department)~~ Office to select one or more fiduciary organizations to administer the money in the Program

pursuant to section 23 of this bill. Section 20 of this bill generally authorizes a person who qualifies to become an account holder to establish an individual development account. To qualify to become an account holder, section 20 requires a person to be: (1) a resident of this State; (2) twelve years of age or older; and (3) a tenant of a housing project for persons of low income in this State, a recipient of Medicaid or a provider of foster care who is creating such an account for a child placed in his or her care. Section 20 further provides that to establish an individual development account, the account holder and the fiduciary organization must enter into an agreement where the account holder deposits funds into a financial institution and the fiduciary organization deposits matching funds into the financial institution pursuant to section 22 of this bill, with the goal of enabling the account holder to accumulate assets for use toward achieving a specific purpose authorized by the fiduciary organization pursuant to section 21 of this bill. Specifically, section 22 requires a fiduciary organization to: (1) accept donations made from taxpayers and other persons; and (2) match deposits made by the account holder by not less than \$1 nor more than \$5 for each \$1 deposited by the account holder in his or her individual development account. Section 22 further prohibits an account holder from accruing more than \$3,000 of matching funds in any 12-month period.

Under existing law, financial institutions and other employers are required to pay an excise tax (the modified business tax) on wages paid by them. (NRS 363A.130, 363B.110) With respect to that tax, sections 44 and 45 of this bill establish a tax credit equal to an amount approved by the Department of Taxation, which must not exceed the amount of any donation of money made by a taxpayer to a fiduciary organization to fund the Individual Development Account Program established in sections 14-24. To claim the tax credit, sections 44 and 45 require the fiduciary organization to apply to the Department of Taxation for approval of the credit for a taxpayer who intends to make a donation to the fiduciary organization. If the Department of Taxation approves the application, sections 44 and 45 require the fiduciary organization to provide notice to the prospective donor, who must make the donation within 30 days after receiving the notice. If the donor does not make the donation within the requisite period, sections 44 and 45 provide that the donor forfeits eligibility for the credit. Sections 44 and 45 provide that the Department of Taxation: (1) must approve or deny applications for the tax credit in the order in which the applications are received; and (2) is authorized to approve applications for each fiscal year until the amount of the tax credits authorized for the fiscal year is reached. Sections 44 and 45 each provide that ~~for Fiscal Year 2019-2020,~~ the amount authorized for each fiscal year is \$5 million. ~~and for Fiscal Year 2020-2021, the amount authorized is \$5.5 million. Sections 44 and 45 additionally provide that the amount authorized for each succeeding fiscal year is 110 percent of the amount authorized for the immediately preceding fiscal year.]~~

Sections ~~5-13~~ 4.5-13 of this bill create the Nevada Statewide Council on Financial Independence. Section 5 of this bill sets forth the membership of the Council. Section 9 of this bill requires the Council to: (1) develop statewide priorities and strategies for helping persons who receive public assistance or social services to increase the financial independence of such persons; (2) coordinate with certain state agencies; and (3) oversee the Individual Development Account Program.

Section 2 of this bill prohibits the Department of Health and Human Services, under certain circumstances, from considering the money deposited in an individual development account by a recipient of Medicaid to be income for the purpose of determining the recipient's eligibility to receive benefits provided by Medicaid. Section 3 of this bill requires the Department to ensure that instruction in financial literacy is provided to recipients of Medicaid. Section 3 authorizes the Department to contract for the services of an independent contractor to provide such instruction in financial literacy. Section 32 of this bill makes conforming changes.

Existing law defines "provider of foster care" to mean a person who is licensed by the licensing authority to conduct a foster home. (NRS 424.017) Existing law defines "foster home" as a home that receives, nurtures, supervises and ensures routine educational services and medical, dental and mental health treatment for children and includes: (1) a family foster home; (2) a specialized foster home; (3) an independent living foster home; and (4) a group foster home. (NRS 424.014) Section 26 of this bill authorizes a provider of foster care to, upon receiving the approval of the licensing authority: (1) establish an individual development account for a child placed in the care of the provider of foster care; and (2) deposit into the individual development account money received by the provider of foster care to pay for the cost of providing care to the child if such use does not conflict with or prevent the provider of foster care from providing care to the child. Section 26 additionally provides that: (1) the money in the individual development account is the property of the child for whom the account was established; (2) the child shall have access to the money in the individual development account upon reaching 18 years of age, whether or not the child was part of the foster care system upon reaching 18 years of age ~~+~~, or upon being declared emancipated; and (3) the child may use the money in the individual development account only for certain purposes, as set forth in section 21. Section 27 of this bill requires the licensing authority to ensure that instruction in financial literacy is provided to a child for whom an individual development account is established. Section 27 authorizes the licensing authority to contract for the services of an independent contractor to provide such instruction in financial literacy. Sections 28-30 of this bill make conforming changes.

Existing law creates local housing authorities and the Nevada Rural Housing Authority to operate housing projects for persons of low income in this State. (NRS 315.320, 315.440, 315.977, 315.988) Existing law also prohibits a housing authority from accepting a tenant who earns more than a prescribed

maximum income. (NRS 315.510, 315.994) Sections 34 and 36 of this bill prohibit each local housing authority and the Nevada Rural Housing Authority from considering the money deposited in an individual development account by a tenant to be income for the purpose of determining the tenant's eligibility to remain in the housing project. Sections 38-43 of this bill make conforming changes.

Sections 35 and 37 of this bill require each local housing authority and the Nevada Rural Housing Authority to ensure that instruction in financial literacy is provided to a tenant who deposits a portion of his or her income in an individual development account. Sections 35 and 37 authorize each local housing authority and the Nevada Rural Housing Authority to contract for the services of an independent contractor to provide such instruction in financial literacy.

Existing law sets forth the general powers and duties of the State Treasurer. (NRS 226.110) Section 31 requires the State Treasurer to ensure that instruction and training in business opportunities and any benefits available to certain business enterprises is provided to a tenant of each local housing authority, ~~and~~ the Nevada Rural Housing Authority, ~~and~~ certain nonprofit organizations. Existing law authorizes the State Treasurer to appoint and employ certain Deputies. (NRS 226.100) Section 30.5 of this bill authorizes the State Treasurer to appoint and employ a Deputy of Financial Literacy and Security.

Existing law authorizes the Board of Regents of the University of Nevada to grant a waiver of registration fees and laboratory fees for any member of the active Nevada National Guard and for a child, widow or widower of a person who was killed while performing his or her duties as a member of the Nevada National Guard. (NRS 396.544, 396.5442) Section 46 of this bill authorizes the Board of Regents to similarly waive registration fees and laboratory fees for a child who was: (1) placed in a foster home, including such child who was sent outside of this State for admission to or treatment or residence in a mental health facility; or (2) in the custody of an agency which provides child welfare services but was sent outside of this State for admission to or treatment or residence in a mental health facility. Section 46 additionally clarifies that the waiver provided in section 46 is separate and apart from any other existing or future tuition-waiver program adopted by the Board of Regents for children who were previously in the foster care system. Section 46 further provides that the provisions of section 46 do not affect the ability of the Board of Regents to adopt any additional tuition-waiver programs.

Section 46.3 of this bill makes an appropriation to the Office of the State Treasurer for the purpose of carrying out sections 4.5-24.

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 the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *To the extent authorized by federal law, the Department shall not consider money deposited in an individual development account pursuant to section 20 of this act by a recipient of Medicaid to be income for the purpose of determining whether the person who deposited the money is eligible to receive or to continue to receive benefits that are provided by Medicaid.*

Sec. 3. 1. *The Department shall ensure that instruction in financial literacy is provided to a recipient of Medicaid who deposits a portion of his or her income in an individual development account pursuant to section 20 of this act.*

2. *The Department may contract for the services of an independent contractor to provide the instruction required in subsection 1.*

Sec. 4. Chapter 422A of NRS is hereby amended by adding thereto the provisions set forth as sections ~~15~~ 4.5 to 24, inclusive, of this act.

Sec. 4.5. *As used in sections 4.5 to 24, inclusive, of this act, "Nevada Statewide Council on Financial Independence" means the Nevada Statewide Council on Financial Independence created by section 5 of this act.*

Sec. 5. 1. *The Nevada Statewide Council on Financial Independence is hereby created.*

2. *The Council is composed of the following voting members:*

(a) *The Lieutenant Governor or his or her designee;*

~~(b) *The State Treasurer or his or her designee;*~~

~~(c) *The Director or his or her designee;*~~

~~(b)~~ (d) *The Director of the Department of Employment, Training and Rehabilitation or his or her designee;*

~~(c)~~ (e) *The Attorney General or his or her designee;*

~~(d)~~ (f) *The Executive Director of the Office of Economic Development or his or her designee;*

~~(e)~~ (g) *The Superintendent of Public Instruction of the Department of Education or his or her designee;*

~~(f) *The Administrator or his or her designee;*~~

~~(g) *The Administrator of the Aging and Disability Services Division of the Department or his or her designee;*~~ and

(h) *The following ~~eight~~ five voting members, appointed by the ~~Director~~ State Treasurer:*

(1) *A representative of ~~an~~:*

(I) An authority, as defined in NRS 315.170 ~~, or of the~~:

(II) The Nevada Rural Housing Authority created by NRS 315.977; or

(III) A nonprofit organization which primarily provides affordable housing developments that are financed, wholly or in part, with low-income housing tax credits, private activity bonds or money from a governmental entity for affordable housing, including, without limitation, money received pursuant to the HOME Investment Partnerships Act, 42 U.S.C. §§ 12701 et seq.;

~~(2) [A representative of a social service agency, as defined in NRS 430A.080, operating in a county whose population is 100,000 or more but less than 700,000;~~

~~(3) A representative of [a social service] an agency [,] which provides child welfare services, as defined in NRS [430A.080,] 432B.030, operating in a county whose population is 700,000 or more;~~

~~[(4)] (3) A representative of the Nevada System of Higher Education;~~

~~[(5)] (4) A representative of Southern Nevada's Local Workforce Development Board or its successor organization;~~

~~[(6) A representative of manufacturing or business interests;~~

~~[(7)] and~~

~~(5) A representative [of the] with knowledge, skill and experience in programs designed for recipients of public assistance or social services . [; and~~

~~(8) A representative with experience or an interest in and knowledge of the problems of and services for recipients of public assistance or social services.]~~

3. The ~~Director~~ State Treasurer or his or her designee shall serve as Chair of the Council.

4. The ~~Director of the Department of Employment, Training and Rehabilitation~~ Lieutenant Governor or his or her designee shall serve as Vice Chair of the Council.

Sec. 6. Any member appointed by the ~~Director~~ State Treasurer to fill a vacancy in the appointed membership of the Nevada Statewide Council on Financial Independence occurring before the expiration of a term shall be appointed by the ~~Director~~ State Treasurer for the remainder of the unexpired term.

Sec. 7. 1. The Nevada Statewide Council on Financial Independence may prescribe such bylaws as it deems necessary for its operation.

2. The Council shall meet at the call of the Chair as frequently as required to perform its duties, but not less than quarterly.

3. A majority of the voting members of the Council constitutes a quorum for the transaction of business, and a majority of those voting members present at any meeting is sufficient for any official action taken by the Council.

4. The Council and any working groups appointed pursuant to section 10 of this act shall comply with the provisions of chapter 241 of NRS and shall conduct all meetings in accordance with that chapter.

Sec. 8. 1. Each member of the Nevada Statewide Council on Financial Independence who is not a public employee is entitled to receive compensation of not more than \$80 per day, as fixed by the Council, while engaged in the business of the Council.

2. A member of the Council who is a public employee may not receive any compensation for his or her services as a member of the Council. Any member of the Council who is a public employee must be granted administrative leave from the member's duties to engage in the business of the Council without loss

of his or her regular compensation. Such leave must not reduce the amount of the member's other accrued leave.

3. In addition to any compensation received pursuant to this section, while engaged in the business of the Council, each member of the Council is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 9. The Nevada Statewide Council on Financial Independence shall:

1. Develop statewide priorities and strategies for helping persons who receive public assistance or social services to increase the financial independence of such persons.

2. Coordinate with all state agencies that work with persons who receive public assistance or social services so that the state agencies may collectively help increase the financial independence of such persons.

3. Oversee the Individual Development Account Program established pursuant to sections 14 to 24, inclusive, of this act.

Sec. 10. 1. The Chair of the Nevada Statewide Council on Financial Independence may, with the approval of the Council, appoint any working groups deemed necessary by the Chair to assist in carrying out the duties of the Council. If a working group is appointed, the Chair ~~of the Council~~ shall appoint to the working group the number of voting members that the Chair determines to be appropriate. The Chair may appoint any person the Chair deems appropriate to serve on a working group, except that a working group must include at least one member of the Council.

2. If a member of a working group formed pursuant to subsection 1 is a public employee, the member's employer must grant the member administrative leave from his or her duties to serve on the working group without loss of the member's regular compensation and without reducing the amount of any other leave the member may have accrued.

Sec. 11. The ~~Director~~ State Treasurer shall provide such staff assistance to the Nevada Statewide Council on Financial Independence as the ~~Director~~ State Treasurer deems appropriate and may designate ~~a division of the Department~~ the Office of the State Treasurer to provide such assistance.

Sec. 12. The Nevada Statewide Council on Financial Independence may apply for and receive gifts, grants, contributions or other money from governmental and private agencies, affiliated associations and other persons to carry out the provisions of sections ~~4.5~~ 4.5 to 13, inclusive, of this act and to defray expenses incurred by the Council in the discharge of its duties.

Sec. 13. On or before February 15 of each year, the ~~Director~~ State Treasurer shall:

1. Prepare a report setting forth the activities of the Nevada Statewide Council on Financial Independence; and

2. Submit a copy of the report to:

(a) The Governor; and

(b) The Director of the Legislative Counsel Bureau for transmittal to:

(1) If the Legislature is in session, the standing committees of the Legislature which have jurisdiction of the subject matter; or

(2) If the Legislature is not in session, the Legislative Commission.

Sec. 14. As used in sections 14 to 24, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 15 to 18, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 15. "Account holder" means a person who:

1. Qualifies to become an account holder pursuant to section 20 of this act; and

2. Has established an individual development account pursuant to section 21 of this act.

Sec. 16. "Fiduciary organization" means an organization that is selected pursuant to section 23 of this act to administer state money directed to individual development accounts and is a nonprofit organization which:

1. Conducts fundraising activities; and

2. Is exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501 (c)(3).

Sec. 17. "Financial institution" means a depository institution or any other institution regulated pursuant to title 55 or 56 of NRS. The term includes, without limitation, a holding company, affiliate or subsidiary of such an institution.

Sec. 18. "Program" means the Individual Development Account Program established pursuant to sections 14 to 24, inclusive, of this act.

Sec. 19. ~~The Department of~~ Office of the State Treasurer:

1. Shall establish the Individual Development Account Program; and

2. May select one or more fiduciary organizations pursuant to section 23 of this act.

Sec. 20. 1. Except as otherwise provided in subsection 6, a person who qualifies to become an account holder pursuant to subsection 2 may establish an individual development account pursuant to sections 14 to 24, inclusive, of this act.

2. To qualify to become an account holder, a person must be:

(a) A resident of this State;

(b) Twelve years of age or older; and

(c) At least one of the following:

(1) A tenant of a housing project operated by:

(I) A local housing authority pursuant to NRS 315.140 to 315.7813, inclusive ~~or~~, and sections 34 and 35 of this act;

(II) The Nevada Rural Housing Authority pursuant to NRS 315.961 to 315.99874, inclusive ~~or~~, and sections 36 and 37 of this act; or

(III) A nonprofit organization which primarily provides affordable housing developments that are financed, wholly or in part, with low-income housing tax credits, private activity bonds or money from a governmental entity for affordable housing, including, without limitation, money received

pursuant to the HOME Investment Partnerships Act, 42 U.S.C. §§ 12701 et seq.:

(2) A recipient of Medicaid; or

(3) A provider of foster care who establishes an individual development account for a child placed in the care of the provider of foster care pursuant to section 26 of this act.

3. To establish an individual development account pursuant to subsection 1, the account holder and a fiduciary organization must enter into an agreement where the account holder deposits funds into a financial institution in this State and the fiduciary organization deposits matching funds into the financial institution in this State pursuant to section 22 of this act with the goal of enabling the account holder to accumulate assets for use toward achieving a specific purpose authorized by the fiduciary organization pursuant to section 21 of this act.

4. Except for a provider of foster care or for a child for whom an individual development account is established by a provider of foster care, every account holder, with support from the fiduciary organization, shall develop a personal development plan to increase the financial independence of the account holder and the household of the account holder through achievement of the authorized purpose of the individual development account. The account holder shall specify in the personal development plan the purpose for the use of the money in the individual development account. Such purposes must comply with section 21 of this act. In providing support to an account holder, the fiduciary organization shall ensure that:

(a) Instruction in financial literacy is provided to the account holder; and

(b) Mentorship or financial coaching services are provided to the account holder.

5. The fiduciary organization may contract for the services of an independent contractor to provide the instruction and mentorship or coaching services required pursuant to subsection 4.

6. A fiduciary organization shall refuse to allow a person who qualifies to become an account holder pursuant to subsection 2 to establish an individual development account if establishment of the individual development account would result in the members of the household of the person, as defined in section 21 of this act, having more than two individual development accounts.

7. As used in this section, "local housing authority" means an authority as defined in NRS 315.170.

Sec. 21. 1. A person may:

(a) Enter into an agreement with a fiduciary organization to establish an individual development account pursuant to section 20 of this act only for a purpose authorized by the fiduciary organization; and

(b) After establishing an individual development account pursuant to section 20 of this act, withdraw money from an individual development account only for a purpose authorized by the fiduciary organization.

2. A fiduciary organization may authorize the establishment of an individual development account and the withdrawal of money from the individual development account for one or more of the following purposes:

(a) The acquisition of postsecondary education or job training.

(b) If the account holder has established the individual development account for the benefit of a member of his or her household who is under the age of 18 years, the payment of expenses for extracurricular activities, not including the payment of tuition, that are designed to prepare the member for postsecondary education or job training.

(c) The purchase of a primary residence. In addition to paying the price of purchasing the residence, the account holder may use money in the individual development account to pay any usual or reasonable settlement, financing or other closing costs. Unless the account holder was displaced from the residence, had lost ownership of the residence as a result of a divorce or is the owner of a manufactured home, the account holder must not have owned or held any interest in a residence during the 3 years immediately preceding the purchase.

(d) The rental of a primary residence. The account holder may use money in the individual development account to pay for security deposits, the rent for the first and last month of the rental period, any application fees and any other expenses necessary to move into the primary residence, as specified in the personal development plan of the account holder for increasing the financial independence of the account holder developed pursuant to section 20 of this act.

(e) The establishment of a small business. The account holder may use money in the individual development account to pay for expenses related to establishing the small business, to hire employees and to use for working capital pursuant to a business plan. The business plan must have been developed by a financial institution, nonprofit organization or other agent which has demonstrated expertise in business and which has been approved by the fiduciary organization. The business plan must include a description of the services or goods to be sold, a marketing plan and projected financial statements.

(f) Improvements, repairs or modifications necessary to make or keep the primary residence of the account holder habitable or accessible for the account holder or a member of his or her household.

(g) The purchase of equipment, technology or specialized training that is required for the account holder to become competitive in obtaining or maintaining employment or to establish or maintain a business, as specified in the personal development plan of the account holder for increasing the financial independence of the account holder developed pursuant to section 20 of this act.

(h) The purchase or repair of a vehicle, as specified in the personal development plan of the account holder for increasing the financial

independence of the account holder developed pursuant to section 20 of this act.

(i) The saving of money for retirement, as specified in the personal development plan of the account holder for increasing the independence of the account holder developed pursuant to section 20 of this act.

(j) The payment of debts owed for educational or medical purposes when the account holder is saving for another authorized purpose, as specified in the personal development plan of the account holder for increasing the financial independence of the account holder developed pursuant to section 20 of this act.

(k) The creation or improvement of the credit score of the account holder by obtaining a secured loan or a financial product that is designed to improve credit, as specified in the personal development plan of the account holder for increasing the financial independence of the account holder developed pursuant to section 20 of this act.

(l) The replacement of the primary residence of the account holder when such replacement offers a significant opportunity to improve the habitability or energy efficiency of the primary residence.

(m) The payment of medical expenses incurred by the account holder or a member of his or her household.

3. If the account holder is a child for whom a provider of foster care established an individual development account pursuant to section 26 of this act and such an account holder seeks to withdraw money from the individual development account for a purpose authorized pursuant to subsection 2 that requires information be specified in the personal development plan of the account holder for increasing the financial independence of the account holder, the account holder shall develop a personal development plan that substantially complies with subsection 4 of section 20 of this act.

4. If the account holder of an individual development account established for the purpose set forth in paragraph (i) of subsection 2 has achieved the purpose of the account holder in accordance with the personal development plan developed by the account holder pursuant to section 20 of this act, the account holder may withdraw, or authorize the withdrawal of, all deposits, including, without limitation, matching deposits and interest accrued on deposits, in the individual development account by rolling over the entire withdrawal amount into an individual retirement account, a retirement plan or a similar account or plan established under the Internal Revenue Service. Upon withdrawal of all deposits in the individual development account, a fiduciary organization shall terminate the account relationship with the account holder.

5. If an account holder withdraws money from an individual development account without receiving the authorization of the fiduciary organization pursuant to subsection 2, the fiduciary organization may remove the account holder from the Program.

6. Except as otherwise provided in section 26 of this act, if the account holder moves outside of this State or is otherwise unable to continue in the Program, the fiduciary organization may remove the account holder from the Program.

7. If an account holder is removed from the Program under subsection 5 or 6, all matching deposits in the individual development account and all interest accrued on matching deposits shall revert to the fiduciary organization. The fiduciary organization shall use the reverted funds as a source of matching deposits for other individual development accounts.

8. As used in this section, "household" means an association of persons who:

- (a) Live in the same residence or dwelling;
- (b) Are related by blood, adoption or marriage; and
- (c) Are mutually dependent on each other for the basic necessities of life.

Sec. 22. 1. A fiduciary organization:

(a) Shall accept donations from taxpayers pursuant to sections 44 and 45 of this act and from other persons; and

(b) May solicit and accept gifts and grants.

2. The fiduciary organization shall match amounts deposited by the account holder according to a formula established by the fiduciary organization. The fiduciary organization shall match and maintain on deposit in the individual development account not less than \$1 nor more than \$5 for each \$1 deposited by the account holder in his or her individual development account.

3. The fiduciary organization shall deposit the matching deposits made by the fiduciary organization pursuant to subsection 2 in a savings account that is:

- (a) Jointly held by the account holder and the fiduciary organization that requires the signatures of both for withdrawals; or
- (b) Controlled by the fiduciary organization and is separate from the savings account of the account holder.

4. Account holders shall not accrue more than \$3,000 of matching funds under subsection 2 in any 12-month period. A fiduciary organization may designate a lesser amount as a limit on matching funds made in any 12-month period.

5. A fiduciary organization shall maintain on deposit sufficient funds to cover the agreements to match the amounts deposited by the account holder for all individual development accounts administered by the fiduciary organization.

6. A fiduciary organization shall not expend more than 5 percent of the total amount of money accepted pursuant to subsection 1 to pay for its administrative expenses.

7. The ~~Department~~ State Treasurer shall adopt regulations to establish a maximum total amount of money that may be deposited as matching funds into an individual development account.

Sec. 23. The ~~{Department}~~ State Treasurer may select one or more fiduciary organizations to administer any money received from taxpayers and other persons pursuant to section 22 of this act. In making the selections, the ~~{Department}~~ State Treasurer shall consider certain factors, including, without limitation:

1. The ability of the fiduciary organization to implement and administer the Program, including, without limitation, the ability to:

- (a) Verify that a person qualifies to become an account holder;
- (b) Certify that money in an individual development account is used only for authorized purposes; and
- (c) Exercise general fiscal accountability;

2. The capacity of the fiduciary organization to provide or raise matching funds for the deposits of account holders;

3. The capacity of the fiduciary organization to provide support and general assistance to an account holder to increase the financial independence of the account holder and the household of the account holder; and

4. The connections that the fiduciary organization has to other activities and programs that are designed to increase the financial independence of persons who qualify to become account holders pursuant to section 20 of this act through:

- (a) Education and training;
- (b) Home ownership; and
- (c) Small business development.

Sec. 24. 1. Subject to any regulations adopted by the ~~{Department}~~ State Treasurer, a fiduciary organization has sole authority over, and responsibility for, the administration of individual development accounts. The responsibility of the fiduciary organization extends to all aspects of the Program, including, without limitation:

- (a) Marketing to participants;
- (b) Soliciting matching funds;
- (c) Mentoring or counseling account holders;
- (d) Providing instruction in financial literacy; and
- (e) Conducting activities to ensure that an account holder is complying with sections 14 to 24, inclusive, of this act and any regulations adopted pursuant thereto.

2. A fiduciary organization may establish guidelines for the Program as the fiduciary organization determines to be necessary to ensure that an account holder complies with sections 20 and 21 of this act.

3. A fiduciary organization may act in partnership with other entities, including, without limitation, businesses, government agencies, nonprofit organizations, community development corporations, community action programs, housing authorities and charitable or religious organizations, to assist in fulfilling its responsibilities under sections 14 to 24, inclusive, of this act.

4. On or before February 15 of each year, a fiduciary organization selected to administer any money pursuant to section 23 of this act shall:

(a) Prepare a report setting forth:

(1) The number of individual development accounts administered by the fiduciary organization;

(2) The amount of deposits and matching deposits made for each individual development account;

(3) The purpose of each individual development account;

(4) The number of withdrawals made from each individual development account; and

(5) Any other information the ~~Department~~ State Treasurer determines to be relevant; and

(b) Submit a copy of the report to the ~~Department~~ State Treasurer.

5. The ~~Department~~ State Treasurer shall adopt regulations to carry out the provisions of sections 14 to 24, inclusive, of this act.

Sec. 25. Chapter 424 of NRS is hereby amended by adding thereto the provisions set forth as sections 26 and 27 of this act.

Sec. 26. 1. Upon receiving approval pursuant to subsection 2, a provider of foster care may establish an individual development account for a child placed by the appropriate agency in the care of the provider of foster care. The provider of foster care may deposit into the individual development account money received by the provider of foster care to pay for the cost of providing care to the child, if such use does not conflict with or prevent the provider of foster care from providing care to the child.

2. Before establishing an individual development account pursuant to subsection 1, a provider of foster care must receive the approval of the licensing authority to establish the individual development account and deposit a portion of the money received into such an account. The licensing authority shall grant such approval to the provider of foster care if the licensing authority determines that the depositing of money into the individual development account:

(a) Does not conflict with or prevent the provider of foster care from providing care to the child; and

(b) Is in the best interests of child.

3. The money deposited into the individual development account and any matching funds and interest deposited into the individual development account pursuant to sections 14 to 24, inclusive, of this act is the property of the child for whom the individual development account was established.

4. The child shall:

(a) Have access to the money deposited in the individual development account and any matching funds and interest deposited into the individual development account pursuant to sections 14 to 24, inclusive, of this act upon reaching 18 years of age ~~or~~ or upon being declared emancipated pursuant to NRS 129.080 to 129.140, inclusive, whether or not the child was part of the foster care system upon reaching 18 years of age or upon being declared

emancipated or the child moved outside of the State before reaching 18 years of age ~~17~~ or before being declared emancipated; and

(b) Upon obtaining access to the money pursuant to paragraph (a), use the money deposited in the individual development account and any matching funds and interest deposited into the individual development account pursuant to sections 14 to 24, inclusive, of this act only for the purposes set forth in section 21 of this act.

5. *Nothing in this section shall be construed as preventing:*

(a) The child from maintaining a bank account and managing personal income, consistent with the age and developmental level of the child, as is the right of the child pursuant to paragraph (b) of subsection 10 of NRS 432.525; or

(b) The provider of foster care from establishing a savings account for a child placed in the care of the provider of foster care into which the provider of foster care deposits the personal income or money of the provider of foster care.

6. *As used in this section, "foster care system" means the process whereby a child is:*

(a) Placed in a foster home pursuant to this title; or

(b) In the custody of an agency which provides child welfare services pursuant to chapter 432B of NRS.

Sec. 27. 1. *The licensing authority shall ensure that instruction in financial literacy is provided to a child for whom an individual development account is established pursuant to section 26 of this act.*

2. *The licensing authority may contract for the services of an independent contractor to provide the instruction required by subsection 1.*

Sec. 28. NRS 424.041 is hereby amended to read as follows:

424.041 1. ~~Each~~ *Notwithstanding the provisions of section 26 of this act, each agency which provides child welfare services shall ensure that money allocated to pay for the cost of providing care to children placed in a specialized foster home is not used for any other purpose.*

2. *On or before August 1 of each year, each agency which provides child welfare services shall prepare and submit to the Division and the Fiscal Analysis Division of the Legislative Counsel Bureau a report listing all expenditures relating to the placement of children in specialized foster homes for the previous fiscal year.*

3. *Each agency which provides child welfare services shall provide to the Division any data concerning children who are placed in a specialized foster home by the agency upon the request of the Division.*

Sec. 29. NRS 424.090 is hereby amended to read as follows:

424.090 1. *The provisions of NRS 424.020 to 424.090, inclusive, and sections 26 and 27 of this act do not apply to homes in which:*

(a) Care is provided only for a neighbor's or friend's child on an irregular or occasional basis for a brief period, not to exceed 90 days.

(b) Care is provided by the legal guardian.

(c) Care is provided for an exchange student.

(d) Care is provided to enable a child to take advantage of educational facilities that are not available in his or her home community.

(e) Any child or children are received, cared for and maintained pending completion of proceedings for adoption of such child or children, except as otherwise provided in regulations adopted by the Division.

(f) Except as otherwise provided in regulations adopted by the Division, care is voluntarily provided to a minor child who is related to the caregiver by blood, adoption or marriage.

(g) Care is provided to a minor child who is in the custody of an agency which provides child welfare services pursuant to chapter 432B of NRS or a juvenile court pursuant to title 5 of NRS if:

(1) The caregiver is related to the child within the fifth degree of consanguinity or a fictive kin; and

(2) The caregiver is not licensed pursuant to the provisions of NRS 424.020 to 424.090, inclusive.

2. As used in this section, "fictive kin" means a person who is not related by blood to a child but has a significant emotional and positive relationship with the child.

Sec. 30. NRS 432B.174 is hereby amended to read as follows:

432B.174 1. The Normalcy for Foster Youth Account is hereby created in the State General Fund.

2. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

3. The Division of Child and Family Services may use money in the Account to:

(a) Provide monetary support to a provider of foster care who provides opportunities to a child in his or her care to participate in extracurricular, cultural or personal enrichment activities; ~~and~~

(b) *Provide monetary support to a provider of foster care for the provider of foster care to establish and fund an individual development account pursuant to section 26 of this act; and*

(c) Award grants to agencies which provide child welfare services or nonprofit organizations that provide opportunities to children in foster care to participate in extracurricular, cultural or personal enrichment activities.

4. The Division of Child and Family Services may accept gifts, grants, bequests and other contributions from any source for the purpose of carrying out the provisions of this section.

5. 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. 30.5. NRS 226.100 is hereby amended to read as follows:

226.100 1. The State Treasurer may appoint and employ a Chief Deputy, two Senior Deputies, an Assistant Treasurer, a Deputy of Debt Management, a Deputy of Investments, a Deputy of Cash Management, a Deputy of

Unclaimed Property, *a Deputy of Financial Literacy and Security* and an Assistant to the State Treasurer in the unclassified service of the State.

2. Except as otherwise provided in NRS 284.143, the Chief Deputy State Treasurer shall devote his or her entire time and attention to the business of his or her office and shall not pursue any other business or occupation or hold any other office of profit.

Sec. 31. NRS 226.110 is hereby amended to read as follows:

226.110 1. The State Treasurer:

~~{1-}~~ (a) Shall receive and keep all money of the State which is not expressly required by law to be received and kept by some other person.

~~{2-}~~ (b) Shall receipt to the State Controller for all money received, from whatever source, at the time of receiving it.

~~{3-}~~ (c) Shall establish the policies to be followed in the investment of money of the State, subject to the periodic review and approval or disapproval of those policies by the State Board of Finance.

~~{4-}~~ (d) May employ any necessary investment and financial advisers to render advice and other services in connection with the investment of money of the State.

~~{5-}~~ (e) Shall disburse the public money upon warrants drawn upon the Treasury by the State Controller, and not otherwise. The warrants must be registered and paid in the order of their registry. The State Treasurer may use any sampling or postaudit technique, or both, which he or she considers reasonable to verify the proper distribution of warrants.

~~{6-}~~ (f) Shall keep a just, true and comprehensive account of all money received and disbursed.

~~{7-}~~ (g) Shall deliver in good order to his or her successor in office all money, records, books, papers and other things belonging to his or her office.

~~{8-}~~ (h) Shall fix, charge and collect reasonable fees for:

~~{(a)}~~ (1) Investing the money in any fund or account which is credited for interest earned on money deposited in it; and

~~{(b)}~~ (2) Special services rendered to other state agencies or to members of the public which increase the cost of operating his or her office.

~~{9-}~~ (i) Serves as the primary representative of the State in matters concerning any nationally recognized bond credit rating agency for the purposes of the issuance of any obligation authorized on the behalf and in the name of the State, except as otherwise provided in NRS 538.206 and except for those obligations issued pursuant to chapter 319 of NRS and NRS 349.400 to 349.987, inclusive.

~~{10-}~~ (j) Is directly responsible for the issuance of any obligation authorized on the behalf and in the name of the State, except as otherwise provided in NRS 538.206 and except for those obligations issued pursuant to chapter 319 of NRS and NRS 349.400 to 349.987, inclusive. The State Treasurer:

~~{(a)}~~ (1) Shall issue such an obligation as soon as practicable after receiving a request from a state agency for the issuance of the obligation.

~~{(b)}~~ (2) May, except as otherwise provided in NRS 538.206, employ necessary legal, financial or other professional services in connection with the authorization, sale or issuance of such an obligation.

~~{(k)}~~ (k) May organize and facilitate statewide pooled financing programs, including lease purchases, for the benefit of the State and any political subdivision, including districts organized pursuant to NRS 450.550 to 450.750, inclusive, and chapters 244A, 318, 379, 474, 541, 543 and 555 of NRS.

~~{(l)}~~ (l) Shall serve as the Administrator of Unclaimed Property.

(m) *In addition to the instruction provided pursuant to section 20, 35 or 37 of this act, shall ensure that instruction and training in the following areas is provided to the tenants of a housing project operated by a local housing authority pursuant to NRS 315.140 to 315.7813, inclusive, and sections 34 and 35 of this act, to the tenants of a housing project operated by the Nevada Rural Housing Authority pursuant to NRS 315.961 to 315.99874, inclusive ~~{(n)}~~, and sections 36 and 37 of this act and to the tenants of a nonprofit organization described in sub-subparagraph (III) of subparagraph (I) of paragraph (c) of subsection 2 of section 20 of this act:*

(1) *The business opportunities and any benefits available for:*

(I) *Small business enterprises;*

(II) *Minority-owned business enterprises;*

(III) *Women-owned business enterprises; and*

(IV) *Disadvantaged business enterprises as defined by 49 C.F.R.*

§ 26.5; and

(2) *The procedures in place to utilize the opportunities and benefits listed in subparagraph (1) and how to proceed through such procedures.*

2. *As used in this section, "local housing authority" means an authority as defined in NRS 315.170.*

Sec. 32. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive

Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and

Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, *and sections 2 and 3 of this act*, 422.580, 432.010 to 432.133, inclusive, 432B.621 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other

provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department, other than the State Public Defender of the Office of State Public Defender who is appointed pursuant to NRS 180.010.

Sec. 33. Chapter 315 of NRS is hereby amended by adding thereto the provisions set forth as sections 34 to 37, inclusive, of this act.

Sec. 34. *The authority shall not consider money deposited in an individual development account pursuant to section 20 of this act by a tenant of a housing project operated by the authority to be income for the purpose of determining whether the person is eligible to reside in the housing project*

under the provisions of NRS 315.510 or any regulations adopted by the authority.

Sec. 35. 1. *In addition to the training provided by the State Treasurer pursuant to NRS 226.110, the authority shall ensure that instruction in financial literacy is provided to a tenant who deposits a portion of his or her income in an individual development account established pursuant to section 20 of this act.*

2. *The authority may contract for the services of an independent contractor to provide the instruction required by subsection 1.*

Sec. 36. *The Authority shall not consider money deposited in an individual development account pursuant to section 20 of this act by a tenant of a housing project operated by the Authority to be income for the purpose of determining whether the person is eligible to reside in the housing project under the provisions of NRS 315.994 or any regulations adopted by the Authority.*

Sec. 37. 1. *In addition to the training provided by the State Treasurer pursuant to NRS 226.110, the Authority shall ensure that instruction in financial literacy is provided to a tenant who deposits a portion of his or her income in an individual development account pursuant to section 20 of this act.*

2. *The Authority may contract for the services of an independent contractor to provide the instruction required by subsection 1.*

Sec. 38. NRS 315.140 is hereby amended to read as follows:

315.140 NRS 315.140 to 315.7813, inclusive, *and sections 34 and 35 of this act* may be referred to as the Housing Authorities Law of 1947.

Sec. 39. NRS 315.150 is hereby amended to read as follows:

315.150 Unless the context otherwise requires, the definitions contained in NRS 315.160 to 315.300, inclusive, govern the construction of NRS 315.140 to 315.7813, inclusive ~~[-]~~, *and sections 34 and 35 of this act.*

Sec. 40. NRS 315.420 is hereby amended to read as follows:

315.420 An authority shall constitute a public body corporate and politic, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of NRS 315.140 to 315.7813, inclusive, *and sections 34 and 35 of this act* (but not the power to levy and collect taxes or special assessments).

Sec. 41. NRS 315.961 is hereby amended to read as follows:

315.961 1. It is the policy of this State to promote the health, welfare and safety of its residents and to develop more desirable neighborhoods and alleviate poverty in the counties, cities and towns of the State by making provision for decent, safe and sanitary housing facilities for persons of low and moderate income.

2. It is hereby found and declared:

(a) That there is a shortage of safe and sanitary dwelling accommodations in the rural areas of the State which are available to persons of low and

moderate income, particularly senior citizens of low and moderate income, at rentals or prices they can afford;

(b) That the establishment and operation of a sufficient number of new local housing authorities to undertake housing projects on an individual basis in such counties and the cities and towns therein is not feasible at the present time due to geographic and economic circumstances;

(c) That the shortage of low-rent housing facilities in such counties can be partially remedied through state action by the establishment of a state housing authority having the power to undertake housing projects and make mortgage loans for residential housing; and

(d) That it is appropriate for such a state housing authority to issue obligations for the purpose of undertaking housing projects and providing mortgage loans for residential housing and to perform any other function authorized by NRS 315.961 to 315.99874, inclusive ~~and~~, *and sections 36 and 37 of this act.*

Sec. 42. NRS 315.962 is hereby amended to read as follows:

315.962 As used in NRS 315.961 to 315.99874, inclusive, *and sections 36 and 37 of this act*, unless the context otherwise requires, the words and terms defined in NRS 315.963 to 315.976, inclusive, have the meanings ascribed to them in those sections.

Sec. 43. NRS 315.983 is hereby amended to read as follows:

315.983 1. Except as otherwise provided in NRS 354.474 and 377.057, the Authority:

(a) Shall be deemed to be a public body corporate and politic, and an instrumentality, local government and political subdivision of the State, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out the purposes and provisions of NRS 315.961 to 315.99874, inclusive, *and sections 36 and 37 of this act*, but not the power to levy and collect taxes or special assessments.

(b) Is not an agency, board, bureau, commission, council, department, division, employee or institution of the State.

2. The Authority may:

(a) Sue and be sued.

(b) Have a seal.

(c) Have perpetual succession.

(d) Make and execute contracts and other instruments necessary or convenient to the exercise of its powers.

(e) Deposit money it receives in any insured state or national bank, insured credit union, insured savings and loan association or insured savings bank, or in the Local Government Pooled Long-Term Investment Account created by NRS 355.165 or the Local Government Pooled Investment Fund created by NRS 355.167.

(f) Adopt bylaws, rules and regulations to carry into effect the powers and purposes of the Authority.

(g) Create a nonprofit organization which is exempt from taxation pursuant to 26 U.S.C. § 501(c)(3) and which has as its principal purpose the development of housing projects.

(h) Enter into agreements or other transactions with, and accept grants from and cooperate with, any governmental agency or other source in furtherance of the purposes of NRS 315.961 to 315.99874, inclusive ~~+~~, and sections 36 and 37 of this act.

(i) Enter into an agreement with a local government in a county whose population is less than 100,000 to receive a loan of money from the local government in accordance with NRS 354.6118.

(j) Acquire real or personal property or any interest therein, by gift, purchase, foreclosure, deed in lieu of foreclosure, lease, option or otherwise.

Sec. 44. Chapter 363A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Any taxpayer who is required to pay a tax pursuant to NRS 363A.130 may receive a credit against the tax otherwise due for any donation of money made by the taxpayer to a fiduciary organization in the manner provided by this section.*

2. *To receive the credit authorized by subsection 1, a taxpayer who intends to make a donation of money to a fiduciary organization must, before making such a donation, notify the fiduciary organization of the taxpayer's intent to make the donation and to seek the credit authorized by subsection 1. A fiduciary organization shall, before accepting any such donation, apply to the Department of Taxation for approval of the credit authorized by subsection 1 for the donation. The Department of Taxation shall, within 20 days after receiving the application, approve or deny the application and provide to the fiduciary organization notice of the decision and, if the application is approved, the amount of the credit authorized. Upon receipt of notice that the application has been approved, the fiduciary organization shall provide notice of the approval to the taxpayer who must, not later than 30 days after receiving the notice, make the donation of money to the fiduciary organization. If the taxpayer does not make the donation of money to the fiduciary organization within 30 days after receiving the notice, the fiduciary organization shall provide notice of the failure to the Department of Taxation and the taxpayer forfeits any claim to the credit authorized by subsection 1.*

3. *The Department of Taxation shall approve or deny applications for the credit authorized by subsection 1 in the order in which the applications are received.*

4. *The Department of Taxation may, for each fiscal year, approve applications for the credit authorized by subsection 1 until the total amount of the credits authorized by subsection 1 and approved by the Department of Taxation pursuant to this subsection is ~~+~~*

~~(a) For Fiscal Year 2019-2020, \$5,000,000 ~~+~~~~

~~(b) For Fiscal Year 2020-2021, \$5,500,000; and~~

~~(e) For each succeeding fiscal year, an amount equal to 110 percent of the amount authorized for the immediately preceding fiscal year, for that fiscal year.~~

↪ The amount of any credit which is forfeited pursuant to subsection 2 must not be considered in calculating the amount of credits authorized for any fiscal year.

5. If a taxpayer applies to and is approved by the Department of Taxation for the credit authorized by subsection 1, the amount of the credit provided by this section is equal to the amount approved by the Department of Taxation pursuant to subsection 2, which must not exceed the amount of the donation made by the taxpayer to a fiduciary organization. The total amount of the credit applied against the taxes described in subsection 1 and otherwise due from a taxpayer must not exceed the amount of the donation.

6. If the amount of the tax described in subsection 1 and otherwise due from a taxpayer is less than the credit to which the taxpayer is entitled pursuant to this section, the taxpayer may, after applying the credit to the extent of the tax otherwise due, carry the balance of the credit forward for not more than 5 years after the end of the calendar year in which the donation is made or until the balance of the credit is applied, whichever is earlier.

7. As used in this section, "fiduciary organization" has the meaning ascribed to it section 16 of this act.

Sec. 45. Chapter 363B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any taxpayer who is required to pay a tax pursuant to NRS 363B.110 may receive a credit against the tax otherwise due for any donation of money made by the taxpayer to a fiduciary organization in the manner provided by this section.

2. To receive the credit authorized by subsection 1, a taxpayer who intends to make a donation of money to a fiduciary organization must, before making such a donation, notify the fiduciary organization of the taxpayer's intent to make the donation and to seek the credit authorized by subsection 1. A fiduciary organization shall, before accepting any such donation, apply to the Department of Taxation for approval of the credit authorized by subsection 1 for the donation. The Department of Taxation shall, within 20 days after receiving the application, approve or deny the application and provide to the fiduciary organization notice of the decision and, if the application is approved, the amount of the credit authorized. Upon receipt of notice that the application has been approved, the fiduciary organization shall provide notice of the approval to the taxpayer who must, not later than 30 days after receiving the notice, make the donation of money to the fiduciary organization. If the taxpayer does not make the donation of money to the fiduciary organization within 30 days after receiving the notice, the fiduciary organization shall provide notice of the failure to the Department of Taxation and the taxpayer forfeits any claim to the credit authorized by subsection 1.

3. The Department of Taxation shall approve or deny applications for the credit authorized by subsection 1 in the order in which the applications are received.

4. The Department of Taxation may, for each fiscal year, approve applications for the credit authorized by subsection 1 until the total amount of the credits authorized by subsection 1 and approved by the Department of Taxation pursuant to this subsection is ~~±~~

~~(a) For Fiscal Year 2019-2020, \$5,000,000 ±;~~

~~(b) For Fiscal Year 2020-2021, \$5,500,000; and~~

~~(c) For each succeeding fiscal year, an amount equal to 110 percent of the amount authorized for the immediately preceding fiscal year. ± for that fiscal year.~~

↳ The amount of any credit which is forfeited pursuant to subsection 2 must not be considered in calculating the amount of credits authorized for any fiscal year.

5. If a taxpayer applies to and is approved by the Department of Taxation for the credit authorized by subsection 1, the amount of the credit provided by this section is equal to the amount approved by the Department of Taxation pursuant to subsection 2, which must not exceed the amount of the donation made by the taxpayer to a fiduciary organization. The total amount of the credit applied against the taxes described in subsection 1 and otherwise due from a taxpayer must not exceed the amount of the donation.

6. If the amount of the tax described in subsection 1 and otherwise due from a taxpayer is less than the credit to which the taxpayer is entitled pursuant to this section, the taxpayer may, after applying the credit to the extent of the tax otherwise due, carry the balance of the credit forward for not more than 5 years after the end of the calendar year in which the donation is made or until the balance of the credit is applied, whichever is earlier.

7. As used in this section, "fiduciary organization" has the meaning ascribed to it in section 16 of this act.

Sec. 46. Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board of Regents may grant a waiver of registration fees and laboratory fees for a person who was:

(a) Placed in a foster home pursuant to chapter 424 of NRS including such a person who was sent outside of this State by an agency which provides child welfare services for admission to or for treatment or residence in a mental health facility; or

(b) In the custody of an agency which provides child welfare services pursuant to chapter 432B of NRS and was sent outside of this State by the agency for admission to or for treatment or residence in a mental health facility.

2. For the purpose of assessing fees and charges against a person to whom a waiver is granted pursuant to subsection 1, including, without limitation,

tuition charges pursuant to NRS 396.540, the person shall be deemed to be a bona fide resident of this State.

3. A person is eligible for a waiver pursuant to subsection 1 if the person maintains at least a 2.0 grade point average, on a 4.0 grading scale, each semester or the equivalent of a 2.0 grade point average if a different scale is used.

4. A person may use a waiver granted pursuant to this section for 10 years after the person attains the age of 18 years or, if the person enrolls in the System before the age of 18 years, for 10 years after the date of such enrollment.

5. The Board of Regents may request the licensing authority or agency which provides child welfare services to verify that a person meets the requirements of subsection 1. The licensing authority or agency which provides child welfare services shall, upon receiving such a request, notify the Board of Regents in writing concerning the status of that person.

6. The waiver of registration fees and laboratory fees set forth in this section is separate and apart from any other existing or future tuition-waiver program adopted by the Board of Regents for children who were previously in the foster care system. This section does not affect such programs in any way.

7. The provisions of this section do not affect the ability of the Board of Regents to adopt any additional tuition-waiver programs.

Sec. 46.3. There is hereby appropriated from the State General Fund to the Office of the State Treasurer for the purpose of carrying out sections 4.5 to 24, inclusive, 30.5 and 31 of this act the following sums:

For the Fiscal Year 2019-2020.....	\$108,500
For the Fiscal Year 2020-2021.....	\$135,000

Sec. 46.7. Any balance of the sums appropriated by section 46.3 of this act remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2020, and September 17, 2021, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2020, and September 17, 2021, respectively.

Sec. 47. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 48. 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. 49. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any other 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. 522 to Senate Bill No. 194 requires the Office of the State Treasurer, rather than the Department of Health and Human Services, to establish the Individual Development Account Program. It revises the membership of the Nevada Statewide Council on Financial Independence. It revises certain qualifications to become an accountholder and provisions regarding when a child may access money in an account. The bill clarifies that the authorization for the Board of Regents may grant a waiver of registration and laboratory fees to certain children in the child-welfare system is separate and apart from any other existing or future tuition-waiver program adopted by the Board for children who were previously in the foster-care system. It makes an appropriation from the State General Fund to the Office of the State Treasurer.

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. 207.

Bill read second time.

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

Amendment No. 362.

SUMMARY—Revises provisions governing apprentices. (BDR 28-740)

AN ACT relating to apprentices; ~~prohibiting a public body from awarding certain contracts for a public work to a contractor unless the~~ requiring a contractor ~~to comply~~ or subcontractor to comply with certain requirements relating to the use of apprentices on public works; ~~for pays a monetary penalty; prohibiting a contractor on certain public works from awarding subcontracts for more than 5 percent of the value of the public work to a subcontractor unless the subcontractor complies with certain requirements relating to the use of apprentices on public works or pays a monetary penalty; revising provisions relating to apprenticeship programs;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the State Apprenticeship Council and requires the Council to establish standards for programs of apprenticeship. (NRS 610.030, 610.090, 610.095) The purposes of such programs include, without limitation: (1) creating of the opportunity for persons to obtain training that will equip those persons to obtain profitable employment and citizenship; and (2) establishing an organized program for the voluntary training of those persons by providing facilities for training and guidance in the arts and crafts of industry and trade. (NRS 610.020) Existing law sets forth the requirements for

a public body which sponsors or finances a public work to award a contract to a contractor for the construction of the public work. (Chapter 338 of NRS) Such requirements include, without limitation: (1) the payment of the prevailing wage in the county in which the public work is located; and (2) the establishment of certain fair employment practices for contractors in connection with the performance of work under the contract awarded by the public body. (NRS 338.020, 338.125)

~~Section 1 of this bill [prohibits a public body from, on or after February 1, 2021, awarding a contract for a public work for which the estimated cost exceeds \$1,000,000 to a contractor unless the contractor: (1) complied with certain requirements relating to the use of apprentices on public works performed by the contractor; or (2) paid a monetary penalty imposed by the Labor Commissioner. Section 1 also prohibits a contractor awarded a contract for a public work on or after February 1, 2021, for which the estimated cost exceeds \$1,000,000 from awarding a subcontract for more than 5 percent of the value of that public work to a subcontractor unless the subcontractor satisfied the same requirements relating to the use of apprentices on public works or paid a monetary penalty imposed by the Labor Commissioner.]~~ requires a contractor or subcontractor engaged on a public work to employ one or more apprentices for a certain percentage of the total hours of labor performed on a public work, depending on the type of work performed. Section 1 authorizes the Labor Commissioner to adjust the percentage of total hours of labor required to be performed by an apprentice beginning on January 1, 2022. Section 1 also authorizes the Labor Commissioner to grant ~~[an exemption]~~ a modification or waiver from the requirements if ~~[a public work is performed in a county whose population is less than 100,000 or a city whose population is less than 60,000 and]~~ the Labor Commissioner finds that there is ~~[a lack of qualified apprentices from any available source in the geographic area in which the public work will be performed. Section 1 excludes from those requirements contractors and subcontractors who employ fewer than a specified number of employees at the site of a public work.~~

~~—Section 1 requires: (1) the Labor Commissioner to issue a certificate of compliance to contractors and subcontractors who complied with the requirements of that section relating to the use of apprentices; and (2) a public body to verify a contractor's compliance with the requirements for apprentice labor before awarding a contract for certain public works by obtaining the identification number included on the certificate of compliance issued to the contractor or subcontractor.~~

~~—Finally, section 1 requires all monetary penalties imposed on a contractor or subcontractor for failure to comply with the requirements of that section to be paid to the State Apprenticeship Director and distributed to programs for the recruitment, education and training of construction workers and the placement of such workers in employment.~~

~~—Section 6 of this bill requires an apprenticeship program to submit a quarterly report to the State Apprenticeship Council which contains the: (1)~~

number of apprentices enrolled in the program; (2) enrollment capacity of the program; and (3) number of apprentices who completed the program in the period covered by the report. Section 6 further provides that on or before February 1, 2023, the State Apprenticeship Council is required to submit to the Director of the Legislative Counsel Bureau a report on the availability and use of apprentices for transmission to the 82nd Session of the Nevada Legislature. ~~Section 7 of this bill requires an apprenticeship program in which the number of apprentices enrolled is less than 40 percent of the enrollment capacity of the program to submit to the State Apprenticeship Council a strategic plan to recruit and retain apprentices and a monthly report concerning the progress of the program in recruiting and retaining apprentices.]~~ good cause to do so. Section 1 further requires that an apprentice who graduates from an apprenticeship program while employed on a public work be deemed: (1) an apprentice for certain purposes; and (2) a journeyman for certain other purposes, including, without limitation, the payment of wages.

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

Section 1. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

~~1. Except as otherwise provided in subsection 4 or 5, on or after February 1, 2021, a public body shall not award a contract for a public work for which the estimated cost exceeds \$1,000,000 to a contractor unless:~~

~~(a) For the immediately preceding calendar year the contractor ensured that:~~

~~(1) An apprentice performed not less than 3 percent, or such other percentage as the Labor Commissioner may require pursuant to regulations adopted pursuant to subsection 9, of the total hours of labor reported by the contractor to public bodies for all contracts or subcontracts for horizontal construction on a public work in this State which were awarded to the contractor and to which the provisions of NRS 338.020 to 338.090, inclusive, apply; or~~

~~(2) For each recognized class of worker, an apprentice performed not less than 3 percent, or such other percentage as the Labor Commissioner may require pursuant to regulations adopted pursuant to subsection 9, of the total hours of labor performed by that recognized class of worker and reported by the contractor to public bodies for all contracts or subcontracts for vertical construction on a public work in this State which were awarded to the contractor and to which the provisions of NRS 338.020 to 338.090, inclusive, apply; or~~

~~(b) The contractor has paid all monetary penalties imposed by the Labor Commissioner pursuant to subsection 6.~~

~~2. Except as otherwise provided in subsection 4 or 5, a contractor awarded a contract for a public work on or after February 1, 2021, for which the estimated cost exceeds \$1,000,000 may not award a subcontract for more than 5 percent of the value of that public work to a subcontractor unless:~~

~~(a) For the immediately preceding calendar year the subcontractor ensured that:~~

~~(1) An apprentice performed not less than 3 percent, or such other percentage as the Labor Commissioner may require pursuant to regulations adopted pursuant to subsection 9, of the total hours of labor reported by the subcontractor to public bodies for all contracts or subcontracts for horizontal construction on a public work in this State which were awarded to the subcontractor and to which the provisions of NRS 338.020 to 338.090, inclusive, apply; or~~

~~(2) For each recognized class of worker, an apprentice performed not less than 3 percent, or such other percentage as the Labor Commissioner may require pursuant to regulations adopted pursuant to subsection 9, of the total hours of labor performed by that recognized class of worker and reported by the subcontractor to public bodies for all contracts or subcontracts for vertical construction on a public work in this State which were awarded to the subcontractor and to which the provisions of NRS 338.020 to 338.090, inclusive, apply; or~~

~~(b) The subcontractor has paid all monetary penalties imposed by the Labor Commissioner pursuant to subsection 6.~~

~~3. Except as otherwise provided in subsection 4 or 5, before awarding a contract for a public work for which the estimated cost exceeds \$1,000,000, a public body must obtain the identification number of the certificate of compliance issued to each contractor pursuant to subsection 8 submitting a bid for the contract and verify whether the award of the contract would comply with the provisions of subsection 1.~~

~~4. A public body may submit a written request to the Labor Commissioner for an exemption from the requirements of subsection 1 for a public work. If a public body submits such a request, the public body shall not request bids for or enter into a contract for which the public body submitted the request until the Labor Commissioner approves or denies the request pursuant to this subsection. Not later than 90 days after receiving a request pursuant to this subsection, the Labor Commissioner shall approve or deny the request in writing and notify the public body of the approval or denial of the request. The Labor Commissioner shall conduct a public hearing on each request, at which any interested party may appear and provide evidence, and issue a written decision to approve or deny a request. The written decision of the Labor Commissioner is a public record and a copy of the decision must be included in any bid documents furnished by the public body. The Labor Commissioner may grant a request for an exemption submitted pursuant to this subsection only if the Labor Commissioner finds that the public work will be performed in a county whose population is less than 100,000 or a city whose population is less than 60,000 and there is a demonstrated lack of qualified apprentices from any available source in the specific geographic area in which the public work for which an exemption is requested will be performed. If the Labor Commissioner grants an exemption to a public body pursuant to this~~

~~subsection, the work performed by a contractor or subcontractor on the public work for which the exemption was granted must not be considered when determining whether the contractor or subcontractor satisfied the criteria set forth in paragraph (a) of subsection 1 or paragraph (a) of subsection 2, as applicable.~~

~~5. The criteria set forth in paragraph (a) of subsection 1 or paragraph (a) of subsection 2, as applicable, do not apply to:~~

~~(a) A contractor or subcontractor which proposes to perform, or has been awarded a contract to perform, horizontal construction on a public work and which employs fewer than 25 employees to perform work on the site of the public work; or~~

~~(b) A contractor or subcontractor which proposes to perform, or has been awarded a contract to perform, vertical construction on a public work and which employs fewer than 6 employees to perform work on the site of the public work.~~

~~Any work performed by a contractor or subcontractor on a public work described in paragraph (a) or (b), as applicable, must not be considered in determining whether the contractor or subcontractor satisfied the criteria set forth in paragraph (a) of subsection 1 or paragraph (a) of subsection 2, as applicable.~~

~~6. Each calendar year, the Labor Commissioner shall:~~

~~(a) Determine the percentage of total hours of labor which were performed by apprentices during the calendar year on each public work to which the provisions of NRS 338.020 to 338.090, inclusive, apply;~~

~~(b) Determine whether a contractor or subcontractor satisfies the requirements of subsection 1 or 2, as applicable, or of any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, as applicable;~~

~~(c) If applicable, determine the number of hours by which each contractor or subcontractor failed to comply with those requirements; and~~

~~(d) If a contractor or subcontractor does not satisfy the criteria set forth in paragraph (a) of subsection 1 or paragraph (a) of subsection 2, as applicable, establish the amount of a monetary penalty which must be paid by a contractor or subcontractor to remain qualified to be awarded a contract for a public work for which the estimated cost exceeds \$1,000,000. The monetary penalty must be payable to the State Apprenticeship Director and must be established as follows:~~

~~(1) For a contract to perform horizontal construction on a public work on or after January 1, 2020, a contractor or subcontractor that failed to comply with the criteria set forth in paragraph (a) of subsection 1 or paragraph (a) of subsection 2, as applicable, or in any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, as applicable, is required to pay a monetary penalty of not less than \$2 but not more than \$6 for each hour of labor during which the contractor or subcontractor, as applicable, failed to comply with the applicable criteria. In determining the~~

~~amount of the monetary penalty imposed on a contractor or subcontractor pursuant to this subparagraph, the Labor Commissioner shall consider all relevant facts and circumstances, including, without limitation, the amount by which the contractor or subcontractor failed to comply with the applicable criteria set forth in paragraph (a) of subsection 1 or paragraph (a) of subsection 2, or in any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, and whether the contractor or subcontractor has willfully or repeatedly failed to comply with such applicable criteria.~~

~~—(2) For a contract to perform vertical construction on a public work on or after January 1, 2020, a contractor or subcontractor that failed to comply with the criteria set forth in paragraph (a) of subsection 1 or paragraph (a) of subsection 2, as applicable, or in any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, as applicable, is required to pay a monetary penalty of not less than \$2 but not more than \$6 for each hour of labor during which the contractor or subcontractor, as applicable, failed to comply with the applicable criteria. In determining the amount of the monetary penalty imposed on a contractor or subcontractor pursuant to this subparagraph, the Labor Commissioner shall consider all relevant facts and circumstances, including, without limitation, the amount by which the contractor or subcontractor failed to comply with the applicable criteria set forth in paragraph (a) of subsection 1 or paragraph (a) of subsection 2, or in any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, and whether the contractor or subcontractor has willfully or repeatedly failed to comply with such applicable criteria.~~

~~— Any decision of the Labor Commissioner pursuant to this paragraph is subject to judicial review pursuant to chapter 233B of NRS.~~

~~—7. All money which is collected by the State Apprenticeship Director for monetary penalties imposed pursuant to subsection 6 must be distributed by the State Apprenticeship Director only to programs for the recruitment, education and training of construction workers and the placement of such workers in employment.~~

~~—8. The Labor Commissioner shall:~~

~~—(a) Issue a certificate of compliance containing an identification number to each contractor or subcontractor who complies with the applicable criteria set forth in paragraph (a) of subsection 1 or paragraph (a) of subsection 2, or in any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, or who pays the monetary penalty imposed on the contractor or subcontractor pursuant to subsection 6.~~

~~—(b) Maintain on the Internet website of the Labor Commissioner a list of contractors and subcontractors who have been issued a certificate of compliance.~~

~~—9. During each calendar year beginning on or after January 1, 2022, the Labor Commissioner may, with the approval of the State Apprenticeship Council, adopt regulations to revise, by not more than 2 percentage points, the~~

~~percentage of total hours of labor on a public work which must be performed by apprentices for the following calendar year.~~

~~10. As used in this section:~~

~~(a) "Apprentice" has the meaning ascribed to it in NRS 610.010.~~

~~(b) "Horizontal construction" means the construction of any fixed work other than vertical construction except as specifically provided herein, including, without limitation, fixed work relating to irrigation, drainage, water supply, flood control, a harbor, a railroad, a highway, a tunnel, a sewer, a sewage disposal plant or water treatment facility and any ancillary vertical construction which is a component thereof, a bridge, an inland waterway, a pipeline for the transmission of petroleum or any other liquid or gaseous substance, a pier and any fixed work incidental thereto. The term includes the construction of an airport or airway, but does not include the construction of any terminal or other building of an airport or airway.~~

~~(c) "Recognized class of worker" means a class of worker recognized by the Labor Commissioner as being a distinct craft or type of work for purposes of establishing prevailing rates of wages pursuant to NRS 338.020 to 338.090, inclusive. The term includes a class of worker for which the Labor Commissioner has traditionally established a prevailing rate of wages pursuant to NRS 338.020 to 338.090, inclusive, and any other class of worker the Labor Commissioner determines to be a distinct craft or type of work either on his or her own accord or after conducting a hearing pursuant to NRS 338.030.~~

~~(d) "Vertical construction" means the construction or remodeling of any building, structure or other improvement which is predominantly vertical, including, without limitation, a building, structure or improvement for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind and any improvement appurtenant thereto.~~

1. Notwithstanding any other provision of this chapter and except as otherwise provided in this section, a contractor or subcontractor engaged in vertical construction on a public work shall use one or more apprentices for at least 15 percent of the total hours of labor worked for each apprenticed craft or type of work to be performed on the public work.

2. Notwithstanding any other provision of this chapter and except as otherwise provided in this section, a contractor or subcontractor engaged in horizontal construction on a public work shall use one or more apprentices for at least 5 percent of the total hours of labor worked for each apprenticed craft or type of work to be performed on the public work.

3. On or after January 1, 2022, the Labor Commissioner, in collaboration with the State Apprenticeship Council, may adopt regulations to modify the percentage of total hours of labor required to be performed by an apprentice pursuant to subsection 1 or 2 by not more than 2 percentage points.

4. An apprentice who graduates from an apprenticeship program while employed on a public work shall:

(a) Be deemed an apprentice on the public work for the purposes of subsections 1 and 2.

(b) Be deemed a journeyman for all other purposes, including, without limitation, the payment of wages or the payment of wages and benefits to a journeyman covered by a collective bargaining agreement.

5. A contractor or subcontractor engaged on a public work is not required to use an apprentice in a craft or type of work that is not an apprenticed craft or type of work.

6. A public body may, upon the request of a contractor or subcontractor, submit a request to the Labor Commissioner to modify or waive the percentage of hours of labor provided by one or more apprentices required pursuant to subsection 1 or 2. A public body must submit such a request, including, without limitation, any supporting documentation, within 15 days after the award of a contract for a public work.

7. The Labor Commissioner shall issue a determination of whether to grant a modification or waiver requested pursuant to subsection 6 within 15 days after the receipt of such request. The Labor Commissioner may grant such a request if he or she makes a finding that there is good cause to modify or waive the percentage of hours of labor provided by one or more apprentices required pursuant to subsection 1 or 2.

8. A public body, contractor or subcontractor may request a hearing on the determination of the Labor Commissioner within 10 days after receipt of the determination of the Labor Commissioner. The hearing must be conducted in accordance with regulations adopted by the Labor Commissioner. If the Labor Commissioner does not receive a request for a hearing pursuant to this subsection, the determination of the Labor Commissioner is a final decision for the purposes of judicial review pursuant to chapter 233B of NRS.

9. As used in this section:

(a) "Apprenticeship" means a person enrolled in an apprenticeship program recognized by the State Apprenticeship Council.

(b) "Apprenticed craft or type of work" means a craft or type of work for which there is an existing apprenticeship program recognized by the State Apprenticeship Council.

(c) "Apprenticeship program" means an apprenticeship program recognized by the State Apprenticeship Council.

(d) "Good cause" means:

(1) There are no apprentices available from an apprenticeship program;

(2) The contractor or subcontractor is required to perform uniquely complex or hazardous tasks on the public work that require the skill and expertise of a greater percentage of journeymen; or

(3) The contractor or subcontractor has requested apprentices from an apprenticeship program and the request has been denied.

(e) "Journeyman" has the meaning ascribed to it in NRS 624.260.

(f) "State Apprenticeship Council" means the State Apprenticeship Council created by NRS 610.030.

Sec. 2. NRS 338.015 is hereby amended to read as follows:

338.015 1. The Labor Commissioner shall enforce the provisions of NRS 338.010 to 338.130, inclusive [], *and section 1 of this act.*

2. In addition to any other remedy or penalty provided in this chapter, if any person, including, without limitation, a public body, violates any provision of NRS 338.010 to 338.130, inclusive, ~~except~~ *and section 1 of this act*, or any regulation adopted pursuant thereto, the Labor Commissioner may, after providing the person with notice and an opportunity for a hearing, impose against the person an administrative penalty of not more than \$5,000 for each such violation.

3. The Labor Commissioner may, by regulation, establish a sliding scale based on the severity of the violation to determine the amount of the administrative penalty to be imposed against the person pursuant to this section.

4. The Labor Commissioner shall report the violation to the Attorney General, and the Attorney General may prosecute the person in accordance with law.

Sec. 3. ~~NRS 338.1389 is hereby amended to read as follows:~~

~~338.1389 1. Except as otherwise provided in subsection 10 and NRS 338.1385, 338.1386 and 338.13864 [], *and section 1 of this act*, a public body or its authorized representative shall award a contract for a public work for which the estimated cost exceeds \$250,000 to the contractor who submits the best bid.~~

~~2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest bid that is:~~

~~(a) Submitted by a responsive and responsible contractor who:~~

~~(1) Has been determined by the public body to be a qualified bidder pursuant to NRS 338.1379 or 338.1382;~~

~~(2) At the time the contractor submits his or her bid, provides a valid certificate of eligibility to receive a preference in bidding on public works issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and~~

~~(3) Within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117; and~~

~~(b) Not more than 5 percent higher than the bid submitted by the lowest responsive and responsible bidder who:~~

~~(1) Does not provide, at the time he or she submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him or her by the State Contractors' Board pursuant to subsection 3 or 4; or~~

~~(2) Does not submit, within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, a signed affidavit certifying that he or she will comply with the requirements of~~

~~paragraphs (a) to (d), inclusive, of subsection 1 of NRS 338.0117 for the duration of the contract;~~

~~shall be deemed to be the best bid for the purposes of this section.~~

~~3. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this State:~~

~~(a) Paid directly, on his or her own behalf:~~

~~(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;~~

~~(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or~~

~~(3) Any combination of such sales and use taxes and governmental services tax; or~~

~~(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:~~

~~(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and~~

~~(2) Certificate of eligibility to receive a preference in bidding on public works.~~

~~4. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this State:~~

~~(a) Paid directly, on his or her own behalf:~~

~~(1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;~~

~~(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State~~

~~of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or~~

~~— (3) Any combination of such sales and use taxes and governmental services tax; or~~

~~— (b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:~~

~~— (1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and~~

~~— (2) Certificate of eligibility to receive a preference in bidding on public works.~~

~~— 5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:~~

~~— (a) Sales and use taxes and governmental services taxes that were paid in this State by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and~~

~~— (b) Sales and use taxes that were paid in this State by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.~~

~~— 6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to subsection 3 or 4 shall, at the time for the renewal of his or her contractor's license pursuant to NRS 624.283, submit to the Board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain eligibility to hold such a certificate.~~

~~— 7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public works unless the contractor reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.~~

~~— 8. If a contractor holds more than one contractor's license, the contractor must submit a separate application for each license pursuant to which the contractor wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.~~

~~— 9. If a contractor who applies to the State Contractors' Board for a certificate of eligibility to receive a preference in bidding on public works:~~

~~— (a) Submits false information to the Board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on~~

~~public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information; or~~

~~—(b) Is found by the Board to have, within the preceding 5 years, materially breached a contract for a public work for which the cost exceeds \$5,000,000, the contractor is not eligible to receive a preference in bidding on public works.~~

~~—10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.~~

~~—11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the bid may receive a preference in bidding only if both or all of the joint venturers separately meet the requirements of subsection 2.~~

~~—12. The State Contractors' Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.~~

~~—13. A person who submitted a bid on the public work or an entity who believes that the contractor who was awarded the contract for the public work wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the public body to which the contractor has submitted a bid on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:~~

~~—(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and~~

~~—(b) Be filed with the public body not later than 3 business days after the opening of the bids by the public body or its authorized representative.~~

~~—14. If a public body receives a written objection pursuant to subsection 13, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the public body determines that the objection is not accompanied by the required proof or substantiating evidence, the public body shall dismiss the objection and the public body or its authorized representative may proceed immediately to award the contract. If the public body determines that the objection is accompanied by the required proof or substantiating evidence, the public body shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and the public body or its authorized representative may proceed to award the contract accordingly. (Deleted by amendment.)~~

Sec. 4. ~~[NRS 338.147 is hereby amended to read as follows:~~

~~—338.147 1. Except as otherwise provided in subsection 10 and NRS 338.143, 338.1442 and 338.1446 [,] and section 1 of this act, a local government or its authorized representative shall award a contract for a public~~

~~work for which the estimated cost exceeds \$250,000 to the contractor who submits the best bid.~~

~~2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest bid that is:~~

~~(a) Submitted by a contractor who:~~

~~(1) Has been found to be a responsible and responsive contractor by the local government or its authorized representative;~~

~~(2) At the time the contractor submits his or her bid, provides a valid certificate of eligibility to receive a preference in bidding on public works issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and~~

~~(3) Within 2 hours after the completion of the opening of the bids by the local government or its authorized representative, submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117; and~~

~~(b) Not more than 5 percent higher than the bid submitted by the lowest responsive and responsible bidder who:~~

~~(1) Does not provide, at the time he or she submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him or her by the State Contractors' Board pursuant to subsection 3 or 4; or~~

~~(2) Does not submit, within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, a signed affidavit certifying that he or she will comply with the requirements of paragraphs (a) to (d), inclusive, of subsection 1 of NRS 338.0117 for the duration of the contract;~~

~~shall be deemed to be the best bid for the purposes of this section.~~

~~3. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this State:~~

~~(a) Paid directly, on his or her own behalf:~~

~~(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than \$5,000 for each consecutive 12 month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;~~

~~(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than \$5,000 for each consecutive 12 month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or~~

~~—(3) Any combination of such sales and use taxes and governmental services tax; or~~

~~—(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:~~

~~—(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and~~

~~—(2) Certificate of eligibility to receive a preference in bidding on public works.~~

~~—4. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this State:~~

~~—(a) Paid directly, on his or her own behalf:~~

~~—(1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;~~

~~—(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or~~

~~—(3) Any combination of such sales and use taxes and governmental services tax; or~~

~~—(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:~~

~~—(1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and~~

~~—(2) Certificate of eligibility to receive a preference in bidding on public works.~~

~~—5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:~~

~~—(a) Sales and use taxes and governmental services taxes paid in this State by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and~~

~~—(b) Sales and use taxes paid in this State by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.~~

~~6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to subsection 3 or 4 shall, at the time for the renewal of his or her contractor's license pursuant to NRS 624.283, submit to the Board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain eligibility to hold such a certificate.~~

~~7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public works unless the contractor reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.~~

~~8. If a contractor holds more than one contractor's license, the contractor must submit a separate application for each license pursuant to which the contractor wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.~~

~~9. If a contractor who applies to the State Contractors' Board for a certificate of eligibility to receive a preference in bidding on public works:~~

~~(a) Submits false information to the Board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information; or~~

~~(b) Is found by the Board to have, within the preceding 5 years, materially breached a contract for a public work for which the cost exceeds \$5,000,000, the contractor is not eligible to receive a preference in bidding on public works.~~

~~10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.~~

~~11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the bid may receive a preference in bidding only if both or all of the joint venturers separately meet the requirements of subsection 2.~~

~~12. The State Contractors' Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.~~

~~13. A person who submitted a bid on the public work or an entity who believes that the contractor who was awarded the contract for the public work wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the local government to which the contractor has submitted a bid on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:~~

~~—(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and~~

~~—(b) Be filed with the local government not later than 3 business days after the opening of the bids by the local government or its authorized representative.~~

~~14. If a local government receives a written objection pursuant to subsection 13, the local government shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the local government determines that the objection is not accompanied by the required proof or substantiating evidence, the local government shall dismiss the objection and the local government or its authorized representative may proceed immediately to award the contract. If the local government determines that the objection is accompanied by the required proof or substantiating evidence, the local government shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and the local government or its authorized representative may proceed to award the contract accordingly. (Deleted by amendment.)~~

~~Sec. 5. [Chapter 610 of NRS is hereby amended by adding thereto the provisions set forth as sections 6 and 7 of this act.] (Deleted by amendment.)~~

~~Sec. 6. [1. A program shall submit a quarterly report to the State Apprenticeship Council which contains the following information:~~

~~—(a) The number of apprentices enrolled in the program;~~

~~—(b) The enrollment capacity of the program; and~~

~~—(c) The number of apprentices who completed the program in the period covered by the report.~~

~~2. Not later than February 1, 2023, the State Apprenticeship Council shall submit to the Director of the Legislative Counsel Bureau a report on the availability and use of apprentices for transmission to the next regular session of the Legislature. The report must include a summary of the information collected by the State Apprenticeship Council and any recommendations for legislation. (Deleted by amendment.)~~

~~Sec. 7. [1. If, at any time, the number of apprentices enrolled in a program is less than 40 percent of the enrollment capacity of the program, the program must submit to the State Apprenticeship Council:~~

~~—(a) A strategic plan to recruit and retain apprentices; and~~

~~—(b) A monthly report concerning the progress of the program in recruiting and retaining apprentices until such time as the State Apprenticeship Council determines that such monthly reports are not necessary.~~

~~2. The State Apprenticeship Council may revoke the registration of a program that fails to comply with any requirement of subsection 1. (Deleted by amendment.)~~

Sec. 7.5. The amendatory provisions of this act do not apply to a contract for a public work for which bids have been submitted before January 1, 2020.

Sec. 8. This act becomes effective on January 1, 2020.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Amendment No. 362 to Senate Bill No. 207 deletes several provisions of the bill but continues to require a contractor or subcontractor on a public work to use, with certain exceptions, one or more apprentices for a certain percentage of the total hours of labor worked for each apprenticed craft or type of work to be performed on the public work. The amendment changes the percentage required from "not less than 3 percent" for both vertical and horizontal construction to "at least 15 percent" on vertical construction and "at least 5 percent" for horizontal construction. The Labor Commissioner is authorized to adjust annually the total hours of labor required to be performed by an apprentice by not more than two percentage points. The amendment further provides that this act does not apply to a contract for a public work for which bids have been submitted before January 1, 2020.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 242.

Bill read second time.

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

Amendment No. 441.

SUMMARY—Revises provisions relating to peace officers. (BDR 23-1066)

AN ACT relating to peace officers; requiring that a suspended peace officer must be granted back pay under certain circumstances; requiring that the questioning of a peace officer by a superior officer cease under certain circumstances; prohibiting the disclosure or use of a peace officer's compelled statement in certain civil cases; ~~providing, with limited exception, that a video of a police officer is confidential;~~ limiting, with certain exceptions, the time in which a law enforcement agency may initiate an investigation into certain alleged misconduct of a peace officer; prohibiting, with limited exception, a law enforcement agency from reassigning a peace officer while he or she is under investigation; requiring, under certain circumstances, the dismissal of civil and administrative proceedings against a peace officer; ~~revising provisions related to the questioning or interrogation of a peace officer; requiring, with limited exception, that the face of a peace officer be redacted from a video recorded by a portable event recording device;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides certain rights to peace officers. (NRS 289.010-289.120) Section 1 of this bill provides if a peace officer is suspended without pay pending the outcome of a criminal prosecution, the peace officer shall receive back pay if the case is dismissed or the peace officer is found not guilty ~~and the officer is not subjected to punitive action by the law enforcement agency in connection with the misconduct allegations in question.~~

Section 2 of this bill requires the questioning of a peace officer by a superior officer to stop if the peace officer reasonably believes the questioning could result in punitive action and the peace officer requests representation. Section 2 also prohibits the use of a peace officer's compelled statement in a civil case against the peace officer without his or her consent ~~[.]~~, with limited exceptions.

~~[Under existing law, with limited exception, the home address and any photograph of a peace officer that is in the possession of a law enforcement agency are confidential and not public information. (NRS 289.025) Existing law also requires, with limited exception, that: (1) a uniformed peace officer wear a portable event recording device while on duty; and (2) video recorded on such a device must be available for public inspection. (NRS 289.830) Section 3 of this bill provides that, with limited exception, the video of a peace officer is confidential and not public information. Section 9 of this bill requires, with limited exception, a law enforcement agency to redact the face of any peace officer appearing in a video recorded by a portable event recording device before the video may be released for public inspection.]~~

Existing law authorizes the investigation of a peace officer in response to a complaint or allegation that the peace officer engaged in activities which could result in punitive action. (NRS 289.057) Section 4 of this bill prohibits a law enforcement agency from initiating such an investigation if the complaint or allegation is filed more than 1 year after the misconduct allegedly occurred unless the alleged misconduct ~~[would be a felony or gross misdemeanor.]~~ is a crime punishable pursuant to state or federal law. Section 4 further provides that a law enforcement agency may not reopen an investigation if the agency determines that no misconduct occurred ~~[.]~~ unless the law enforcement agency discovers new material evidence. Section 4 also prohibits the reassignment of a peace officer without his or her consent if an investigation or hearing regarding alleged misconduct is pending.

~~[Existing law sets forth notification requirements and certain other procedures for an interview, interrogation or hearing relating to an investigation of alleged misconduct of a peace officer. (NRS 289.060) Section 5 of this bill requires additional notice be given if it is discovered that a peace officer gives false information during such an interrogation or hearing.]~~

Section 6 of this bill provides any representative a peace officer elects to represent the officer during an interrogation or hearing regarding alleged misconduct must be allowed to inspect any evidence the law enforcement agency has in its possession related to the investigation.

Under existing law, evidence obtained in violation of the rights of peace officers is inadmissible. (NRS 289.085) Section 7 of this bill provides instead that if evidence is obtained in violation of the rights of peace officers, the administrative proceeding or civil action filed against the peace officer must be dismissed ~~[and the officer must be awarded back pay, attorney fees, costs and any other relief the arbitrator or court deems appropriate.]~~

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

Section 1. Chapter 289 of NRS is hereby amended by adding thereto a new section to read as follows:

If a law enforcement agency suspends a peace officer without pay pending the outcome of a criminal prosecution, ~~and~~ the law enforcement agency shall award the peace officer back pay for the duration of the suspension if:

- 1. The charges against the peace officer are dismissed ~~for the~~;*
- 2. The peace officer is found not guilty ~~for the law enforcement agency shall award the peace officer back pay for the duration of the suspension.~~ at trial;*
or
- 3. The peace officer is not subjected to punitive action in connection with the alleged misconduct.*

Sec. 2. NRS 289.020 is hereby amended to read as follows:

289.020 1. A law enforcement agency shall not use punitive action against a peace officer if the peace officer chooses to exercise the peace officer's rights under any internal administrative grievance procedure.

2. If a peace officer is denied a promotion on grounds other than merit or other punitive action is used against the peace officer, a law enforcement agency shall provide the peace officer with an opportunity for a hearing.

3. *If a peace officer requests representation while being questioned by a superior officer on any matter ~~for~~ that the peace officer reasonably believes could result in punitive action, the questioning must cease immediately and the peace officer must be allowed a reasonable opportunity to arrange for the presence and assistance of a representative before the questioning may resume.*

4. If a peace officer refuses to comply with ~~a request~~ an order by a superior officer to cooperate with the peace officer's own or any other law enforcement agency in a criminal investigation, the agency may charge the peace officer with insubordination.

5. *Except as otherwise provided in this subsection, any statement a peace officer is compelled to make pursuant to this chapter shall not be disclosed or used in a civil case against the peace officer without the consent of the peace officer. Such a statement may be used in an administrative hearing or civil case regarding the employment of the peace officer. In such a civil case, the court may review the statement in camera to determine whether the statement is inconsistent with the testimony of the peace officer and release any inconsistent statement to the opposing party for purposes of impeachment.*

Sec. 3. ~~NRS 289.025 is hereby amended to read as follows:~~

~~289.025 1. Except as otherwise provided in subsections 2 and 3 and NRS 239.0115 [,] and 289.830, the home address and any photograph or video of a peace officer in the possession of a law enforcement agency are not public information and are confidential.~~

~~2. [The] Except as otherwise provided in NRS 289.080 and 289.830, a photograph or video of a peace officer may be released.~~

- ~~(a) If the peace officer authorizes the release; or~~
~~(b) If the peace officer has been arrested.~~
 3. ~~The home address of a peace officer may be released if a peace officer has been arrested and the home address is included in any of the following:~~
~~(a) A report of a 911 telephone call.~~
~~(b) A police report, investigative report or complaint which a person filed with a law enforcement agency.~~
~~(c) A statement made by a witness.~~
~~(d) A report prepared pursuant to NRS 432B.540 by an agency which provides child welfare services, which report details a plan for the placement of a child.] (Deleted by amendment.)~~

Sec. 4. NRS 289.057 is hereby amended to read as follows:

289.057 1. ~~[Am]~~ *Except as otherwise provided in this subsection, an investigation of a peace officer may be conducted in response to a complaint or allegation that the peace officer has engaged in activities which could result in punitive action. A law enforcement agency shall not conduct an investigation pursuant to this subsection if the activities of the peace officer occurred more than 1 year from the date of the filing of a complaint or allegation with the law enforcement agency unless the alleged misconduct would be a crime punishable ~~as a felony or gross misdemeanor.~~ pursuant to state or federal law.*

2. Except as otherwise provided in a collective bargaining agreement, a law enforcement agency shall not suspend a peace officer without pay during or pursuant to an investigation conducted pursuant to this section until all investigations relating to the matter have concluded.

3. After the conclusion of the investigation:

(a) If the investigation causes a law enforcement agency to impose punitive action against the peace officer who was the subject of the investigation and the peace officer has received notice of the imposition of the punitive action, the peace officer or a representative authorized by the peace officer may, except as otherwise prohibited by federal or state law, review any administrative or investigative file maintained by the law enforcement agency relating to the investigation, including any recordings, notes, transcripts of interviews and documents.

(b) If, pursuant to a policy of a law enforcement agency or a labor agreement, the record of the investigation or the imposition of punitive action is subject to being removed from any administrative file relating to the peace officer maintained by the law enforcement agency, the law enforcement agency shall not, except as otherwise required by federal or state law, keep or make a record of the investigation or the imposition of punitive action after the record is required to be removed from the administrative file.

(c) *If the law enforcement agency concludes that the peace officer did not violate a statute, policy, rule or regulation, the law enforcement agency shall not reopen the investigation ~~+~~ unless the law enforcement agency discovers new material evidence related to the matter.*

4. A law enforcement agency shall not reassign a peace officer temporarily or permanently without his or her consent during or pursuant to an investigation conducted pursuant to this section or when there is a hearing relating to such an investigation that is pending.

Sec. 5. ~~[NRS 289.060 is hereby amended to read as follows:~~

~~289.060 1. Except as otherwise provided in this subsection, a law enforcement agency shall, not later than 48 hours before any interrogation or hearing is held relating to an investigation conducted pursuant to NRS 289.057, provide a written notice to the peace officer who is the subject of the investigation. If the law enforcement agency believes that any other peace officer has any knowledge of any fact relating to the complaint or allegation against the peace officer who is the subject of the investigation, the law enforcement agency shall provide a written notice to the peace officer advising the peace officer that he or she must appear and be interviewed as a witness in connection with the investigation. Any peace officer who serves as a witness during an interview must be allowed a reasonable opportunity to arrange for the presence and assistance of a representative authorized by NRS 289.080. Any peace officer specified in this subsection may waive the notice required pursuant to this section.~~

~~2. The notice provided to the peace officer who is the subject of the investigation must include:~~

~~(a) A description of the nature of the investigation;~~

~~(b) A summary of alleged misconduct of the peace officer;~~

~~(c) The date, time and place of the interrogation or hearing;~~

~~(d) The name and rank of the officer in charge of the investigation and the officers who will conduct any interrogation or hearing;~~

~~(e) The name of any other person who will be present at any interrogation or hearing; and~~

~~(f) A statement setting forth the provisions of subsection 1 of NRS 289.080.~~

~~3. The law enforcement agency shall:~~

~~(a) Interview or interrogate the peace officer during the peace officer's regular working hours, if reasonably practicable, or revise the peace officer's work schedule to allow any time that is required for the interview or interrogation to be deemed a part of the peace officer's regular working hours. Any such time must be calculated based on the peace officer's regular wages for his or her regularly scheduled working hours. If the peace officer is not interviewed or interrogated during his or her regular working hours or if his or her work schedule is not revised pursuant to this paragraph and the law enforcement agency notifies the peace officer to appear at a time when he or she is off duty, the peace officer must be compensated for appearing at the interview or interrogation based on the wages and any other benefits the peace officer is entitled to receive for appearing at the time set forth in the notice.~~

~~(b) Immediately before any interrogation or hearing begins, inform the peace officer who is the subject of the investigation orally on the record that:~~

~~(1) The peace officer is required to provide a statement and answer questions related to the peace officer's alleged misconduct; and~~

~~(2) If the peace officer fails to provide such a statement or to answer any such questions, the agency may charge the peace officer with insubordination.~~

~~(c) Limit the scope of the questions during the interrogation or hearing to the alleged misconduct of the peace officer who is the subject of the investigation. If any evidence is discovered during the course of an investigation or hearing which establishes or may establish any other possible misconduct engaged in by the peace officer, including, without limitation, if the law enforcement agency believes that the peace officer provides false information concerning a material fact during the interrogation or hearing, the law enforcement agency shall immediately notify the peace officer of that fact and shall not conduct any further interrogation of the peace officer or hearing concerning the possible misconduct until a subsequent notice of that evidence and possible misconduct is provided to the peace officer pursuant to this chapter.~~

~~(d) Allow the peace officer who is the subject of the investigation or who is a witness in the investigation to explain an answer or refute a negative implication which results from questioning during an interview, interrogation or hearing.~~

~~4. If a peace officer provides a statement or answers a question relating to the alleged misconduct of a peace officer who is the subject of an investigation pursuant to NRS 289.057 after the peace officer is informed that failing to provide the statement or answer may result in punitive action against him or her, the statement or answer must not be used against the peace officer who provided the statement or answer in any subsequent criminal proceeding.]~~

(Deleted by amendment.)

Sec. 6. NRS 289.080 is hereby amended to read as follows:

289.080 1. Except as otherwise provided in subsection ~~[4,]~~ 5, a peace officer who is the subject of an investigation conducted pursuant to NRS 289.057 may upon request have two representatives of the peace officer's choosing present with the peace officer during any phase of an interrogation or hearing relating to the investigation, including, without limitation, a lawyer, a representative of a labor union or another peace officer.

2. Except as otherwise provided in subsection ~~[4,]~~ 5, a peace officer who is a witness in an investigation conducted pursuant to NRS 289.057 may upon request have two representatives of the peace officer's choosing present with the peace officer during an interview relating to the investigation, including, without limitation, a lawyer, a representative of a labor union or another peace officer. The presence of the second representative must not create an undue delay in either the scheduling or conducting of the interview.

3. A representative of a peace officer must assist the peace officer during the interview, interrogation or hearing.

4. The law enforcement agency conducting the interview, interrogation or hearing shall allow a representative of the peace officer to ~~explain~~ :

(a) *Inspect all evidence related to the investigation that is in the possession of the law enforcement agency, including, without limitation, audio recordings, photographs, video recordings and statements made by or attributed to the peace officer.*

(b) *Explain an answer provided by the peace officer or refute a negative implication which results from questioning of the peace officer but may require such explanation to be provided after the agency has concluded its initial questioning of the peace officer.*

~~{4.}~~ 5. A representative must not otherwise be connected to, or the subject of, the same investigation.

~~{5.}~~ 6. Any information that a representative obtains from the peace officer who is a witness concerning the investigation is confidential and must not be disclosed.

~~{6.}~~ 7. Any information that a representative obtains from the peace officer who is the subject of the investigation is confidential and must not be disclosed except upon the:

(a) Request of the peace officer; or

(b) Lawful order of a court of competent jurisdiction.

→ A law enforcement agency shall not take punitive action against a representative for the representative's failure or refusal to disclose such information.

~~{7.}~~ 8. The peace officer, any representative of the peace officer or the law enforcement agency may make a stenographic, digital or magnetic record of the interview, interrogation or hearing. If the agency records the proceedings, the agency shall at the peace officer's request and expense provide a copy of the:

(a) Stenographic transcript of the proceedings; or

(b) Recording on the digital or magnetic tape.

~~{8.}~~ 9. After the conclusion of the investigation, the peace officer who was the subject of the investigation or any representative of the peace officer may, if the peace officer appeals a recommendation to impose punitive action, review and copy the entire file concerning the internal investigation, including, without limitation, any recordings, notes, transcripts of interviews and documents contained in the file.

Sec. 7. NRS 289.085 is hereby amended to read as follows:

289.085 If an arbitrator or court determines that evidence was obtained during an investigation of a peace officer concerning conduct that could result in punitive action in a manner which violates any provision of NRS 289.010 to 289.120, inclusive, and ~~[that such evidence may be prejudicial to the peace officer, such evidence is inadmissible and]~~ *section 1 of this act*, the arbitrator or court shall ~~[exclude such evidence during any]~~

~~1. Dismiss~~ *dismiss with prejudice* the administrative proceeding commenced or civil action filed against the peace officer. ~~1. and~~

~~2. Award the peace officer back pay, attorney fees, costs and any other relief the hearing officer, arbitrator or court determines is appropriate.]~~

Sec. 8. NRS 289.090 is hereby amended to read as follows:

289.090 The provisions of *subsections 2, 3 and 4 of NRS 289.057* ~~{}~~ and NRS 289.060, 289.070 and 289.080 do not apply to any investigation which concerns alleged criminal activities.

Sec. 9. ~~[NRS 289.830 is hereby amended to read as follows:~~

~~289.830 1. A law enforcement agency shall require uniformed peace officers that it employs and who routinely interact with the public to wear a portable event recording device while on duty. Each law enforcement agency shall adopt policies and procedures governing the use of portable event recording devices, which must include, without limitation:~~

~~(a) Except as otherwise provided in paragraph (d), requiring activation of a portable event recording device whenever a peace officer is responding to a call for service or at the initiation of any other law enforcement or investigative encounter between a uniformed peace officer and a member of the public;~~

~~(b) Except as otherwise provided in paragraph (d), prohibiting deactivation of a portable event recording device until the conclusion of a law enforcement or investigative encounter;~~

~~(c) Prohibiting the recording of general activity;~~

~~(d) Protecting the privacy of persons:~~

~~(1) In a private residence;~~

~~(2) Seeking to report a crime or provide information regarding a crime or ongoing investigation anonymously; or~~

~~(3) Claiming to be a victim of a crime;~~

~~(e) Requiring that any video recorded by a portable event recording device must be retained by the law enforcement agency for not less than 15 days; and~~

~~(f) Establishing disciplinary rules for peace officers who:~~

~~(1) Fail to operate a portable event recording device in accordance with any departmental policies;~~

~~(2) Intentionally manipulate a video recorded by a portable event recording device; or~~

~~(3) Prematurely erase a video recorded by a portable event recording device.~~

~~2. [Any] Except as otherwise provided in subsection 3, any record made by a portable event recording device pursuant to this section is a public record which may be:~~

~~(a) Requested only on a per incident basis; and~~

~~(b) Available for inspection only at the location where the record is held if the record contains confidential information that may not otherwise be redacted.~~

~~3. A law enforcement agency shall redact the face of any peace officer appearing in any video recorded by a portable event recording device before a record may be released pursuant to subsection 2 unless:~~

~~(a) The peace officer authorizes the release; or~~

~~(b) The peace officer has been arrested.~~

~~4. As used in this section:~~

~~(a) "Law enforcement agency" means:~~

~~(1) The sheriff's office of a county;~~

~~(2) A metropolitan police department;~~

~~(3) A police department of an incorporated city;~~

~~(4) A department, division or municipal court of a city or town that employs marshals; or~~

~~(5) The Nevada Highway Patrol.~~

~~(b) "Portable event recording device" means a device issued to a peace officer by a law enforcement agency to be worn on his or her body and which records both audio and visual events occurring during an encounter with a member of the public while performing his or her duties as a peace officer.~~

(Deleted by amendment.)

Sec. 10. This act becomes effective on July 1, 2019.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

The amendment deletes provisions relating to confidentiality of video of a peace officer and a false statement of a peace officer. Among the provisions added by the amendment are that a peace officer must be awarded back pay for the duration of the officer's suspension if the officer is not subjected to punitive action in connection with the alleged misconduct. In a civil case regarding the employment of a peace officer, the court may review the statement made by the officer to determine whether the statement is inconsistent with the testimony of the officer and release any inconsistent statement to the opposing party for purposes of impeachment. A law enforcement agency may reopen an investigation if newly discovered evidence material to the original allegations is identified by the agency.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 245.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 380.

SUMMARY—Revises provisions relating to civil actions. (BDR 3-965)

AN ACT relating to civil actions; increasing the limitation on the amount of damages that may be awarded in certain tort actions brought against a governmental entity or its officers or employees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that the limitation on the amount of damages that may be awarded in a tort action against a governmental entity or its officers or employees is \$100,000. (NRS 41.035) Section 1 of this bill increases the limitation to ~~[(1)] \$250,000 [; or (2) if the act or omission amounts to gross negligence, \$1,000,000.]~~ Section 2 of this bill provides that the increased limitation on damages applies to a cause of action that "accrues" on or after July 1, 2019, the effective date of this bill. A cause of action "accrues" when the right to bring a lawsuit arises. (*Clark v. Robison*, 113 Nev. 949, 951 (1997))

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

Section 1. NRS 41.035 is hereby amended to read as follows:

41.035 1. An award for damages in an action sounding in tort brought under NRS 41.031 or against a present or former officer or employee of the State or any political subdivision, immune contractor or State Legislator arising out of an act or omission within the scope of the person's public duties or employment may not exceed the sum of ~~[\$100,000,=~~

~~=(a)] \$250,000, +=~~

~~=(b) If the act or omission amounts to gross negligence, \$1,000,000,~~

~~+=] exclusive of interest computed from the date of judgment, to or for the benefit of any claimant. An award may not include any amount as exemplary or punitive damages.~~

2. The limitations of subsection 1 upon the amount and nature of damages which may be awarded apply also to any action sounding in tort and arising from any recreational activity or recreational use of land or water which is brought against:

(a) Any public or quasi-municipal corporation organized under the laws of this State.

(b) Any person with respect to any land or water leased or otherwise made available by that person to any public agency.

(c) Any Indian tribe, band or community whether or not a fee is charged for such activity or use. The provisions of this paragraph do not impair or modify any immunity from liability or action existing on February 26, 1968, or arising after February 26, 1968, in favor of any Indian tribe, band or community.

↪ The Legislature declares that the purpose of this subsection is to effectuate the public policy of the State of Nevada by encouraging the recreational use of land, lakes, reservoirs and other water owned or controlled by any public or quasi-municipal agency or corporation of this State, wherever such land or water may be situated.

Sec. 2. The amendatory provisions of section 1 of this act apply to a cause of action that accrues on or after July 1, 2019.

Sec. 3. This act becomes effective on July 1, 2019.

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

The amendment deletes provisions of the bill referring to gross negligence and a related \$1-million cap on damage awards for gross negligence.

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. 252.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:
Amendment No. 381.

SUMMARY—Authorizes the residential confinement or other appropriate supervision of certain older offenders. (BDR 16-1050)

AN ACT relating to offenders; authorizing the residential confinement or other appropriate supervision of certain older offenders; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Director of the Department of Corrections to assign any offender who has not been sentenced to death or imprisonment for life without the possibility of parole to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement or other appropriate supervision as determined by the Division for not longer than the remainder of the offender's sentence if: (1) the Director has reason to believe that the offender is physically incapacitated or in ill health to such a degree that the offender is not likely to pose a threat to the safety of the public and at least two licensed physicians verify such incapacitation or ill health; or (2) the offender is in ill health and expected to die within 12 months. If the Director intends to assign such an offender to the custody of the Division, the Director is required to notify the Division and the board of county commissioners of the county in which the offender will reside at least 45 days before the offender's expected date of release. Additionally, the Division is required to notify any victim of a crime committed by the offender who has requested to be notified of the consideration of a prisoner for parole. If such an offender escapes or violates any of the terms or conditions of his or her residential confinement or other appropriate supervision as determined by the Division, the Division is authorized to return the offender to the custody of the Department and any credits for good behavior earned by the offender before the escape or violation are subject to forfeiture, as determined by the Director. (NRS 209.3925)

Section 1 of this bill additionally authorizes the Director to assign any offender who has not been sentenced to death or imprisonment for life without the possibility of parole to the custody of the Division to serve a term of residential confinement or other appropriate supervision as determined by the Division for not longer than the remainder of the offender's sentence if the offender: (1) is ~~60~~ 65 years of age or older; (2) has not been convicted of a crime of violence, certain offenses committed against a child, a sexual offense, vehicular homicide or driving under the influence of alcohol or a prohibited substance and causing the death of or substantial bodily harm to another person; and (3) has served at least a majority of the maximum term or maximum aggregate term of his or her sentence. Sections 2-8 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 209 of NRS is hereby amended by adding thereto a

new section to read as follows:

1. Except as otherwise provided in subsection 6, the Director may assign an offender to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement pursuant to NRS 213.380 or other appropriate supervision as determined by the Division of Parole and Probation, for not longer than the remainder of his or her sentence, if the offender:

- (a) Is ~~60~~ 65 years of age or older;
- (b) Has not been convicted of:
 - (1) A crime of violence;
 - (2) A crime against a child as defined in NRS 179D.0357;
 - (3) A sexual offense as defined in NRS 179D.097;
 - (4) Vehicular homicide pursuant to NRS 484C.130; or
 - (5) A violation of NRS 484C.430; and

(c) Has served at least a majority of the maximum term or maximum aggregate term, as applicable, of his or her sentence.

2. If the Director intends to assign an offender to the custody of the Division of Parole and Probation pursuant to this section, at least 45 days before the date the offender is expected to be released from the custody of the Department, the Director shall notify:

- (a) The board of county commissioners of the county in which the offender will reside; and
- (b) The Division of Parole and Probation.

3. Except as otherwise provided in NRS 213.10915, if any victim of a crime committed by the offender has, pursuant to subsection 4 of NRS 213.131, requested to be notified of the consideration of a prisoner for parole and has provided a current address, the Division of Parole and Probation shall notify the victim that:

(a) The Director intends to assign the offender to the custody of the Division of Parole and Probation pursuant to this section; and

(b) The victim may submit documents to the Division of Parole and Probation regarding such an assignment.

➤ If a current address has not been provided by a victim as required by subsection 4 of NRS 213.131, the Division of Parole and Probation must not be held responsible if notification is not received by the victim. All personal information, including, without limitation, a current or former address, which pertains to a victim and which is received by the Division of Parole and Probation pursuant to this subsection is confidential.

4. If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or conditions of his or her residential confinement or other appropriate supervision as determined by the Division of Parole and Probation:

- (a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department.

(b) The offender forfeits all or part of the credits for good behavior earned by the offender before the escape or violation, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as the Director considers proper. The decision of the Director regarding such a forfeiture is final.

5. *The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:*

(a) A continuation of the offender's imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

↳ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

6. *The Director may not assign an offender to the custody of the Division of Parole and Probation pursuant to this section if the offender is sentenced to death or imprisonment for life without the possibility of parole.*

7. *An offender does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.*

8. *The Division of Parole and Probation may receive and distribute restitution paid by an offender assigned to the custody of the Division of Parole and Probation pursuant to this section.*

9. *As used in this section, "crime of violence" means any offense involving the use or threatened use of force or violence against another person.*

Sec. 2. NRS 209.241 is hereby amended to read as follows:

209.241 1. The Director may accept money, including the net amount of any wages earned during the incarceration of an offender after any deductions made by the Director and valuables belonging to an offender at the time of his or her incarceration or afterward received by gift, inheritance or the like or earned during the incarceration of an offender, and shall deposit the money in the Prisoners' Personal Property Fund, which is hereby created as a trust fund.

2. An offender shall deposit all money that the offender receives into his or her individual account in the Prisoners' Personal Property Fund.

3. The Director:

(a) Shall keep, or cause to be kept, a full and accurate account of the money and valuables, and shall submit reports to the Board relating to the money and valuables as may be required from time to time.

(b) May permit withdrawals for immediate expenditure by an offender for personal needs.

(c) May permit the distribution of money to a governmental entity for any applicable deduction authorized pursuant to NRS 209.247 or any other deduction authorized by law from any money deposited in the individual account of an offender from any source other than the offender's wages.

(d) Shall pay over to each offender upon his or her release any remaining balance in his or her individual account.

4. The interest and income earned on the money in the Prisoners' Personal Property Fund, after deducting any applicable bank charges, must be credited each calendar quarter as follows:

(a) If an offender's share of the cost of administering the Prisoners' Personal Property Fund for the quarter is less than the amount of interest and income earned by the offender, the Director shall credit the individual account of the offender with an amount equal to the difference between the amount of interest and income earned by the offender and the offender's share of the cost of administering the Prisoners' Personal Property Fund.

(b) If an offender's share of the cost of administering the Prisoners' Personal Property Fund for the quarter is equal to or greater than the amount of interest and income earned by the offender, the Director shall credit the interest and income to the Offenders' Store Fund.

5. An offender who does not deposit all money that the offender receives into his or her individual account in the Prisoners' Personal Property Fund as required in this section is guilty of a gross misdemeanor.

6. A person who aids or encourages an offender not to deposit all money the offender receives into the individual account of the offender in the Prisoners' Personal Property Fund as required in this section is guilty of a gross misdemeanor.

7. The Director may exempt an offender from the provisions of this section if the offender is:

(a) Confined in an institution outside this State pursuant to chapter 215A of NRS; or

(b) Assigned to the custody of the Division of Parole and Probation of the Department of Public Safety to:

(1) Serve a term of residential confinement pursuant to NRS 209.392, 209.3925 or 209.429 ~~or~~ *or section 1 of this act*; or

(2) Participate in a correctional program for reentry into the community pursuant to NRS 209.4887.

Sec. 3. NRS 209.392 is hereby amended to read as follows:

209.392 1. Except as otherwise provided in NRS 209.3925 and 209.429 ~~or~~ *and section 1 of this act*, the Director may, at the request of an offender who is eligible for residential confinement pursuant to the standards adopted by the Director pursuant to subsection 3 and who has:

(a) Demonstrated a willingness and ability to establish a position of employment in the community;

(b) Demonstrated a willingness and ability to enroll in a program for education or rehabilitation; or

(c) Demonstrated an ability to pay for all or part of the costs of the offender's confinement and to meet any existing obligation for restitution to any victim of his or her crime,

→ assign the offender to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement, pursuant to NRS 213.380, for not longer than the remainder of his or her sentence.

2. Upon receiving a request to serve a term of residential confinement from an eligible offender, the Director shall notify the Division of Parole and Probation. Except as otherwise provided in NRS 213.10915, if any victim of a crime committed by the offender has, pursuant to subsection 4 of NRS 213.131, requested to be notified of the consideration of a prisoner for parole and has provided a current address, the Division of Parole and Probation shall notify the victim of the offender's request and advise the victim that the victim may submit documents regarding the request to the Division of Parole and Probation. If a current address has not been provided as required by subsection 4 of NRS 213.131, the Division of Parole and Probation must not be held responsible if such notification is not received by the victim. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Division of Parole and Probation pursuant to this subsection is confidential.

3. The Director, after consulting with the Division of Parole and Probation, shall adopt, by regulation, standards providing which offenders are eligible for residential confinement. The standards adopted by the Director must provide that an offender who:

(a) Has recently committed a serious infraction of the rules of an institution or facility of the Department;

(b) Has not performed the duties assigned to the offender in a faithful and orderly manner;

(c) Has been convicted of:

(1) Any crime that is punishable as a felony involving the use or threatened use of force or violence against the victim within the immediately preceding 3 years;

(2) A sexual offense that is punishable as a felony; or

(3) Except as otherwise provided in subsection 4, a category A or B felony;

(d) Has more than one prior conviction for any felony in this State or any offense in another state that would be a felony if committed in this State, not including a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.420, 488.425 or 488.427; or

(e) Has escaped or attempted to escape from any jail or correctional institution for adults,

→ is not eligible for assignment to the custody of the Division of Parole and Probation to serve a term of residential confinement pursuant to this section.

4. The standards adopted by the Director pursuant to subsection 3 must provide that an offender who has been convicted of a category B felony is eligible for assignment to the custody of the Division of Parole and Probation to serve a term of residential confinement pursuant to this section if:

(a) The offender is not otherwise ineligible pursuant to subsection 3 for an assignment to serve a term of residential confinement; and

(b) The Director makes a written finding that such an assignment of the offender is not likely to pose a threat to the safety of the public.

5. If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or conditions of the offender's residential confinement:

(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department.

(b) The offender forfeits all or part of the credits for good behavior earned by the offender before the escape or violation, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as the Director considers proper. The decision of the Director regarding such a forfeiture is final.

6. The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:

(a) A continuation of the offender's imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

↳ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

7. An offender does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

8. The Division of Parole and Probation may receive and distribute restitution paid by an offender assigned to the custody of the Division of Parole and Probation pursuant to this section.

Sec. 4. NRS 213.10915 is hereby amended to read as follows:

213.10915 1. The Board, in consultation with the Division, may enter into an agreement with the manager of an automated victim notification system to notify victims of the information described in NRS 209.392 and 209.3925 and subsections 4 and 7 of NRS 213. 131 *and section 1 of this act* through the system if the system is capable of:

(a) Automatically notifying by telephone or electronic means a victim registered with the system of the information described in NRS 209.392 and

209.3925 and subsections 4 and 7 of NRS 213.131 *and section 1 of this act* with the timeliness required by NRS 209.392 and 209.3925 and subsections 4 and 7 of NRS 213.131 ~~and section 1 of this act~~; and

(b) Notifying victims registered with the system, using language provided by the Board, if the Board decides that it will discontinue the use of the system to notify victims of the information described in NRS 209.392 and 209.3925 and subsections 4 and 7 of NRS 213.131 ~~and section 1 of this act~~. The notice must:

(1) Be provided to each victim registered with the system not less than 90 days before the date on which the Board will discontinue use of the system; and

(2) Advise each victim to submit a written request for notification pursuant to subsection 4 of NRS 213.131 if the victim wishes to receive notice of the information described in NRS 209.392 and 209.3925 and subsections 4 and 7 of NRS 213.131 ~~and section 1 of this act~~.

2. The Division is not required to notify the victim of an offender of the information described in NRS 209.392 and 209.3925 *and section 1 of this act* and the Board is not required to notify the victim of a prisoner of the information described in subsections 4 and 7 of NRS 213.131 if:

(a) The Board has entered into an agreement pursuant to subsection 1; and

(b) Before discontinuing the notification of victims pursuant to NRS 209.392 and 209.3925 and subsections 4 and 7 of NRS 213.131 ~~and section 1 of this act~~, the Board, not less than two times and not less than 60 days apart, has notified each victim who has requested notification pursuant to subsection 4 of NRS 213.131 and who has provided his or her current address or whose current address is otherwise known by the Board of the change in the manner in which a victim is notified of the information described in NRS 209.392 and 209.3925 and subsections 4 and 7 of NRS 213.131 ~~and section 1 of this act~~. The notice must:

(1) Advise the victim that the Division will no longer notify the victim of the information described in NRS 209.392 and 209.3925 ~~and section 1 of this act~~, that the Board will no longer notify the victim of the information described in subsections 4 and 7 of NRS 213.131, and that the victim may register with the automated victim notification system if he or she wishes to be notified of the information described in NRS 209.392 and 209.3925 and subsections 4 and 7 of NRS 213.131 ~~and section 1 of this act~~; and

(2) Include instructions for registering with the automated victim notification system to receive notice of the information described in NRS 209.392 and 209.3925 and subsections 4 and 7 of NRS 213.131 ~~and section 1 of this act~~.

3. For the purposes of this section, "victim" has the meaning ascribed to it in NRS 213.005.

Sec. 5. NRS 213.371 is hereby amended to read as follows:

213.371 As used in NRS 213.371 to 213.410, inclusive, unless the context otherwise requires:

1. "Division" means the Division of Parole and Probation of the Department of Public Safety.

2. "Offender" means a prisoner assigned to the custody of the Division pursuant to NRS 209.392, 209.3925 or 209.429 ~~[-]~~ or *section 1 of this act*.

3. "Residential confinement" means the confinement of an offender to his or her place of residence under the terms and conditions established by the Division.

Sec. 6. NRS 213.380 is hereby amended to read as follows:

213.380 1. The Division shall establish procedures for the residential confinement of offenders.

2. The Division may establish, and at any time modify, the terms and conditions of the residential confinement, except that the Division shall:

(a) Require the offender to participate in regular sessions of education, counseling and any other necessary or desirable treatment in the community, unless the offender is assigned to the custody of the Division pursuant to NRS 209.3925 ~~[-]~~ or *section 1 of this act*;

(b) Require the offender to be confined to his or her residence during the time the offender is not:

(1) Engaged in employment or an activity listed in paragraph (a) that is authorized by the Division;

(2) Receiving medical treatment that is authorized by the Division; or

(3) Engaged in any other activity that is authorized by the Division; and

(c) Require intensive supervision of the offender, including unannounced visits to his or her residence or other locations where the offender is expected to be in order to determine whether the offender is complying with the terms and conditions of his or her confinement.

3. An electronic device approved by the Division may be used to supervise an offender. The device may be capable of using the Global Positioning System, but must be minimally intrusive and limited in capability to recording or transmitting information concerning the offender's location, including, but not limited to, the transmission of still visual images which do not concern the offender's activities, and producing, upon request, reports or records of the offender's presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location. A device which is capable of recording or transmitting:

(a) Oral or wire communications or any auditory sound; or

(b) Information concerning the offender's activities,

↪ must not be used.

Sec. 7. NRS 178.5698 is hereby amended to read as follows:

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

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

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

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

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

(a) In writing; or

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

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

(a) To each witness, documentation that includes:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

↪ before the offender is released from prison.

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

8. As used in this section:

(a) "Immediate family" means any adult relative of the victim living in the victim's household.

(b) "Sexual offense" means:

(1) Sexual assault pursuant to NRS 200.366;

(2) Statutory sexual seduction pursuant to NRS 200.368;

(3) Battery with intent to commit sexual assault pursuant to NRS 200.400;

(4) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;

(5) Incest pursuant to NRS 201.180;

(6) Open or gross lewdness pursuant to NRS 201.210;

(7) Indecent or obscene exposure pursuant to NRS 201.220;

(8) Lewdness with a child pursuant to NRS 201.230;

(9) Sexual penetration of a dead human body pursuant to NRS 201.450;

(10) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540;

(11) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550;

(12) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony;

(13) An offense that, pursuant to a specific statute, is determined to be sexually motivated; or

(14) An attempt to commit an offense listed in this paragraph.

Sec. 8. 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. 9. This act becomes effective on July 1, 2019.

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 381 to Senate Bill No. 252 raises the age of offenders to whom the bill's provisions apply from 60 to 65 years of age.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 340.

Bill read second time.

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

Amendment No. 438.

SUMMARY—Revises provisions relating to public works. (BDR 28-808)

AN ACT relating to public works; revising provisions governing the circumstances under which a worker is deemed to be employed on a public work; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that mechanics and workers employed on certain public works be paid at least the wage prevailing for the type of work that the mechanic or worker performs in the county in which the public work is located. (NRS 338.020) With certain exceptions, existing law deems to be employed on a public work a worker who is: (1) employed at the site of a public work; and (2) necessary in the execution of the contract for the public work. Existing law requires the Labor Commissioner to adopt regulations to define the circumstances under which a worker meets that criteria and therefore is deemed to be employed on a public work. (NRS 338.040; NAC 338.009, 338.017) Section 1 of this bill provides specifically in statute that the circumstance in which a worker delivers or removes construction material ~~from structures or equipment~~ within a radius of 100 miles to or from the site of a public work and is necessary in the execution of the contract for the public work is a circumstance in which ~~the worker~~ he or she is deemed to be employed on a public work. Section 2 of this bill provides that any regulations adopted by the Labor Commissioner that conflict with section 1 are void.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN

SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 338.040 is hereby amended to read as follows:

338.040 1. Except as otherwise provided by specific statute, workers who are:

- (a) Employed at the site of a public work; and
- (b) Necessary in the execution of the contract for the public work,

↪ are deemed to be employed on public works.

2. A worker who ~~delivers~~:

(a) ~~Delivers or removes construction material from structures or equipment~~ within a radius of 100 miles to or from the site of a public work ; and

(b) ~~Is necessary in the execution of the contract for the public work,~~

↪ shall be deemed to be employed on the public work.

3. The Labor Commissioner shall adopt regulations to define ~~for the purposes of subsection 1,~~ the circumstances under which a worker is:

- (a) Employed at the site of a public work; and

(b) Necessary in the execution of the contract for the public work.

Sec. 2. Any regulations adopted by the Labor Commissioner that conflict with NRS 338.040, as amended by section 1 of this act, are void. The Legislative Counsel shall remove those regulations from the Nevada Administrative Code as soon as practicable after July 1, 2019.

Sec. 3. This act becomes effective on July 1, 2019.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

This relates to prevailing wage for certain workers on a public work project. The amendment limits the scope of the bill to workers who deliver or remove construction materials within a radius of 100 miles to and from a site of a public work and is necessary in the execution of the contract for the public work.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 370.

Bill read second time.

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

Amendment No. 212.

SUMMARY—Revises the State Plan for Medicaid and the Children's Health Insurance Program. (BDR 38-966)

AN ACT relating to health care; requiring the State Plan for Medicaid to provide certain benefits for screening and treatment of fetal alcohol spectrum disorders; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill requires the Director of the Department of Health and Human Services to include in the State Plan for Medicaid and the Children's Health Insurance Program a requirement that the State pay the nonfederal share of expenditures incurred for screening and treatment of fetal alcohol spectrum disorders for certain persons.

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

Section 1. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for screening for and diagnosis of fetal alcohol spectrum disorders and for treatment of fetal alcohol spectrum disorders to persons under the age of 19 years or, if enrolled in high school, until the person reaches the age of 22 years.*

2. *A 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, which provides coverage for outpatient care shall not require a longer waiting period for coverage for*

outpatient care related to fetal alcohol spectrum disorders than is required for other outpatient care covered by the plan.

3. A managed care organization shall ~~not limit the number of visits an insured may make to any person, entity or group for~~ cover medically necessary treatment of a fetal alcohol spectrum disorder.

4. Treatment of a fetal alcohol spectrum disorder must be identified in a treatment plan and must 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 a fetal alcohol spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with a fetal alcohol 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.

5. 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.

6. 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) "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, registered behavior technician or state certified behavior interventionist.

(c) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to fetal alcohol spectrum disorders.

(d) "Fetal alcohol spectrum disorder" has the meaning ascribed to it in NRS 432B.0655.

(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) "Health maintenance organization" has the meaning ascribed to it in NRS 695C.030.

(g) "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.

(h) "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.

(i) "Managed care organization" has the meaning ascribed to it in NRS 695G.050.

(j) "Medically necessary" means health care services or products that a prudent physician or psychologist would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and which are:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) Clinically appropriate for the type, frequency, extent, location and duration;

(3) Not primarily provided for the convenience of the patient, physician, psychologist or other provider of health care;

(4) Required to improve a specific health condition of the patient or to preserve the existing state of health of the patient; and

(5) The most clinically appropriate level of health care that may be safely provided to the patient.

(k) "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.

~~((k))~~ (l) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

~~((l))~~ (m) "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

~~((m))~~ (n) "Registered behavior technician" has the meaning ascribed to it in NRS 437.050.

~~((n))~~ (o) "Screening for and diagnosis of fetal alcohol spectrum disorders" means medically appropriate assessments, evaluations or tests to screen and diagnose whether a person has a fetal alcohol spectrum disorder.

~~((o))~~ (p) "State certified behavior interventionist" has the meaning ascribed to it in NRS 437.055.

~~((p))~~ (q) "Therapeutic care" means services provided by licensed or certified speech-language pathologists, occupational therapists and physical therapists.

~~[(q)]~~(r) "Treatment plan" means a plan to treat a fetal alcohol 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. 2. This act becomes effective upon passage and approval.

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 212 to Senate Bill No. 370 requires a Medicaid managed-care organization to cover medically-necessary treatment of a Fetal Alcohol Spectrum Disorder and defines the term "medically necessary."

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 427.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 252.

SUMMARY—Revises provisions relating to business entities.
(BDR 7-306)

AN ACT relating to business entities; revising provisions governing the resignation of registered agents; revising provisions governing the records kept by a corporation and made available for inspection to certain persons; revising provisions concerning certain distributions to stockholders; revising provisions governing meetings of stockholders of corporations; authorizing the removal of a director of a corporation under certain circumstances; revising provisions relating to the appointment of a receiver for a private corporation; establishing the appointment of a receiver for a limited-liability company; revising the definition of "sales representative" for purposes relating to securities; revising provisions relating to limitations on the right of a stockholder to dissent; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a registered agent who wishes to resign to file a statement of resignation and an affidavit with the Secretary of State stating that written notice was provided to each represented entity. (NRS 77.370) Section 1 of this bill eliminates the requirement to file such an affidavit ~~and~~ and provides that the statement of resignation must state that written notice of the resignation has been or will be provided to each represented entity from which the agent is resigning.

Existing law regulates business entities, including private corporations. (Chapter 78 of NRS) Sections 2-9 of this bill revise certain provisions relating to private corporations. Existing law requires a private corporation to keep, among other documents, a stock ledger or duplicate thereof, and make such records available for inspection after a demand by certain persons. (NRS 78.105) Sections 2-5 of this bill revise such requirements by: (1) clarifying which records must be kept by the corporation and made available

for inspection; (2) clarifying which persons are entitled to inspect such records; and (3) revising the requirements to submit a demand to inspect records made available for inspection. Section 6 of this bill establishes the record date fixed by the board of directors for the purpose of making distributions to stockholders. Section 8 of this bill authorizes the removal of a director of a corporation under certain circumstances. Section 9 of this bill revises provisions related to the appointment of a receiver.

Existing law governs the meeting of stockholders, including the requirements for participation and whether a quorum is present at such a meeting. (NRS 78.320) Section 7 of this bill revises requirements for determining whether a quorum is present at a meeting of stockholders.

~~[Existing law defines "sales representative" as a natural person who is authorized to act for a broker-dealer or issuer under certain circumstances related to the sale of securities. A partner, officer or director or other similar situated person is authorized to act for a broker-dealer or issuer if such a person comes within the definition. (NRS 90.285) Section 29 of this bill revises that definition by authorizing a partner, officer or director or other similar situated person to act under such circumstances if he or she does not fail to meet certain requirements of the Securities and Exchange Commission.]~~

Existing law provides for the appointment of a receiver for the creditors and stockholders of a private corporation. (NRS 78.630-78.720) Sections 10-28 of this bill enact similar provisions for a limited-liability company.

Section 30 of this bill expands provisions relating to limitations on the right of a stockholder to dissent.

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

Section 1. NRS 77.370 is hereby amended to read as follows:

77.370 1. A registered agent may resign at any time with respect to a represented entity by filing with the Secretary of State a statement of resignation signed by or on behalf of the agent which states:

- (a) The name of the entity;
- (b) The name of the agent; ~~and~~
- (c) That the agent resigns from serving as agent for service of process for the entity ~~and~~; and

(d) That written notice of the resignation has been or will be provided to each represented entity from which the registered agent is resigning.

2. A statement of resignation takes effect on the earlier of the 31st day after the day on which it is filed or the appointment of a new registered agent for the represented entity.

3. The registered agent shall promptly furnish the represented entity with notice in a record of the date on which a statement of resignation was filed . ~~[and shall file with the Secretary of State an affidavit stating that written notice of the resignation has been provided to each represented entity. The affidavit must include the name of each represented entity that was provided notice, but is not required to include the contact information of the represented entity or~~

~~the names of the interest holders of the represented entity.]~~ The registered agent shall keep a copy of each notice provided to a represented entity on file for 1 year after the date of filing the statement of resignation and shall make any such copy available to the Secretary of State upon request.

4. When a statement of resignation takes effect, the registered agent ceases to have responsibility for any matter tendered to it as agent for the represented entity. A resignation under this section does not affect any contractual rights the entity may have against the agent or that the agent may have against the entity.

5. A registered agent may resign with respect to a represented entity whether or not the entity is in good standing.

Sec. 2. NRS 78.010 is hereby amended to read as follows:

78.010 1. As used in this chapter:

(a) "Approval" and "vote" as describing action by the directors or stockholders mean the vote of directors in person or by written consent or of stockholders in person, by proxy or by written consent.

(b) "Articles," "articles of incorporation" and "certificate of incorporation" are synonymous terms and, unless the context otherwise requires, include all certificates filed pursuant to NRS 78.030, 78.180, 78.185, 78.1955, 78.209, 78.380, 78.385, 78.390, 78.725 and 78.730 and any articles of merger, conversion, exchange or domestication filed pursuant to NRS 92A.200 to 92A.240, inclusive, or 92A.270. Unless the context otherwise requires, these terms include restated articles and certificates of incorporation.

(c) "Directors" and "trustees" are synonymous terms.

(d) "Entity" means a foreign or domestic:

- (1) Corporation, whether or not for profit;
- (2) Limited-liability company;
- (3) Limited partnership; or
- (4) Business trust.

(e) "Principal office" means the office, in or out of this State, where the principal executive offices of a domestic or foreign corporation are located.

(f) "Receiver" includes receivers and trustees appointed by a court as provided in this chapter or in chapter 32 of NRS.

(g) "Registered agent" has the meaning ascribed to it in NRS 77.230.

(h) "Registered office" means the office maintained at the street address of the registered agent.

(i) "Stockholder of record" means a person whose name appears on the stock ledger of the corporation ~~+~~ *as the owner of record of shares of any class or series of the stock of the corporation. The term does not include a beneficial owner of shares who is not simultaneously the owner of record of such shares as indicated in the stock ledger.*

2. General terms and powers given in this chapter are not restricted by the use of special terms, or by any grant of special powers contained in this chapter.

Sec. 3. NRS 78.105 is hereby amended to read as follows:

78.105 1. A corporation shall keep a copy of the following records at its principal office or with its custodian of records whose name and street address are available at the corporation's registered office:

(a) A copy certified by the Secretary of State of its articles of incorporation, and all amendments thereto;

(b) A copy certified by an officer of the corporation of its bylaws and all amendments thereto; and

(c) A stock ledger or a duplicate stock ledger, revised annually not later than 60 days after the date by which an annual list is required to be filed pursuant to NRS 78.150, containing the names, alphabetically arranged, of all persons who are stockholders of record of the corporation, showing their places of residence, if known, and the number of shares held by them respectively. *A corporation is not required to keep a list of any person who is a beneficial owner of any shares who is not simultaneously the stockholder of record of such shares, or any other information concerning any person having an interest in the corporation, except for the stock ledger or duplicate stock ledger required by this paragraph. Absent manifest error or actual fraud, the stock ledger of the corporation, as maintained by the corporation or its designated transfer agent, shall conclusively determine the stockholders of record of the corporation.*

2. Any person who has been a stockholder of record of a corporation for at least 6 months immediately preceding the demand, or any person holding, or thereunto authorized in writing by the holders of, at least 5 percent of all of its outstanding shares, upon at least 5 days' written demand, *including the affidavit required pursuant to subsection 3*, is entitled to inspect in person or by agent or attorney, during usual business hours, the records required by subsection 1 and make copies therefrom. Holders of voting trust certificates representing shares of the corporation must be regarded as stockholders for the purpose of this subsection. If the records required by subsection 1 are kept outside of this State, a stockholder or other person entitled to inspect those records may serve a demand to inspect the records upon the corporation's registered agent. Upon such a request, the corporation shall send copies of the requested records, either in paper or electronic form, to the stockholder or other person entitled to inspect the requested records within 10 business days after service of the request upon the registered agent. Every corporation that neglects or refuses to keep the records required by subsection 1 open for inspection, as required in this subsection, shall forfeit to the State the sum of \$25 for every day of such neglect or refusal.

3. *Together with the written demand required pursuant to subsection 2, a stockholder or other person who wishes to inspect the records required by subsection 1 or make copies therefrom shall furnish an affidavit to the corporation stating that the inspection is not desired for a purpose which is in the interest of a business or object other than the business of the corporation and that the stockholder or other person has not at any time sold or offered for*

sale any list of stockholders or any domestic or foreign corporation or aided or abetted any person in procuring any such record of stockholders for any such purpose.

4. If any corporation willfully neglects or refuses to make any proper entry in the stock ledger or duplicate copy thereof, or neglects or refuses to permit an inspection of the records required by subsection 1 upon demand by a person entitled to inspect them, or refuses to permit copies to be made therefrom, as provided in subsection 2, the corporation is liable to the person injured for all damages resulting to the person therefrom.

~~{4.}~~ 5. In every instance where an attorney or other agent of the stockholder seeks the right of inspection, the demand must be accompanied by a power of attorney signed by the stockholder authorizing the attorney or other agent to inspect on behalf of the stockholder.

~~{5.}~~ 6. The right to copy records under subsection 2 includes, if reasonable, the right to make copies by photographic, xerographic or other means.

~~{6.}~~ 7. The corporation may impose a reasonable charge to recover the costs of labor and materials and the cost of copies of any records provided to the stockholder.

Sec. 4. NRS 78.107 is hereby amended to read as follows:

78.107 1. An inspection authorized by NRS 78.105 may be denied to a stockholder or other person upon the refusal of the stockholder or other person to furnish to the corporation ~~{an} the affidavit {that the inspection is not desired for a purpose which is in the interest of a business or object other than the business of the corporation and that the stockholder or other person has not at any time sold or offered for sale any list of stockholders of any domestic or foreign corporation or aided or abetted any person in procuring any such record of stockholders for any such purpose.}~~ *required pursuant to subsection 3 of NRS 78.105.*

2. It is a defense to any action for penalties or damages under NRS 78.105 that the person suing has at any time sold, or offered for sale, any list of stockholders of the corporation, or any other corporation, or has aided or abetted any person in procuring any such stock list for any such purpose, or that the person suing desired inspection for a purpose which is in the interest of a business or object other than the business of the corporation.

3. This section does not impair the power or jurisdiction of any court to compel the production for examination of the ~~{books}~~ *records required by subsection 1 of {a corporation} NRS 78.105* in any proper case. *This subsection does not authorize or establish any right of inspection or examination independent from the right of inspection or examination authorized by NRS 78.105.*

Sec. 5. NRS 78.257 is hereby amended to read as follows:

78.257 1. Any person who has been a stockholder of record of any corporation and owns not less than 15 percent of all of the issued and outstanding shares of the stock of such corporation or has been authorized in

writing by the holders of at least 15 percent of all its issued and outstanding shares, upon at least 5 days' written demand, *including the affidavit required pursuant to subsection 2*, is entitled to inspect in person or by agent or attorney, during normal business hours, the books of account and all financial records of the corporation, to make copies of records, and to conduct an audit of such records. Holders of voting trust certificates representing 15 percent of the issued and outstanding shares of the corporation are regarded as stockholders for the purpose of this subsection. The right of stockholders to inspect the corporate records may not be limited in the articles or bylaws of any corporation.

2. *Together with the written demand required pursuant to subsection 1, a person who wishes to exercise the rights set forth in subsection 1 shall furnish an affidavit to the corporation stating that the inspection, copies or audit is not desired for any purpose not related to his or her interest as a stockholder.*

3. All costs for making copies of records or conducting an audit must be borne by the person exercising the rights set forth in subsection 1.

~~3.~~ 4. The rights authorized by subsection 1 may be denied to any stockholder upon the stockholder's refusal to furnish the corporation an affidavit ~~[that such inspection, copies or audit is not desired for any purpose not related to his or her interest in the corporation as a stockholder.]~~ *required pursuant to subsection 2*. Any stockholder or other person, exercising rights set forth in subsection 1, who uses or attempts to use information, records or other data obtained from the corporation, for any purpose not related to the stockholder's interest in the corporation as a stockholder, is guilty of a gross misdemeanor.

~~4.~~ 5. If any officer or agent of any corporation keeping records in this State willfully neglects or refuses to permit an inspection of the books of account and financial records upon demand by a person entitled to inspect them, or refuses to permit an audit to be conducted ~~[]~~ *by such a person*, as provided in subsection 1, the corporation shall forfeit to the State the sum of \$100 for every day of such neglect or refusal, and the corporation, officer or agent thereof is jointly and severally liable to the person injured for all damages resulting to the person.

~~5.~~ 6. A stockholder who brings an action or proceeding to enforce any right set forth in this section or to recover damages resulting from its denial:

(a) Is entitled to costs and reasonable attorney's fees, if the stockholder prevails; or

(b) Is liable for such costs and fees, if the stockholder does not prevail,
 ↪ in the action or proceeding.

~~6.~~ 7. Except as otherwise provided in this subsection, the provisions of this section do not apply to any corporation that furnishes to its stockholders a detailed, annual financial statement or any corporation that has filed during the preceding 12 months all reports required to be filed pursuant to section 13 or section 15(d) of the Securities Exchange Act of 1934. A person who owns, or is authorized in writing by the owners of, at least 15 percent of the issued and

outstanding shares of the stock of a corporation that has elected to be governed by subchapter S of the Internal Revenue Code and whose shares are not listed or traded on any recognized stock exchange is entitled to inspect the books of the corporation pursuant to subsection 1 and has the rights, duties and liabilities provided in subsections 2 to ~~5~~ 6, inclusive.

Sec. 6. NRS 78.288 is hereby amended to read as follows:

78.288 1. Except as otherwise provided in subsection 2 and the articles of incorporation, a board of directors may authorize and the corporation may make distributions to its stockholders, including distributions on shares that are partially paid.

2. No distribution may be made if, after giving it effect:

(a) The corporation would not be able to pay its debts as they become due in the usual course of business; or

(b) Except as otherwise specifically allowed by the articles of incorporation, the corporation's total assets would be less than the sum of its total liabilities plus the amount that would be needed, if the corporation were to be dissolved at the time of distribution, to satisfy the preferential rights upon dissolution of stockholders whose preferential rights are superior to those receiving the distribution.

3. The board of directors may base a determination that a distribution is not prohibited pursuant to subsection 2 on:

(a) Financial statements prepared on the basis of accounting practices that are reasonable in the circumstances;

(b) A fair valuation, including, but not limited to, unrealized appreciation and depreciation; or

(c) Any other method that is reasonable in the circumstances.

4. The effect of a distribution pursuant to subsection 2 must be measured:

(a) In the case of a distribution by purchase, redemption or other acquisition of the corporation's shares, as of the earlier of:

(1) The date money or other property is transferred or debt incurred by the corporation; or

(2) The date upon which the stockholder ceases to be a stockholder with respect to the acquired shares.

(b) In the case of any other distribution of indebtedness, as of the date the indebtedness is distributed.

(c) In all other cases, as of:

(1) The date the distribution is authorized if the payment occurs within 120 days after the date of authorization; or

(2) The date the payment is made if it occurs more than 120 days after the date of authorization.

5. A corporation's indebtedness to a stockholder incurred by reason of a distribution made in accordance with this section is at parity with the corporation's indebtedness to its general unsecured creditors except to the extent subordinated by agreement.

6. Indebtedness of a corporation, including indebtedness issued as a distribution, is not considered a liability for purposes of determinations pursuant to subsection 2 if its terms provide that payment of principal and interest are made only if and to the extent that payment of a distribution to stockholders could then be made pursuant to this section. If the indebtedness is issued as a distribution, each payment of principal or interest must be treated as a distribution, the effect of which must be measured on the date the payment is actually made.

7. *The board of directors may fix a record date for determining stockholders entitled to a distribution authorized by the board of directors pursuant to this section, which record date must not precede the date upon which the resolution fixing the record date is adopted.*

Sec. 7. NRS 78.320 is hereby amended to read as follows:

78.320 1. Unless this chapter, the articles of incorporation or the bylaws provide for different proportions:

(a) A majority of the voting power, which includes the voting power that is present in person or by proxy, regardless of whether the proxy has authority to vote on all matters, constitutes a quorum for the transaction of business; and

(b) Action by the stockholders on a matter other than the election of directors is approved if the number of votes cast in favor of the action exceeds the number of votes cast in opposition to the action.

2. Unless otherwise provided in the articles of incorporation or the bylaws, any action required or permitted to be taken at a meeting of the stockholders may be taken without a meeting if, before or after the action, a written consent thereto is signed by stockholders holding at least a majority of the voting power, except that if a different proportion of voting power is required for such an action at a meeting, then that proportion of written consents is required.

3. In no instance where action is authorized by written consent need a meeting of stockholders be called or notice given.

4. Unless otherwise restricted by the articles of incorporation or bylaws, stockholders may participate in a meeting of stockholders through electronic communications, videoconferencing, teleconferencing or other available technology if the corporation has implemented reasonable measures to:

(a) Verify the identity of each person participating through such means as a stockholder; and

(b) Provide the stockholders a reasonable opportunity to participate in the meeting and to vote on matters submitted to the stockholders, including an opportunity to communicate, and to read or hear the proceedings of the meetings in a substantially concurrent manner with such proceedings.

5. If authorized in the articles of incorporation or bylaws, a meeting of stockholders may be held solely by remote communication pursuant to subsection 4.

6. Participation in a meeting pursuant to subsection 4 constitutes presence in person at the meeting.

7. Unless this chapter, the articles of incorporation or the bylaws provide for different proportions, if voting by a class or series of stockholders is permitted or required:

(a) A majority of the voting power of the class or series that is present in person or by proxy, regardless of whether the proxy has authority to vote on all matters, constitutes a quorum for the transaction of business; and

(b) An act by the stockholders of each class or series is approved if a majority of the voting power of a quorum of the class or series votes for the action.

8. *Unless otherwise provided in the articles of incorporation or the bylaws, once a share is represented in person or by proxy for any purpose at a meeting, the share shall be deemed present for purposes of determining a quorum for the remainder of the meeting and for any adjournment of the meeting unless a new record date is or must be fixed for the adjourned meeting.*

Sec. 8. NRS 78.335 is hereby amended to read as follows:

78.335 1. Except as otherwise provided in this section, any director or one or more of the incumbent directors may be removed ~~{from office}~~ *as a director only* by the vote of stockholders representing not less than two-thirds of the voting power of the issued and outstanding stock entitled to vote.

2. In the case of corporations which have provided in their articles of incorporation for the election of directors by cumulative voting, any director or directors who constitute fewer than all of the incumbent directors may not be removed ~~{from office}~~ *as a director* at any one time or as the result of any one transaction under the provisions of this section except upon the vote of stockholders owning sufficient shares to prevent each director's election ~~{to office}~~ at the time of removal.

3. The articles of incorporation may require the concurrence of more than two-thirds of the voting power of the issued and outstanding stock entitled to vote in order to remove one or more directors. ~~{from office.}~~

4. Whenever the holders of any class or series of shares are entitled to elect one or more directors, unless otherwise provided in the articles of incorporation, removal of any such director requires only the proportion of votes, specified in subsection 1, of the holders of that class or series, and not the votes of the outstanding shares as a whole.

5. All vacancies, including those caused by an increase in the number of directors, may be filled by a majority of the remaining directors, though less than a quorum, unless it is otherwise provided in the articles of incorporation.

6. Unless otherwise provided in the articles of incorporation, when ~~{one or more directors give}~~ *any director gives* notice of resignation to the board, effective at a future date, the board may fill the vacancy ~~{or vacancies}~~ to take effect when the resignation ~~{or resignations become}~~ *becomes* effective ~~{each}~~. *The director so appointed is to hold ~~{office}~~ such position* during the remainder of the term of office of the resigning director. ~~{or directors.}~~

7. If the articles or bylaws provide that the holders of any class or series of shares are entitled to elect one or more directors under specified

circumstances and that, upon termination of those specified circumstances, the right terminates and the directors elected by the holders of the class or series of shares are no longer directors, the termination of a director pursuant to such provisions in the articles or bylaws shall not be deemed a removal of the director pursuant to this section.

8. *If a court of competent jurisdiction, or other governmental entity or regulatory agency with authority over the corporation requires, without providing any other reasonable and practicable alternative, that any specified director of a corporation cease to be a director in order for the corporation to obtain, or avoid the suspension, conditioning or revocation of, any permit, license, registration, franchise, finding of suitability or similar authorization or approval required for the conduct of all or any material portion of the business of the corporation or any of its affiliates taken as a whole and such requirement is not appealable or has otherwise become final after declination or exhaustion of all appeals therefrom, then that specified director may be removed as a director by not less than a majority of the voting power of the other directors, even if less than a quorum, acting at a meeting and not by written consent and without a vote of the stockholders.*

Sec. 9. NRS 78.650 is hereby amended to read as follows:

78.650 1. Any holder or holders of one-tenth of the issued and outstanding stock may apply to the district court in the county in which the corporation has its principal place of business or, if the principal place of business is not located in this State, to the district court in the county in which the corporation's registered office is located, for an order ~~{dissolving the corporation and}~~ appointing a receiver, ~~{to wind up its affairs,}~~ and by injunction restrain the corporation from exercising any of its powers or doing business whatsoever, except by and through a receiver appointed by the court, whenever ~~{}~~ *irreparable injury to the corporation is threatened or being suffered and:*

(a) The corporation has willfully violated its charter;

(b) Its trustees or directors have been guilty of fraud or collusion or gross mismanagement in the conduct or control of its affairs ~~{}~~ *and any presumption established by subsection 3 has been rebutted with respect to such conduct or control;*

(c) ~~{Its trustees or directors have been guilty of misfeasance, malfeasance or nonfeasance;~~

~~{(d) The corporation is unable to conduct the business or conserve its assets by reason of the act, neglect or refusal to function of any of the directors or trustees;~~

~~{(e)}~~ The assets of the corporation are in danger of waste, sacrifice or loss through attachment, foreclosure, litigation or otherwise;

~~{(f) The corporation has abandoned its business;~~

~~{(g)}~~ *or*

(d) The corporation *has dissolved, but* has not proceeded diligently to wind up its affairs, or to distribute its assets in a reasonable time. ~~{}~~

- ~~—(h) The corporation has become insolvent;~~
- ~~—(i) The corporation, although not insolvent, is for any cause not able to pay its debts or other obligations as they mature; or~~
- ~~—(j) The corporation is not about to resume its business with safety to the public.}~~

2. The application may be for the appointment of a receiver, without at the same time applying for the dissolution of the corporation, and notwithstanding the absence, if any there be, of any action or other proceeding in the premises pending in such court.

3. In any such application for a receivership, it is sufficient for a temporary appointment if notice of the same is given to the corporation alone, by process as in the case of an application for a temporary restraining order or injunction, and the hearing thereon may be had after 5 days' notice unless the court directs a longer or different notice and different parties.

4. The court may, if good cause exists therefor, appoint one or more receivers for such purpose, but in all cases directors or trustees who have been guilty of no negligence nor active breach of duty must be preferred in making the appointment. The court may at any time for sufficient cause make a decree terminating the receivership, or dissolving the corporation and terminating its existence, or both, as may be proper.

5. Receivers so appointed have, among the usual powers, all the functions, powers, tenure and duties to be exercised under the direction of the court as are conferred on receivers and as provided in NRS 78.635, 78.640 and 78.645, whether the corporation is insolvent or not.

6. *The ownership requirement set forth in subsection 1 must be maintained from the date and throughout the pendency of the application for the appointment of a receiver of the corporation.*

Sec. 10. Chapter 86 of NRS is hereby amended by adding thereto the provisions set forth as sections 11 to 28, inclusive, of this act.

Sec. 11. 1. *Whenever any limited-liability company becomes insolvent or suspends its ordinary business for want of money to carry on the business, or if its business has been and is being conducted at a great loss and greatly prejudicial to the interest of its creditors or members, any creditors holding 10 percent of the outstanding indebtedness, or members owning either 10 percent of the outstanding member's interests or 10 percent of the voting power of the company, may, by petition setting forth the facts and circumstances of the case, apply to the district court of the county in which the principal office of the company is located or, if the principal office is not located in this State, to the district court in the county in which the company's registered office is located for a writ of injunction and the appointment of a receiver or receivers or trustee or trustees.*

2. *The court, being satisfied by affidavit or otherwise of the sufficiency of the application and of the truth of the allegations contained in the petition and upon hearing after such notice as the court by order may direct, shall proceed*

in a summary way to hear the affidavits, proofs and allegations which may be offered in behalf of the parties.

3. *If, upon such inquiry it appears to the court that the company has become insolvent and is not about to resume its business in a short time thereafter, or that its business has been and is being conducted at a great loss and greatly prejudicial to the interests of its creditors or members so that its business cannot be conducted with safety to the public, it may issue an injunction to restrain the company and its managers, managing members, officers and agents from exercising any of its privileges or franchises and from collecting or receiving any debts or paying out, selling, assigning or transferring any of its estate, money, lands, tenements or effects, except to a receiver appointed by the court, until the court otherwise orders.*

4. *The rights of a member set forth in this section may be exercised by a noneconomic member if specifically set forth in the articles of organization or the operating agreement.*

Sec. 12. 1. *The district court, at the time of ordering the injunction, or at any time afterwards, may appoint a receiver or receivers or a trustee or trustees for the creditors and members of the limited-liability company.*

2. *Receivers or trustees shall have full power and authority:*

(a) *To demand, sue for, collect, receive and take into possession all the goods and chattels, rights and credits, moneys and effects, lands and tenements, books, papers, choses in action, bills, notes and property, of every description of the company;*

(b) *To institute suits at law or in equity for the recovery of any estate, property, damages or demands existing in favor of the company;*

(c) *In their discretion to compound and settle with any debtor or creditor of the company, or with persons having possession of its property or in any way responsible at law or in equity to the company at the time of its insolvency or suspension of business, or afterwards, upon such terms and in such manner as they shall deem just and beneficial to the company; and*

(d) *In case of mutual dealings between the company and any person to allow just setoffs in favor of such person in all cases in which the same ought to be allowed according to law and equity.*

3. *A debtor who shall have in good faith paid a debt to the company without notice of its insolvency or suspension of business, shall not be liable therefor, and the receiver or receivers or trustee or trustees shall have power to sell, convey and assign all the estate, rights and interests, and shall hold and dispose of the proceeds thereof under the directions of the district court.*

Sec. 13. *All real and personal property of an insolvent limited-liability company, wheresoever situated, and all its franchises, rights, privileges and effects shall, upon the appointment of a receiver, forthwith vest in the receiver, and the company shall be divested of the title thereto.*

Sec. 14. 1. *Whenever a receiver shall have been appointed pursuant to section 12 of this act and it shall afterwards appear that the debts of the limited-liability company have been paid or provided for, and that there*

remains or can be obtained by further contributions sufficient capital to enable it to resume its business, the district court may, in its discretion, a proper case being shown, direct the receiver to reconvey to the company all its property, franchises, rights and effects, and thereafter the company may resume control of and enjoy the same as fully as if the receiver had never been appointed.

2. In every case in which the district court shall not direct such reconveyance, the court may, in its discretion, make a decree dissolving the company and declaring its charter forfeited and void.

Sec. 15. 1. Any member owning either 10 percent of the outstanding member's interests or 10 percent of the voting power of the limited-liability company may apply to the district court in the county in which the company has its principal place of business or, if the principal place of business is not located in this State, to the district court in the county in which the company's registered office is located, for an order appointing a receiver, and by injunction restrain the company from exercising any of its powers or doing business whatsoever, except by and through a receiver appointed by the court, whenever irreparable injury to the company is threatened or being suffered and:

(a) The company has willfully violated its charter;

(b) Its managers or managing members have been guilty of fraud or collusion or gross mismanagement in the conduct or control of its affairs and the presumption established by subsection 3 has been rebutted with respect to such conduct or control;

(c) The assets of the company are in danger of waste, sacrifice or loss through attachment, foreclosure, litigation or otherwise; or

(d) The company has dissolved, but has not proceeded diligently to wind up its affairs, or to distribute its assets in a reasonable time.

2. The application may be for the appointment of a receiver, without at the same time applying for the dissolution of the company, and notwithstanding the absence, if any there be, of any action or other proceeding in the premises pending in such court.

3. In any such application for a receivership, it is sufficient for a temporary appointment if notice of the same is given to the company alone, by process as in the case of an application for a temporary restraining order or injunction, and the hearing thereon may be had after 5 days' notice unless the court directs a longer or different notice and different parties.

4. The court may, if good cause exists therefor, appoint one or more receivers for such purpose, but in all cases managers or managing members who have been guilty of no negligence nor active breach of duty must be preferred in making the appointment. The court may at any time for sufficient cause make a decree terminating the receivership, or dissolving the company and terminating its existence, or both, as may be proper.

5. Receivers so appointed have, among the usual powers, all the functions, powers, tenure and duties to be exercised under the direction of the court as

are conferred on receivers and as provided pursuant to sections 12, 13 and 14 of this act, whether the company is insolvent or not.

6. The requirement as to ownership or voting set forth in subsection 1 shall be maintained from the date of and throughout the pendency of the application for the appointment of a receiver of the company.

7. The rights of a member set forth in this section may be exercised by a noneconomic member if specifically set forth in the articles of organization or the operating agreement.

Sec. 16. Whenever members holding member's interests entitling them to exercise at least a majority of the voting power of the limited-liability company shall have agreed upon a plan for the reorganization of the company and a resumption by it of the management and control of its property and business, the company may, with the consent of the district court:

1. Upon the reconveyance to it of its property and franchises, mortgage the same for such amount as may be necessary for the purposes of reorganization; and

2. Issue bonds or other evidences of indebtedness, or additional member's interests of one or more classes, or both bonds and member's interests, or certificates of investment or participation certificates, and use the same for the full or partial payment of the creditors who will accept the same, or otherwise dispose of the same for the purposes of the reorganization.

Sec. 17. 1. The court shall have power to send for persons and papers and to examine any persons, including the creditors and claimants, and the managers, managing members, officers and agents of the limited-liability company, on oath or affirmation, respecting its affairs and transactions and its estate, money, goods, chattels, credits, notes, bills and choses in action, real and personal estate and effects of every kind, and also respecting its debts, obligations, contracts and liabilities, and the claims against it.

2. If any person shall refuse to be sworn or affirmed, or to make answers to such questions as shall be put to the person, or refuse to declare the whole truth touching the subject matter of the examination, the district court may commit such person to a place of confinement, there to remain until the person shall submit to be examined and pay all the costs of the proceedings against the person.

Sec. 18. The receiver, upon order of the court, with the assistance of a peace officer, may break open, in the daytime, the houses, shops, warehouses, doors, trunks, chests or other places of the limited-liability company where any of its goods, chattels, choses in action, notes, bills, moneys, books, papers or other writings or effects have been usually kept, or shall be, and take possession of the same and of the lands and tenements belonging to the company.

Sec. 19. The receiver, as soon as convenient, shall lay before the district court a full and complete inventory of all the estate, property and effects of the limited-liability company, its nature and probable value, and an account of all debts due from and to it, as nearly as the same can be ascertained, and make

a report to the court of his or her proceedings at least every 3 months thereafter during the continuance of the trust, and whenever the receiver shall be so ordered.

Sec. 20. All creditors shall present and make proof to the receiver of their respective claims against the limited-liability company within 6 months from the date of appointment of the receiver or trustee for the company, or sooner if the court shall order and direct, and all creditors and claimants failing to do so within the time limited by this section, or the time prescribed by the order of the court, shall by the direction of the court be barred from participating in the distribution of the assets of the company. The court shall also prescribe what notice, by publication or otherwise, shall be given to creditors of such limitation of time.

Sec. 21. Every claim against any limited-liability company for which a receiver has been appointed shall be presented to the receiver in writing and upon oath. The claimant, if required, shall submit to such examination in relation to the claim as the court shall direct, and shall produce such books and papers relating to the claim as shall be required. The court shall have power to authorize the receiver to examine, under oath or affirmation, all witnesses produced before the receiver touching the claim or any part thereof.

Sec. 22. 1. The clerk of the district court, immediately upon the expiration of the time fixed for the filing of claims, shall notify the trustee or receiver of the filing of the claims. The trustee or receiver shall inspect the claims and within 30 days notify each claimant of his or her decision. The trustee or receiver may require all creditors whose claims are disputed to submit themselves to an examination in relation to their claims, and to produce such books and papers relating to their claims as the trustee or receiver requests. The trustee or receiver may examine, under oath or affirmation, all witnesses produced before him or her regarding the claims, and shall pass upon and allow or disallow the claims, or any part thereof, and notify the claimants of the determination.

2. Every creditor or claimant who has received notice from the receiver or trustee that his or her claim has been disallowed in whole or in part may appeal to the district court within 30 days thereafter. The court, after a hearing, shall determine the rights of the parties.

Sec. 23. 1. A receiver, upon application by him or her, shall be substituted as party plaintiff or complainant in the place and stead of the limited-liability company in any suit or proceeding at law or in equity which was pending at the time of the receiver's appointment.

2. No action against a receiver of a company shall abate by reason of the receiver's death, but, upon suggestion of the facts on the record, shall be continued against the receiver's successor, or against the company in case no new receiver be appointed.

Sec. 24. Where property of an insolvent limited-liability company is at the time of the appointment of a receiver encumbered with mortgages or other liens, the legality of which is brought in question, or the property is of a

character which will materially deteriorate in value pending the litigation, the district court may order the receiver to sell the same, clear of encumbrances, at public or private sale, for the best price that can be obtained, and pay the money into court, there to remain subject to the same liens and equities of all parties in interest as was the property before sale, to be disposed of as the court shall direct.

Sec. 25. Before distribution of the assets of an insolvent limited-liability company among the creditors or members, the district court shall allow a reasonable compensation to the receiver for his or her services and the costs and expenses of the administration of the trust, and the cost of the proceedings in the court, to be first paid out of the assets.

Sec. 26. After payment of all allowances, expenses and costs, and the satisfaction of all special and general liens upon the funds of the limited-liability company to the extent of their lawful priority, the creditors shall be paid proportionately to the amount of their respective debts, excepting mortgage and judgment creditors when the judgment has not been by confession for the purpose of preferring creditors. The creditors shall be entitled to distribution on debts not due, making in such case a rebate of interest, when interest is not accruing on the same. Unless otherwise provided in the articles of organization or operating agreement, the surplus funds, if any, after payment of the creditors and the costs, expenses and allowances, shall be distributed among the members or their legal representatives in respect of their contributions to capital.

Sec. 27. 1. Every matter and thing by this chapter required to be done by receivers or trustees shall be good and effectual, to all intents and purposes, if performed by a majority of them.

2. The district court may remove any receiver or trustee and appoint another or others in his or her place to fill any vacancy which may occur.

Sec. 28. 1. Whenever any limited-liability company becomes insolvent or is dissolved in any way or for any cause, the employees doing labor or service, of whatever character, in the regular employ of the company, have a lien upon the assets thereof for the amount of wages due to them, not exceeding \$1,000, which have been earned within 3 months before the date of the insolvency or dissolution, which must be paid before any other debt of the company.

2. The word "employees" does not include any of the managers or managing members of the company.

*Sec. 29. ~~[NRS 90.285 is hereby amended to read as follows:
90.285 "Sales representative" means a natural person other than a broker dealer, authorized to act and acting for a broker dealer or issuer effecting or attempting to effect purchases or sales of securities. A partner, officer or director of a broker dealer or issuer, or a person occupying a similar status or performing similar functions, is a sales representative only if he or she otherwise comes within the definition.] fails to satisfy the requirements~~*

~~set forth in Rule 3a4-1 under the Securities Exchange Act of 1934, 17 C.F.R. § 240.3a4-1.~~ (Deleted by amendment.)

Sec. 30. NRS 92A.390 is hereby amended to read as follows:

92A.390 1. There is no right of dissent with respect to a plan of merger, conversion or exchange in favor of stockholders of any class or series which is:

(a) A covered security under section 18(b)(1)(A) or (B) of the Securities Act of 1933, 15 U.S.C. § 77r(b)(1)(A) or (B), as amended;

(b) Traded in an organized market and has at least 2,000 stockholders and a market value of at least \$20,000,000, exclusive of the value of such shares held by the corporation's subsidiaries, senior executives, directors and beneficial stockholders owning more than 10 percent of such shares; or

(c) Issued by an open end management investment company registered with the Securities and Exchange Commission under the Investment Company Act of 1940, 15 U.S.C. §§ 80a-1 et seq., as amended, and which may be redeemed at the option of the holder at net asset value,

↪ unless the articles of incorporation of the corporation issuing the class or series or the resolution of the board of directors approving the plan of merger, conversion or exchange expressly provide otherwise.

2. The applicability of subsection 1 must be determined as of:

(a) The record date fixed to determine the stockholders entitled to receive notice of and to vote at the meeting of stockholders to act upon the corporate action requiring dissenter's rights; or

(b) The day before the effective date of such corporate action if there is no meeting of stockholders.

3. Subsection 1 is not applicable and dissenter's rights are available pursuant to NRS 92A.380 for the holders of any class or series of shares who are required by the terms of the corporate action requiring dissenter's rights to accept for such shares anything other than cash or shares of any class or any series of shares of any corporation, or any other proprietary interest of any other entity, that satisfies the standards set forth in subsection 1 at the time the corporate action becomes effective.

4. There is no right of dissent for any holders of stock of the surviving domestic corporation if the plan of merger does not require action of the stockholders of the surviving domestic corporation under NRS 92A.130.

5. There is no right of dissent for any holders of stock of the parent domestic corporation if the plan of merger does not require action of the stockholders of the parent domestic corporation under NRS 92A.180.

6. *There is no right of dissent with respect to any share of stock that was not issued and outstanding on the date of the first announcement to the news media or to the stockholders of the terms of the proposed action requiring dissenter's rights.*

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 252 to Senate Bill No. 427 revises provisions in section 1 concerning notice of a registered agent's resignation and deletes section 29 entirely, which concerns the definition of "sales representative."

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. 438.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 382.

SUMMARY—Establishes the circumstances in which a statement or confession by itself is sufficient to ~~(warrant)~~ sustain the conviction of a defendant. (BDR 14-927)

AN ACT relating to criminal procedure; establishing the circumstances in which a statement or confession by itself is sufficient to ~~(warrant)~~ sustain the conviction of a defendant; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill establishes the circumstances in which a statement or confession made by a defendant is, by itself, sufficient to ~~(warrant)~~ sustain the conviction of the defendant without other proof that the defendant committed a crime. This bill provides that a statement or confession alone is sufficient to ~~(warrant)~~ sustain the conviction of a defendant if: (1) the defendant is charged with certain specified crimes; (2) the defendant's statement or confession is made to a peace officer while the peace officer is acting in his or her official capacity; and (3) the court determines that there is sufficient evidence to establish the trustworthiness of the defendant's statement or confession. This bill also requires the court to consider certain factors when making a determination as to whether there is sufficient evidence to establish the trustworthiness of the defendant's statement or confession.

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

Section 1. Chapter 175 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A statement or confession made by a defendant is, in and of itself, sufficient to ~~(warrant)~~ sustain the conviction of the defendant without other proof that the defendant committed a crime if:

(a) The defendant is charged with:

(1) An offense listed in NRS 179D.097;

(2) Driving under the influence of intoxicating liquor or a controlled substance in violation of NRS 484C.110;

(3) An offense that constitutes domestic violence pursuant to NRS 33.018;
or

(4) An offense involving the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person pursuant to NRS 200.5091 to 200.50995, inclusive;

(b) The statement or confession is made to a peace officer while the peace officer is acting in his or her official capacity; and

(c) The court determines that there is sufficient evidence to establish the trustworthiness of the statement or confession.

2. In making a determination pursuant to paragraph (c) of subsection 1, the court shall consider the following factors in addition to any other factors the court considers to be important:

(a) ~~Whether there is evidence demonstrating the truthfulness of portions of~~ Evidence that supports the facts contained in the statement or confession;

(b) ~~Whether the defendant had the opportunity to commit the crime;~~ Evidence that may support the commission of a crime, which is corroborated by the facts contained in the statement or confession;

(c) ~~The method of any interrogation used to solicit~~ Whether the circumstances under which the statement or confession ~~was~~ was made support the assertion that the statement or confession is trustworthy; and

(d) Whether the defendant is a vulnerable person.

3. As used in this section, "vulnerable person" has the meaning ascribed to it in NRS 200.5092.

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 382 to Senate Bill No. 438 adds the phrase "statement or" in subsection 1 of section 1 regarding the type of information that is allowable under the bill's provisions. It replaces the word "warrant" with "sustain" in subsection 1 of section 1 in relation to sustaining a conviction rather than warranting a conviction. The bill revises the language in items (a), (b) and (c) in subsection 2 of section 1 regarding the considerations a court must make in deciding whether a statement or confession is admissible under the provisions of the bill.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

WAIVERS AND EXEMPTIONS
NOTICE OF EXEMPTION

April 18, 2019

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bill No. 265.

MARK KRMPOTIC
Fiscal Analysis Division

SECOND READING AND AMENDMENT

Senate Bill No. 20.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 75.

SUMMARY—Revises provisions relating to guardianships. (BDR 13-493)

AN ACT relating to guardianships; enacting certain provisions of the Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act; authorizing the filing of a petition for an expedited hearing to transfer a proposed protected person from a health care facility to another health care facility that provides a less restrictive level of care in certain circumstances; revising various provisions relating to guardianships; increasing the additional fee charged by county recorders to allocate additional money for legal representation for protected persons, proposed protected persons, protected minors and proposed protected minors in guardianship proceedings; authorizing a portion of such a fee to be used to pay for certain assistance to protected minors and proposed protected minors in guardianship proceedings; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections ~~2~~ ~~1-23~~ ~~3~~, 30 and 31 of this bill enact certain provisions of the Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act. Sections 2 and 30 of this bill authorize a court to appoint a successor guardian for a protected person or protected minor, respectively, at any time to serve immediately or when a designated event occurs. Sections 3 and 31 of this bill authorize a court to appoint a temporary substitute guardian for a protected person or protected minor, respectively, in certain circumstances for a period of not more than 6 months.

~~Sections 4-23 enact provisions relating to protective arrangements. Section 13 of this bill authorizes: (1) a court, after a petition for guardianship for an adult has been filed, to order a protective arrangement instead of guardianship as a less restrictive alternative to guardianship; and (2) a person interested in an adult's welfare to petition the court for a protective arrangement instead of guardianship. Section 14 of this bill establishes the circumstances in which a court may issue an order for a protective arrangement instead of guardianship. Section 15 of this bill sets forth the information that a petition for a protective arrangement is required to contain, and section 16 of this bill sets forth requirements relating to notice of a hearing on such a petition.~~

~~Section 17 of this bill requires a court to appoint a visitor to interview the respondent and file a report with the court, and section 18 of this bill generally requires a court to appoint an attorney to represent the respondent in certain circumstances. Section 19 of this bill requires the court to order a professional evaluation of the respondent in certain circumstances at or before a hearing on a petition for a protective arrangement.~~

~~Section 20 of this bill generally prohibits a hearing on a petition for a protective arrangement from proceeding unless the respondent attends the hearing. Section 21 of this bill requires the court to give notice of an order for a protective arrangement to certain persons. Section 22 of this bill sets forth provisions relating to the confidentiality of the records concerning a protective arrangement and proceedings relating to a protective arrangement. Section 23~~

~~of this bill authorizes the court to appoint a master of the court to assist in implementing a protective arrangement.]~~

Existing law authorizes certain persons to file a petition for the appointment of a guardian for a proposed protected person. (NRS 159.044) Section 3.5 of this bill provides that if a person who files such a petition reasonably believes that it is appropriate to discharge the proposed protected person from a health care facility for the purpose of transferring the proposed protected person to a more appropriate health care facility that provides a less restrictive level of care, the person must petition the court for an expedited hearing to determine whether such a transfer is appropriate and must include certain information in such a petition. Section 3.5 also provides that a person may not petition the court for an expedited hearing if the person believes that a proposed protected person should be transferred to: (1) a health care facility outside this State; (2) with certain exceptions, a health care facility outside the judicial district in which a petition for the appointment of a guardian is filed; or (3) a secured residential long-term care facility.

Existing law authorizes a court to appoint a temporary guardian for certain proposed protected persons and extend the appointment of a temporary guardian in certain circumstances. (NRS 159.0523) Section 23.3 of this bill requires a court to limit the authority of a temporary guardian to that which is necessary to perform any actions required to ensure the health, safety or care of a proposed protected person, including applying for Medicaid or other appropriate assistance, coverage or support for the protected person. Section 23.3 also authorizes a court to consider the actions taken by a temporary guardian to carry out any requested activities for the benefit of a proposed protected person during the temporary guardianship when the court is making a determination regarding the extension of a temporary guardianship or the issuance of any ex parte or emergency order.

Existing law requires, with certain exceptions, a proposed protected person who is found in this State to attend the hearing for the appointment of a guardian. (NRS 159.0535) Section 23.7 of this bill provides an additional exception to such a requirement by authorizing the proposed protected person, through counsel, to waive his or her appearance. Existing law also authorizes a proposed protected person or proposed protected minor who cannot attend the hearing for the appointment of a guardian to appear by videoconference. (NRS 159.0535, 159A.0535) Sections 23.7 and 31.5 of this bill additionally authorize a proposed protected person or proposed protected minor, respectively, to appear by any other means that uses audio-video communication or by telephone. Existing law further establishes provisions relating to the duties of certain persons if a proposed protected person cannot attend a hearing for the appointment of a guardian by videoconference. (NRS 159.0535) Section 23.7 removes such provisions.

Existing law generally requires that before a guardian moves a protected person, the guardian must file a notice with the court of his or her intent to move the protected person and serve notice upon all interested persons.

(NRS 159.0807) Section 25 of this bill revises various provisions relating to such a requirement.

Existing law requires a guardian of the person to make a written report containing certain information, file the report with the court and serve the report on the protected person and any attorney for the protected person. (NRS 159.081) Section 26 of this bill authorizes the court to waive the requirement that the report must be served on the protected person upon a showing ~~[of certain facts.]~~ that such service is detrimental to the physical or mental health of the protected person. Section 26 also revises provisions relating to the information required to be included in the report.

Existing law: (1) authorizes a guardian to sell the personal property of a protected person in certain circumstances; and (2) requires that the family members of the protected person and any interested persons be offered the first right of refusal to acquire such personal property at fair market value. (NRS 159.154) Section 27 of this bill provides that: (1) claims by family members and interested persons to acquire the property must be considered in a certain order of priority; and (2) if multiple claims are received from the same priority group and an agreement cannot be reached after good faith efforts have been made, the guardian is authorized to sell the property.

Existing law requires a guardian to retain receipts or vouchers for all expenditures and further requires: (1) a public guardian to produce such receipts or vouchers upon the request of the court or certain other persons; and (2) all other guardians to file such receipts or vouchers with the court in certain circumstances. (NRS 159.179) Section 28 of this bill instead requires all guardians to produce such receipts or vouchers upon the request of the court or certain other persons and file such receipts or vouchers with the court only if the court orders the filing.

Existing law requires a county recorder to charge and collect, in addition to any other fee a county recorder is authorized to collect, a fee of \$5 in certain circumstances and to pay the amount of such fees collected to the county treasurer on a monthly basis. Existing law requires the county treasurer to remit \$3 from each such additional fee received to: (1) the organization operating the program for legal services for the indigent in the judicial district to provide legal services for protected persons or proposed protected persons in guardianship proceedings and, if sufficient funding exists, protected minors or proposed protected minors in guardianship proceedings; or (2) if such an organization does not exist in the judicial district, to an account for the use of the district court to pay for attorneys to represent protected persons and proposed protected persons who do not have the ability to pay for an attorney. (NRS 247.305) Section 33 of this bill increases the amount paid to such an organization or account from \$3 to \$4, thereby increasing the additional fee charged by a county recorder from \$5 to \$6. Existing law also requires a county treasurer to remit \$1 from each additional fee received from a county recorder to an account for the use of the district court to pay the compensation of investigators appointed in a guardianship proceeding concerning a proposed

protected minor. (NRS 247.305) Section 33 provides that such money may also be used to pay for attorneys and self-help assistance for protected minors and proposed protected minors in guardianship proceedings.

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

Section 1. Chapter 159 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 ~~(to 2.3, inclusive)~~, 3 and 3.5 of this act.

Sec. 2. 1. *The court at any time may appoint a successor guardian to serve immediately or when a designated event occurs.*

2. *A person entitled under NRS 159.044 to petition the court to appoint a guardian may petition the court to appoint a successor guardian.*

3. *A successor guardian appointed to serve when a designated event occurs may act as guardian when:*

(a) *The event occurs; and*

(b) *The successor has taken the official oath and filed a bond as provided in this chapter, and letters of guardianship have been issued.*

4. *A successor guardian has the predecessor's powers unless otherwise provided by the court.*

5. *The revocation of letters of guardianship by the court or any other court action to suspend the authority of a guardian may be considered to be a designated event for the purposes of this section if the revocation or suspension of authority is based on the guardian's noncompliance with his or her duties and responsibilities as provided by law.*

Sec. 3. 1. *The court may appoint a temporary substitute guardian for a protected person for a period not exceeding 6 months if:*

(a) *A proceeding to remove a guardian for the protected person is pending;*
or

(b) *The court finds a guardian is not effectively performing the guardian's duties and the welfare of the protected person requires immediate action.*

2. *Except as otherwise ordered by the court, a temporary substitute guardian appointed under this section has the powers stated in the order of appointment of the guardian. The authority of the existing guardian is suspended for as long as the temporary substitute guardian has authority.*

3. *The court shall give notice of appointment of a temporary substitute guardian, not later than 5 days after the appointment, to:*

(a) *The protected person; and*

(b) *The affected guardian.*

4. *The court may remove a temporary substitute guardian at any time. The temporary substitute guardian shall make any report the court requires.*

Sec. 3.5. 1. *Except as otherwise provided in subsection 2, if a person who files a petition for the appointment of a guardian pursuant to NRS 159.044 reasonably believes that it is appropriate to discharge the proposed protected person from a health care facility for the purpose of transferring the proposed protected person to a more appropriate health care facility that provides a less restrictive level of care, the person must petition the court for an expedited*

hearing to determine the appropriateness of such a transfer upon a showing of good cause, as set forth in the petition for an expedited hearing. If a person files a petition for an expedited hearing pursuant to this subsection, he or she shall include, without limitation, the following information in the petition:

(a) The name and address of the health care facility to which the proposed protected person will be transferred;

(b) The level of care that will be provided by the health care facility to which the proposed protected person will be transferred;

(c) The anticipated date of the transfer of the proposed protected person;

(d) The source of payment that will be used to pay for the placement of the proposed protected person in the health care facility to which he or she will be transferred; and

(e) A statement signed by the attending provider of health care of the proposed protected person and an independent physician that:

(1) Verifies that the transfer of the proposed protected person is medically appropriate and advisable and is in the best interests of the proposed protected person;

(2) Describes the way in which, given the condition and needs of the proposed protected person, the level of care that will be provided by the new health care facility is more appropriate for the care and treatment of the proposed protected person than the level of care of provided by the health care facility in which the proposed protected person is currently placed; and

(3) States specific facts and circumstances to demonstrate why the transfer of the proposed protected person to the new health care facility must occur in an expedited manner and cannot be delayed.

2. A person may not petition the court for an expedited hearing pursuant to subsection 1 if he or she believes that a proposed protected person should be transferred to:

(a) A health care facility outside this State;

(b) Except as otherwise provided in subsection 3, a health care facility outside the judicial district in which the petition for the appointment of a guardian is filed; or

(c) A secured residential long-term care facility.

3. If a health care facility that offers the appropriate level of care for a proposed protected person does not exist in the judicial district in which the petition for the appointment of a guardian is filed, or if such a health care facility exists in the judicial district but is not available to accommodate the proposed protected person, the court may approve the placement of the proposed protected person in a health care facility outside the judicial district if the placement is in the health care facility offering the appropriate level of practicable care that is nearest to the place of residence of the proposed protected person.

Sec. 4. ~~[As used in sections 4 to 23, inclusive, of this act, the words and terms defined in sections 5 to 12, inclusive, of this act have the meanings ascribed to them in those sections.] (Deleted by amendment.)~~

Sec. 5. ~~["Adult" means a person at least 18 years of age or an emancipated person under 18 years of age.] (Deleted by amendment.)~~

Sec. 6. ~~["Less restrictive alternative" means an approach to meeting a person's needs which restricts fewer rights of the person than would the appointment of a guardian. The term includes supported decision making, appropriate technological assistance, appointment of a representative payee and appointment of an agent by the person, including appointment under a power of attorney for health care or power of attorney for finances.] (Deleted by amendment.)~~

Sec. 7. ~~["Parent" does not include a person whose parental rights have been terminated.] (Deleted by amendment.)~~

Sec. 8. ~~["Property" includes tangible and intangible property.] (Deleted by amendment.)~~

Sec. 9. ~~["Protective arrangement instead of guardianship" means a court order entered under section 14 of this act.] (Deleted by amendment.)~~

Sec. 10. ~~["Record," used as a noun, means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.] (Deleted by amendment.)~~

Sec. 11. ~~["Respondent" means a person for whom appointment of a guardian or a protective arrangement instead of guardianship is sought.] (Deleted by amendment.)~~

Sec. 12. ~~["Supported decision making" means assistance from one or more other persons of a person's choosing in understanding the nature and consequences of potential personal and financial decisions, which enables the person to make the decisions, and in communicating a decision once made if consistent with the person's wishes.] (Deleted by amendment.)~~

Sec. 13. ~~1. Under sections 13 to 23, inclusive, of this act, a court, on receiving a petition for a guardianship for an adult, may order a protective arrangement instead of guardianship as a less restrictive alternative to guardianship.~~

~~2. A person interested in an adult's welfare, including the adult, may petition under sections 13 to 23, inclusive, of this act for a protective arrangement instead of guardianship.] (Deleted by amendment.)~~

Sec. 14. ~~1. After the hearing on a petition under NRS 159.044 for a guardianship or under subsection 2 of section 13 of this act for a protective arrangement instead of guardianship, the court may issue an order under subsection 2 for a protective arrangement instead of guardianship if the court finds by clear and convincing evidence that:~~

~~(a) The respondent lacks the ability to meet essential requirements for physical health, safety or self care because the respondent is unable to receive and evaluate information or make or communicate decisions, even with appropriate supportive services, technological assistance or supported decision making; and~~

~~(b) The respondent's identified needs cannot be met by a less restrictive alternative.~~

~~2. If the court makes the findings under subsection 1, the court, instead of appointing a guardian, may:~~

~~(a) Authorize or direct a transaction necessary to meet the respondent's need for health, safety or care, including:~~

~~(1) A particular medical treatment or refusal of a particular medical treatment;~~

~~(2) A move to a specified place of dwelling; or~~

~~(3) Visitation or supervised visitation between the respondent and another person;~~

~~(b) Restrict access to the respondent by a specified person whose access places the respondent at serious risk of physical, psychological or financial harm; and~~

~~(c) Order other arrangements on a limited basis that are appropriate.~~

~~3. In deciding whether to issue an order under this section, the court shall consider the factors which a guardian must consider when making a decision on behalf of a protected person. (Deleted by amendment.)~~

Sec. 15. ~~[A petition for a protective arrangement instead of guardianship must state the petitioner's name, principal residence, current street address, if different, relationship to the respondent, interest in the protective arrangement, the name and address of any attorney representing the petitioner and, to the extent known, the following:~~

~~1. The respondent's name, age, principal residence, current street address, if different, and, if different, address of the dwelling in which it is proposed the respondent will reside if the petition is granted;~~

~~2. The name and address of the respondent's:~~

~~(a) Spouse or domestic partner or, if the respondent has none, an adult with whom the respondent has shared household responsibilities for more than 6 months in the 12-month period before the filing of the petition;~~

~~(b) Adult children or, if none, each parent and adult sibling of the respondent, or, if none, at least one adult nearest in kinship to the respondent who can be found with reasonable diligence; and~~

~~(c) Adult stepchildren whom the respondent actively parented during the stepchildren's minor years and with whom the respondent had an ongoing relationship in the 2-year period immediately before the filing of the petition;~~

~~3. The name and current address of each of the following, if applicable:~~

~~(a) A person responsible for the care or custody of the respondent;~~

~~(b) Any attorney currently representing the respondent;~~

~~(c) The representative payee appointed by the Social Security Administration for the respondent;~~

~~(d) A guardian acting for the respondent in this State or another jurisdiction;~~

~~(e) A trustee or custodian of a trust or custodianship of which the respondent is a beneficiary;~~

~~(f) The fiduciary appointed for the respondent by the Department of Veterans Affairs;~~

- ~~— (g) An agent designated under a power of attorney for health care in which the respondent is identified as the principal;~~
- ~~— (h) An agent designated under a power of attorney for finances in which the respondent is identified as the principal;~~
- ~~— (i) A person nominated as guardian by the respondent;~~
- ~~— (j) A person nominated as guardian by the respondent's parent, spouse or domestic partner in a will or other signed record; and~~
- ~~— (k) A person known to have routinely assisted the respondent with decision making in the 6-month period immediately before the filing of the petition;~~
- ~~— 4. The nature of the protective arrangement sought;~~
- ~~— 5. The reason the protective arrangement sought is necessary, including a brief description of:~~
 - ~~— (a) The nature and extent of the respondent's alleged need;~~
 - ~~— (b) Any less restrictive alternative for meeting the respondent's alleged need which has been considered or implemented;~~
 - ~~— (c) If no less restrictive alternative has been considered or implemented, the reason less restrictive alternatives have not been considered or implemented; and~~
 - ~~— (d) The reason other less restrictive alternatives are insufficient to meet the respondent's alleged need;~~
- ~~— 6. The name and current address, if known, of any person with whom the petitioner seeks to limit the respondent's contact;~~
- ~~— 7. Whether the respondent needs an interpreter, translator or other form of support to communicate effectively with the court or understand court proceedings;~~
- ~~— 8. If the respondent has property other than personal effects, a general statement of the respondent's property with an estimate of its value, including any insurance or pension, and the source and amount of any other anticipated income or receipts; and~~
- ~~— 9. A general statement of the respondent's property with an estimate of its value, including any insurance or pension, and the source and amount of other anticipated income or receipts. (Deleted by amendment.)~~

Sec. 16. ~~[1. On filing of a petition under section 13 of this act, the court shall set a date, time and place for a hearing on the petition.~~

~~— 2. A copy of a petition under section 13 of this act and notice of a hearing on the petition must be served personally on the respondent. The notice must inform the respondent of the respondent's rights at the hearing, including the right to an attorney and to attend the hearing. The notice must include a description of the nature, purpose and consequences of granting the petition. The court may not grant the petition if notice substantially complying with this subsection is not served on the respondent.~~

~~— 3. In a proceeding on a petition under section 13 of this act, the notice required under subsection 2 must be given to the persons required to be listed in the petition under subsections 1, 2 and 3 of section 15 of this act and any~~

~~other person interested in the respondent's welfare the court determines. Failure to give notice under this subsection does not preclude the court from granting the petition.~~

~~4. After the court has ordered a protective arrangement under sections 13 to 23, inclusive, of this act, notice of a hearing on a petition filed under this chapter, together with a copy of the petition, must be given to the respondent and any other person the court determines.~~ (Deleted by amendment.)

Sec. 17. ~~[1. On filing of a petition under section 13 of this act for a protective arrangement instead of guardianship, the court shall appoint a visitor. The visitor must be a person with training or experience in the type of abilities, limitations and needs alleged in the petition.~~

~~2. A visitor appointed under subsection 1 shall interview the respondent in person and, in a manner the respondent is best able to understand:~~

~~(a) Explain to the respondent the substance of the petition, the nature, purpose and effect of the proceeding and the respondent's rights at the hearing on the petition;~~

~~(b) Determine the respondent's views with respect to the order sought;~~

~~(c) Inform the respondent of the respondent's right to employ and consult with an attorney at the respondent's expense and the right to request a court-appointed attorney;~~

~~(d) Inform the respondent that all costs and expenses of the proceeding, including respondent's attorney's fees, may be paid from the respondent's assets;~~

~~(e) If the petitioner seeks an order related to the dwelling of the respondent, visit the respondent's present dwelling and any dwelling in which it is reasonably believed the respondent will live if the order is granted;~~

~~(f) Obtain information from any physician or other person known to have treated, advised or assessed the respondent's relevant physical or mental condition; and~~

~~(g) Investigate the allegations in the petition and any other matter relating to the petition the court directs.~~

~~3. A visitor under this section promptly shall file a report in a record with the court, which must include:~~

~~(a) A recommendation whether an attorney should be appointed to represent the respondent;~~

~~(b) To the extent relevant to the order sought, a summary of self care, independent living tasks and financial management tasks the respondent:~~

~~(1) Can manage without assistance or with existing supports;~~

~~(2) Could manage with the assistance of appropriate supportive services, technological assistance or supported decision making; and~~

~~(3) Cannot manage;~~

~~(c) A recommendation regarding the appropriateness of the protective arrangement sought and whether a less restrictive alternative for meeting the respondent's needs is available;~~

~~(d) If the petition seeks to change the physical location of the dwelling of the respondent, a statement whether the proposed dwelling meets the respondent's needs and whether the respondent has expressed a preference as to the respondent's dwelling;~~

~~(e) A recommendation whether a professional evaluation under section 19 of this act is necessary;~~

~~(f) A statement whether the respondent is able to attend a hearing at the location court proceedings typically are held;~~

~~(g) A statement whether the respondent is able to participate in a hearing and which identifies any technology or other form of support that would enhance the respondent's ability to participate; and~~

~~(h) Any other matter the court directs.† (Deleted by amendment.)~~

Sec. 18. ~~1. Unless an attorney has already been appointed pursuant to NRS 159.0485, the court shall appoint an attorney to represent the respondent in a proceeding under sections 13 to 23, inclusive, of this act if:~~

~~(a) The respondent requests the appointment;~~

~~(b) The visitor recommends the appointment; or~~

~~(c) The court determines the respondent needs representation.~~

~~2. An attorney representing the respondent in a proceeding under sections 13 to 23, inclusive, of this act shall:~~

~~(a) Make reasonable efforts to ascertain the respondent's wishes;~~

~~(b) Advocate for the respondent's wishes to the extent reasonably ascertainable; and~~

~~(c) If the respondent's wishes are not reasonably ascertainable, advocate for the result that is the least restrictive alternative in type, duration and scope, consistent with the respondent's interests.† (Deleted by amendment.)~~

Sec. 19. ~~1. At or before a hearing on a petition under sections 13 to 23, inclusive, of this act for a protective arrangement, the court shall order a professional evaluation of the respondent:~~

~~(a) If the respondent requests the evaluation; or~~

~~(b) In other cases, unless the court finds that it has sufficient information to determine the respondent's needs and abilities without the evaluation.~~

~~2. If the court orders an evaluation under subsection 1, the respondent must be examined by a licensed physician, psychologist, social worker or other person appointed by the court who is qualified to evaluate the respondent's alleged cognitive and functional abilities and limitations and will not be advantaged or disadvantaged by a decision to grant the petition or otherwise have a conflict of interest. The person conducting the evaluation promptly shall file a report in a record with the court. Unless otherwise directed by the court, the report must contain:~~

~~(a) A description of the nature, type and extent of the respondent's cognitive and functional abilities and limitations;~~

~~(b) An evaluation of the respondent's mental and physical condition and, if appropriate, educational potential, adaptive behavior and social skills;~~

~~—(c) A prognosis for improvement, including with regard to the ability to manage the respondent's property and financial affairs if a limitation in that ability is alleged, and recommendation for the appropriate treatment, support or habilitation plan; and~~

~~—(d) The date of the examination on which the report is based.~~

~~—3. The respondent may decline to participate in an evaluation ordered under subsection 1.] (Deleted by amendment.)~~

Sec. 20. ~~[1. Except as otherwise provided in subsection 2, a hearing under sections 13 to 23, inclusive, of this act may not proceed unless the respondent attends the hearing. If it is not reasonably feasible for the respondent to attend a hearing at the location court proceedings typically are held, the court shall make reasonable efforts to hold the hearing at an alternative location convenient to the respondent or allow the respondent to attend the hearing using real time audio visual technology.~~

~~—2. A hearing under sections 13 to 23, inclusive, of this act may proceed without the respondent in attendance if the court finds by clear and convincing evidence that:~~

~~—(a) The respondent consistently and repeatedly has refused to attend the hearing after having been fully informed of the right to attend and the potential consequences of failing to do so; or~~

~~—(b) There is no practicable way for the respondent to attend and participate in the hearing even with appropriate supportive services and technological assistance.~~

~~—3. The respondent may be assisted in a hearing under sections 13 to 23, inclusive, of this act by a person or persons of the respondent's choosing, assistive technology or an interpreter or translator, or a combination of these supports. If assistance would facilitate the respondent's participation in the hearing, but is not otherwise available to the respondent, the court shall make reasonable efforts to provide it.~~

~~—4. The respondent has a right to choose an attorney to represent the respondent at a hearing under sections 13 to 23, inclusive, of this act.~~

~~—5. At a hearing under sections 13 to 23, inclusive, of this act, the respondent may:~~

~~—(a) Present evidence and subpoena witnesses and documents;~~

~~—(b) Examine witnesses, including any court appointed evaluator and the visitor; and~~

~~—(c) Otherwise participate in the hearing.~~

~~—6. A hearing under sections 13 to 23, inclusive, of this act must be closed on request of the respondent and a showing of good cause.~~

~~—7. Any person may request to participate in a hearing under sections 13 to 23, inclusive, of this act. The court may grant the request, with or without a hearing, on determining that the best interest of the respondent will be served. The court may impose appropriate conditions on the person's participation.]~~

~~(Deleted by amendment.)~~

Sec. 21. ~~[The court shall give notice of an order under sections 13 to 23, inclusive, of this act to the person who is subject to the protective arrangement instead of guardianship, a person whose access to the person who is subject to the protective arrangement is restricted by the order, and any other person the court determines.] (Deleted by amendment.)~~

Sec. 22. ~~[1. The existence of a proceeding for or the existence of a protective arrangement instead of guardianship is a matter of public record unless the court seals the record after:~~

~~—(a) The respondent or the person subject to the protective arrangement requests the record be sealed; and~~

~~—(b) Either:~~

~~—(1) The proceeding is dismissed;~~

~~—(2) The protective arrangement is no longer in effect; or~~

~~—(3) An act authorized by the order granting the protective arrangement has been completed.~~

~~2. A respondent, a person subject to a protective arrangement instead of guardianship, an attorney designated by the respondent or person subject to a protective arrangement and any other person the court determines are entitled to access court records of the proceeding and resulting protective arrangement. A person not otherwise entitled to access to court records under this subsection for good cause may petition the court for access. The court shall grant access if access is in the best interest of the respondent or person subject to the protective arrangement or furthers the public interest and does not endanger the welfare or financial interests of the respondent or person subject to the protective arrangement.~~

~~3. A report of a visitor or professional evaluation generated in the course of a proceeding under sections 13 to 23, inclusive, of this act must be sealed on filing but is available to:~~

~~—(a) The court;~~

~~—(b) The person who is the subject of the report or evaluation, without limitation as to use;~~

~~—(c) The petitioner, visitor and petitioner's and respondent's attorneys, for purposes of the proceeding;~~

~~—(d) Unless the court orders otherwise, an agent appointed under a power of attorney for finances in which the respondent is the principal;~~

~~—(e) Unless the court orders otherwise, an agent appointed under a power of attorney for health care in which the respondent is identified as the principal;~~

~~and~~

~~—(f) Any other person if it is in the public interest or for a purpose the court orders for good cause.] (Deleted by amendment.)~~

Sec. 23. ~~[The court may appoint a master of the court to assist in implementing a protective arrangement under sections 13 to 23, inclusive, of this act. The master of the court has the authority conferred by the order of appointment and serves until discharged by court order.] (Deleted by amendment.)~~

Sec. 23.3. NRS 159.0523 is hereby amended to read as follows:

159.0523 1. A petitioner may request the court to appoint a temporary guardian for a proposed protected person who is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention. To support the request, the petitioner must set forth in a petition and present to the court under oath:

(a) Documentation which shows the proposed protected person faces a substantial and immediate risk of physical harm or needs immediate medical attention and lacks capacity to respond to the risk of harm or obtain the necessary medical attention. Such documentation must include, without limitation, a certificate signed by a physician who is licensed to practice medicine in this State or who is employed by the Department of Veterans Affairs, a letter signed by any governmental agency in this State which conducts investigations or a police report indicating:

(1) That the proposed protected person is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention;

(2) Whether the proposed protected person presents a danger to himself or herself or others; and

(3) Whether the proposed protected person is or has been subjected to abuse, neglect, exploitation, isolation or abandonment; and

(b) Facts which show that:

(1) The petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 by telephone or in writing before the filing of the petition;

(2) The proposed protected person would be exposed to an immediate risk of physical harm if the petitioner were to provide notice to the persons entitled to notice pursuant to NRS 159.047 before the court determines whether to appoint a temporary guardian; or

(3) Giving notice to the persons entitled to notice pursuant to NRS 159.047 is not feasible under the circumstances.

2. The court may appoint a temporary guardian to serve for 10 days if the court:

(a) Finds reasonable cause to believe that the proposed protected person is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention; and

(b) Is satisfied that the petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 or that giving notice to those persons is not feasible under the circumstances, or determines that such notice is not required pursuant to subparagraph (2) of paragraph (b) of subsection 1.

3. Except as otherwise provided in subsection 4, after the appointment of a temporary guardian, the petitioner shall attempt in good faith to notify the persons entitled to notice pursuant to NRS 159.047, including, without limitation, notice of any hearing to extend the temporary guardianship. If the

petitioner fails to make such an effort, the court may terminate the temporary guardianship.

4. If, before the appointment of a temporary guardian, the court determined that advance notice was not required pursuant to subparagraph (2) of paragraph (b) of subsection 1, the petitioner shall notify the persons entitled to notice pursuant to NRS 159.047 without undue delay, but not later than 48 hours after the appointment of the temporary guardian or not later than 48 hours after the petitioner discovers the existence, identity and location of the persons entitled to notice pursuant to that section. If the petitioner fails to provide such notice, the court may terminate the temporary guardianship.

5. Not later than 10 days after the date of the appointment of a temporary guardian pursuant to subsection 2, the court shall hold a hearing to determine the need to extend the temporary guardianship. Except as otherwise provided in subsection 7, the court may extend the temporary guardianship until a general or special guardian is appointed pursuant to subsection 8 if:

(a) The court finds by clear and convincing evidence that the proposed protected person is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention; and

(b) The extension of the temporary guardianship is necessary and in the best interests of the proposed protected person.

6. If the court appoints a temporary guardian or extends the temporary guardianship pursuant to this section, the court shall limit the ~~powers~~ *authority* of the temporary guardian to ~~those~~ *that which is necessary to respond* ~~perform any actions required to ensure the health, safety or care of a proposed protected person, including, without limitation:~~

(a) Responding to the substantial and immediate risk of physical harm or to a need for immediate medical attention ~~fr~~; and

(b) Applying for Medicaid or other appropriate assistance, coverage or support for the proposed protected person for the purpose of providing adequate care for and ensuring the appropriate placement of the proposed protected person.

7. The court may not extend a temporary guardianship pursuant to subsection 5 beyond the initial period of 10 days unless the petitioner demonstrates that:

(a) The provisions of NRS 159.0475 have been satisfied; or

(b) Notice by publication pursuant to N.R.C.P. 4(e) is currently being undertaken.

8. The court may extend the temporary guardianship, for good cause shown, for not more than two successive 60-day periods, except that the court shall not cause the temporary guardianship to continue longer than 5 months unless extraordinary circumstances are shown.

9. If a court is making a determination regarding the extension of a temporary guardianship or the issuance of any ex parte or emergency order, the court may consider the actions taken by a temporary guardian to carry out

any requested activities for the benefit of a proposed protected person during the temporary guardianship.

Sec. 23.7. NRS 159.0535 is hereby amended to read as follows:

159.0535 1. A proposed protected person who is found in this State must attend the hearing for the appointment of a guardian unless:

(a) A certificate signed by a physician or psychiatrist who is licensed to practice in this State or who is employed by the Department of Veterans Affairs specifically states the condition of the proposed protected person, the reasons why the proposed protected person is unable to appear in court and whether the attendance of the proposed protected person at the hearing would be detrimental to the physical or mental health of the proposed protected person; ~~or~~

(b) A certificate signed by any other person the court finds qualified to execute a certificate states the condition of the proposed protected person, the reasons why the proposed protected person is unable to appear in court and whether the attendance of the proposed protected person at the hearing would be detrimental to the physical or mental health of the proposed protected person; ~~or~~; or

(c) The proposed protected person, through court-appointed or retained counsel, waives his or her appearance.

2. A proposed protected person found in this State who cannot attend the hearing for the appointment of a temporary, general or special guardian as set forth in a certificate pursuant to subsection 1 may appear by telephone or by videoconference. ~~If the proposed protected person cannot attend by videoconference, the person who signs the certificate described in subsection 1 or any other person the court finds qualified shall:~~

~~(a) Inform the proposed protected person that the petitioner is requesting that the court appoint a guardian for the proposed protected person;~~

~~(b) Ask the proposed protected person for a response to the guardianship petition; and~~

~~(c) Ask the preferences of the proposed protected person for the appointment of a particular person as the guardian of the proposed protected person; or any other means that uses audio-video communication.~~

3. ~~The person who informs the proposed protected person of the rights of the proposed protected person pursuant to subsection 2 shall state in a certificate signed by that person:~~

~~(a) The responses of the proposed protected person to the questions asked pursuant to subsection 2; and~~

~~(b) Any conditions that the person believes may have limited the responses by the proposed protected person.~~

~~4. The court may prescribe the form in which a certificate required by this section must be filed. If the certificate consists of separate parts, each part must be signed by the person who is required to sign the certificate.~~

~~5. If the proposed protected person is not in this State, the proposed protected person must attend the hearing only if the court determines that the~~

attendance of the proposed protected person is necessary in the interests of justice.

4. As used in this section, "audio-video communication" means communication by which a person is able to see, hear and communicate with another person in real time using electronic means.

Sec. 24. NRS 159.079 is hereby amended to read as follows:

159.079 1. Except as otherwise ordered by the court, a guardian of the person has the care, custody and control of the person of the protected person, and has the authority and, subject to subsection 2, shall perform the duties necessary for the proper care, maintenance, education and support of the protected person, including, without limitation, the following:

(a) Supplying the protected person with food, clothing, shelter and all incidental necessities, including locating an appropriate residence for the protected person based on the financial situation and needs of the protected person, including, without limitation, any medical needs or needs relating to his or her care.

(b) Taking reasonable care of any clothing, furniture, vehicles and other personal effects of the protected person and commencing a proceeding if any property of the protected person is in need of protection.

(c) Authorizing medical, surgical, dental, psychiatric, psychological, hygienic or other remedial care and treatment for the protected person.

(d) Seeing that the protected person is properly trained and educated and that the protected person has the opportunity to learn a trade, occupation or profession.

2. In the performance of the duties enumerated in subsection 1 by a guardian of the person, due regard must be given to the extent of the estate of the protected person. A guardian of the person is not required to incur expenses on behalf of the protected person except to the extent that the estate of the protected person is sufficient to reimburse the guardian.

3. A guardian of the person is the personal representative of the protected person for purposes of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any applicable regulations. The guardian of the person has authority to obtain information from any government agency, medical provider, business, creditor or third party who may have information pertaining to the health care or health insurance of the protected person.

4. A guardian of the person may, subject to the provisions of subsection 6 and NRS 159.0807, establish and change the residence of the protected person at any place within this State. The guardian shall select the least restrictive appropriate residence which is available and necessary to meet the needs of the protected person and which is financially feasible.

5. A guardian of the person shall petition the court for an order authorizing the guardian to change the residence of the protected person to a location outside of this State. The guardian must show that the placement outside of this State is in the best interest of the protected person or that there is no appropriate residence available for the protected person in this State. The court

shall retain jurisdiction over the guardianship unless the guardian files for termination of the guardianship pursuant to NRS 159.1905 or 159.191 or the jurisdiction of the guardianship is transferred to the other state.

6. A guardian of the person must file a notice with the court of his or her intent to move a protected person to or place a protected person in a secured residential long-term care facility pursuant to subsection 4 of NRS 159.0807 unless the secured residential long-term care facility is in this State and:

(a) An emergency condition exists pursuant to *paragraph (a) of subsection ~~{5}~~ 4* of NRS 159.0807;

(b) The court has previously granted the guardian authority to move the protected person to or place the protected person in such a facility based on findings made when the court appointed the guardian; or

(c) The move or placement is made pursuant to a written recommendation by a licensed physician, a physician employed by the Department of Veterans Affairs, a licensed social worker or an employee of a county or state office for protective services.

7. This section does not relieve a parent or other person of any duty required by law to provide for the care, support and maintenance of any dependent.

8. As used in this section "protective services" has the meaning ascribed to it in NRS 200.5092.

Sec. 25. NRS 159.0807 is hereby amended to read as follows:

159.0807 1. Every protected person has the right, if possible, to:

(a) Have his or her preferences followed; and

(b) Age in his or her own surroundings or, if not possible, in the least restrictive environment suitable to his or her unique needs and abilities.

2. Except as otherwise provided in subsection ~~{5}~~ 4, a proposed protected person must not be moved until a guardian is appointed.

3. Except as otherwise provided in this section and subsections 5 and 6 of NRS 159.079, the guardian shall notify all interested persons in accordance with subsection 4 ~~{before}~~ if the protected person:

(a) Is admitted to ~~{a secured}~~ any residential long-term care facility;

(b) Changes his or her residence, including, without limitation, to or from one ~~{secured}~~ residential long-term care facility to another; or

(c) ~~{Will reside at a location other than his or her residence for more than 3 days.}~~ *Is admitted to a hospital or is temporarily placed in a facility that provides rehabilitative services.*

4. Except as otherwise provided in this section and subsections 5 and 6 of NRS 159.079, a guardian shall file with the court a notice of his or her intent to move the protected person *to a higher level of care* and shall serve notice upon all interested persons not less than 10 days before moving the protected person ~~{}~~ unless:

(a) An emergency condition exists, including, without limitation, an emergency condition that presents a risk of imminent harm to the health or

safety of the protected person, and the protected person will be unable to return to his or her residence for a period of more than 24 hours;

(b) The move or change in placement is made pursuant to a written recommendation by a licensed physician, a physician employed by the Department of Veterans Affairs, a licensed social worker or an employee of a county or state office for protective services; or

(c) The move or change in placement is a result of the protected person being admitted to a hospital or facility that provides rehabilitative services.

5. If an emergency condition exists pursuant to paragraph (a) of subsection 4, the guardian may take temporary action to mitigate the condition without the permission of the court, and shall file notice with the court and serve such notice upon all interested parties as soon as practicable after the action is taken.

6. If no objection to the move is received from any interested person within 10 days after receiving ~~the~~ a notice ~~to~~ pursuant to subsection 4 or 5, the guardian may move the protected person without court permission.

~~{5. If an emergency condition exists, including, without limitation, the health or safety of the protected person is at risk of imminent harm or the protected person has been hospitalized and will be unable to return to his or her residence for a period of more than 24 hours, the guardian may take any temporary action needed without the permission of the court and shall file notice with the court and serve notice upon all interested persons as soon as practicable after taking such action.~~

~~{6.} Once a permanent placement for the protected person is established, the guardian shall, as soon as practicable after such placement, file a notice of change of address with the court.~~

7. Except as otherwise provided in this subsection, any notice provided to a court, an interested person or person of natural affection pursuant to this section or NRS 159.0809 must include the current location of the protected person. The guardian shall not provide any contact information to an interested person or person of natural affection if an order of protection has been issued against the interested person or person of natural affection on behalf of the protected person.

~~{7.}~~ 8. A guardian is not required to provide notice to an interested person or person of natural affection in accordance with this section or NRS 159.0809 if:

(a) The interested person or person of natural affection informs the guardian in writing that the person does not wish to receive such notice; or

(b) The protected person or a court order has expressly prohibited the guardian from providing notice to the interested person or person of natural affection.

Sec. 26. NRS 159.081 is hereby amended to read as follows:

159.081 1. A guardian of the person shall make and file in the guardianship proceeding for review of the court a written report on the

condition of the protected person and the exercise of authority and performance of duties by the guardian:

(a) Annually, not later than 60 days after the anniversary date of the appointment of the guardian;

(b) Within 10 days of moving a protected person to a secured residential long-term care facility; and

(c) At such other times as the court may order.

2. A report filed pursuant to paragraph (b) of subsection 1 must:

(a) Include a copy of the written recommendation upon which the transfer was made; and

(b) ~~Be~~ *Except as otherwise provided in subsection 6, be served, without limitation, on the protected person and any attorney for the protected person.*

3. The court may prescribe the form for filing a report described in subsection 1. Such a report must include, without limitation:

(a) The physical condition of the protected person;

(b) The place of residence of the protected person;

(c) The name of all other persons living with the protected person unless the protected person is residing at a secured residential long-term care facility, group home, supportive living facility, *home in which supported living arrangement services are provided*, assisted living facility or other facility for long-term care; and

(d) Any other information required by the court.

4. The guardian of the person shall give to the guardian of the estate, if any, a copy of each report not later than 30 days after the date the report is filed with the court.

5. The court is not required to hold a hearing or enter an order regarding the report.

6. *The court may waive the requirement set forth in paragraph (b) of subsection 2 that a report filed pursuant to paragraph (b) of subsection 1 must be served on a protected person upon a showing that ~~such~~*

~~(a) Such~~ *such service is detrimental to the physical or mental health of the protected person. ~~or~~*

~~(b) The protected person is unable to understand the contents of the report.~~

7. As used in this section ~~(, "facility")~~ :

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

(b) "Supported living arrangement services" has the meaning ascribed to it in NRS 435.3315.

Sec. 27. NRS 159.154 is hereby amended to read as follows:

159.154 1. The guardian may sell the personal property of a protected person at:

(a) The residence of the protected person; or

(b) Any other location designated by the guardian.

2. The guardian may sell the personal property only if the property is made available for inspection at the time of the sale or photographs of the personal property are posted on an appropriate auction website on the Internet.

3. Personal property may be sold for cash or upon credit.

4. Except as otherwise provided in NRS 159.1515, a sale or disposition of any personal property of the protected person must not be commenced until 30 days after an inventory of the property is filed with the court and a copy thereof is sent by regular mail to the persons specified in NRS 159.034. An affidavit of mailing must be filed with the court.

5. The guardian is responsible for the actual value of the personal property unless the guardian makes a report to the court, not later than 90 days after the conclusion of the sale, showing that good cause existed for the sale and that the property was sold for a price that was not disproportionate to the value of the property.

6. ~~The~~ *Except as otherwise provided in subsection 7, the family members of the protected person and any interested persons must be offered the first right of refusal to acquire the personal property of the protected person at fair market value. Claims to acquire the personal property must be considered in the following order of priority:*

(a) *The spouse or domestic partner of the protected person;*

(b) *A child of the protected person;*

(c) *The parents of the protected person;*

(d) *A sibling of the protected person;*

(e) *The nearest living relative of the protected person by blood or adoption;*
and

(f) *Any other interested party.*

7. *If multiple claims are received from the same priority group pursuant to subsection 6 and an agreement cannot be reached after good faith efforts have been made, the guardian may sell the property.*

Sec. 28. NRS 159.179 is hereby amended to read as follows:

159.179 1. An account made and filed by a guardian of the estate or special guardian who is authorized to manage the property of a protected person must include, without limitation, the following information:

(a) The period covered by the account.

(b) The assets of the protected person at the beginning and end of the period covered by the account, including the beginning and ending balances of any accounts.

(c) All cash receipts and disbursements during the period covered by the account, including, without limitation, any disbursements for the support of the protected person or other expenses incurred by the estate during the period covered by the account.

(d) All claims filed and the action taken regarding the account.

(e) Any changes in the property of the protected person due to sales, exchanges, investments, acquisitions, gifts, mortgages or other transactions which have increased, decreased or altered the property holdings of the

protected person as reported in the original inventory or the preceding account, including, without limitation, any income received during the period covered by the account.

(f) Any other information the guardian considers necessary to show the condition of the affairs of the protected person.

(g) Any other information required by the court.

2. All expenditures included in the account must be itemized.

3. If the account is for the estates of two or more protected persons, it must show the interest of each protected person in the receipts, disbursements and property. As used in this subsection, "protected person" includes a protected minor.

4. Receipts or vouchers for all expenditures must be retained by the guardian for examination by the court or an interested person. A ~~public~~ guardian shall produce such receipts or vouchers upon the request of the court, the protected person to whom the receipt or voucher pertains, the attorney of such a protected person or any interested person. ~~All other guardians~~ The guardian shall file such receipts or vouchers with the court *only* if:

~~(a) The receipt or voucher is for an amount greater than \$250, unless such a requirement is waived by the court; or~~

~~(b) The~~ the court orders the filing.

5. On the court's own motion or on ex parte application by an interested person which demonstrates good cause, the court may:

(a) Order production of the receipts or vouchers that support the account; and

(b) Examine or audit the receipts or vouchers that support the account.

6. If a receipt or voucher is lost or for good reason cannot be produced on settlement of an account, payment may be proved by the oath of at least one competent witness. The guardian must be allowed expenditures if it is proven that:

(a) The receipt or voucher for any disbursement has been lost or destroyed so that it is impossible to obtain a duplicate of the receipt or voucher; and

(b) Expenses were paid in good faith and were valid charges against the estate.

Sec. 29. Chapter 159A of NRS is hereby amended by adding thereto the provisions set forth as sections 30 and 31 of this act.

Sec. 30. 1. *The court at any time may appoint a successor guardian to serve immediately or when a designated event occurs.*

2. *A person entitled under NRS 159A.044 to petition the court to appoint a guardian may petition the court to appoint a successor guardian.*

3. *A successor guardian appointed to serve when a designated event occurs may act as guardian when:*

(a) *The event occurs; and*

(b) *The successor has taken the official oath and filed a bond as provided in this chapter, and letters of guardianship have been issued.*

4. A successor guardian has the predecessor's powers unless otherwise provided by the court.

Sec. 31. 1. The court may appoint a temporary substitute guardian for a protected minor for a period not exceeding 6 months if:

(a) A proceeding to remove a guardian for the protected minor is pending;
or

(b) The court finds a guardian is not effectively performing the guardian's duties and the welfare of the protected minor requires immediate action.

2. Except as otherwise ordered by the court, a temporary substitute guardian appointed under this section has the powers stated in the order of appointment of the guardian. The authority of the existing guardian is suspended for as long as the temporary substitute guardian has authority.

3. The court shall give notice of appointment of a temporary substitute guardian, not later than 5 days after the appointment, to:

(a) The protected minor;
(b) The affected guardian; and
(c) Each parent of the protected minor and any person currently having care or custody of the protected minor.

4. The court may remove a temporary substitute guardian at any time. The temporary substitute guardian shall make any report the court requires.

5. As used in this section, "parent" does not include a person whose parental rights have been terminated.

Sec. 31.5. NRS 159A.0535 is hereby amended to read as follows:

159A.0535 1. A proposed protected minor who is found in this State must attend the hearing for the appointment of a guardian unless:

(a) A certificate signed by a physician or psychiatrist who is licensed to practice in this State specifically states the condition of the proposed protected minor, the reasons why the proposed protected minor is unable to appear in court and whether the proposed protected minor's attendance at the hearing would be detrimental to the physical or mental health of the proposed protected minor; or

(b) A certificate signed by any other person the court finds qualified to execute a certificate states the condition of the proposed protected minor, the reasons why the proposed protected minor is unable to appear in court and whether the proposed protected minor's attendance at the hearing would be detrimental to the physical or mental health of the proposed protected minor.

2. A proposed protected minor found in this State who cannot attend the hearing for the appointment of a guardian as set forth in a certificate pursuant to subsection 1 may appear by telephone or by videoconference ~~or~~ or any other means that uses audio-video communication.

3. The court may prescribe the form in which a certificate required by this section must be filed. If the certificate consists of separate parts, each part must be signed by the person who is required to sign the certificate.

4. If the proposed protected minor is not in this State, the proposed protected minor must attend the hearing only if the court determines that the

attendance of the proposed protected minor is necessary in the interests of justice.

5. As used in this section, "audio-video communication" means communication by which a person is able to see, hear and communicate with another person in real time using electronic means.

Sec. 32. ~~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.790, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140, 453.164, 453.720, 453A.610,~~

~~453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, and section 22 of this act, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.~~

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

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

~~information from the information included in the public book or record that is not otherwise confidential.~~

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

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

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

Sec. 33. NRS 247.305 is hereby amended to read as follows:

247.305 1. If another statute specifies the fee to be charged for a service, county recorders shall charge and collect only the fee specified. Otherwise, unless prohibited by NRS 375.060, county recorders shall charge and collect the following fees:

- (a) For recording a document \$25
- (b) For copying a record, for each page \$1
- (c) For certifying, including certificate and seal \$4
- (d) For a certified copy of a certificate of marriage \$10
- (e) For a certified abstract of a certificate of marriage \$10
- (f) For a certified copy of a certificate of marriage or for a certified abstract

of a certificate of marriage, the additional sum of \$5 for the Account for Aid for Victims of Domestic Violence in the State General Fund. The fees collected for this purpose 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 must be credited to that Account. The county treasurer shall, on or before the 15th day of each month, remit those fees deposited by the recorder to the State Controller for credit to that Account.

2. Except as otherwise provided in this subsection and NRS 375.060, a county recorder may charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee not to exceed \$5 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder may not charge the additional fee authorized in this subsection for recording an originally signed certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him or her pursuant to this subsection to the county treasurer for credit to the account established pursuant to NRS 247.306.

3. Except as otherwise provided in this subsection and NRS 375.060, a county recorder shall charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee of ~~[\$5]~~ \$6 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder shall not charge the

additional fee authorized in this subsection for recording an originally signed certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him or her pursuant to this subsection to the county treasurer. On or before the 15th day of each month, the county treasurer shall remit the money received by him or her pursuant to this subsection in the following amounts for each fee received:

(a) ~~Three~~ Four dollars:

(1) To the organization operating the program for legal services for the indigent that receives the fees charged pursuant to NRS 19.031 to be used to provide legal services for:

(I) Protected persons or proposed protected persons who are adults in guardianship proceedings; and

(II) If sufficient funding exists, protected persons or proposed protected persons who are minors in guardianship proceedings, including, without limitation, any guardianship proceeding involving an allegation of financial mismanagement of the estate of a minor; or

(2) If the organization described in subparagraph (1) does not exist in the judicial district, to an account maintained by the county for the exclusive use of the district court to pay the reasonable compensation and expenses of attorneys to represent protected persons and proposed protected persons who are adults and do not have the ability to pay such compensation and expenses, in accordance with NRS 159.0485.

(b) One dollar to the State Treasurer for credit to the Account to Assist Persons Formerly in Foster Care established pursuant to NRS 432.017.

(c) One dollar to an account maintained by the county for the exclusive use of the district court to pay ~~the~~ :

(1) The compensation of ~~investigators~~ :

(I) *Investigators* appointed by the court pursuant to NRS 159A.046 ~~;~~
;*and*

(II) *Attorneys for protected persons and proposed protected persons who are minors in guardianship proceedings; and*

(2) *For self-help assistance for protected persons and proposed protected persons who are minors in guardianship proceedings.*

4. Except as otherwise provided in this subsection and NRS 375.060, a board of county commissioners may, in addition to any fee that a county recorder is otherwise authorized to charge and collect, impose by ordinance a fee of not more than \$6 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder shall not charge the additional fee authorized by this subsection for recording an originally signed certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him or her pursuant to this subsection to the county treasurer. On or before the 15th day of each month, the county treasurer shall remit the money received by him or her pursuant to this subsection to the

organization operating the program for legal services for the indigent that receives the fees charged pursuant to NRS 19.031 to be used to provide legal services for abused and neglected children, including, without limitation, to compensate attorneys appointed to represent such children pursuant to NRS 128.100 and 432B.420.

5. Except as otherwise provided in subsection 6, a county recorder shall not charge or collect any fees for any of the services specified in this section when rendered by the county recorder to:

(a) The county in which the county recorder's office is located.

(b) The State of Nevada or any city or town within the county in which the county recorder's office is located, if the document being recorded:

(1) Conveys to the State, or to that city or town, an interest in land;

(2) Is a mortgage or deed of trust upon lands within the county which names the State or that city or town as beneficiary;

(3) Imposes a lien in favor of the State or that city or town; or

(4) Is a notice of the pendency of an action by the State or that city or town.

6. A county recorder shall charge and collect the fees specified in this section for copying any document at the request of the State of Nevada, and any city or town within the county. For copying, and for his or her certificate and seal upon the copy, the county recorder shall charge the regular fee.

7. If the amount of money collected by a county recorder for a fee pursuant to this section:

(a) Exceeds by \$5 or less the amount required by law to be paid, the county recorder shall deposit the excess payment with the county treasurer for credit to the county general fund.

(b) Exceeds by more than \$5 the amount required by law to be paid, the county recorder shall refund the entire amount of the excess payment.

8. Except as otherwise provided in subsection 2, 3, 4 or 7 or by an ordinance adopted pursuant to the provisions of NRS 244.207, county recorders shall, on or before the fifth working day of each month, account for and pay to the county treasurer all such fees collected during the preceding month.

9. For the purposes of this section, "State of Nevada," "county," "city" and "town" include any department or agency thereof and any officer thereof in his or her official capacity.

Sec. 34. 1. This section and section 3.5 of this act become effective upon passage and approval.

2. Sections 1, 2, 3 and 23.3 to 31.5, inclusive, of this act become effective on July 1, 2019.

3. Section 33 of this act becomes effective on October 1, 2019.

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 75 to Senate Bill No. 20 makes revisions consistent with recommendations made by the Nevada Supreme Court's Guardianship Commission after the bill was requested. It

retains definitions in sections 6 and 12 of this bill consistent with another piece of legislation that is currently under consideration. It deletes sections 13 to 23 of the bill to alleviate fiscal concerns raised by county governments. It adds a new subsection 4 of section 23.1 to address concerns related to the expedited transfer of a proposed protected person out of acute-care facilities during the pendency of a guardianship. It also increases the recording fee supporting representation of protected persons and expands the use of an existing fee-funded account held by the court to support additional representation and self-help in minor guardianship proceedings.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 69.

Bill read second time.

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

Amendment No. 29.

SUMMARY—Revises provisions relating to emergencies and cybersecurity. (BDR 19-350)

AN ACT relating to public safety; designating the month of October of each year as "Cybersecurity Awareness Month"; revising requirements relating to emergency response plans for schools, cities, counties and resort hotels; clarifying the authority of the Governor to call members of the Nevada National Guard into state active duty ~~in the event of~~ upon a request for assistance from certain governmental entities that have experienced a significant cybersecurity incident; requiring each city or county to adopt and maintain a cybersecurity incident response plan; requiring the Nevada Office of Cyber Defense Coordination of the Department of Public Safety to provide certain training and briefings and submit a quarterly report to the Governor regarding cybersecurity; and providing other matters properly relating thereto. Legislative Counsel's Digest:

Under existing law, various days, weeks and months of observance are recognized in this State. (NRS 236.018-236.073) Section 1 of this bill designates the month of October of each year as "Cybersecurity Awareness Month" in this State and requires the Governor to issue annually a proclamation encouraging the observance of Cybersecurity Awareness Month.

Existing law requires certain persons or entities to develop an emergency response plan for a school, a city or county, a resort hotel and a utility. (NRS 239C.250, 239C.270, 388.243, 394.1685, 463.790) Sections 3, ~~4, 5~~ and 8 of this bill standardize the requirements for ~~such an~~ emergency response ~~plan~~ plans for a city or county or resort hotel so that each such ~~person or~~ entity: (1) is required to annually review the plan and provide a copy of each updated plan to the Division of Emergency Management of the Department of Public Safety by a certain date; or (2) is authorized to submit a written certification in lieu of a revised plan if the plan has not changed. Sections 4 and 5 of this bill similarly require the board of trustees of a school district, the governing body of a charter school or the development committee of a private school to annually review and update an emergency response plan

for the applicable school or schools and submit the plan to the Division by a certain date.

Section 8 ~~also~~ additionally requires an emergency response plan developed by a resort hotel to include the name and telephone number of the person responsible for ensuring that the resort hotel is in compliance with the requirements in existing law relating to emergency response plans. In addition, section 8 requires the Nevada Gaming Control Board to provide a list of resort hotels to the Division upon request if the Board maintains such a list. Section 7 of this bill requires the Chief of the Division to provide notice to ~~the heads of certain state agencies~~ certain public officers or bodies regarding whether a person or ~~governmental~~ entity the ~~agency~~ officer or body oversees has complied with the requirement that the person or ~~governmental~~ entity annually submit a revised plan or , if applicable, a written certification. Section 7 also requires the Division to: (1) develop a written guide to assist a person or governmental entity that is required to file an emergency response plan; and (2) provide the guide to certain persons or governmental entities that are required to file an emergency response plan.

Under existing law, the Governor is authorized to order the Nevada National Guard into active service of the State for invasions, disasters, riots and other substantial threats to life or property. (NRS 412.122) Section 6 of this bill provides specific authority to the Governor to call members of the Nevada National Guard into such active service ~~in the event of~~ upon a request for assistance from a political subdivision or governmental utility that has experienced a significant cybersecurity incident.

The Nevada Office of Cyber Defense Coordination is created under existing law in the Department of Public Safety. (NRS 480.920) The Office is required to perform a variety of duties relating to the security of information systems of agencies of the Executive Branch of State Government and to prepare and maintain a statewide strategic plan regarding the security of information systems in Nevada. (NRS 480.924-480.930)

Section 9 of this bill requires each city or county to adopt and maintain a cybersecurity incident response plan and file the plan with the Office and the Division of Emergency Management. Section 9 requires each city or county to review this plan at least once each year and, on or before December 31 of each year, file with the Office and the Division: (1) any revised plan resulting from the review; or (2) a written certification that the most recent plan filed is the current plan for the city or county. Section 9 also makes such plans confidential. Section 2 of this bill makes a conforming change.

Section 11 of this bill requires the Office to provide training on cybersecurity awareness to employees of agencies of the Executive Branch and requires those employees to complete such training once every calendar quarter. Section 11 also requires the Office to: (1) post and maintain on its website a list of countries that the Office determines to have a high risk of threats to the cybersecurity of visitors; and (2) provide briefings to employees of the Executive Branch who are scheduled to travel to such a country on state

business relating to the safeguarding of their electronic devices and other equipment. Section 12 of this bill requires each agency of the State Government that has adopted a cybersecurity policy to: (1) test periodically the adherence of its employees to that policy; and (2) submit the results of the testing to the Office for consideration in the update of the statewide strategic plan. Finally, in addition to the annual report that the Office is required to submit in existing law regarding its activities, section 13 of this bill requires the Office to submit a quarterly report to the Governor assessing the preparedness of Nevada to counteract, prevent and respond to potential cybersecurity threats.

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

Section 1. Chapter 236 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The month of October of each year is designated as "Cybersecurity Awareness Month" in this State.*

2. *The Governor shall issue annually a proclamation encouraging the observance of Cybersecurity Awareness Month. The proclamation may, without limitation:*

(a) *Call upon state and local governmental agencies, private nonprofit groups and foundations, schools, businesses and other public and private entities to work toward the goal of helping all Americans stay safer and more secure online;*

(b) *Recognize the danger that cybersecurity threats pose to the economy and public infrastructure of this State; and*

(c) *Recognize the importance of collaboration among the departments and agencies in this State, the federal government and the private sector to keep this State safe from cybersecurity threats and to protect the residents of this State in the digital domain.*

Sec. 2. 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 9 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. 3. NRS 239C.250 is hereby amended to read as follows:

239C.250 1. Each political subdivision shall adopt and maintain a response plan. Each new or revised plan must be filed within 10 days after adoption or revision with:

(a) The Division; and

(b) Each response agency that provides services to the political subdivision.

2. The response plan required by subsection 1 *and any revised response plan pursuant to subsection 3* must include:

(a) A drawing or map of the layout and boundaries of the political subdivision;

(b) A drawing or description of the streets and highways within, and leading into and out of, the political subdivision, including any approved routes for evacuation;

(c) The location and inventory of emergency response equipment and resources within the political subdivision;

(d) The location of any unusually hazardous substances within the political subdivision;

(e) A telephone number that may be used by residents of the political subdivision to receive information and to make reports with respect to an act of terrorism or related emergency;

(f) The location of one or more emergency response command posts that are located within the political subdivision;

(g) A depiction of the location of each police station, sheriff's office and fire station that is located within the political subdivision;

(h) Plans for the continuity of the operations and services of the political subdivision, which plans must be consistent with the provisions of NRS 239C.260; and

(i) Any other information that the Commission may determine to be relevant.

3. *Each political subdivision shall review its response plan at least once each year and, as soon as practicable after the review is completed but not later than December 31 of each year, file with the Division and each response agency that provides services to the political subdivision:*

(a) Any revised response plan resulting from the review; or

(b) A written certification that the most recent response plan filed pursuant to subsection 1 is the current response plan for the political subdivision.

4. Except as otherwise provided in NRS 239.0115, a plan filed pursuant to the requirements of this section, including any revisions adopted thereto, is confidential and must be securely maintained by the entities with whom it is filed pursuant to subsection 1 ~~or~~ 3. An officer, employee or other person to whom the plan is entrusted by the entity with whom it is filed shall not disclose the contents of such a plan except:

(a) Upon the lawful order of a court of competent jurisdiction;

(b) As is reasonably necessary in the case of an act of terrorism or related emergency; or

(c) Pursuant to the provisions of NRS 239.0115.

Sec. 4. NRS 388.245 is hereby amended to read as follows:

388.245 1. Each development committee shall, at least once each year, review and update as appropriate the plan that it developed pursuant to NRS 388.243. In reviewing and updating the plan, the development committee shall consult with the director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.

2. Each development committee shall provide ~~not~~

~~(a) Provide~~ an updated copy of the plan to the board of trustees of the school district that established the committee or the governing body of the charter school that established the committee. ~~if applicable~~

~~(b) Notify the board of trustees of the school district or the governing body of the charter school that established the committee, as applicable, that the committee did not make any revision to the plan.~~

3. On or before July 1 of each year, the board of trustees of the school district that established the committee or the governing body of the charter school that established the committee shall submit for approval to the Division of Emergency Management of the Department of Public Safety the plan updated pursuant to subsection 1.

4. The board of trustees of each school district and the governing body of each charter school shall:

(a) Post a notice of the completion of each review and update ~~if applicable~~ that its development committee performs pursuant to subsection 1 at each school in its school district or at its charter school;

(b) File with the Department a copy of the notice provided pursuant to paragraph (a);

(c) Post a copy of NRS 388.229 to 388.266, inclusive, at each school in its school district or at its charter school;

(d) Retain a copy of each plan developed pursuant to NRS 388.243, each plan updated pursuant to subsection 1 and each deviation approved pursuant to NRS 388.251;

(e) Provide a copy of each plan developed pursuant to NRS 388.243 and each plan updated pursuant to subsection 1 to:

(1) Each local public safety agency in the county in which the school district or charter school is located; *and*

~~(2) The Division of Emergency Management of the Department of Public Safety; on or before July 31 of each year; and~~

~~(3)~~ The local organization for emergency management, if any;

(f) Upon request, provide a copy of each plan developed pursuant to NRS 388.243 and each plan updated pursuant to subsection 1 to a local agency that is included in the plan and to an employee of a school who is included in the plan;

(g) Provide a copy of each deviation approved pursuant to NRS 388.251 as soon as practicable to:

(1) The Department;

(2) A local public safety agency in the county in which the school district or charter school is located;

(3) The Division of Emergency Management of the Department of Public Safety;

(4) The local organization for emergency management, if any;

(5) A local agency that is included in the plan; and

(6) An employee of a school who is included in the plan; and

(h) At least once each year, provide training in responding to a crisis and training in responding to an emergency to each employee of the school district or of the charter school, including, without limitation, training concerning drills for evacuating and securing schools.

~~[4. If, upon reviewing the plan that it developed pursuant to NRS 388.243, a development committee does not make any updates to the plan, the board of trustees of the school district or the governing body of the charter school that established the committee shall, in addition to the requirements prescribed by paragraph (c) of subsection 3, file with the Division of Emergency Management of the Department of Public Safety on or before July 31 of each year a written certification that the most recent plan provided to the Division pursuant to this section is the current plan for the school district or charter school.]~~

5. The board of trustees of each school district and the governing body of each charter school may apply for and accept gifts, grants and contributions from any public or private source to carry out the provisions of NRS 388.229 to 388.266, inclusive.

Sec. 5. NRS 394.1688 is hereby amended to read as follows:

394.1688 1. Each development committee shall, at least once each year, review and update as appropriate the plan that it developed pursuant to NRS 394.1687. In reviewing and updating the plan, the development committee shall consult with the director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.

2. ~~[Each]~~ On or before July 1 of each year, each development committee shall provide ~~provide~~ ~~(a) Provide~~ an updated copy of the plan to the governing body of the school ~~;~~ ~~or~~ ~~(b) Notify the governing body of the school that the committee did not make any revisions to the plan.]~~

3. The governing body of each private school shall:

(a) Post a notice of the completion of each review and update ~~if~~ ~~applicable,~~ that its development committee performs pursuant to subsection 1 at the school;

(b) File with the Department a copy of the notice provided pursuant to paragraph (a);

(c) Post a copy of NRS 388.253 and 394.168 to 394.1699, inclusive, at the school;

(d) Retain a copy of each plan developed pursuant to NRS 394.1687, each plan updated pursuant to subsection 1 and each deviation approved pursuant to NRS 394.1692;

(e) ~~[Provide]~~ On or before July 1 of each year, provide a copy of each plan developed pursuant to NRS 394.1687 and each plan updated pursuant to subsection 1 to:

(1) Each local public safety agency in the county in which the school is located;

(2) The Division of Emergency Management of the Department of Public Safety; ~~on or before July 31 of each year;~~ and

(3) The local organization for emergency management, if any;

(f) Upon request, provide a copy of each plan developed pursuant to NRS 394.1687 and each plan updated pursuant to subsection 1 to a local agency that is included in the plan and to an employee of the school who is included in the plan;

(g) Upon request, provide a copy of each deviation approved pursuant to NRS 394.1692 to:

(1) The Department;

(2) A local public safety agency in the county in which the school is located;

(3) The Division of Emergency Management of the Department of Public Safety;

(4) The local organization for emergency management, if any;

(5) A local agency that is included in the plan; and

(6) An employee of the school who is included in the plan; and

(h) At least once each year, provide training in responding to a crisis and training in responding to an emergency to each employee of the school, including, without limitation, training concerning drills for evacuating and securing the school.

~~4. If, upon reviewing the plan that it developed pursuant to NRS 394.1687, a development committee does not make any revisions to the plan, the governing body of the private school shall, in addition to the requirements prescribed by paragraph (c) of subsection 3, file with the Division of Emergency Management of the Department of Public Safety on or before July 31 of each year a written certification that the most recent plan provided to the Division pursuant to this section is the current plan for the private school.~~

~~5.~~ As used in this section, "public safety agency" has the meaning ascribed to it in NRS 388.2345.

Sec. 6. NRS 412.122 is hereby amended to read as follows:

412.122 1. The Governor may in case of invasion, disaster, insurrection, riot, breach of the peace, or imminent danger thereof, ~~for a significant cybersecurity incident~~ or other substantial threat to life or property, or upon a request for assistance from a political subdivision or governmental utility, as defined in NRS 239C.050, that has experienced a significant cybersecurity incident, order into active service of the State for such a period, to such an extent and in such a manner as he or she deems necessary all or any part of the Nevada National Guard. The authority of the Governor includes the power to order the Nevada National Guard or any part thereof to function under the operational control of the United States Army, Navy or Air Force commander

in charge of the defense of any area within the State which is invaded or attacked or is or may be threatened with invasion or attack.

2. In case of the absence of the Governor from the State, or if it is impossible to communicate immediately with the Governor, the civil officer making a requisition for troops may, if the civil officer deems the necessity imminent and not admitting of delay, serve a copy of the requisition, together with a statement of the Governor's absence or the impossibility of immediately communicating with the Governor, upon the following officers in this order:

- (a) Lieutenant Governor;
- (b) Adjutant General; and
- (c) Other officers designated in a chain of command prescribed by Office regulations.

↳ If the call is afterward disapproved by the Governor, the troops called into service must be disbanded immediately.

3. The Governor may order into active service of the State for such a period, to such an extent and in such a manner as the Governor deems necessary units or individual members of the Nevada National Guard when in his or her judgment the services of the units or members are required for:

- (a) The furtherance of the organization, maintenance, discipline or training of the Nevada National Guard;
- (b) The welfare of the public; or
- (c) Ceremonial functions of the State Government.

4. Whenever any portion of the Nevada National Guard is employed pursuant to subsection 1, the Governor, if in his or her judgment the maintenance of law and order will thereby be promoted, may by proclamation declare the county or city in which the troops are serving, or any specified portion thereof, to be under martial law.

Sec. 7. NRS 414.040 is hereby amended to read as follows:

414.040 1. A Division of Emergency Management is hereby created within the Department of Public Safety. The Chief of the Division is appointed by and holds office at the pleasure of the Director of the Department of Public Safety. The Division is the State Agency for Emergency Management and the State Agency for Civil Defense for the purposes of the Compact ratified by the Legislature pursuant to NRS 415.010. The Chief is the State's Director of Emergency Management and the State's Director of Civil Defense for the purposes of that Compact.

2. The Chief may employ technical, clerical, stenographic and other personnel as may be required, and may make such expenditures therefor and for other expenses of his or her office within the appropriation therefor, or from other money made available to him or her for purposes of emergency management, as may be necessary to carry out the purposes of this chapter.

3. The Chief, subject to the direction and control of the Director, shall carry out the program for emergency management in this state. The Chief shall coordinate the activities of all organizations for emergency management within the State, maintain liaison with and cooperate with agencies and

organizations of other states and of the Federal Government for emergency management and carry out such additional duties as may be prescribed by the Director.

4. The Chief shall assist in the development of comprehensive, coordinated plans for emergency management by adopting an integrated process, using the partnership of governmental entities, business and industry, volunteer organizations and other interested persons, for the mitigation of, preparation for, response to and recovery from emergencies or disasters. In adopting this process, the Chief shall conduct activities designed to:

(a) Eliminate or reduce the probability that an emergency will occur or to reduce the effects of unavoidable disasters;

(b) Prepare state and local governmental agencies, private organizations and other persons to be capable of responding appropriately if an emergency or disaster occurs by fostering the adoption of plans for emergency operations, conducting exercises to test those plans, training necessary personnel and acquiring necessary resources;

(c) Test periodically plans for emergency operations to ensure that the activities of state and local governmental agencies, private organizations and other persons are coordinated;

(d) Provide assistance to victims, prevent further injury or damage to persons or property and increase the effectiveness of recovery operations; and

(e) Restore the operation of vital community life-support systems and return persons and property affected by an emergency or disaster to a condition that is comparable to or better than what existed before the emergency or disaster occurred.

5. In addition to any other requirement concerning the program of emergency management in this State, the Chief shall:

(a) Maintain an inventory of any state or local services, equipment, supplies, personnel and other resources related to participation in the Nevada Intrastate Mutual Aid System established pursuant to NRS 414A.100;

(b) Coordinate the provision of resources and equipment within this State in response to requests for mutual aid pursuant to NRS 414.075 or chapter 414A of NRS; ~~and~~

(c) Coordinate with state agencies, local governments, Indian tribes or nations and special districts to use the personnel and equipment of those state agencies, local governments, Indian tribes or nations and special districts as agents of the State during a response to a request for mutual aid pursuant to NRS 414.075 or 414A.130 ~~}; and~~

(d) *Provide notice:*

(1) *On or before February 15 of each year to the governing body of each political subdivision of whether the political subdivision has complied with the requirements of NRS 239C.250;*

(2) *On or before February 15 of each year to the Chair of the Public Utilities Commission of Nevada of whether each utility that is not a governmental utility has complied with the requirements of NRS 239C.270;*

(3) On or before February 15 of each year to the Governor of whether each governmental utility described in subsection 1 of NRS 239C.050 has complied with the requirements of NRS 239C.270;

(4) On or before February 15 of each year to the governing body of each governmental utility described in subsection 2 of NRS 239C.050 of whether each such governmental utility has complied with the requirements of NRS 239C.270;

(5) On or before August 15 of each year to the Superintendent of Public Instruction of whether each board of trustees of a school district, governing body of a charter school or governing body of a private school has complied with the requirements of NRS 388.243 or 394.1687, as applicable; and

~~##4##~~ (6) On or before November 15 of each year to the Chair of the Nevada Gaming Control Board of whether each resort hotel has complied with the requirements of NRS 463.790.

6. The Division shall perform the duties required pursuant to chapter 415A of NRS.

7. The Division shall perform the duties required pursuant to NRS 353.2753 at the request of a state agency or local government.

8. *The Division shall develop a written guide for the preparation and maintenance of an emergency response plan to assist a person or governmental entity that is required to file a plan pursuant to NRS 239C.250, 239C.270, 388.243, 394.1687 or 463.790. The Division shall review the guide on an annual basis and revise the guide if necessary. On or before January 15 of each year, the Division shall provide the guide to:*

(a) Each political subdivision required to adopt a response plan pursuant to NRS 239C.250;

(b) Each utility required to prepare and maintain an emergency response plan pursuant to NRS 239C.270;

(c) Each development committee required to develop a plan to be used in responding to a crisis, emergency or suicide by:

(1) A public school or charter school pursuant to NRS 388.243; or

(2) A private school pursuant to NRS 394.1687; and

(d) Each resort hotel required to adopt an emergency response plan pursuant to NRS 463.790.

Sec. 8. NRS 463.790 is hereby amended to read as follows:

463.790 1. Each resort hotel shall adopt and maintain an emergency response plan. Each new or revised plan must be filed within 3 days after adoption or revision with each local fire department and local law enforcement agency whose jurisdiction includes the area in which the resort hotel is located and with the Division of Emergency Management of the Department of Public Safety.

2. The emergency response plan required by subsection 1 must include:

(a) A drawing or map of the layout of all areas within the building or buildings and grounds that constitute a part of the resort hotel and its support systems and a brief description of the purpose or use for each area;

- (b) A drawing or description of the internal and external access routes;
- (c) The location and inventory of emergency response equipment and resources;
- (d) The location of any unusually hazardous substances;
- (e) The name and telephone number of ~~the~~ :
 - (1) *The emergency response coordinator for the resort hotel; and*
 - (2) *The person responsible for ensuring that the resort hotel is in compliance with this section;*
- (f) The location of one or more site emergency response command posts;
- (g) A description of any special equipment needed to respond to an emergency at the resort hotel;
- (h) An evacuation plan;
- (i) A description of any public health or safety hazards present on the site; and
- (j) Any other information requested by a local fire department or local law enforcement agency whose jurisdiction includes the area in which the resort hotel is located or by the Division of Emergency Management.

3. *Each resort hotel shall review its emergency response plan at least once each year and, as soon as practicable after the review is completed but not later than November 1 of each year, file with each local fire department and local law enforcement agency whose jurisdiction includes the area in which the resort hotel is located and with the Division of Emergency Management:*

- (a) *Any revised emergency response plan resulting from the review; or*
- (b) *A written certification that the most recent emergency response plan filed pursuant to this subsection or subsection 1 is the current emergency response plan for the resort hotel.*

4. A plan filed pursuant to the requirements of this section, including any revisions adopted thereto, is confidential and must be securely maintained by the department, agency and Division with whom it is filed. An officer, employee or other person to whom the plan is entrusted by the department, agency or Division shall not disclose the contents of such a plan except:

- (a) Upon the lawful order of a court of competent jurisdiction; or
- (b) As is reasonably necessary in the case of an emergency involving public health or safety.

5. *If the Board maintains a list of resort hotels, the Board shall provide a copy of the list to the Division of Emergency Management, upon request, for purposes of this section.*

~~4-]~~ 6. As used in this section, the term "local law enforcement agency" means:

- (a) The sheriff's office of a county;
- (b) A metropolitan police department; or
- (c) A police department of an incorporated city.

Sec. 9. Chapter 480 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Each political subdivision shall adopt and maintain a cybersecurity incident response plan. Each new or revised plan must be filed within 10 days after adoption or revision with:*

- (a) The Office; and*
- (b) The Division of Emergency Management of the Department.*

2. *The Office shall, by regulation, prescribe the contents of a cybersecurity incident response plan, which must include, without limitation, a plan:*

- (a) To prepare for a cybersecurity threat;*
- (b) To detect and analyze a cybersecurity threat;*
- (c) To contain, eradicate and recover from a cybersecurity incident; and*
- (d) For postincident activity that includes a discussion regarding lessons learned and any analytics associated with the cybersecurity incident.*

3. *Each political subdivision shall review its cybersecurity incident response plan at least once each year and, as soon as practicable after the review is completed but not later than December 31 of each year, file with the Office and the Division of Emergency Management:*

- (a) Any revised cybersecurity incident response plan resulting from the review; or*
- (b) A written certification that the most recent cybersecurity incident response plan filed pursuant to this subsection or subsection 1 is the current cybersecurity incident response plan for the political subdivision.*

4. *Except as otherwise provided in NRS 239.0115, a cybersecurity incident response plan filed pursuant to the requirements of this section, including any revisions adopted thereto, is confidential and must be securely maintained by the Office and the Division of Emergency Management. An officer, employee or other person to whom the plan is entrusted by the Office or the Division of Emergency Management shall not disclose the contents of such a plan except:*

- (a) Upon the lawful order of a court of competent jurisdiction;*
- (b) As is reasonably necessary in the case of an act of terrorism or related emergency; or*
- (c) Pursuant to the provisions of NRS 239.0115.*

5. *As used in this section, "political subdivision" means a city or county of this State.*

Sec. 10. NRS 480.902 is hereby amended to read as follows:

480.902 As used in NRS 480.900 to 480.950, inclusive, and section 9 of this act, unless the context otherwise requires, the words and terms defined in NRS 480.904 to 480.912, inclusive, have the meanings ascribed to them in those sections.

Sec. 11. NRS 480.924 is hereby amended to read as follows:

480.924 1. The Office shall:

- (a) Periodically review the information systems that are operated or maintained by state agencies.

(b) Identify risks to the security of information systems that are operated or maintained by state agencies.

(c) Develop and update, as necessary, strategies, standards and guidelines for preparing for and mitigating risks to, and otherwise protecting, the security of information systems that are operated or maintained by state agencies.

(d) Coordinate performance audits and assessments of the information systems of state agencies to determine, without limitation, adherence to the regulations, standards, practices, policies and conventions of the Division of Enterprise Information Technology Services of the Department of Administration that are identified by the Division as security-related.

(e) Coordinate statewide programs for awareness and training regarding risks to the security of information systems that are operated or maintained by state agencies.

(f) Provide training on cybersecurity awareness to employees of state agencies. A state agency shall require each of its employees to complete such training once each calendar quarter.

(g) Post and maintain on the Internet website of the Office a list of any country that is determined by the Office to have a high risk of threats to the cybersecurity of visitors and provide briefings to employees of state agencies that are scheduled to travel on state business to such a country on the safeguarding of electronic devices and other equipment that the employees will use in that country. If an employee of a state agency is scheduled to travel on state business to such a country, the state agency shall require the employee to attend such a briefing.

2. Upon review of an information system that is operated or maintained by a state agency, the Office may make recommendations to the state agency and the Division of Enterprise Information Technology Services regarding the security of the information system.

Sec. 12. NRS 480.930 is hereby amended to read as follows:

480.930 1. The Office shall prepare and make publicly available a statewide strategic plan that outlines policies, procedures, best practices and recommendations for preparing for and mitigating risks to, and otherwise protecting, the security of information systems in this State and for recovering from and otherwise responding to threats to or attacks on the security of information systems in this State.

2. The statewide strategic plan must include, without limitation, policies, procedures, best practices and recommendations for:

(a) Identifying, preventing and responding to threats to and attacks on the security of information systems in this State;

(b) Ensuring the safety of, and the continued delivery of essential services to, the people of this State in the event of a threat to or attack on the security of an information system in this State;

(c) Protecting the confidentiality of personal information that is stored on, transmitted to, from or through, or generated by an information system in this State;

(d) Investing in technologies, infrastructure and personnel for protecting the security of information systems; and

(e) Enhancing the voluntary sharing of information and any other collaboration among state agencies, local governments, agencies of the Federal Government and appropriate private entities regarding protecting the security of information systems.

3. The statewide strategic plan must be updated at least every 2 years.

4. A private entity may, in its discretion, make use of the information set forth in the statewide strategic plan.

5. *Each agency of the State Government that has adopted a cybersecurity policy shall test the adherence of its employees to that policy on a periodic basis. Such an agency shall submit the results of the testing to the Office annually for consideration in the update of the statewide strategic plan.*

Sec. 13. NRS 480.932 is hereby amended to read as follows:

480.932 1. *The Office shall quarterly prepare and submit to the Governor a report assessing the preparedness of the State, as of the date of the report, to counteract, prevent and respond to potential cybersecurity threats. The report must be based on information and documents readily available to the Office.*

2. The Office shall annually prepare a report that includes, without limitation:

(a) A summary of the progress made by the Office during the previous year in executing, administering and enforcing the provisions of NRS 480.900 to 480.950, inclusive, *and section 9 of this act* and performing such duties and exercising such powers as are conferred upon it pursuant to NRS 480.900 to 480.950, inclusive, *and section 9 of this act* and any other specific statute;

(b) A general description of any threat during the previous year to the security of an information system that prompted the Administrator to convene a cybersecurity incident response team pursuant to NRS 480.928, and a summary of the response to the threat;

(c) A summary of the goals and objectives of the Office for the upcoming year;

(d) A summary of any issues presenting challenges to the Office; and

(e) Any other information that the Administrator determines is appropriate to include in the report.

~~{2}~~ 3. The report required pursuant to subsection ~~{4}~~ 2 must be submitted not later than July 1 of each year to the Governor and to the Nevada Commission on Homeland Security created by NRS 239C.120.

Sec. 14. This act becomes effective upon passage and approval.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Amendment No. 29 to Senate Bill No. 69 relates to emergencies and cybersecurity. Among other provisions, the amendment changes the date that school plans must be submitted to the Division of Emergency Management, Department of Public Safety, from July 31 to July 1 of each year to conform with other reporting provisions. It also clarifies the authority of the Governor to call members of the Nevada National Guard into active service upon a request for assistance from

a political subdivision or governmental utility that has experienced a significant cybersecurity incident.

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. 162.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 294.

SUMMARY—Revises provisions relating to electronic transactions. (BDR 59-876)

AN ACT relating to electronic transactions; including a public blockchain as a type of electronic record for the purposes of the Uniform Electronic Transactions Act; providing that a person who uses a public blockchain to secure information does not relinquish any right of ownership related to that information; requiring a governmental agency to consider certain uses of its equipment and software in acquiring, replacing or updating an information processing system; requiring a governmental agency to accept a certified copy of a record in electronic form under certain circumstances; authorizing ~~the Secretary of State to adopt regulations specifying attributes required for a certified copy of a record in electronic form;~~ a governmental agency to charge and collect certain fees relating to a certified copy of a record in electronic form; prohibiting a local government from taxing or imposing restrictions upon the use of a public blockchain; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law gives legal recognition to electronic records, signatures and contracts that comply with certain requirements and allows an electronic record or signature to satisfy a requirement for a written record or signature in certain circumstances. (NRS 719.240-719.350) For these purposes, the definition of electronic record includes a blockchain under existing law. (NRS 719.090) Existing law also imposes certain restrictions on the authority of cities and counties to tax or regulate the use of a blockchain. (NRS 244.3535, 268.0979) Section 7 of this bill amends the definition of "blockchain" to also include a "public blockchain," which is defined in section 2 of this bill.

Section 4 of this bill provides that a person who uses a public blockchain to secure information that the person owns or has a right to use does not thereby relinquish any right of ownership or use of such information, except as otherwise provided by an agreement of the person. Section 4 further provides that the provisions of section 4 are not to be deemed to affect the status of, or

any legal right or obligation relating to, a document submitted to a governmental agency or official or a document that is a public record.

Under existing law, governmental agencies of this State and its political subdivisions are generally free to determine whether, and the extent to which, they will accept, process, use and rely upon an electronic record. (NRS 719.350) Section 5 of this bill requires such an agency to consider the use of equipment and software that will enable the agency to send, accept, process, use and rely upon electronic records and electronic signatures whenever the agency acquires, replaces or updates an information processing system or any part of such a system. Section 5 also prohibits any such agency from refusing to accept, process, use or rely upon a certified copy of a record from another governmental agency solely because the copy is in electronic form. ~~Section 5 further authorizes the Secretary of State to adopt regulations specifying any attributes required for a certified copy in electronic form.~~ , but permits an agency to reject a certified copy in electronic form if the agency would be required to acquire and pay for any equipment or software to accept, process, use or rely upon the copy in the form provided. Section 5 also authorizes an agency to charge and collect the same fee for providing a certified copy in electronic form as is provided by law for providing a certified copy in paper form. Finally, if an agency receiving a certified copy in electronic form incurs a fee or other cost for accepting or processing such a copy, section 5 authorizes the agency to charge and collect a fee to recover that cost.

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

Section 1. Chapter 719 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *"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. 3. *"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. 3.5. "Unaffiliated computers or machines" means computers or machines that are not under common ownership or control.

Sec. 4. 1. A person who uses a public blockchain to secure information that the person owns or has the right to use does not thereby relinquish any right of ownership or use with respect to the information, except to the extent that an agreement of the person expressly provides for the transfer of such a right.

2. Nothing contained in subsection 1 shall be deemed to affect the status of, or any right or obligation established by law with respect to, any document that is:

(a) Filed with or otherwise submitted to a governmental agency or official, including, without limitation, any document that is submitted for recording in the office of a county recorder; or

(b) A public record for the purposes of NRS 239.010.

Sec. 5. 1. Whenever a governmental agency of this State or a political subdivision of this State acquires, replaces or updates an information processing system or any part of such a system, including, without limitation, any software used by the system, the governmental agency shall consider the use of equipment and software that enables the governmental agency to send, accept, process, use and rely upon electronic records and electronic signatures, including, without limitation, certified copies of the records of the governmental agency in electronic form or certified copies of the records of an originating agency that are provided in electronic form.

2. If a person provides a receiving agency with a certified copy of a record of an originating agency, the receiving agency:

(a) Shall not refuse to accept, process, use or rely upon the certified copy solely because it is in electronic form.

(b) May refuse to accept, process, use or rely upon the certified copy if it is in electronic form and ~~fails to comply with any regulation adopted by the Secretary of State pursuant to subsection 2.~~

~~2. The Secretary of State may specify by regulation any attributes required for a certified copy described in subsection 1 and provided in electronic form. Any such regulation must be consistent with the purposes of facilitating the application of technology and promoting economy, efficiency and security in the issuance and use of certified copies by governmental agencies and the public. The receiving agency would be required to acquire and pay for any equipment or software to accept, process, use or rely upon the certified copy in the form provided.~~

3. An originating agency may charge and collect the same fee for a certified copy in electronic form as is provided by law for a certified copy in paper form.

4. If a receiving agency incurs a fee or other cost for accepting or processing a certified copy in electronic form, the receiving agency may charge and collect a fee to accept or process such a copy, in an amount not to

exceed the actual cost to the receiving agency of accepting or processing the copy.

5. As used in this section:

(a) "Originating agency" means a governmental agency which attests that a certified copy described in subsection ~~4~~2 is a true copy of a record of the governmental agency.

(b) "Receiving agency" means a governmental agency of this State or a political subdivision of this State to which a certified copy is provided as described in subsection ~~4~~2.

Sec. 6. 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 2*, ~~and~~ *3 and 3.5 of this act* have the meanings ascribed to them in those sections.

Sec. 7. 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-(c)~~ (d) Validated by the use of cryptography.

2. The term includes, without limitation, a public blockchain.

Sec. 8. NRS 719.350 is hereby amended to read as follows:

719.350 1. Except as otherwise provided in subsection 6 of NRS 719.290 and NRS 719.345, *and section 5 of this act*, each governmental agency of this state shall determine whether, and the extent to which, it will send and accept electronic records and electronic signatures to and from other persons and otherwise create, generate, communicate, store, process, use and rely upon electronic records and electronic signatures.

2. Except as otherwise provided in NRS 719.345, to the extent that a governmental agency uses electronic records and electronic signatures under subsection 1, the governmental agency, giving due consideration to security, may specify:

(a) The manner and format in which the electronic records must be created, generated, sent, communicated, received and stored and the systems established for those purposes;

(b) If electronic records must be signed by electronic means, the type of electronic signature required, the manner and format in which the electronic signature must be affixed to the electronic record, and the identity of, or criteria that must be met by, any third party used by a person filing a document to facilitate the process;

(c) Processes and procedures as appropriate to ensure adequate preservation, disposition, integrity, security, confidentiality and auditability of electronic records; and

(d) Any other required attributes for electronic records which are specified for corresponding nonelectronic records or reasonably necessary under the circumstances.

3. Except as otherwise provided in subsection 6 of NRS 719.290 and NRS 719.345, *and section 5 of this act*, the provisions of this chapter do not require a governmental agency of this state to use or permit the use of electronic records or electronic signatures.

Sec. 9. 1. This section and sections 1 to 4, inclusive, 6 and 7 of this act become effective on October 1, 2019.

2. Sections 5 and 8 of this act become effective ~~on~~

~~(a) 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 those sections; and~~

~~(b) On January 1, 2020, for all other purposes.~~

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 294 to Senate Bill No. 162 clarifies the definition of "public blockchain." It clarifies that the provisions of subsection 4 of section 1 do not affect the status of any document submitted to an agency or official or any public record or legal right or obligation relating to such a document. It conditions certain provisions on an agency having proper equipment to comply. It requires agency consideration of the use of electronic records whenever acquiring or updating equipment. It deletes provisions regarding the Secretary of State adopting regulations. The bill provides for the collection of appropriate fees and amends the existing definition of blockchain to comport with other legislation currently under consideration.

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. 173.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 379.

SUMMARY—Revises provisions relating to criminal convictions of victims of sex trafficking and involuntary servitude. (BDR 14-595)

AN ACT relating to criminal procedure; revising provisions relating to vacating a judgment of conviction and sealing certain records of a victim of sex trafficking or involuntary servitude; revising provisions relating to the filing of a petition for the sealing of records of criminal history; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a person convicted of certain offenses and who was a victim of sex trafficking or involuntary servitude to petition the court to vacate his or her judgment of conviction and seal all documents related to the case. Under existing law, such offenses include, under certain circumstances, engaging in prostitution or solicitation for prostitution, unlawful trespass and loitering. (NRS 179.247) Section 1 of this bill expands the list of offenses under which a person who was a victim of sex trafficking or involuntary servitude may petition the court to vacate his or her judgment of conviction and seal all documents related to the case to include any crime other than a crime of violence.

Before the court may decide whether to grant such a petition, existing law requires the court to: (1) notify the Central Repository for Nevada Records of Criminal History, the Office of the Attorney General and each office of the district attorney and law enforcement agency in this State; and (2) allow any person to testify and present evidence on behalf of such an entity. (NRS 179.247) Section 1 limits those offices of the district attorney and law enforcement agencies that must be notified and allowed to testify and present evidence to those offices and agencies in the county in which the petitioner was convicted. Section 1 authorizes a prosecuting attorney who prosecuted the petitioner to stipulate to the vacation of the judgment of the petitioner and the sealing of all documents relating to the case in lieu of the court holding a hearing on the petition. Section 1 requires the court to hold a hearing on the petition if the prosecutor does not so stipulate.

Existing law authorizes a person to file a petition for the sealing of records in district court if the person wishes to have more than one record sealed and would otherwise need to file a petition in more than one court. Existing law also authorizes the district court to order the sealing of any records in the justice or municipal courts in certain circumstances. (NRS 179.2595) Section 2 of this bill clarifies that a district court may order the sealing of such records even if the petition does not include a request for the sealing of a record in a district court.

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

Section 1. NRS 179.247 is hereby amended to read as follows:

179.247 1. If a person has been convicted of any offense listed in subsection 2, the person may petition the court in which he or she was convicted or, if the person wishes to file more than one petition and would otherwise need to file a petition in more than one court, the district court, for an order:

- (a) Vacating the judgment; and
- (b) Sealing all documents, papers and exhibits in the person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order.

2. A person may file a petition pursuant to subsection 1 if the person was convicted of : ~~[a violation of:]~~

(a) *A violation of NRS 201.354, for engaging in prostitution or solicitation for prostitution, provided that the person was not alleged to be a customer of a prostitute;*

(b) ~~[NRS 207.200, for unlawful trespass;]~~ *A crime under the laws of this State, other than a crime of violence; or*

(c) ~~[Paragraph (b) of subsection 1 of NRS 463.350, for loitering; or~~
~~—(d)]~~ *A violation of a county, city or town ordinance, for loitering for the purpose of solicitation or prostitution.*

3. A petition filed pursuant to subsection 1 must satisfy the requirements of NRS 179.245.

4. The court may grant a petition filed pursuant to subsection 1 if:

(a) The petitioner was convicted of a violation of an offense described in subsection 2;

(b) The participation of the petitioner in the offense was the result of the petitioner having been a victim of:

(1) Trafficking in persons as described in the Trafficking Victims Protection Act of 2000, 22 U.S.C. §§ 7101 et seq.; or

(2) Involuntary servitude as described in NRS 200.463 or 200.4631; and

(c) The petitioner files a petition pursuant to subsection 1 with due diligence after the petitioner has ceased being a victim of trafficking or involuntary servitude or has sought services for victims of such trafficking or involuntary servitude.

5. Before the court decides whether to grant a petition filed pursuant to subsection 1, the court shall:

(a) Notify the Central Repository for Nevada Records of Criminal History, the Office of the Attorney General and each office of the district attorney and law enforcement agency in ~~[this State]~~ *the county in which the petitioner was convicted* and allow *the prosecuting attorney who prosecuted the petitioner for the crime and* any person to testify and present evidence on behalf of any such entity; and

(b) Take into consideration any reasonable concerns for the safety of the defendant, family members of the defendant or other victims that may be jeopardized by the granting of the petition.

6. *If the prosecuting attorney who prosecuted the petitioner for the crime stipulates to vacating the judgment of the petitioner and sealing all documents, papers and exhibits related to the case after receiving notification pursuant to subsection 5 and the court makes the findings set forth in subsection 4, the court may vacate the judgment and seal all documents, papers and exhibits in accordance with subsection 7 without a hearing. If the prosecuting attorney does not stipulate to vacating the judgment and sealing the documents, papers and exhibits, a hearing on the petition must be conducted.*

7. If the court grants a petition filed pursuant to subsection 1, the court shall:

- (a) Vacate the judgment and dismiss the accusatory pleading; and
- (b) Order sealed all documents, papers and exhibits in the petitioner's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order.

~~7.7~~ 8. If a petition filed pursuant to subsection 1 does not satisfy the requirements of NRS 179.245 or the court determines that the petition is otherwise deficient with respect to the sealing of the petitioner's record, the court may enter an order to vacate the judgment and dismiss the accusatory pleading if the petitioner satisfies all requirements necessary for the judgment to be vacated.

~~8.7~~ 9. If the court enters an order pursuant to subsection ~~7.7~~ 8. the court shall also order sealed the records of the petitioner which relate to the judgment being vacated in accordance with paragraph (b) of subsection ~~6.7~~ 7. regardless of whether any records relating to other convictions are ineligible for sealing either by operation of law or because of a deficiency in the petition.

~~9.7~~ 10. As used in this section, "crime of violence" means:

- (a) Any offense involving the use or threatened use of force or violence against the person or property of another; or
- (b) Any felony for which there is a substantial risk that force or violence may be used against the person or property of another in the commission of the felony.

Sec. 2. NRS 179.2595 is hereby amended to read as follows:

179.2595 Notwithstanding the procedure established in NRS 179.245, 179.255 or 179.259 for the filing of a petition for the sealing of records:

1. If a person wishes to have more than one record sealed and would otherwise need to file a petition in more than one court for the sealing of the records, the person may, instead of filing a petition in each court, file a petition in district court for the sealing of all such records.

2. If a person files a petition for the sealing of records in district court pursuant to subsection 1 or NRS 179.245, 179.255 or 179.259, the district court may order the sealing of any other records in the justice or municipal courts in accordance with the provisions of NRS 179.2405 to 179.301, inclusive.

3. A district court shall act in accordance with subsection 2 regardless of whether a petition filed pursuant to this section includes a request for the sealing of a record in a district court.

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 379 to Senate Bill No. 173 revises subsection 5 of section 1 to add that a court may seal a record without a hearing if a prosecutor stipulates to the petition for sealing and adds that a prosecutor has the right to present evidence to the court in situations in which the prosecutor does not stipulate.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 219.

Bill read second time.

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

Amendment No. 562.

SUMMARY—Revises provisions relating to certain regulatory bodies. (BDR 54-646)

AN ACT relating to regulatory bodies; ~~requiring~~ authorizing certain regulatory bodies to enter into or participate in contracts to accept ~~electronic~~ payments for fees ~~and other costs for initial licensing and license renewals; providing that withdrawals from accounts of~~ by credit card, debit card or electronic transfer of money; requiring certain regulatory bodies ~~require two signatures;~~ to establish written internal controls relating to withdrawals from bank accounts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Existing law authorizes various state agencies to enter into or participate in contracts to accept credit cards, debit cards and electronic transfers of money. (NRS 353.146-353.148) Each such state agency that has not entered into or is not participating in such a contract must report to the Legislative Commission and the Interim Finance Committee on or before July 1 of every even numbered year concerning the reasons the agency has not done so and the efforts it is taking to enter into or participate in such a contract. (NRS 353.1466)~~

Under existing law, regulatory bodies are state agencies, boards or commissions which have the authority to regulate an occupation or profession pursuant to title 54 of NRS. (NRS 622.060) Section 2 of this bill ~~requires~~ authorizes each such regulatory body to enter into or participate in a contract to accept ~~electronic payments for~~ payments of fees ~~and other costs of initial licensing and the renewal of licenses.~~ by credit card, debit card or the electronic transfer of money and authorizes such a regulatory body to charge and collect a convenience fee for the acceptance of such forms of payment under certain circumstances. Section 3 of this bill provides that if such a regulatory body has established and deposited money in an account in a financial institution, then ~~two signatures are required to make withdrawals from the account.~~ the regulatory body must establish written internal controls relating to any withdrawals from such an account, including a regular review of the expenditures of the regulatory body by two of its members and quarterly reviews by the regulatory body of its financial statements.

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

Section 1. Chapter 622 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. ~~Each~~ A regulatory body ~~shall enter~~ may:

~~(a) Enter into for participate in one or more contracts pursuant to NRS 353.146 to 353.148, inclusive, to accept electronic payments for fees and~~

~~other costs of initial licensing and the renewal of licenses. A regulatory body shall not charge any additional fee or other additional amount for accepting such electronic payments.~~

~~2. As used in this section, the term "electronic payments" includes, without limitation, payments by credit card, debit card and the electronic transfer of money.} a contract with an issuer of credit cards or debit cards or an operator of a system that provides for the electronic transfer of money to provide for the acceptance of credit cards, debit cards or electronic transfers of money by the regulatory body for the payment of money owed to the regulatory body for a fee, fine or other assessment authorized by law; or~~

~~(b) Upon approval of the Director of the Office of Finance, participate in a contract entered into by the Director pursuant to NRS 353.1466.~~

~~2. If the issuer or operator charges the regulatory body a fee for each use of a credit card or debit card or for each electronic transfer of money, the regulatory body may require the cardholder or the person requesting the electronic transfer of money to pay a convenience fee. The total convenience fees charged by the regulatory body in a fiscal year must not exceed the total amount of fees charged to the regulatory body by the issuer or operator in that fiscal year.~~

~~3. As used in this section:~~

~~(a) "Cardholder" means the person or organization named on the face of a credit card or debit card to whom or for whose benefit the credit card or debit card is issued by an issuer.~~

~~(b) "Convenience fee" means a fee paid by a cardholder or person requesting the electronic transfer of money to a regulatory body for the convenience of using the credit card or debit card or the electronic transfer of money to make such payment.~~

~~(c) "Credit card" means any instrument or device, whether known as a credit card or credit plate or by any other name, issued with or without a fee by an issuer for the use of the cardholder in obtaining money, property, goods, services or anything else of value on credit.~~

~~(d) "Debit card" means any instrument or device, whether known as a debit card or by any other name, issued with or without a fee by an issuer for the use of the cardholder in depositing, obtaining or transferring funds.~~

~~(e) "Electronic transfer of money" has the meaning ascribed to it in NRS 463.01473.~~

~~(f) "Issuer" means a business organization, financial institution or authorized agent of a business organization or financial institution that issues a credit card or debit card.~~

Sec. 3. If a regulatory body has established and deposited money in an account in a bank, credit union, savings and loan association or savings bank, ~~and~~ the regulatory body must establish written internal controls with respect to any withdrawals from the account ~~and must require the signature of:~~

~~1. Two members of the regulatory body; or~~

~~2. One member of the regulatory body and the executive director or executive secretary of the regulatory body, if any.] , which must include, without limitation:~~

1. A system by which two or more members of the regulatory body conduct regular reviews of the expenditures made by the regulatory body and the supporting documentation for such expenditures. Each member who participates in such a review shall prepare a signed and dated attestation regarding his or her participation, which the regulatory body shall retain for its records.

2. A requirement that the regulatory body conduct a quarterly review of its financial statements, including, without limitation, a schedule of its disbursements.

Sec. 4. ~~[NRS 353.005 is hereby amended to read as follows: 353.005 Except as otherwise provided in NRS 353.007 [.] and section 2 of this act, the provisions of this chapter do not apply to boards created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, 648, 654 and 656 of NRS and the officers and employees of those boards.] (Deleted by amendment.)~~

Sec. 5. This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any preliminary administrative tasks that are necessary to carry out the provisions of this act; and on January 1, 2020, for all other purposes.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 562 makes three changes to Senate Bill No. 219. It amends the bill to authorize occupational or professional licensing boards to enter into a contract to accept credit cards, debit cards or other electronic transfers of money and to charge and collect convenience fees for any costs related to a transaction, or to participate in a contract entered into by the Director of the Office of Finance. It requires a licensing board to establish written internal controls for all monetary withdrawals. It requires two members of the board to review the expenditures and supporting documentation on a regular basis documented by their signatures and date attesting to the review.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 236.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 115.

SUMMARY—~~[Revises]~~ Establishes provisions relating to a change in the place of diversion of water for certain wells. (BDR 48-635)

AN ACT relating to water; establishing requirements relating to ~~for certain changes in the place of diversion of~~ sinking or boring certain wells for water already appropriated; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person to submit an application for a permit to change the place of diversion of water already appropriated. (NRS 533.325-533.345) Section ~~44~~ 5 of this bill creates an exception from this requirement to allow a person to sink or bore a replacement well without submitting such an application where: (1) both the original ~~place of diversion~~ site of the well and ~~new place of diversion~~ the site of the replacement well are located on ~~the same~~ property owned by the same person for which ~~whom the~~ water has already been appropriated; and (2) the ~~new place of diversion~~ site of the replacement well is located not more than 300 feet from the original place of diversion ~~as~~ described on the permit to appropriate water.

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

Section 1. ~~Chapter 533 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. If a person is seeking to change the place of diversion of water already appropriated and:~~

~~(a) The original place of diversion and the new place of diversion are on the same property for which the water has already been appropriated; and~~

~~(b) The new place of diversion is located not more than 300 feet from the original place of diversion;~~

~~the person is not required to file an application to change the place of diversion pursuant to NRS 533.345.~~

~~2. If a change to the place of diversion meets the requirements of subsection 1, the new place of diversion must be located anywhere on that same property for which the water has already been appropriated that is not more than 300 feet from the original place of diversion.] (Deleted by amendment.)~~

Sec. 2. NRS 533.325 is hereby amended to read as follows:

533.325 Except as otherwise provided in NRS 533.027 ~~and section 44~~ 5 of this act, any person who wishes to appropriate any of the public waters, or to change the place of diversion, manner of use or place of use of water already appropriated, shall, before performing any work in connection with such appropriation, change in place of diversion or change in manner or place of use, apply to the State Engineer for a permit to do so.

Sec. 3. ~~NRS 533.475 is hereby amended to read as follows:~~

~~533.475 The State Engineer and the assistants of the State Engineer shall have power to arrest any person violating any of the provisions of NRS 533.005 to 533.470, inclusive, and section 1 of this act, and to turn that person over to the sheriff or other competent police officer within the county. Immediately on delivering any such person so arrested into the custody of the sheriff, the State Engineer or assistant making such arrest shall immediately, in writing, and upon oath, make a complaint before the justice of the peace against the person so arrested.] (Deleted by amendment.)~~

Sec. 4. ~~NRS 533.480 is hereby amended to read as follows:
533.480 Any person violating any of the provisions of NRS 533.005 to 533.475, inclusive, and section 1 of this act shall be guilty of a misdemeanor.]~~
(Deleted by amendment.)

Sec. 5. Chapter 534 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a person is seeking to sink or bore a replacement well to divert groundwater already appropriated and:

(a) The original site of the well and the site of the replacement well are on property owned by the same person for whom the groundwater has already been appropriated; and

(b) The site of the replacement well is located not more than 300 feet from the original place of diversion described on the permit to appropriate water; ➔ the person is not required to file an application to change the place of diversion pursuant to NRS 533.345.

2. If a change to the site of a replacement well meets the requirements of subsection 1, the site of the replacement well must be located anywhere on the property of the person who holds the permit to appropriate water that is not more than 300 feet from the original place of diversion described on the permit to appropriate water.

Sec. 6. NRS 534.190 is hereby amended to read as follows:

534.190 Any person violating any of the provisions of NRS 534.010 to 534.180, inclusive, and section 5 of this act shall be guilty of a misdemeanor.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 115 to Senate Bill No. 236 deletes the majority of the original bill and adds a new section providing clarifying language, including changing the term "new place of diversion" to "the site of the replacement well." It changes the reference to "the same property" to "property owned by the same person."

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 250.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 342.

SUMMARY—Revises provisions relating to the dedication of water rights. (BDR 48-664)

AN ACT relating to water; ~~limiting the use of~~ establishing certain requirements relating to the dedication of certain rights to appropriate water ; ~~which have been dedicated to certain public entities;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Engineer to require the dedication of a right to appropriate water in certain circumstances before approving a parcel map. (NRS 534.120) Existing law also authorizes the governing body of a county or city to adopt ordinances to regulate land, which may include an ordinance that requires the dedication of a right to appropriate water before approving the development, division or subdivision of a parcel of land. (NRS 278.020) Sections 1 and 3 of this bill provide that ~~any~~ before a supplier of water may require the dedication of a right to appropriate water ~~[that has been dedicated to a public entity]~~ in order to ensure a sufficient supply of water to certain parcels ~~[must remain so dedicated and must not be sold, leased or otherwise used for a purpose other than ensuring a sufficient water supply for such parcels until the modification or redevelopment of such parcels.]~~, the dedication requirement must be: (1) required pursuant to an ordinance, published rule or regulation adopted by the supplier of water; and (2) based on certain information and considerations. Sections 1 and 3 prohibit, with limited exception, a supplier of water from selling a right to appropriate water that has been dedicated pursuant to an ordinance, published rule or regulation adopted by the supplier of water.

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

Section 1. Chapter 533 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~Any~~ Before a supplier of water may require the dedication of a right to appropriate water ~~[that is dedicated to a county, city, public utility, water purveyor or other public entity]~~ in order to ensure a sufficient supply of water to ~~one or more parcels and in connection with the approval of any parcel map or permit must remain so dedicated and must not be sold, leased or otherwise used for a purpose other than ensuring a sufficient water supply for the parcel or parcels, as applicable, until the modification or redevelopment of the parcel or parcels.~~

~~2. As used in this section, "the modification or redevelopment" of a parcel or parcels includes, without limitation, the further division or subdivision of the parcel, the reversion or merger of any parcels, the reclassification of the parcel by an enactment of an amendment to a zoning ordinance or any other change to the parcel that would require filing a new tentative or final map pursuant to the provisions of NRS 278.010 to 278.630, inclusive, and section 3 of this act.]~~ provided new or modified water service to one or more parcels, the dedication requirement must:

(a) Be required pursuant to an ordinance, published rule or regulation adopted by the supplier of water;

(b) Be based on reliable data and procedures estimating demand;

(c) Consider any requirements for a sustainable water supply; and

(d) Consider historic usage by similar existing water services.

2. Except as otherwise provided in this subsection, a supplier of water may not sell a right to appropriate water that has been dedicated pursuant to subsection 1. This subsection does not apply to:

(a) Mergers and acquisitions of a water system owned or operated by a utility; or

(b) Transactions by the supplier of water in furtherance of developing or maintaining a sustainable water supply.

3. As used in this section, "supplier of water" has the meaning ascribed to it in NRS 540.121.

Sec. 2. ~~NRS 534.120 is hereby amended to read as follows:~~

~~534.120 1. Within an area that has been designated by the State Engineer, as provided for in this chapter, where, in the judgment of the State Engineer, the groundwater basin is being depleted, the State Engineer in his or her administrative capacity may make such rules, regulations and orders as are deemed essential for the welfare of the area involved.~~

~~2. In the interest of public welfare, the State Engineer is authorized and directed to designate preferred uses of water within the respective areas so designated by the State Engineer and from which the groundwater is being depleted, and in acting on applications to appropriate groundwater, the State Engineer may designate such preferred uses in different categories with respect to the particular areas involved within the following limits:~~

~~(a) Domestic, municipal, quasi-municipal, industrial, irrigation, mining and stock watering uses; and~~

~~(b) Any uses for which a county, city, town, public water district or public water company furnishes the water.~~

~~3. Except as otherwise provided in subsection 5, the State Engineer may:~~

~~(a) Issue temporary permits to appropriate groundwater which can be limited as to time and which may, except as limited by subsection 4, be revoked if and when water can be furnished by an entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants thereof.~~

~~(b) Deny applications to appropriate groundwater for any use in areas served by such an entity.~~

~~(c) Limit the depth of domestic wells.~~

~~(d) Prohibit the drilling of wells for domestic use, as defined in NRS 534.013, in areas where water can be furnished by an entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants thereof.~~

~~(e) In connection with the approval of a parcel map in which any parcel is proposed to be served by a domestic well, require the dedication to a city or county or a designee of a city or county, or require a relinquishment to the State Engineer, of any right to appropriate water required by the State Engineer to ensure a sufficient supply of water for each of those parcels, unless the dedication of the right to appropriate water is required by a local ordinance. If the State Engineer requires the dedication of a right to appropriate water, the~~

~~right must remain dedicated pursuant to the requirements of section 1 of this act.~~

~~4. The State Engineer may revoke a temporary permit issued pursuant to subsection 3 for residential use, and require a person to whom groundwater was appropriated pursuant to the permit to obtain water from an entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the designated area, only if:~~

~~(a) The distance from the property line of any parcel served by a well pursuant to a temporary permit to the pipes and other appurtenances of the proposed source of water to which the property will be connected is not more than 180 feet; and~~

~~(b) The well providing water pursuant to the temporary permit needs to be redrilled or have repairs made which require the use of a well drilling rig.~~

~~5. The State Engineer may, in an area in which have been issued temporary permits pursuant to subsection 3, limit the depth of a domestic well pursuant to paragraph (c) of subsection 3 or prohibit repairs from being made to a well, and may require the person proposing to deepen or repair the well to obtain water from an entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the designated area, only if:~~

~~(a) The distance from the property line of any parcel served by the well to the pipes and other appurtenances of the proposed source of water to which the property will be connected is not more than 180 feet; and~~

~~(b) The deepening or repair of the well would require the use of a well drilling rig.~~

~~6. For good and sufficient reasons, the State Engineer may exempt the provisions of this section with respect to public housing authorities.~~

~~7. The provisions of this section do not prohibit the State Engineer from revoking a temporary permit issued pursuant to this section if any parcel served by a well pursuant to the temporary permit is currently obtaining water from an entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the area. (Deleted by amendment.)~~

Sec. 3. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~{Any}~~ Before a supplier of water may require the dedication of a right to appropriate water ~~{that is required to be dedicated to a county, city, public utility, water purveyor or other public entity}~~ in order to ensure a sufficient supply of water to provide new or modified water service to one or more parcels that will be developed, divided or subdivided pursuant to the provisions of this section and NRS 278.010 to 278.630, inclusive, the dedication requirement must remain so dedicated and must not be sold, leased or otherwise used for a purpose other than ensuring a sufficient water supply for the parcel or parcels, as applicable, until the modification or redevelopment of the parcel or parcels.

~~2. As used in this section, "the modification or redevelopment" of a parcel or parcels includes, without limitation, the further division or subdivision of~~

~~the parcel, the reversion or merger of any parcels, the reclassification of the parcel by an enactment of an amendment to a zoning ordinance or any other change to the parcel that would require filing a new tentative or final map pursuant to the provisions of NRS 278.010 to 278.630, inclusive, and section 3 of this act.];~~

~~(a) Be required pursuant to an ordinance, published rule or regulation adopted by the supplier of water;~~

~~(b) Be based on reliable data and procedures estimating demand;~~

~~(c) Consider any requirements for a sustainable water supply; and~~

~~(d) Consider historic usage by similar existing water services.~~

~~2. A supplier of water may not sell a right to appropriate water that has been dedicated pursuant to subsection 1. This subsection does not apply to:~~

~~(a) Mergers and acquisitions of a water system owned or operated by a utility; or~~

~~(b) Transactions by the supplier of water in furtherance of developing or maintaining a sustainable water supply.~~

~~3. As used in this section, "supplier of water" has the meaning ascribed to it in NRS 540.121.~~

Sec. 4. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, and section 3 of this act, unless the context otherwise requires, the words and terms defined in NRS 278.0103 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

~~Sec. 5. [1. Except as otherwise provided in subsection 2, the amendatory provisions of:~~

~~(a) Section 1 of this act apply to any right to appropriate water that, before the effective date of this act, has been dedicated to a county, city, public utility, water purveyor or other public entity in order to ensure a sufficient supply of water to one or more parcels and in connection with the approval of any parcel map or permit;~~

~~(b) Section 3 of this act apply to any right to appropriate water that, before the effective date of this act, has been dedicated to a county, city, public utility, water purveyor or other public entity in order to ensure a sufficient supply of water to one or more parcels that has been or will be developed, divided or subdivided pursuant to the provisions of NRS 278.010 to 278.630, inclusive, and section 3 of this act;~~

~~2. The provisions of this section must not be applied in such a manner as to affect, impair or discharge any outstanding contracts or obligations of the State, any political subdivision of the State or other public entity that involve a dedicated right to appropriate water existing on the effective date of this bill.]~~

~~(Deleted by amendment.)~~

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

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 342 makes a couple of changes to Senate Bill No. 250. The amendment first deletes the majority of the bill as introduced and provides that before a supplier of water may require the dedication of a water right to ensure a sufficient supply of water for certain parcels, the dedication requirement must be required pursuant to an ordinance, published rule or regulation adopted by the supplier of water and based on certain reliable data and demand estimating procedures. The amendment also provides that, with limited exception, a supplier of water is prohibited from selling the dedicated water right.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 265.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 448.

SUMMARY—Revises provisions relating to certain information and records ~~of mental health~~ concerning public safety. (BDR 14-1042)

AN ACT relating to ~~records of mental health; providing for coordination between the Central Repository for Nevada Records of Criminal History and the courts relating to the transmission of certain records of mental health;~~ public safety; requiring the Central Repository for Nevada Records of Criminal History to prepare an annual report relating to ~~such~~ the transmission of certain information and records ~~of~~ concerning public safety; providing for coordination between the Central Repository and the courts relating to such information and records; and providing other matters properly relating thereto.
Legislative Counsel's Digest:

Existing law requires a court, within 5 business days, to transmit to the Central Repository for Nevada Records of Criminal History a record concerning the appointment of a guardian for a person with a mental defect, a plea or finding of guilty but mentally ill, a verdict acquitting a person by reason of insanity, a finding that a person is incompetent to stand trial or the involuntary admission of a person to a mental health facility, along with a statement that the record is being transmitted for inclusion in all appropriate databases of the National Instant Criminal Background Check System. (NRS 159.0593, 174.035, 175.533, 175.539, 178.425, 433A.310) Existing law also provides that, upon receiving such a record, the Central Repository: (1) must take reasonable steps to ensure that the information reported in the record is included in each appropriate database of the National Instant Criminal Background Check System; and (2) may take reasonable steps to ensure that the information reported in the record is included in each appropriate database of the National Crime Information Center. (NRS 179A.163)

~~Section 2 of this bill requires the Central Repository to coordinate its efforts with the courts to ensure that such mental health records are timely submitted to the Central Repository. Section 1 of this~~

Existing law further requires a person to transmit certain information to the Central Repository any time a court issues a temporary or extended order for

protection against domestic violence and any time that a person serves such an order, registers such an order, registers a Canadian domestic-violence protection order or receives certain information or takes certain other actions relating to such orders. (NRS 33.095) Finally, existing law requires each agency of criminal justice to submit information to the Central Repository relating to records of criminal history that it creates, issues or collects, and certain information in the agency's possession relating to the DNA profile of certain persons. (NRS 179A.075)

This bill requires the Central Repository to prepare an annual report to be submitted to the Governor, the Nevada Supreme Court and the Director of the Legislative Counsel Bureau for transmittal to the Legislature regarding each instance in which ~~such a mental health record was~~ certain information relating to orders for protection against domestic violence, records of criminal history, information relating to DNA profiles and mental health records were not timely submitted during the previous fiscal year. This bill also requires the Central Repository to coordinate its efforts with the courts to ensure that such information and records are timely submitted to the Central Repository.

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

Section 1. Chapter 179A of NRS is hereby amended by adding thereto a new section to read as follows:

1. On or before September 1 of each year, the Central Repository shall prepare and submit to the Governor, the Nevada Supreme Court and the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report identifying each instance in which information or a record is required to be transmitted ~~by a court~~ to the Central Repository pursuant to NRS 33.095, 159.0593, 174.035, 175.533, 175.539, 178.425, subsection 3 of NRS 179A.075 or NRS 433A.310 and such information or record was not timely submitted during the previous fiscal year. ~~and providing the~~ The report must include the reason, if known, for the untimely submission of the information or record.

2. The Central Repository shall, according to a schedule established by the Director of the Department, contact the courts in this State to coordinate efforts to ensure the timely submission of information or records transmitted pursuant to NRS 33.095, 159.0593, 174.035, 175.533, 175.539, 178.425, subsection 3 of NRS 179A.075 or NRS 433A.310.

Sec. 2. ~~NRS 179A.163 is hereby amended to read as follows:~~

~~179A.163 1. Upon receiving a record transmitted pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425 or 433A.310, the Central Repository:~~

~~(a) Shall take reasonable steps to ensure that the information reported in the record is included in each appropriate database of the National Instant Criminal Background Check System; and~~

~~—(b) May take reasonable steps to ensure that the information reported in the record is included in each appropriate database of the National Crime Information Center.~~

~~—2. The Central Repository shall, according to a schedule established by the Director, contact the courts in this State to coordinate efforts to ensure the timely submission of records transmitted pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425 and 433A.310.~~

~~—3. Except as otherwise provided in subsection [3.] 4, if the Central Repository receives a record described in subsection 1, the person who is the subject of the record may petition the court for an order declaring that:~~

~~—(a) The basis for the adjudication reported in the record no longer exists;~~

~~—(b) The adjudication reported in the record is deemed not to have occurred for purposes of 18 U.S.C. § 922(d)(4) and (g)(4) and NRS 202.360; and~~

~~—(c) The information reported in the record must be removed from the National Instant Criminal Background Check System and the National Crime Information Center.~~

~~—[3.] 4. To the extent authorized by federal law, if the record concerning the petitioner was transmitted to the Central Repository pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425 or 433A.310, the petitioner may not file a petition pursuant to subsection [2] 3 until 3 years after the date of the order transmitting the record to the Central Repository.~~

~~—[4.] 5. A petition filed pursuant to subsection [2] 3 must be:~~

~~—(a) Filed in the court which made the adjudication or finding pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425 or 433A.310; and~~

~~—(b) Served upon the district attorney for the county in which the court described in paragraph (a) is located.~~

~~—[5.] 6. The Nevada Rules of Civil Procedure govern all proceedings concerning a petition filed pursuant to subsection [2.] 3.~~

~~—[6.] 7. The court shall grant the petition and issue the order described in subsection [2] 3 if the court finds that the petitioner has established that:~~

~~—(a) The basis for the adjudication or finding made pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425 or 433A.310 concerning the petitioner no longer exists;~~

~~—(b) The petitioner's record and reputation indicate that the petitioner is not likely to act in a manner dangerous to public safety; and~~

~~—(c) Granting the relief requested by the petitioner pursuant to subsection [2] 3 is not contrary to the public interest.~~

~~—[7.] 8. Except as otherwise provided in this subsection, the petitioner must establish the provisions of subsection [6] 7 by a preponderance of the evidence. If the adjudication or finding concerning the petitioner was made pursuant to NRS 159.0593 or 433A.310, the petitioner must establish the provisions of subsection [6] 7 by clear and convincing evidence.~~

~~—[8.] 9. The court, upon entering an order pursuant to this section, shall cause, on a form prescribed by the Department of Public Safety, a record of the order to be transmitted to the Central Repository.~~

~~[9.] 10. Within 5 business days after receiving a record of an order transmitted pursuant to subsection [8.] 9, the Central Repository shall take reasonable steps to ensure that information concerning the adjudication or finding made pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425 or 433A.310 is removed from the National Instant Criminal Background Check System and the National Crime Information Center, if applicable.~~

~~[10.] 11. If the Central Repository fails to remove a record as provided in subsection [9.] 10, the petitioner may bring an action to compel the removal of the record. If the petitioner prevails in the action, the court may award the petitioner reasonable attorney's fees and costs incurred in bringing the action.~~

~~[11.] 12. If a petition brought pursuant to subsection [2] 3 is denied, the person who is the subject of the record may petition for a rehearing not sooner than 2 years after the date of the denial of the petition.] (Deleted by amendment.)~~

Sec. 3. 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. 4. This act becomes effective on July 1, 2019.

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 448 to Senate Bill No. 265 adds records concerning temporary or extended orders of protection and records relating to DNA profiles to the bill's reporting provisions and requires the annual report concerning the transmission of records to be provided to the Governor and the Supreme Court as well as the Legislature.

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. 323.

Bill read second time.

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

Amendment No. 473.

SUMMARY—Revises provisions governing the ~~disciplinary process for~~ attorney's fees and costs which may be recovered by certain regulatory bodies which administer occupational licensing. (BDR 54-905)

AN ACT relating to regulatory bodies; ~~authorizing persons who are subject to disciplinary proceedings by certain regulatory bodies to elect to have a hearing conducted by a hearing officer of the Hearings Division of the Department of Administration;~~ revising provisions governing the attorney's fees and costs which may be recovered by certain regulatory bodies from persons who violate laws or regulations enforced by such regulatory bodies; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Existing law requires certain regulatory bodies to conduct disciplinary hearings for persons charged with violations of existing law and regulations enforced by such regulatory bodies or to appoint hearing panels or officers to conduct such hearings. (NRS 622A.300-622A.410) Section 1 of this bill authorizes a person who is subject to a disciplinary proceeding to elect to have his or her hearing conducted by a hearing officer of the Hearings Division of the Department of Administration by requesting such a hearing officer not later than 20 days after he or she is served with the charging document. Section 1 establishes the procedure for the selection of the hearing officer and requires the hearing officer to conduct the hearing and issue written findings of fact and conclusions of law. If the hearing officer finds that a person committed an act which constitutes grounds for disciplinary action, the regulatory body is required to issue a final order incorporating the findings of fact and conclusions of law of the hearing officer and imposing a disciplinary action selected by the regulatory body. If the hearing officer finds that there are no grounds for disciplinary action, the regulatory body is required to issue a final order incorporating the findings of fact and conclusions of law of the hearing officer and dismissing the case. Finally, under section 1, a person who elects to have his or her case heard by a hearing officer of the Hearings Division and who is found to have committed an act which constitutes grounds for disciplinary action is required to pay all costs incurred by the Hearings Division as part of that case. Section 3 of this bill makes conforming changes.~~

Existing law provides for the regulation of certain occupations and professions in this State. (Title 54 of NRS) The various state agencies, boards and commissions that are authorized to license and regulate particular occupations or professions are generally referred to as "regulatory bodies." (NRS 622.060) Under existing law, if a person violates a provision of existing law or regulations that a regulatory body has the authority to enforce, the regulatory body is authorized to recover reasonable attorney's fees and costs that are incurred by the regulatory body as part of its investigative, administrative and disciplinary proceedings. (NRS 622.400) ~~Section 2 of this bill eliminates the authority of a regulatory body to recover the costs of an investigation from a person who violates a provision of existing law or regulations that the regulatory body has the authority to enforce unless a specific statute authorizes the recovery of such costs. Sections 4-8 of this bill make conforming changes to eliminate specific authority for certain regulatory bodies to recover the costs of an investigation.~~ such fees and costs unless the regulatory body submits an itemized statement of the fees and costs to the person who was subject to the investigative, administrative or disciplinary proceeding.

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

Section 1. ~~Chapter 622 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. A licensee who has been served with a charging document may request that his or her hearing be conducted by a hearing officer selected pursuant to subsection 2. Such a request must be in writing and must be filed with the regulatory body not later than 20 days after the date of service of the charging document pursuant to NRS 622A.300.~~

~~2. Not later than 10 days after receipt of a request pursuant to subsection 1, the regulatory body shall request from the Hearings Division a list of potential hearing officers. The licensee requesting a hearing officer pursuant to subsection 1 and the regulatory body shall select a person to serve as hearing officer from the list provided by the Hearings Division by alternately striking one name until the name of only one hearing officer remains. The prosecutor shall strike the first name.~~

~~3. Upon the selection of a person to serve as hearing officer pursuant to subsection 2, the prosecutor shall provide to the hearing officer a copy of the charging document and a copy of any information or documents that the prosecutor intends to present in support of the case and a list of proposed witnesses.~~

~~4. Except as otherwise provided in this section, the hearing officer shall conduct a hearing on the case in accordance with procedures established by this chapter and any other applicable statutory and regulatory provisions governing the case.~~

~~5. Not later than 60 days after the close of the hearing on the case, the hearing officer shall issue a decision concerning whether the licensee committed an act constituting grounds for disciplinary action, which must include written findings of fact and conclusions of law, separately stated, and serve the decision on the parties. If the hearing officer determines that the licensee committed an act constituting grounds for disciplinary action, the regulatory body must determine the disciplinary action to be imposed against the licensee and prepare a final decision or order in the manner provided in NRS 233B.125 which incorporates the findings and conclusions of law of the hearing officer and the disciplinary action imposed by the regulatory body. If the hearing officer determines that the licensee did not commit any act constituting grounds for disciplinary action, the regulatory body must prepare a final decision in the manner provided in NRS 233B.125 which dismisses the case. The regulatory body may not modify or reject any part of the decision of the hearing officer.~~

~~6. In a final decision or order prepared by a regulatory body pursuant to subsection 5, the regulatory body shall require the licensee to pay all costs incurred by the Hearings Division as part of the disciplinary proceedings.~~

~~7. As used in this section:~~

~~(a) "Hearings Division" means the Hearings Division of the Department of Administration.~~

~~(b) "Licensee" has the meaning ascribed to it in NRS 622A.050.] (Deleted by amendment.)~~

Sec. 2. NRS 622.400 is hereby amended to read as follows:

622.400 1. ~~[(A)]~~ Except as otherwise provided in this section, a regulatory body may recover from a person reasonable attorney's fees and costs that are incurred by the regulatory body as part of its investigative, administrative and disciplinary proceedings against the person if the regulatory body:

(a) Enters a final order in which it finds that the person has violated any provision of this title which the regulatory body has the authority to enforce, any regulation adopted pursuant thereto or any order of the regulatory body; or

(b) Enters into a consent or settlement agreement in which the regulatory body finds or the person admits or does not contest that the person has violated any provision of this title which the regulatory body has the authority to enforce, any regulation adopted pursuant thereto or any order of the regulatory body.

2. ~~Except as otherwise provided by a specific statute, a] A regulatory body may not recover any attorney's fees and costs pursuant to subsection 1 from a person who was subject to an investigative, administrative or disciplinary proceeding of the regulatory body ~~[any costs of an investigation of the person.] unless the regulatory body submits an itemized statement of the fees and costs to the person.~~~~

3. As used in this section, "costs" means:

(a) Costs of an investigation.

(b) Costs for photocopies, facsimiles, long distance telephone calls and postage and delivery.

~~(c) Incurred as part of any deposition or hearing.~~

~~(b)]~~ Fees for court reporters at any depositions or hearings.

(d) ~~[(e)]~~ Fees for expert witnesses and other witnesses at any depositions or hearings.

(e) ~~[(d)]~~ Fees for necessary interpreters at any depositions or hearings.

(f) ~~[(e)]~~ Fees for service and delivery of process and subpoenas.

(g) ~~[(f)]~~ Expenses for research, ~~[to prepare for any deposition or hearing,]~~ including, without limitation, reasonable and necessary expenses for computerized services for legal research.

Sec. 3. ~~NRS 622A.300 is hereby amended to read as follows:~~

~~622A.300 1. To initiate the prosecution of a contested case, the prosecutor shall file a charging document with the regulatory body and serve the licensee with the charging document.~~

~~2. [The] Except as otherwise provided in section 1 of this act, the regulatory body shall determine whether the case will be heard by the regulatory body or a hearing panel or officer.~~

~~3. The regulatory body or hearing panel or officer shall provide the licensee with written notice of the case pursuant to NRS 233B.121 and 241.034.~~

~~4. If the case is heard by a hearing panel or officer, the hearing panel or officer shall follow the procedures established by this chapter and any other~~

~~applicable statutory and regulatory provisions governing the case. [The] Except as otherwise provided in section 1 of this act, the hearing panel or officer shall prepare written findings and recommendations and serve the findings and recommendations on the parties and the regulatory body for its review.~~

~~5. [The] Except as otherwise provided in section 1 of this act, the findings and recommendations of the hearing panel or officer do not become final unless they are approved by the regulatory body after review. [In] Except as otherwise provided in section 1 of this act, in reviewing the findings and recommendations of the hearing panel or officer, the regulatory body may:~~

~~(a) Approve the findings and recommendations, with or without modification;~~

~~(b) Reject the findings and recommendations and remand the case to the hearing panel or officer;~~

~~(c) Reject the findings and recommendations and order a hearing de novo before the regulatory body; or~~

~~(d) Take any other action that the regulatory body deems appropriate to resolve the case.~~

~~6. If the case is heard by the regulatory body, the regulatory body shall follow the procedures established by this chapter and any other applicable statutory and regulatory provisions governing the case.~~

~~7. [The] Except as otherwise provided in this subsection, the regulatory body or the hearing panel or officer, with the approval of the regulatory body, may consolidate two or more cases if it appears that the cases involve common issues of law or fact and the interests of the parties will not be prejudiced by the consolidation. If two or more cases are heard by a hearing officer selected pursuant to section 1 of this act and it appears that the cases involve common issues of law or fact and the interests of the parties will not be prejudiced by consolidation, the hearing officer, without the approval of the regulatory body, may consolidate the cases. (Deleted by amendment.)~~

Sec. 4. ~~[NRS 623.270 is hereby amended to read as follows:~~

~~623.270 1. Except as otherwise provided in subsection 6 of NRS 701.220, the Board may place the holder of any certificate of registration issued pursuant to the provisions of this chapter on probation, publicly reprimand the holder of the certificate, impose a fine of not more than \$10,000 against him or her, suspend or revoke his or her license, impose the costs of [investigation and] prosecution upon him or her or take any combination of these disciplinary actions for any of the following acts:~~

~~(a) The certificate was obtained by fraud or concealment of a material fact.~~

~~(b) The holder of the certificate has been found guilty by the Board or found guilty or guilty but mentally ill by a court of justice of any fraud, deceit or concealment of a material fact in his or her professional practice, or has been convicted by a court of justice of a crime involving moral turpitude.~~

~~(c) The holder of the certificate has been found guilty by the Board of incompetency, negligence or gross negligence in:~~

- ~~—(1) The practice of architecture or residential design; or~~
- ~~—(2) His or her practice as a registered interior designer.~~
- ~~—(d) The holder of a certificate has affixed his or her signature or seal to plans, drawings, specifications or other instruments of service which have not been prepared by the holder of the certificate or in his or her office, or under his or her responsible control, or has permitted the use of his or her name to assist any person who is not a registered architect, registered interior designer or residential designer to evade any provision of this chapter.~~
- ~~—(e) The holder of a certificate has aided or abetted any unauthorized person to practice:~~
- ~~—(1) Architecture or residential design; or~~
- ~~—(2) As a registered interior designer.~~
- ~~—(f) The holder of the certificate has violated any law, regulation or code of ethics pertaining to:~~
- ~~—(1) The practice of architecture or residential design; or~~
- ~~—(2) Practice as a registered interior designer.~~
- ~~—(g) The holder of a certificate has failed to comply with an order issued by the Board or has failed to cooperate with an investigation conducted by the Board.~~
- ~~2. The conditions for probation imposed pursuant to the provisions of subsection 1 may include, but are not limited to:~~
- ~~—(a) Restriction on the scope of professional practice.~~
- ~~—(b) Peer review.~~
- ~~—(c) Required education or counseling.~~
- ~~—(d) Payment of restitution to each person who suffered harm or loss.~~
- ~~3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.~~
- ~~4. The Board shall not privately reprimand the holder of any certificate of registration issued pursuant to this chapter.~~
- ~~5. As used in this section:~~
- ~~—(a) "Gross negligence" means conduct which demonstrates a reckless disregard of the consequences affecting the life or property of another person.~~
- ~~—(b) "Incompetency" means conduct which, in:~~
- ~~—(1) The practice of architecture or residential design; or~~
- ~~—(2) Practice as a registered interior designer;~~
- ~~* demonstrates a significant lack of ability, knowledge or fitness to discharge a professional obligation.~~
- ~~—(c) "Negligence" means a deviation from the normal standard of professional care exercised generally by other members in:~~
- ~~—(1) The profession of architecture or residential design; or~~
- ~~—(2) Practice as a registered interior designer. (Deleted by amendment.)~~
- Sec. 5. [NRS 623A.270 is hereby amended to read as follows:
- ~~623A.270 1. The Board may:~~
- ~~—(a) Suspend or revoke a certificate of registration or certificate to practice as a landscape architect intern;~~

~~—(b) Refuse to renew a certificate of registration or certificate to practice as a landscape architect intern;~~

~~—(c) Place a holder of a certificate of registration or certificate to practice as a landscape architect intern on probation;~~

~~—(d) Issue a public reprimand to a holder of a certificate of registration or certificate to practice as a landscape architect intern;~~

~~—(e) Impose upon a holder of a certificate of registration or certificate to practice as a landscape architect intern a fine of not more than \$5,000 for each violation of this chapter;~~

~~—(f) Require a holder of a certificate of registration or certificate to practice as a landscape architect intern to pay restitution; or~~

~~—(g) Take such other disciplinary action as the Board deems appropriate;~~

~~— if the holder of a certificate of registration or certificate to practice as a landscape architect intern has committed any act set forth in NRS 623A.280.~~

~~—2. The conditions for probation imposed pursuant to the provisions of subsection 1 may include, without limitation:~~

~~—(a) Restriction on the scope of professional practice;~~

~~—(b) Peer review;~~

~~—(c) Education or counseling;~~

~~—(d) The payment of restitution to each person who suffered harm or loss; and~~

~~—(e) The payment of all costs of [the administrative investigation and] prosecution.~~

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

~~—4. The Board shall not issue a private reprimand to a holder of a certificate of registration or certificate to practice as a landscape architect intern.~~

~~—5. The Board may adopt regulations setting forth a schedule of fines for the purposes of paragraph (c) of subsection 1.] (Deleted by amendment.)~~

Sec. 6. ~~[NRS 637.170 is hereby amended to read as follows:~~

~~—637.170 [1.] Any licensee whose license was revoked by the Board may apply for reinstatement of the license pursuant to the provisions of chapter 622A of NRS.~~

~~—[2. In addition to the requirements for reinstatement of the license pursuant to chapter 622A of NRS, the Board may reinstate the license upon the applicant's payment of a fee set by the Board to cover the administrative costs of any investigation and hearing.] (Deleted by amendment.)~~

Sec. 7. ~~[NRS 640C.710 is hereby amended to read as follows:~~

~~—640C.710 1. If, after notice and a hearing as required by law, the Board finds one or more grounds for taking disciplinary action, the Board may:~~

~~—(a) Place the applicant or holder of the license on probation for a specified period or until further order of the Board;~~

~~—(b) Administer to the applicant or holder of the license a public reprimand;~~

~~—(c) Refuse to issue, renew, reinstate or restore the license;~~

~~—(d) Suspend or revoke the license;~~

~~— (e) Except as otherwise provided in NRS 640C.712, impose an administrative fine of not more than \$5,000 for each violation;~~

~~— (f) Require the applicant or holder of the license to pay the costs incurred by the Board to conduct the [investigation and] hearing; or~~

~~— (g) Impose any combination of actions set forth in paragraphs (a) to (f), inclusive.~~

~~— 2. The order of the Board may contain such other terms, provisions or conditions as the Board deems appropriate.~~

~~— 3. The order of the Board and the findings of fact and conclusions of law supporting that order are public records.~~

~~— 4. The Board shall not issue a private reprimand.] (Deleted by amendment.)~~

Sec. 8. ~~[NRS 640E.270 is hereby amended to read as follows:~~

~~— 640E.270 1. The Board may deny, refuse to renew, revoke or suspend any license applied for or issued pursuant to this chapter, or take such other disciplinary action against a licensee as authorized by regulations adopted by the Board, upon determining that the licensee:~~

~~— (a) Is guilty of fraud or deceit in procuring or attempting to procure a license pursuant to this chapter;~~

~~— (b) Is guilty of any offense;~~

~~— (1) Involving moral turpitude; or~~

~~— (2) Relating to the qualifications, functions or duties of a licensee.~~

~~— (c) Uses any controlled substance, dangerous drug as defined in chapter 454 of NRS, or intoxicating liquor to an extent or in a manner which is dangerous or injurious to any other person or which impairs his or her ability to conduct the practice authorized by the license.~~

~~— (d) Is guilty of unprofessional conduct, which includes, without limitation:~~

~~— (1) Impersonating an applicant or acting as proxy for an applicant in any examination required pursuant to this chapter for the issuance of a license.~~

~~— (2) Impersonating another licensed dietitian.~~

~~— (3) Permitting or allowing another person to use his or her license to engage in the practice of dietetics.~~

~~— (4) Repeated malpractice, which may be evidenced by claims of malpractice settled against the licensee.~~

~~— (5) Physical, verbal or psychological abuse of a patient.~~

~~— (6) Conviction for the use or unlawful possession of a controlled substance or dangerous drug as defined in chapter 454 of NRS.~~

~~— (e) Has willfully or repeatedly violated any provision of this chapter.~~

~~— (f) Is guilty of aiding or abetting any person in violating any provision of this chapter.~~

~~— (g) Has been disciplined in another state in connection with the practice of dietetics or has committed an act in another state which would constitute a violation of this chapter.~~

~~— (h) Has engaged in conduct likely to deceive, defraud or endanger a patient or the general public.~~

~~(i) Has willfully failed to comply with a regulation, subpoena or order of the Board.~~

~~2. In addition to any criminal or civil penalty that may be imposed pursuant to this chapter, the Board may, in a manner consistent with NRS 622A.400, assess against and collect from a licensee all costs incurred by the Board in connection with any disciplinary action taken against the licensee, including, without limitation, costs for [investigators and] stenographers, attorney's fees and other costs of the hearing.~~

~~3. For the purposes of this section, a plea or verdict of guilty or guilty but mentally ill or a plea of nolo contendere constitutes a conviction of an offense. The Board may take disciplinary action pending the appeal of a conviction.]~~
(Deleted by amendment.)

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 473 makes two changes to Senate Bill No. 323. The amendment deletes all sections in their entirety, and it amends the bill to provide that a person who is required to reimburse attorney's fees and other allowable expenses as a result of a disciplinary hearing shall not be required to pay such fees until they are provided with an itemized breakdown of the costs they are being required to reimburse.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 365.

Bill read second time.

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

Amendment No. 403.

SUMMARY—Revises provisions relating to health insurance.
(BDR 57-684)

AN ACT relating to health insurance; making various changes concerning health carriers granting third-party access to certain provider networks; providing administrative penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, health carriers may establish networks of providers of health care to provide health care services to covered persons. (Chapter 687B of NRS) Providers of health care include, but are not limited to, physicians, nurses, chiropractors, dentists and physical therapists. (NRS 687B.660). Section 1 of this bill provides that it is an unfair method of competition subject to an administrative fine pursuant to NRS 686A.187 to knowingly utilize a provider of health care's contractual discount without a contractual relationship. Sections 7-11 of this bill establish a contractually protected system for health carriers to enter contracts with third parties to give them access to certain provider network contracts and information about a provider of health care's services and discounts. Section 7 excludes certain insurance plans and coverages from the provisions of this bill. Section 8 of the bill

requires certain disclosures in a health carrier's provider network contracts with providers of health care and authorizes third parties to sign a contract to access a network contract. Section 8 also requires that a health carrier maintain a website with certain information about third parties which have access to the network contract. Section 9 of this bill allows a third party to enter contracts with other third parties under the same terms and conditions as their contract. Section 10 of this bill requires a third party to establish a website to identify other entities to which it has granted access to provider network contracts. Section 11 of this bill requires that health carriers and third parties comply with sections 8 and 10 when submitting remittance advice and explanation of payments to providers of health care.

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

Section 1. Chapter 686A of NRS is hereby amended by adding thereto a new section to read as follows:

It constitutes an unfair method of competition or an unfair or deceptive act or practice in the business of insurance to knowingly access or utilize a contractual discount of a provider of health care pursuant to a provider network contract without a contractual relationship with the provider of health care, health carrier or third party as specified in sections 7 to 11, inclusive, of this act.

Sec. 2. NRS 686A.010 is hereby amended to read as follows:

686A.010 The purpose of NRS 686A.010 to 686A.310, inclusive, and section 1 of this act, is to regulate trade practices in the business of insurance in accordance with the intent of Congress as expressed in the Act of Congress approved March 9, 1945, being c. 20, 59 Stat. 33, also designated as 15 U.S.C. §§ 1011 to 1015, inclusive, and Title V of Public Law 106-102, 15 U.S.C. §§ 6801 et seq.

Sec. 3. Chapter 687B of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 11, inclusive, of this act.

Sec. 4. *"Direct notification" means a written or electronic communication from a health carrier to a provider of health care documenting third-party access to a network.*

Sec. 5. *"Provider network contract" means a contract between a health carrier and a provider of health care specifying the rights and responsibilities of the health carrier and the provider of health care for delivery of health care services pursuant to a network plan.*

Sec. 6. *"Third party" means an organization that enters into a contract with a health carrier or with another third party to gain access to a provider network contract.*

Sec. 7. Sections 7 to 11, inclusive, of this act, do not apply:

1. *To provider network contracts for health care services provided to covered persons under Medicare or the State Plan for Medicaid, or the Children's Health Insurance Program.*

2. In circumstances where access to the provider network contract is granted to an entity operating under the same brand license program as the contracting entity.

3. ~~To a contract between a health carrier and a discount medical plan organization.~~

~~4.~~ To a health benefit plan which provides:

(a) Coverage that is only for accident or disability income insurance, or any combination thereof.

(b) Coverage issued as a supplement to liability insurance.

~~(c) Coverage for medical payments under a policy of automobile insurance.~~

~~(d)~~ Coverage for on-site medical clinics.

~~(e) Coverage under a short term health insurance policy.~~

~~(f)~~ (d) Coverage under a blanket student accident and health insurance policy.

~~(g)~~ (e) Other similar insurance coverage specified pursuant to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, under which benefits for medical care are secondary or incidental to other insurance benefits.

~~5. To liability insurance, including general liability insurance and automobile liability insurance.~~

~~6. To workers' compensation or similar insurance.~~

~~7.~~ 4. To credit insurance.

~~8.~~ 5. To the following benefits if the benefits are provided under a separate policy, certificate or contract of insurance or are otherwise not an integral part of a health benefit plan:

(a) Limited-scope dental or vision benefits;

(b) Benefits for long-term care, nursing home care, home health care or community-based care, or any combination thereof; and

(c) Such other similar benefits as are specified in any federal regulations adopted pursuant to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191.

~~9.~~ 6. To the following benefits if the benefits are provided under a separate policy, certificate or contract, there is no coordination between the provisions of the benefits and any exclusion of benefits under any group health plan maintained by the same plan sponsor, and the benefits are paid for a claim without regard to whether benefits are provided for such a claim under any group health plan maintained by the same plan sponsor:

(a) Coverage that is only for a specified disease or illness; and

(b) Hospital indemnity or other fixed indemnity insurance.

~~10.~~ 7. To any of the following, if offered as a separate policy, certificate or contract of insurance:

(a) Medicare supplemental health insurance as defined in section 1882(g)(1) of the Social Security Act, 42 U.S.C. § 1395ss, as that section existed on July 16, 1997;

(b) Coverage supplemental to the coverage provided pursuant to the Civilian Health and Medical Program of Uniformed Services, TRICARE, 10 U.S.C. §§ 1071 et seq.; and

(c) Similar supplemental coverage provided under a group health plan.

Sec. 8. 1. A health carrier shall not grant access to services and contractual discounts of a provider of health care pursuant to a provider network contract unless:

(a) The provider network contract specifically states that the health carrier may enter into an agreement with a third party allowing the third party to obtain the rights and responsibilities of the health carrier under the provider network contract as if the third party were the health carrier; and

(b) The third party accessing the provider network contract is contractually obligated to comply with all applicable terms, limitations and conditions of the provider network contract.

2. A health carrier that grants access to services and contractual discounts of a provider of health care pursuant to a provider network contract shall:

(a) Identify and provide to the provider of health care, upon request at the time a provider network contract is entered into with a provider of health care, a written or electronic list of all third parties known at the time of contracting to which the health carrier has or will grant access to the services and contractual discounts of a provider of health care pursuant to a provider network contract.

(b) Maintain an Internet website or other readily available mechanism, such as a toll-free telephone number, through which a provider of health care may obtain a listing, at least every 90 days, of the third parties with which the health carrier or another third party has executed contracts to grant access to such services and contractual discounts of a provider of health care pursuant to a provider network contract.

(c) Provide the third party with sufficient information regarding the provider network contract to enable the third party to comply with all relevant terms, limitations and conditions of the provider network contract.

(d) Require that the third party who contracts with the health carrier to gain access to the provider network contract identify the source of the contractual discount taken by the third party on each remittance advice or explanation of payment form furnished to a provider of health care when such discount is pursuant to the provider network contract of the health carrier.

(e) Notify the third party who contracts with the health carrier to gain access to the provider network contract of the termination of the provider network contract not later than 90 days prior to the effective date of the final termination of the provider network contract. The notice required under this paragraph may be delivered through any reasonable means, including, without limitation, a written notice, electronic communication, or an update to an electronic database or other provider of health care listing.

(f) Require that those that are by contract eligible to claim the right to access a discounted rate of a provider of health care to cease claiming entitlement to those rates or other contracted rights or obligations for services rendered after termination of the provider network contract.

3. Subject to any continuity of care requirements, agreements or contractual provisions:

(a) Not less than 30 days before the date of termination of a provider network contract, a health carrier shall provide written notification of the contract termination to the affected providers of health care and covered persons:

(b) A third party's right to access services and contractual discounts of a provider of health care pursuant to a provider network contract shall terminate ~~for the date~~ not earlier than 90 days after the provider network contract is terminated;

~~(b)~~ (c) Claims for health care services performed after the termination date of the provider network contract are not eligible for processing and payment in accordance with the provider network contract; and

~~(c)~~ (d) Claims for health care services performed before the termination date of the provider network contract, but processed after the termination date, are eligible for processing and payment in accordance with the provider network contract.

4. All information made available to a provider of health care in accordance with the requirements of sections 7 to 11, inclusive, of this act is confidential and must not be disclosed to any person or entity not involved in the provider of health care's practice or business or the administration thereof without the prior written consent of the health carrier.

5. Nothing contained in sections 7 to 11, inclusive, of this act shall be construed to prohibit a health carrier from requiring the provider of health care to execute a reasonable confidentiality agreement to ensure that confidential or proprietary information disclosed by the health carrier is not used for any purpose other than the direct practice or business management or billing activities of the provider of health care.

Sec. 9. 1. A third party, having itself been granted access to services and contractual discounts of a provider of health care pursuant to a provider network contract, that subsequently grants access to another third party, is obligated to comply with the rights and responsibilities imposed on contracting entities pursuant to sections 8 and 10 of this act.

2. A third party that enters into a contract with another third party to access services and contractual discounts of a provider of health care pursuant to a provider network contract is obligated to comply with the rights and responsibilities imposed on third parties under this section.

Sec. 10. 1. A third party shall inform the health carrier and providers of health care under the provider network contract of the health carrier of the location of a website, toll-free number, or other readily available mechanism to identify the name of a person or entity to which the third party subsequently

grants access to the services and contractual discounts of the provider of health care pursuant to the provider network contract.

2. The website must be updated on a routine basis when additional persons or entities are granted access. The website must be updated every 90 days to reflect all current persons and entities with access. Upon request, a health carrier shall make access to information available to a provider of health care via telephone or through direct notification.

Sec. 11. *1. A health carrier and third parties are obligated to comply with sections 8 and 10 of this act concerning the services referenced on a remittance advice or explanation of payment. A provider of health care may refuse the discount taken on the remittance advice or explanation of payment if the discount is taken without a contractual basis or in violation of section 7 or 9 of this act. An error in the remittance advice or explanation of payment may be corrected not more than 30 days after given notice of the error by the provider of health care.*

2. A health carrier may not lease, rent or otherwise grant to a third party, access to a provider network contract unless the third party accessing the provider network contract is:

(a) A payer or third party, administrator or other entity that administers or processes claims on behalf of the payer;

(b) A preferred provider of health care organization or preferred provider of health care network, including a physician organization or a physician-hospital organization; or

(c) An entity engaged in the electronic claims transport between the health carrier and the payer that does not provide access to the services and discounts of a provider of health care to any other third party.

Sec. 12. NRS 687B.600 is hereby amended to read as follows:

687B.600 As used in NRS 687B.600 to 687B.850, inclusive, *and sections 4 to 11, inclusive, of this act*, unless the context otherwise requires, the words and terms defined in NRS 687B.605 to 687B.665, inclusive, *and sections 4, 5 and 6 of this act* have the meanings ascribed to them in those sections.

Sec. 13. This act becomes effective upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and on January 1, 2020, for all other purposes.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 403 makes three changes to Senate Bill No. 365. It eliminates provisions which would exclude certain insurance plans and coverages from the provisions of this bill. It amends section 8, subsection 3, to add "no earlier than 90 days after" to subparagraph (b). It amends section 8, subsection 3, to add a new subparagraph to require a provider to provide the payer and patient written notification of contract termination within 30 days of contract termination.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 400.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 177.

SUMMARY—Revises provisions governing the auditing and bonding of public livestock auctions. (BDR 50-634)

AN ACT relating to public livestock auctions; revising the amount of certain surety bonds required to be submitted to the Director of the State Department of Agriculture by an applicant for a license to operate a public livestock auction; revising certain requirements for an application to renew a license to operate a public livestock auction; requiring each holder of a license to operate a public livestock auction to submit to the Director an annual audit of the licensee's custodial consignment account; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, before the State Department of Agriculture may issue a license to an operator of a public livestock auction, the applicant for the license must deliver to the Director of the Department a: (1) surety bond; (2) bond approved by the Secretary of Agriculture of the United States; or (3) deposit receipt in lieu of a bond. (NRS 573.030) If the applicant delivers a surety bond to the Director, the amount of the surety bond must be \$200,000 or more but less than \$1,000,000. (NRS 573.033) Section ~~1.1~~ 1.3 of this bill revises the required amount of the surety bond to be in the amount of \$200,000 or the amount of bond coverage calculated for a market agency pursuant to certain federal regulations, whichever is greater. Sections 1, 1.5 and 2.5 of this bill make conforming changes.

Existing law requires each holder of a license to include a full audit with his or her application for renewal of a license to operate a public livestock auction. (NRS 573.080) Each holder of a license to operate a public livestock auction is also required to deposit the gross proceeds received by him or her from the sale of livestock handled on a commission or agency basis into a custodial account for consignors' proceeds. (NRS 573.104) Section 1.7 of this bill removes the requirement for a licensee to submit a full audit with his or her application for renewal. Section 2 of this bill instead requires a licensee to submit to the Director an annual audit of the licensee's custodial account for consignors' proceeds, which must be ~~signed and certified~~ performed by ~~the holder of a live permit to engage in the practice of~~ a certified public [accounting] accountant.

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

Section 1. NRS 573.030 is hereby amended to read as follows:

573.030 Before a license is issued by the Department to an operator of a public livestock auction, the applicant must deliver to the Director:

1. A surety bond pursuant to the provisions of NRS 573.033; *or*
2. ~~[A bond approved by the Secretary of Agriculture of the United States pursuant to the provisions of NRS 573.035; or~~
- ~~3.]~~ A deposit receipt pursuant to the provisions of NRS 573.037.

~~[Section 1.]~~ *Sec. 1.3.* NRS 573.033 is hereby amended to read as follows:

573.033 1. If an applicant delivers a surety bond to the Director pursuant to the provisions of subsection 1 of NRS 573.030, the surety bond must be:

(a) In the amount of \$200,000 or ~~[more but less than \$1,000,000.]~~ *the amount of bond coverage calculated for a market agency pursuant to 9 C.F.R. § 201.30(a), whichever is greater.*

(b) Executed by the applicant as principal and by a surety company qualified and authorized to do business in this state as surety.

(c) A standard form and approved by the Director as to terms and conditions.

(d) Conditioned that the principal will not commit any fraudulent act and will comply with the provisions of this chapter and the rules and regulations adopted by the Department.

(e) To the State of Nevada in favor of every consignor creditor whose livestock was handled or sold through or at the licensee's public livestock auction.

2. The total and aggregate liability of the surety for all claims upon the bond must be limited to the face amount of the bond.

Sec. 1.5. NRS 573.037 is hereby amended to read as follows:

573.037 1. As authorized by subsection ~~[2]~~ 2 of NRS 573.030, in lieu of filing the bond described in NRS 573.033, ~~[for 573.035.]~~ the applicant may deliver to the Director the receipt of a bank, credit union or trust company doing business in this state showing the deposit with that bank, credit union or trust company of cash or of securities endorsed in blank by the owner thereof and of a market value equal at least to the required principal amount of the bond, the cash or securities to be deposited in escrow under an agreement conditioned as in the case of a bond. A receipt must be accompanied by evidence that there are no unsatisfied judgments against the applicant of record in the county where the applicant resides.

2. An action for recovery against any such deposit may be brought in the same manner as in the case of an action for recovery on a bond filed under the provisions of this chapter.

3. If any licensed operator of a public livestock auction for any reason ceases to operate the auction, the amount of money or securities deposited in lieu of a bond must be retained by the Department for 1 year. If 1 year after the cessation of the operation, no legal action has been commenced to recover against the money or securities, the amount thereof must be delivered to the owner thereof. If a legal action has been commenced within that period, all

such money and securities must be held by the Director subject to the order of a court of competent jurisdiction.

Sec. 1.7. NRS 573.080 is hereby amended to read as follows:

573.080 Licenses must be renewed annually upon like application and procedure as in the case of original licenses. An application for renewal must be accompanied by ~~fr~~

~~1. A full audit completed not more than 2 months before the date of the application which must be signed and certified as correct by a holder of a live permit issued pursuant to chapter 628 of NRS.~~

~~2. The~~ *the* name and address of the bank or credit union where the custodial account for consignors' proceeds will be established and maintained by the operator of the public livestock auction in compliance with the provisions of NRS 573.104.

Sec. 2. NRS 573.104 is hereby amended to read as follows:

573.104 1. Each licensee shall deposit the gross proceeds received by him or her from the sale of livestock handled on a commission or agency basis in a separate account established and maintained by the licensee in the bank or credit union at which the licensee's line of credit, as required by paragraph (g) of subsection 2 of NRS 573.020, is established. The separate account must be designated a "custodial account for consignors' proceeds."

2. The custodial account for consignors' proceeds may be drawn on only:

(a) For the payment of net proceeds to the consignor, or any other person or persons of whom the licensee has knowledge who is entitled to those proceeds;

(b) To obtain the sums due the licensee as compensation for his or her services; and

(c) For such sums as are necessary to pay all legal charges against the consignment of livestock which the licensee in his or her capacity as agent is required to pay for and on behalf of the consignor.

3. The licensee shall:

(a) In each case keep such accounts and records that will at all times disclose the names of the consignors and the amount due to each from the money in the custodial account for consignors' proceeds.

(b) Maintain the custodial account for consignors' proceeds in a manner that will expedite examination by the Director and indicate compliance with the requirements of this section.

(c) *On or before January 15 of each year, submit to the Director an annual audit of the licensee's custodial account for consignors' proceeds for the immediately preceding year, which must be ~~signed and certified as correct by a holder of~~ performed by a certified public accountant. The certified public accountant:*

~~(1) Must hold a ~~live~~ permit issued pursuant to ~~chapter 628 of~~ NRS ~~fr~~ 628.380; and~~

~~(2) May be provided by the Packers and Stockyards Division of the United States Department of Agriculture if he or she meets the requirements of subparagraph (1).~~

Sec. 2.5. NRS 573.035 is hereby repealed.

Sec. 3. This act becomes effective on July 1, 2019.

TEXT OF REPEALED SECTION

573.035 Bond of market agency. In compliance with the provisions of subsection 2 of NRS 573.030, if the applicant is bonded as a market agency under the provisions of the Packers and Stockyards Act, 7 U.S.C. § 204, as amended, and the regulations adopted pursuant thereto, in a sum equal to or greater than the sum required by the provisions of NRS 573.033, the applicant may deliver to the Director a bond approved by the Secretary of Agriculture of the United States naming the Director as trustee.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 177 to Senate Bill No. 400 provides that the annual audit required of a holder of a license to operate a public livestock auction must be performed by a certified public accountant.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 417.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 175.

SUMMARY—Revises provisions governing public sales of livestock. (BDR 50-371)

AN ACT relating to livestock; requiring the State Department of Agriculture to issue a limited license to conduct an annual sale of livestock under certain circumstances; imposing a fee for the issuance of the limited license; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from holding, operating, conducting or carrying on a public livestock auction without first securing a license from the State Department of Agriculture. (NRS 573.020) Before the Department may issue a license to an operator of a public livestock auction, the applicant for the license must deliver to the Director of the Department: (1) a surety bond; (2) a bond approved by the Secretary of Agriculture of the United States; or (3) a deposit receipt. (NRS 573.030) A person who operates a public livestock auction without a license or any licensee authorized to operate a public livestock auction who violates any provision of chapter 573 of NRS governing public sales of livestock or any regulations adopted pursuant to that chapter is subject to: (1) the imposition of a restraining order; (2) punishment for a misdemeanor; and (3) payment of an additional administrative fine of not less than \$1,000 and not more than \$5,000 per violation. (NRS 573.185, 573.190)

In lieu of securing a license to operate a public livestock auction, section 1 of this bill authorizes a person who wishes to conduct an annual sale of

livestock to submit an application to the Department for the issuance of a limited license to conduct such a sale. Section 2 of this bill defines an "annual sale of livestock" to mean any sale of livestock to which any member of the public may consign livestock for sale or exchange through public bidding and which is conducted for not more than 2 consecutive days during a calendar year. Section 1 requires the Department to issue to the applicant a limited license to conduct an annual sale of livestock if the Department finds that the applicant has: (1) delivered to the Director of the Department a certain surety bond or deposit receipt; (2) paid the fee established by regulation of the State Board of Agriculture for the limited license; and (3) otherwise complied with the provisions of chapter 573 of NRS governing public sales of livestock. Section 1 also ~~authorizes~~ requires the Department to limit the duration of any surety bond or deposit receipt ~~to a certain amount~~ on the basis of specified criteria. Section 11 of this bill authorizes the Department or a representative of the Department to enter the premises where an annual livestock sale is held to inspect the records of the annual livestock sale. Sections 12 and 13 of this bill subject a person who conducts an annual sale of livestock to the imposition of a cease and desist order and a restraining order for certain violations. Section 14 of this bill also makes such a person who commits those violations guilty of a misdemeanor and subject to the payment of an additional administrative fine. Sections 3-10 and 15 of this bill make conforming changes.

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

Section 1. Chapter 573 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *In lieu of securing a license to hold, operate, conduct or carry on a public livestock auction pursuant to NRS 573.020, a person who wishes to conduct an annual sale of livestock may submit an application to the Department for the issuance of a limited license to conduct such a sale. The application must be submitted on a form furnished or approved by the Department and must include:*

(a) The name and address of the applicant who will conduct the annual sale of livestock;

(b) The location of the establishment or premises where the applicant will conduct the annual sale of livestock; and

(c) Any other information required by the Department.

2. *As soon as practicable after receiving an application pursuant to subsection 1, the Department shall issue a limited license to conduct an annual sale of livestock to the applicant if the Department finds that the applicant has:*

(a) Delivered to the Director a surety bond pursuant to NRS 573.033 or a deposit receipt pursuant to NRS 573.037;

(b) Paid the fee established by regulation of the State Board of Agriculture for the limited license to conduct an annual sale of livestock; and

(c) *Otherwise complied with the provisions of this chapter.*

3. *A limited license to conduct an annual sale of livestock is valid for the period for which it is issued. A person may not obtain more than one limited license to conduct an annual sale of livestock during the same calendar year.*

4. *The Department ~~may~~ shall:*

(a) *Limit the required duration of any surety bond or deposit receipt submitted pursuant to paragraph (a) of subsection 2 to the period during which the annual sale of livestock is conducted by the licensee.*

(b) *Set the amount of the surety bond or deposit receipt at an amount which ~~is less~~ must be:*

(1) Less than the amount otherwise required pursuant to NRS 573.033 or 573.037 ~~+~~; and

(2) Based on the amount of bond coverage calculated for a market agency pursuant to 9 C.F.R. § 201.30(a).

Sec. 2. NRS 573.010 is hereby amended to read as follows:

573.010 As used in this chapter:

1. *"Annual sale of livestock" means any sale of livestock:*

(a) *To which any member of the public may consign livestock for sale or exchange through public bidding at the sale of the livestock; and*

(b) *Which is conducted for not more than 2 consecutive days during a calendar year.*

2. *"Consignor" means any person consigning, shipping or delivering livestock to a public livestock auction for sale, resale or exchange.*

~~2~~ 3. *"Department" means the State Department of Agriculture.*

~~3~~ 4. *"Director" means the Director of the Department.*

~~4~~ 5. *"Livestock" means:*

(a) *Cattle, sheep, goats, horses, mules, asses, burros, swine or poultry; and*

(b) *Alternative livestock as defined in NRS 501.003.*

~~5~~ 6. *"Operator of a public livestock auction" means any person holding, conducting or carrying on a public livestock auction.*

~~6~~ 7. *"Public livestock auction" means any sale or exchange of livestock held by any person at an established place of business or premises where the livestock is assembled for sale or exchange, and is exchanged or sold at auction or upon a commission basis at regular or irregular intervals. The term does not include an annual sale of livestock.*

Sec. 3. NRS 573.030 is hereby amended to read as follows:

573.030 Before a license is issued by the Department to an operator of a public livestock auction ~~+~~ or a limited license is issued by the Department to conduct an annual sale of livestock, the applicant must deliver to the Director:

1. *A surety bond pursuant to the provisions of NRS 573.033;*

2. ~~A~~ *In the case of a public livestock auction, a bond approved by the Secretary of Agriculture of the United States pursuant to the provisions of NRS 573.035; or*

3. *A deposit receipt pursuant to the provisions of NRS 573.037.*

Sec. 4. NRS 573.033 is hereby amended to read as follows:

573.033 1. ~~¶¶~~ *Except as otherwise provided in section 1 of this act, if an applicant delivers a surety bond to the Director pursuant to the provisions of subsection 1 of NRS 573.030 ~~¶~~ or section 1 of this act, the surety bond must be:*

(a) In the amount of \$200,000 or more but less than \$1,000,000.

(b) Executed by the applicant as principal and by a surety company qualified and authorized to do business in this state as surety.

(c) A standard form and approved by the Director as to terms and conditions.

(d) Conditioned that the principal will not commit any fraudulent act and will comply with the provisions of this chapter and the rules and regulations adopted by the Department.

(e) To the State of Nevada in favor of every consignor creditor whose livestock was handled or sold through or at the licensee's public livestock auction ~~¶~~ *or annual sale of livestock, as applicable.*

2. The total and aggregate liability of the surety for all claims upon the bond must be limited to the face amount of the bond.

Sec. 5. NRS 573.037 is hereby amended to read as follows:

573.037 1. As authorized by subsection 3 of NRS 573.030 ~~¶~~ *or section 1 of this act, in lieu of filing the bond described in NRS 573.033 or 573.035, the applicant may deliver to the Director the receipt of a bank, credit union or trust company doing business in this state showing the deposit with that bank, credit union or trust company of cash or of securities endorsed in blank by the owner thereof and of a market value equal at least to the required principal amount of the bond, the cash or securities to be deposited in escrow under an agreement conditioned as in the case of a bond. A receipt must be accompanied by evidence that there are no unsatisfied judgments against the applicant of record in the county where the applicant resides.*

2. An action for recovery against any such deposit may be brought in the same manner as in the case of an action for recovery on a bond filed under the provisions of this chapter.

3. ~~¶¶~~ *Except as otherwise provided in section 1 of this act, if any licensed operator of a public livestock auction or holder of a limited license to conduct an annual sale of livestock for any reason ceases to operate the auction ~~¶~~ or sale, the amount of money or securities deposited in lieu of a bond must be retained by the Department for 1 year. If 1 year after the cessation of the operation, no legal action has been commenced to recover against the money or securities, the amount thereof must be delivered to the owner thereof. If a legal action has been commenced within that period, all such money and securities must be held by the Director subject to the order of a court of competent jurisdiction.*

Sec. 6. NRS 573.050 is hereby amended to read as follows:

573.050 Upon receipt of an application for a license *to operate a public livestock auction* under this chapter, accompanied by the required bond and

license fee, the Department shall examine the application, and if it finds the application to be in proper form and that the applicant has otherwise complied with this chapter, the Director or his or her designee shall grant and sign the license as applied for, subject to the provisions of this chapter.

Sec. 7. NRS 573.070 is hereby amended to read as follows:

573.070 ~~[Licenses]~~ *A license to operate a public livestock auction must be in such form as the Department may prescribe, and set forth:*

1. The name and address of the operator of the public livestock auction.
2. The location of the establishment or premises licensed.
3. The kinds of livestock to be sold, exchanged or handled.
4. The period of the license.
5. The weekly or monthly sales day or days.
6. Such other information as the Department may determine.

Sec. 8. NRS 573.080 is hereby amended to read as follows:

573.080 ~~[Licenses]~~ *A license to operate a public livestock auction must be renewed annually upon like application and procedure as in the case of an original ~~[Licenses]~~ license to operate a public livestock auction. An application for the renewal of the license must be accompanied by:*

1. A full audit completed not more than 2 months before the date of the application which must be signed and certified as correct by a holder of a live permit issued pursuant to chapter 628 of NRS.
2. The name and address of the bank or credit union where the custodial account for consignors' proceeds will be established and maintained by the operator of the public livestock auction in compliance with the provisions of NRS 573.104.

Sec. 9. NRS 573.125 is hereby amended to read as follows:

573.125 Each operator of a livestock auction *or person who conducts an annual sale of livestock* shall issue to each purchaser of livestock a receipt on a form approved by the Department, and the receipt must contain:

1. The name and address of the purchaser of the livestock.
2. A description of the livestock, which must include the number and kind, approximate age, the sex, and any visible brands or other distinguishing or identifying marks.

Sec. 10. NRS 573.130 is hereby amended to read as follows:

573.130 1. Livestock that is under quarantine because of any contagious, infectious or communicable disease must not be consigned to or sold through any public livestock auction ~~[]~~ *or annual sale of livestock.*

2. Livestock that is known to be infected with, or known to have been exposed to, any contagious, infectious or parasitic livestock disease must not be consigned to or sold through any public livestock auction *or annual sale of livestock* except under rules and regulations governing the consignments and sales adopted by the Department.

3. The Department may require such testing, treating and examining of livestock sold, traded, exchanged or handled at or through public livestock auctions *or annual sales of livestock* as in its judgment may be necessary to

prevent the spread of infectious, contagious or parasitic diseases among the livestock of this state.

4. The Department may require operators of public livestock auctions *or persons who conduct annual sales of livestock* to reimburse the Department for actual expenses or any part thereof incurred in testing, treating and examining livestock sold, traded, exchanged or handled at or through those auctions.

Sec. 11. NRS 573.160 is hereby amended to read as follows:

573.160 To carry out the provisions of this chapter and to conduct inspections pursuant thereto, the Department or any authorized representative thereof may enter the establishment or premises where any public livestock auction *or annual sale of livestock* is held and inspect the records thereof at all reasonable times.

Sec. 12. NRS 573.183 is hereby amended to read as follows:

573.183 If the Director determines, on the basis of any verified complaint or of any inspection or investigation made by him or her pursuant to this chapter, that any operator of a public livestock auction *or person who conducts an annual sale of livestock* is violating or is about to violate any provision of this chapter for the protection of consignor creditors, the Director may order:

1. The operator *or person* to cease and desist from:

(a) Receiving or selling any livestock;

(b) Receiving or disbursing any money; or

(c) Any practice which violates any provision of this chapter or any other law or any rule, order or regulation issued pursuant to law.

2. Any bank or credit union which holds the custodial account of the operator, as required by NRS 573.104, to refrain from paying out any money from the account.

↪ The order ceases to be effective upon the expiration of 3 days, excluding Saturdays, Sundays and other nonjudicial days, after its date of issuance unless a court has, pursuant to NRS 573.185, issued an order which continues the restraint.

Sec. 13. NRS 573.185 is hereby amended to read as follows:

573.185 If any ~~licensee~~ *operator of a public livestock auction or person who conducts an annual sale of livestock* has engaged or is about to engage in any acts or practices which violate or will violate any of the provisions of this chapter or the rules and regulations adopted by the Department, the district court of any county, on application of the Director, may issue an injunction or other appropriate order restraining that conduct. Proceedings under this section are governed by Rule 65 of the Nevada Rules of Civil Procedure, except that no bond or undertaking is required in any action commenced by the Director.

Sec. 14. NRS 573.190 is hereby amended to read as follows:

573.190 1. Any person who ~~operates~~ :

(a) *Operates* a public livestock auction without a license required by this chapter ~~, or who violates~~ ;

(b) *Conducts an annual sale of livestock without a limited license issued pursuant to section 1 of this act; or*

(c) *Violates any of the provisions of this chapter or of any rules or regulations adopted pursuant thereto,*

↪ is guilty of a misdemeanor and, in addition to any criminal penalty, shall pay to the Department an administrative fine of not less than \$1,000 and not more than \$5,000 per violation. If an administrative fine is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the Department.

2. Each day's operation in which livestock is sold or exchanged at any unlicensed public livestock auction *or annual sale of livestock* constitutes a separate offense.

3. Any money collected from the imposition of an administrative fine pursuant to subsection 1 must be accounted for separately and:

(a) Fifty percent of the money must be used to fund a program selected by the Director that provides loans to persons who are engaged in agriculture and who are 21 years of age or younger; and

(b) The remaining 50 percent of the money must be deposited in the Account for the Control of Weeds established by NRS 555.035.

Sec. 15. NRS 576.140 is hereby amended to read as follows:

576.140 Except as otherwise provided in NRS 576.042, the provisions of this chapter do not apply to:

1. The Nevada Mineral Exhibition, 4-H clubs, the Future Farmers of America, the Nevada Junior Livestock Show, the Nevada State Livestock Show, the Nevada Hereford Association, or any other nonprofit organization or association.

2. Any railroad transporting livestock interstate or intrastate.

3. Any farmer or rancher purchasing or receiving livestock for grazing, pasturing or feeding on his or her premises within the State of Nevada and not for immediate resale.

4. Operators of public livestock auctions as defined in NRS 573.010, and all buyers of livestock at those auctions at which the public livestock auction licensee does not control title or ownership to the livestock being sold or purchased at those auctions, and any person buying for interstate shipments only and subject to and operating under a bond required by the United States pursuant to the provisions of the Packers and Stockyards Act, 7 U.S.C. § 204, and the regulations adopted pursuant to those provisions.

5. *Persons who conduct annual sales of livestock as defined in NRS 573.010.*

6. Any farmer or rancher whose farm or ranch is located in the State of Nevada, who buys or receives farm products or livestock from another farmer or rancher not for immediate resale.

~~6.~~ 7. Any retail merchant having a fixed and established place of business in this state and who conducts a retail business exclusively.

Sec. 16. This act becomes effective:

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

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

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 175 to Senate Bill No. 417 revises section 1 of the bill to add criteria, based on federal regulation, to set the amount of surety bond or deposit receipt required for an annual sale of livestock.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 446.

Bill read second time.

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

Amendment No. 356.

SUMMARY—Revises provisions relating to Medicaid. (BDR 38-974)

AN ACT relating to Medicaid; authorizing a recipient of Medicaid to receive reimbursements for personal care services; ~~and use other sources of money to pay for such services; authorizing a relative of a recipient of Medicaid to receive reimbursement for personal care services provided to the recipient under certain circumstances; requiring an agency to provide personal care services in the home to provide certain compensation to employees who provide personal care services; prohibiting the termination of~~ suspending eligibility for Medicaid of a person who is incarcerated ~~[;]~~ to the extent possible; providing for the sharing of information between certain governmental entities to facilitate the reinstatement of eligibility and coverage under Medicaid for a person who is released from incarceration; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services to administer Medicaid. (NRS 422.270) Existing law also requires Medicaid to cover certain home and community-based services for persons with physical disabilities, including supported personal care. (NRS 422.396) Section 2 of this bill requires the Director of the Department to include in the State Plan for Medicaid authorization for a recipient of Medicaid to ~~[; (1)]~~ directly receive reimbursements for personal care services provided by a personal care assistant or an agency to provide personal care services in the home and paid for by the recipient. ~~[; and (2) use other sources of money, including, without limitation, personal funds, to supplement reimbursements provided under Medicaid for personal care services. Section 2 also requires the State Plan for Medicaid to allow a relative of a recipient of Medicaid to receive reimbursement for personal care services covered by Medicaid if the relative is a personal care assistant who is providing services authorized by law.~~

~~Section 2 requires an agency to provide personal care services in the home that enters into a contract with Medicaid to pay its employees who provide personal care services at least 75 percent of the reimbursements paid to the agency under Medicaid for personal care services.~~

~~Section 3 of this bill provides that, to the extent possible: (1) the eligibility of a person for Medicaid must ~~not~~ be suspended, rather than terminated ~~because the~~ when a person is incarcerated; and (2) if a recipient of Medicaid is incarcerated, the person's eligibility for and coverage under Medicaid must be reinstated ~~immediately~~ as soon as possible upon his or her release ~~from incarceration.~~~~

Existing law requires the Director of the Department of Corrections to receive, retain and release offenders sentenced to imprisonment in the state prison. (NRS 209.131) Existing law also provides that the sheriff is the custodian of the jail in his or her county and the prisoners therein. (NRS 211.030) Sections 4 and 5 of this bill authorize the Director of the Department of Corrections and each county sheriff, respectively, to share information concerning the intake and release of prisoners with the Department of Health and Human Services for the purposes of suspending and reinstating eligibility for and coverage under Medicaid. If the Director of the Department of Corrections or a county sheriff fails to share information with the Department of Health and Human Services, sections 4 and 5 authorize the Director or sheriff, as applicable, to submit to the Legislature a report describing the reasons for not sharing such information.

Section 6 of this bill makes a conforming change.

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

Section 1. Chapter 422 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *To the extent authorized by federal law, the Director shall include in the State Plan for Medicaid authorization for a recipient of Medicaid to ~~+~~*

~~*(a) Be* be deemed a provider of services for the purposes of allowing the recipient to receive reimbursements for personal care services covered by Medicaid and use that money to pay for services provided by a personal care assistant acting pursuant to NRS 629.091 or an agency to provide personal care services in the home ~~+~~~~

~~*(b) Use other sources of money, including, without limitation, personal funds, to supplement reimbursements provided under Medicaid for personal care services ~~+~~ using a self-directed model.*~~

2. ~~*The State Plan for Medicaid must not prohibit a relative of a recipient of Medicaid from receiving reimbursement for personal care services covered by Medicaid that are provided by the relative to the recipient if the relative is a personal care assistant acting pursuant to NRS 629.091 or an operator of an agency to provide personal care services in the home.*~~

~~3. An agency to provide personal care services in the home that enters into a contract with Medicaid must agree to pay its employees who provide personal care services at least 75 percent of the reimbursements paid to the agency under Medicaid for personal care services.~~

~~4.] As used in this section:~~

(a) "Agency to provide personal care services in the home" has the meaning ascribed to it in NRS 449.0021.

(b) "Personal care services" means the services described in NRS 449.1935.

Sec. 3. 1. ~~[The Director shall include in the State Plan for Medicaid a requirement that, to]~~ To the extent not prohibited by federal law ~~[,]~~, the Department shall:

(a) ~~[The]~~ Suspend, rather than terminate, the eligibility for Medicaid of a person ~~[for Medicaid must not be terminated because the person]~~ who is incarcerated ~~[,]~~ for the amount of time authorized by regulation pursuant to subsection 4; and

(b) ~~[If a recipient of Medicaid is incarcerated,]~~ Reinstate the person's eligibility for and coverage under Medicaid ~~[must be reinstated immediately]~~ as soon as possible upon his or her release from incarceration if the person otherwise meets the requirements to be eligible for Medicaid at that time.

2. ~~The Department [shall establish a procedure to automatically suspend and reinstate eligibility for and coverage under Medicaid in accordance with the requirements established pursuant to subsection 1.]~~ may adopt any regulations necessary to carry out the provisions of this section, including, without limitation, regulations that prescribe the amount of time that a person's eligibility for Medicaid may be suspended pursuant to this section before being terminated.

Sec. 4. Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director may:

(a) Share information concerning the intake and release of prisoners with the Department of Health and Human Services on a regular basis or in real time using electronic means for the purposes of suspending and reinstating prisoners' eligibility for and coverage under Medicaid pursuant to section 3 of this act; and

(b) Enter into an agreement with the Department of Health and Human Services to facilitate the sharing of information pursuant to paragraph (a).

2. On or before December 31 of any year during which the Director does not share information with the Department of Health and Human Services pursuant to paragraph (a) of subsection 1, the Director must submit a report describing the reasons for not sharing such information to the Director of the Legislative Counsel Bureau for transmittal to:

(a) In odd-numbered years, the Legislative Committee on Health Care.

(b) In even-numbered years, the next regular session of the Legislature.

Sec. 5. Chapter 211 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The sheriff of a county may:*

(a) *Share information concerning the intake and release of prisoners with the Department of Health and Human Services on a regular basis or in real time using electronic means for the purposes of suspending and reinstating prisoners' eligibility for and coverage under Medicaid pursuant to section 3 of this act; and*

(b) *Enter into an agreement with the Department of Health and Human Services to facilitate the sharing of information pursuant to paragraph (a).*

2. *On or before December 31 of any year during which the sheriff of a county does not share information with the Department of Health and Human Services pursuant to paragraph (a) of subsection 1, the sheriff must provide a report describing the reasons for not sharing such information to the Director of the Legislative Counsel Bureau for transmittal to:*

(a) *In odd-numbered years, the Legislative Committee on Health Care.*

(b) *In even-numbered years, the next regular session of the Legislature.*

Sec. 6. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, *and sections 2 and 3 of this act*, 422.580, 432.010 to 432.133, inclusive, 432B.621 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department, other than the State Public Defender of the Office of State Public Defender who is appointed pursuant to NRS 180.010.

Sec. 7. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 8. 1. This section and sections 1, 2 and 6 of this act ~~becomes~~ become effective July 1, 2019.

2. Sections 3, 4, 5 and 7 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, 2021, for all other purposes.

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 356 deletes certain provisions related to Medicaid and personal-care services in Senate Bill No. 446. It clarifies that the Department of Health and Human Services shall suspend, rather than terminate, eligibility for Medicaid for a person who is incarcerated for the amount of time authorized by regulation and reinstates such benefits as soon as possible upon release from incarceration. It authorizes the Department to adopt related regulations and revises the effective date.

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.

GENERAL FILE AND THIRD READING

Senate Bill No. 201.

Bill read third time.

The following amendment was proposed by Senator Cancela:

Amendment No. 551.

SUMMARY—Revises provisions governing loans. (BDR 52-568)

AN ACT relating to financial services; adopting certain provisions of the federal Military Lending Act; requiring the Commissioner of Financial Institutions to develop, implement and maintain a database storing certain information relating to deferred deposit loans, title loans and high-interest loans made to customers in this State; providing that information in such a database is confidential under certain circumstances; authorizing a person who operates a deposit loan service, title loan service or high-interest loan service to distribute certain information and materials concerning public assistance and services; authorizing the Department of Business and Industry and the Bureau of Consumer Protection in the Office of the Attorney General to inform the public regarding certain information; revising provisions that prohibit the making of a deposit loan or high-interest loan that exceeds or requires payments that exceed a certain percentage of the customer's expected gross monthly income; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes standards and procedures governing the licensing and regulation of certain short-term loans, commonly referred to as "payday loans," high-interest loans, title loans and installment loans. (Chapters 604A and 675 of NRS)

The federal Military Lending Act imposes limitations on the terms of consumer credit that is extended to members of the Armed Forces of the United States who are on active duty and their dependents, including, without limitation, a prohibition against a lender charging an interest rate greater than 36 percent. (10 U.S.C. § 987) Existing law adopts the provisions of the federal Military Lending Act by referring to the federal law creating the Act. (NRS 99.050, 604A.411, 675.292) Sections 15 and 24 of this bill eliminate these provisions and, instead, sections 2-7, 15 and 17-21 of this bill adopt the language of certain provisions of the Military Lending Act, including language: (1) prohibiting a lender from charging an annual percentage rate greater than the lesser of 36 percent or the maximum rate provided in the federal Military Lending Act or the regulations adopted pursuant thereto to a covered service member or a dependent of a covered service member; (2) requiring a lender to make certain disclosures before extending certain

consumer credit to a covered service member or a dependent of a covered service member; and (3) prohibiting certain additional loan terms in a transaction with a covered service member or a dependent of a covered service member. Sections 11 and 22 of this bill require the Commissioner to adopt regulations to administer, carry out and enforce these provisions.

Section 8 of this bill requires the Commissioner of Financial Institutions to develop, implement and maintain, by contract with a vendor or service provider or otherwise, a database of all deferred deposit loans, title loans and high-interest loans in this State, for the purposes of ensuring compliance with existing law governing these types of loans. Under section 8, a licensee who makes such loans must report and update certain information concerning each deferred deposit loan, title loan and high-interest loan made by the licensee. Section 8 further requires the Commissioner to establish a fee which must be charged and collected by the vendor or service provider from a licensee who is required to report the information using the database. The fee is required to be used to pay for the administration and operation of the database. Finally, sections 8 and 16 of this bill provide that information in the database or obtained by the Commissioner from the database is confidential, except that the Commissioner may use such information for statistical purposes if the identity of a person is not discernible from the information disclosed.

Section 9 of this bill authorizes a person who operates a deferred deposit loan service, high-interest loan service or title loan service to distribute information and materials provided by the Department of Health and Human Services concerning public assistance and services provided by public agencies.

Section 9.5 of this bill authorizes the Department of Business and Industry and the Bureau of Consumer Protection in the Office of the Attorney General to use reasonable means to inform the public regarding certain requirements for persons who offer deferred deposit loan services, high-interest loan services or title loan services through an Internet website to customers in this State.

Existing law prohibits a person who operates a deferred deposit loan service from making a deferred deposit loan that exceeds 25 percent of the expected gross monthly income of the customer when the loan is made. (NRS 604A.5017) Similarly, existing law prohibits a person who operates a high-interest loan service from making a high-interest loan which requires any monthly payment that exceeds 25 percent of the expected gross monthly income of the customer. (NRS 604A.5045) Section 12 of this bill prohibits a person who operates a deferred deposit loan service from making a deferred deposit loan that, in combination with any other outstanding loan of the customer, exceeds 25 percent of the expected gross monthly income of the customer when the loan is made. Section 13 of this bill prohibits a person who operates a high-interest loan service from making a high-interest loan which, in combination with any other outstanding loan of a customer, requires any

monthly payment that exceeds 25 percent of the expected gross monthly income of the customer. Sections 12 and 13 ~~of this bill~~ eliminate the ability of a person making a deferred deposit loan or high-interest loan to be deemed in compliance with these limitations if the customer receiving the loan presents evidence of his or her gross monthly income and represents in writing that the loan does not violate these limitations ~~if~~, unless the person utilizes the database created pursuant to section 8 to confirm that a loan is in compliance with these limitations.

Section 23 of this bill provides that the provisions of this bill do not apply to any loan made before ~~October 1, 2019~~. the provisions of this bill become effective. Sections 10 and 14 of this bill make conforming changes.

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

Section 1. Chapter 604A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9.5, inclusive, of this act.

Sec. 2. *"Consumer credit" means a loan made to a natural person to finance the purchase of goods that directly satisfy human wants or to defray personal or family expenses, not including:*

1. *A residential mortgage; or*
2. *A loan procured in the course of purchasing a car or other personal property, when that loan is offered for the express purpose of financing the purchase and is secured by the car or personal property procured.*

Sec. 3. *"Covered service member" means a member of the Armed Forces of the United States who is:*

1. *On active duty under a call or order to deploy with a military unit, or as an individual in support of a military operation, for a period of not less than 30 days; or*
2. *A member of the National Guard and Reserve on active duty orders.*

Sec. 4. *"Dependent" means:*

1. *The spouse of a covered service member;*
2. *A child of a covered service member who:*
 - (a) *Is less than 21 years of age;*
 - (b) *Is less than 23 years of age and is enrolled in a full-time course of study at an institution of higher learning and is in fact dependent on the covered service member for over one-half of the child's support; or*
 - (c) *Is incapable of self-support because of a mental or physical incapacity that occurred while the child was a person described by paragraph (a) or (b);*
3. *A parent or parent-in-law of a covered service member who is in fact dependent on the covered service member for over one-half of his or her support and who resides in the household of the covered service member;*

4. *An unmarried person who:*

- (a) *Is placed in the legal custody of the covered service member as a result of an order of a court of competent jurisdiction for a period of at least 12 consecutive months;*

(b) *Is:*

(1) *Less than 21 years of age;*

(2) *Less than 23 years of age and is enrolled in a full-time course of study at an institution of higher learning and is in fact dependent on the covered service member for over one-half of the person's support; or*

(3) *Incapable of self-support because of a mental or physical incapacity that occurred while the person was a person described by subparagraph (1) or (2);*

(c) *Is dependent on the covered service member for over one-half of the person's support;*

(d) *Resides with the covered service member unless separated by the necessity of military service or to receive institutional care as a result of disability or incapacitation or under such other circumstances as the Commissioner may prescribe; and*

(e) *Is not a dependent of a covered service member under subsection 1, 2 or 3.*

Sec. 5. *A licensee who makes a loan that constitutes consumer credit to a covered service member or his or her dependent shall not charge the covered service member or dependent an annual percentage rate with respect to the loan except as:*

1. *Agreed to under the terms of the written loan agreement entered into pursuant to NRS 604A.5012, 604A.504 or 604A.5067, as applicable;*

2. *Authorized by applicable state and federal law; and*

3. *Not specifically prohibited by NRS 99.050 and sections 6 and 7 of this act.*

Sec. 6. 1. *Before making a loan that constitutes consumer credit to a covered service member or a dependent of a covered service member, a licensee shall provide the following information to the covered service member or the dependent of a covered service member, as applicable, both orally and in writing:*

(a) *A statement of the annual percentage rate of interest applicable to the loan;*

(b) *Any disclosures required by the provisions of the Truth in Lending Act and any regulations adopted pursuant thereto; and*

(c) *A clear description of the payment obligations of the covered service member or dependent, as applicable.*

2. *A licensee shall present the disclosures required by subsection 1 in accordance with the provisions of Regulation Z.*

Sec. 7. *A licensee shall not make a loan that constitutes consumer credit to a covered service member or a dependent of a covered service member with respect to which:*

1. *The licensee extends, rolls over, renews, repays, refinances or consolidates any consumer credit extended to the customer by the same licensee with the proceeds of the other consumer credit extended to the same covered service member or dependent;*

2. *The customer is required to waive the customer's right to legal recourse under any otherwise applicable provision of state or federal law, including, without limitation, any provision of the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901 et seq.;*

3. *The licensee imposes onerous legal notice provisions in the case of a dispute or demands unreasonable notice from the customer as a condition for legal action;*

4. *The licensee uses a check or other method of access to a deposit, savings or other financial account maintained by the customer, or the title of a vehicle as security for the obligation;*

5. *The licensee requires as a condition for the extension of consumer credit that the customer establish an allotment to repay an obligation; or*

6. *The customer is prohibited from prepaying the loan or is charged a penalty or fee for prepaying all or part of the loan.*

Sec. 8. 1. *The Commissioner shall, by contract with a vendor or service provider or otherwise, develop, implement and maintain a database by which the Commissioner and licensees may obtain information related to deferred deposit loans, title loans and high-interest loans made by licensees to customers in this State to ensure compliance with the provisions of this chapter. The information the Commissioner and licensees may obtain includes, without limitation:*

(a) *Whether a customer has a deferred deposit loan, title loan or high-interest loan outstanding with more than one licensee;*

(b) *Whether a customer has had such a loan outstanding with one or more licensees within the 30 days immediately preceding the making of a loan;*

(c) *Whether a customer has had a total of three or more such loans outstanding with one or more licensees within the 6 months immediately preceding the making of the loan; and*

(d) *Any other information necessary to determine whether a licensee has complied with the provisions of this chapter.*

2. *After the development and implementation of the database created pursuant to subsection 1, a licensee who makes a deferred deposit loan, title loan or high-interest loan shall enter or update the following information in the database for each such loan made to a customer at the time a transaction takes place:*

(a) *The date on which the loan was made;*

(b) *The type of loan made;*

(c) *The principal amount of the loan;*

(d) *The fees charged for the loan;*

(e) *The annual percentage rate of the loan;*

(f) *The total finance charge associated with the loan;*

(g) *If the customer defaults on the loan, the date of default;*

(h) *If the customer enters into a repayment plan pursuant to NRS 604A.5027, 604A.5055 or 604A.5083, as applicable, the date on which the customer enters into the repayment plan; and*

(i) *The date on which the customer pays the loan in full.*

3. *The Commissioner shall establish, and cause the vendor or service provider administering the database created pursuant to subsection 1 to charge and collect, a fee for each loan entered into the database by the licensee. The money collected pursuant to this subsection must be used to pay for the operation and administration of the database.*

4. *Except as otherwise provided in this subsection, any information in the database created pursuant to subsection 1 is confidential and shall not be considered a public book or record pursuant to NRS 239.010. The information may be used by the Commissioner for statistical purposes if the identity of the persons is not discernible from the information disclosed.*

5. *The Commissioner shall adopt regulations that:*

(a) *Prescribe the specifications for the information entered into the database created pursuant to subsection 1;*

(b) *Establish standards for the retention, access, reporting, archiving and deletion of information entered into or stored by the database;*

(c) *Establish the amount of the fee required pursuant to subsection 3; and*

(d) *Are necessary for the administration of the database.*

Sec. 9. *A person who operates a deferred deposit loan service, high interest loan service or title loan service may, in consultation with the Department of Health and Human Services, distribute in a location at which the person conducts business under his or her license information and materials provided by the Department concerning public assistance and services provided by an agency or political subdivision of this State or the United States, including, without limitation, programs for debt reduction or relief, Medicaid, Supplemental Nutrition Assistance and Temporary Assistance for Needy Families.*

Sec. 9.5. 1. *To the extent of available funding, the Department of Business and Industry and the Bureau of Consumer Protection in the Office of the Attorney General may use reasonable means to inform the public that, pursuant to NRS 604A.579, 604A.589 and 604A.598, a person who offers deferred deposit loan services, high-interest loan services or title loan services through an Internet website to customers in this State must be licensed to perform such services pursuant to this chapter and must comply with any state or federal law or regulation applicable to this State.*

2. *As used in this section, "reasonable means" includes, without limitation, advertising through any medium, including, without limitation, radio, television, Internet, banner ads, social media, public service announcements, community education, publishing and such other means of distributing information as are reasonably calculated to inform the public of the information set forth in subsection 1.*

Sec. 10. *NRS 604A.010 is hereby amended to read as follows:*

604A.010 *As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 604A.015 to 604A.125, inclusive, and*

sections 2, 3 and 4 of this act have the meanings ascribed to them in those sections.

Sec. 11. NRS 604A.300 is hereby amended to read as follows:

604A.300 1. The Commissioner may establish by regulation the fees that a licensee who provides check-cashing services may impose for cashing checks.

2. The Commissioner shall adopt ~~any~~ :

(a) Regulations to administer, carry out and enforce the provisions of sections 5, 6 and 7 of this act.

(b) Any other regulations as are necessary to carry out the provisions of this chapter.

Sec. 12. NRS 604A.5017 is hereby amended to read as follows:

604A.5017 1. A licensee who operates a deferred deposit loan service shall not make a deferred deposit loan that , in combination with any other outstanding loan of the customer, exceeds 25 percent of the expected gross monthly income of the customer when the *deferred deposit* loan is made.

2. A licensee who operates a deferred deposit loan service is not in violation of the provisions of this section if ~~the~~ :

(a) The customer presents evidence of his or her gross monthly income to the licensee and represents to the licensee in writing that the deferred deposit loan does not exceed 25 percent of the customer's expected gross monthly income when the loan is made ~~;~~ ; and

(b) The licensee has utilized the database established pursuant to section 8 of this act to ensure that the deferred deposit loan, in combination with any other outstanding loan of the customer, does not exceed 25 percent of the customer's expected gross monthly income when the deferred deposit loan is made.

Sec. 13. NRS 604A.5045 is hereby amended to read as follows:

604A.5045 1. A licensee who operates a high-interest loan service shall not make a high-interest loan which, under the terms of the loan agreement ~~;~~ and in combination with any other outstanding loan of the customer, requires any monthly payment that exceeds 25 percent of the expected gross monthly income of the customer.

2. A licensee who operates a high-interest loan service is not in violation of the provisions of this section if ~~the~~ :

(a) The customer presents evidence of his or her gross monthly income to the licensee and represents to the licensee in writing that the monthly payment required under the terms of the loan agreement for the high-interest loan does not exceed 25 percent of the customer's expected gross monthly income ~~;~~ ; and

(b) The licensee has utilized the database established pursuant to section 8 of this act to ensure that the terms of the high-interest loan, in combination with any other outstanding loan of the customer, do not require any monthly payment that exceeds 25 percent of the customer's expected gross monthly income when the loan is made.

Sec. 14. NRS 604A.930 is hereby amended to read as follows:

604A.930 1. Subject to the affirmative defense set forth in subsection 3, in addition to any other remedy or penalty, if a person violates any provision of NRS 604A.400, ~~[604A.411,]~~ 604A.5011 to 604A.5034, inclusive, and 604A.5038 to 604A.5094, inclusive, 604A.610, 604A.615, 604A.650 , ~~[or]~~ 604A.655 *or section 5, 6 or 7 of this act* or any regulation adopted pursuant thereto, the customer may bring a civil action against the person for:

- (a) Actual and consequential damages;
- (b) Punitive damages, which are subject to the provisions of NRS 42.005;
- (c) Reasonable attorney's fees and costs; and
- (d) Any other legal or equitable relief that the court deems appropriate.

2. Subject to the affirmative defense set forth in subsection 3, in addition to any other remedy or penalty, the customer may bring a civil action against a person pursuant to subsection 1 to recover an additional amount, as statutory damages, which is equal to \$1,000 for each violation if the person knowingly:

(a) Operates a check-cashing service, deferred deposit loan service, high-interest loan service or title loan service without a license, in violation of NRS 604A.400;

(b) Fails to include in a loan agreement a disclosure of the right of the customer to rescind the loan, in violation of NRS 604A.5012, 604A.504 or 604A.5067, as applicable;

(c) Violates any provision of NRS 604A.5015, 604A.5043, 604A.507 or 604A.509, as applicable;

(d) Accepts collateral or security for a deferred deposit loan, in violation of NRS 604A.502, except that a check or written authorization for an electronic transfer of money shall not be deemed to be collateral or security for a deferred deposit loan;

(e) Uses or threatens to use the criminal process in this State or any other state to collect on a loan made to the customer, in violation of NRS 604A.5021, 604A.5049 or 604A.5072, as applicable;

(f) Includes in any written agreement a promise by the customer to hold the person harmless, a confession of judgment by the customer or an assignment or order for the payment of wages or other compensation due the customer, in violation of NRS 604A.5021, 604A.5049, 604A.5072 or 604A.5092, as applicable;

(g) Violates any provision of NRS 604A.503, 604A.5058 or 604A.5085, as applicable;

(h) Violates any provision of NRS 604A.5031, 604A.5061, 604A.5086 or 604A.5094, as applicable; or

(i) Violates any provision of ~~[NRS 604A.411,]~~ *section 5, 6 or 7 of this act.*

3. A person may not be held liable in any civil action brought pursuant to this section if the person proves, by a preponderance of evidence, that the violation:

- (a) Was not intentional;
- (b) Was technical in nature; and

(c) Resulted from a bona fide error, notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.

4. For the purposes of subsection 3, a bona fide error includes, without limitation, clerical errors, calculation errors, computer malfunction and programming errors and printing errors, except that an error of legal judgment with respect to the person's obligations under this chapter is not a bona fide error.

Sec. 15. NRS 99.050 is hereby amended to read as follows:

99.050 1. Except as otherwise provided in ~~{section 670 of the John Warner National Defense Authorization Act for Fiscal Year 2007, Public Law 109 364, or any regulation adopted pursuant thereto,}~~ subsection 2, parties may agree for the payment of any rate of interest on money due or to become due on any contract, for the compounding of interest if they choose, and for any other charges or fees. The parties shall specify in writing the rate upon which they agree, that interest is to be compounded if so agreed, and any other charges or fees to which they have agreed.

2. A creditor shall not charge an annual percentage rate ~~that~~ that is greater than the lesser of 36 percent or the maximum annual percentage rate authorized under any federal law or regulation with respect to the consumer credit extended to a covered service member or a dependent of a covered service member. Any contract or agreement in violation of this subsection is void and unenforceable.

3. As used in this section:

(a) "Annual percentage rate" has the meaning ascribed to it in the federal Truth in Lending Act, as amended, 15 U.S.C. §§ 1601 et seq., and the federal regulations adopted pursuant thereto.

(b) "Consumer credit" ~~has the meaning ascribed to it in section 2 of this act.~~

(1) Except as otherwise provided in subparagraph (2), means credit offered or extended to a covered service member or dependent of a covered service member primarily for personal, family or household purposes, and that is:

(I) Subject to a finance charge; or

(II) Payable by a written agreement in more than four installments.

(2) Does not include:

(I) A residential mortgage, which is any credit transaction secured by an interest in a dwelling, including a transaction to finance the purchase or initial construction of the dwelling, any refinance transaction, home equity loan or line of credit or reverse mortgage;

(II) Any credit transaction that is expressly intended to finance the purchase of a motor vehicle when the credit is secured by the vehicle being purchased;

(III) Any credit transaction that is expressly intended to finance the purchase of personal property when the credit is secured by the property being purchased;

(IV) Any credit transaction that is an exempt transaction for the purposes of 12 C.F.R. Part 1026, commonly known as Regulation Z, other than a transaction exempt under 12 C.F.R. § 1026.29, or otherwise is not subject to disclosure requirements under 12 C.F.R. Part 1026, commonly known as Regulation Z; and

(V) Any credit transaction or account for credit for which a creditor determines that a natural person is not a covered borrower by using a method and by complying with the recordkeeping requirement set forth in 32 C.F.R. § 232.5(b).

(c) "Covered service member" ~~has the meaning ascribed to it in section 3 of this act.~~:

(1) Except as otherwise provided in subparagraph (2), means a member of the armed forces who is serving on:

(I) Active duty pursuant to title 10, title 14 or title 32 of the United States Code, under a call or order that does not specify a period of 30 days or fewer; or

(II) Active Guard and Reserve duty, as that term is defined in 10 U.S.C. § 101(d)(6).

(2) Does not include who was a covered service member pursuant to subparagraph (1) at the time he or she became obligated on a consumer credit transaction or established an account for consumer credit but is no longer a covered service member pursuant to subparagraph (1) or a dependent of a person who is a covered service member pursuant to subparagraph (1).

(d) "Credit" means the right granted to a natural person by a person engaged in the business of extending consumer credit, or an assignee of such a person with respect to any consumer credit extended, to defer payment or to incur debt and defer its payment.

(e) "Dependent" ~~has the meaning ascribed to it in section 4 of this act.~~ with respect to a covered service member means:

(1) The spouse;

(2) A child who:

(I) Has not attained the age of 21;

(II) Has not attained the age of 23, is enrolled in a full-time course of study at an institution of higher learning approved by the administering Secretary, as defined in 10 U.S.C. § 1072(3), and is, or was at the time of the covered service member's or former covered service member's death, in fact dependent on the covered service member or former covered service member for over one-half of the child's support; or

(III) Is incapable of self-support because of a mental or physical incapacity that occurs while a dependent of a covered service member or former covered service member pursuant to sub-subparagraph (I) or (II) and is, or was at the time of the covered service member's or former covered service member's death, in fact dependent on the member or former member for over one-half of the child's support;

(3) A parent or parent-in-law who is, or was at the time of the covered service member's or former covered service member's death, in fact dependent on him or her for over one-half of his or her support and residing in his or her household;

(4) An unmarried person who:

(I) Is placed in the legal custody of the covered service member or former covered service member as a result of an order of a court of competent jurisdiction in the United States, or possession of the United States, for a period of at least 12 consecutive months;

(II) Has not attained the age of 21, has not attained the age of 23 and is enrolled in a full time course of study at an institution of higher learning approved by the administering Secretary, as defined in 10 U.S.C. § 1072(3), or is incapable of self-support because of a mental or physical incapacity that occurred while the person was considered a dependent of the covered service member or former covered service member pursuant to this paragraph;

(III) Is dependent on the covered service member or former covered service member for over one-half of the person's support;

(IV) Resides with the covered service member or former covered service member unless separated by the necessity of military service or to receive institutional care as a result of disability or incapacitation or under such other circumstances as the administering Secretary, as defined in 10 U.S.C. § 1072(3), may by regulation prescribe; and

(V) Is not a dependent of a covered service member or a former covered service member pursuant to subparagraph (1), (2) or (3).

(f) "Dwelling" means a residential structure that contains one to four units, whether or not the structure is attached to real property. The term includes, without limitation, an individual condominium unit, cooperative unit, mobile home and manufactured home.

Sec. 16. 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 8 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. 17. Chapter 675 of NRS is hereby amended by adding thereto the provisions set forth as sections 18, 19 and 20 of this act.

Sec. 18. *A licensee who makes a loan under this chapter that constitutes consumer credit to a covered service member or his or her dependent shall not charge the covered service member or dependent an annual percentage rate with respect to the loan except as:*

1. *Agreed to under the terms of the loan agreement;*
2. *Authorized by applicable state and federal law; and*
3. *Not specifically prohibited by NRS 99.050 and sections 19 and 20 of this act.*

Sec. 19. 1. *Before making a loan under this chapter that constitutes consumer credit to a covered service member or a dependent of a covered service member, a licensee shall provide the following information to the covered service member or the dependent of a covered service member, as applicable, both orally and in writing:*

- (a) A statement of the annual percentage rate applicable to the loan;*
- (b) Any disclosures required by the provisions of the Truth in Lending Act and any regulations adopted pursuant thereto; and*
- (c) A clear description of the payment obligations of the covered service member or dependent, as applicable.*

2. *A licensee shall present the disclosures required by subsection 1 in accordance with the provisions of Regulation Z.*

3. *As used in this section:*

- (a) "Regulation Z" has the meaning ascribed to it in NRS 604A.090.*
- (b) "Truth in Lending Act" has the meaning ascribed to it in NRS 604A.120.*

Sec. 20. *A licensee shall not make a loan under this chapter that constitutes consumer credit to a covered service member or a dependent of a covered service member with respect to which:*

1. *The borrower is required to waive the borrower's right to legal recourse under any otherwise applicable provision of state or federal law, including, without limitation, any provision of the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901 et seq.;*

2. *The licensee imposes onerous legal notice provisions in the case of a dispute or demands unreasonable notice from the borrower as a condition for legal action;*

3. *The licensee uses a check or other method of access to a deposit, savings or other financial account maintained by the borrower, or the title of a vehicle as security for the obligation;*

4. *The licensee requires as a condition for the extension of consumer credit that the borrower establish an allotment to repay an obligation; or*

5. *The borrower is prohibited from prepaying the loan or is charged a penalty or fee for prepaying all or part of the loan.*

Sec. 21. NRS 675.020 is hereby amended to read as follows:

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

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

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

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

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

5. "Consumer credit" has the meaning ascribed to it in section 2 of this act.

6. "Covered service member" has the meaning ascribed to it in section 3 of this act.

7. "Dependent" has the meaning ascribed to it in section 4 of this act.

8. "License" means a license, issued under the authority of this chapter, to make loans in accordance with the provisions of this chapter, at a single place of business.

~~6.~~ 9. "Licensee" means a person to whom one or more licenses have been issued.

Sec. 22. NRS 675.170 is hereby amended to read as follows:

675.170 1. The Commissioner ~~may~~

(a) May adopt regulations and make orders for the administration and enforcement of this chapter, in addition hereto and not inconsistent herewith.

(b) Shall adopt regulations to administer, carry out and enforce the provisions of sections 18, 19 and 20 of this act.

2. Every regulation must be promulgated by an order, and any ruling, demand, requirement or similar administrative act may be promulgated by an order.

3. Every order must be in writing, must state its effective date and the date of its promulgation, and must be entered in an indexed permanent book which is a public record.

4. A copy of every order promulgating a regulation and of every other order containing a requirement of general application must be mailed to each licensee at least 20 days before the effective date thereof.

Sec. 23. The amendatory provisions of :

1. Sections 1 to 7, inclusive, 9, 10, 11 and 14 to 24, inclusive, of this act do not apply to any contract or agreement for the extension of credit entered into before October 1, 2019, and any such contract or agreement remains in effect in accordance with the provisions of the contract or agreement.

2. Sections 8, 12 and 13 of this act do not apply to any contract or agreement for the extension of credit entered into before July 1, 2020, and any such contract or agreement remains in effect in accordance with the provisions of the contract or agreement.

Sec. 24. NRS 604A.411 and 675.292 are hereby repealed.

Sec. 25. ~~This~~

1. This section and sections 1 to 7, inclusive, 9, 10, 11 and 14 to 24, inclusive, of this act ~~becomes~~ become effective:

~~1.~~ (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

~~2.~~ (b) On October 1, 2019, for all other purposes.

2. Sections 8, 12 and 13 of this act become effective on:

(a) July 1, 2019, for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of those sections including, without limitation, any tasks that are

necessary to contract with a vendor or service provider or otherwise develop, implement and maintain the database described in section 8 of this act; and

(b) July 1, 2020, for all other purposes.

TEXT OF REPEALED SECTIONS

604A.411 Violation of provision of federal Warner Act constitutes violation of chapter. Notwithstanding any other provision of law, a violation of any provision of section 670 of the John Warner National Defense Authorization Act for Fiscal Year 2007, Public Law 109-364, or any regulation adopted pursuant thereto shall be deemed to be a violation of this chapter.

675.292 Violation of federal law constitutes violation of chapter. Notwithstanding any other provision of law, a violation of any provision of section 670 of the John Warner National Defense Authorization Act for Fiscal Year 2007, Public Law 109-364, or any regulation adopted pursuant thereto shall be deemed to be a violation of this chapter.

Senator Cancela moved the adoption of the amendment.

Remarks by Senator Cancela.

Amendment No. 551 makes six changes to Senate Bill No. 201. The first two deal with the part of the bill that codify the Military Lending Act. The amendment prohibits a lender from charging an annual percentage rate greater than the lesser of 36 percent or the maximum rate provided in the federal Military Lending Act or regulation with respect to the consumer credit extended to a covered service member or a dependent of a covered service member.

Today, the Military Lending Act is no longer enforced by the Consumer Financial Protection Bureau. This language ensures the same 36-percent interest-rate cap that has always been in place for military members since the law was enacted in 2006 remains, and that in the event the federal law is changed to go lower, that number would be reflected in statute. It creates both a ceiling and a floor.

Second, related to the Military Lending Act, the bill clarifies the definitions of "consumer credit," "covered service member" and "dependent" by adding the language of the federal Military Lending Act into *Nevada Revised Statutes* (NRS).

The third thing the amendment does is clarify current law. In NRS 604A.5017, a person cannot get a loan that equals more than 25 percent of their gross monthly income. This amendment says a person who operates a deferred-deposit loan service is prohibited from making a loan, that in combination with any other outstanding loan, exceeds 25 percent of the expected gross-monthly income of the customer when the loan is made. It prohibits a person who operates a high-interest loan service from making a high-interest loan that in combination with any other outstanding loan requires a monthly payment that exceeds 25 percent of the expected gross monthly income of the customer. This is how the law has been applied in the courts, and now, it will be clarified in statute.

The fourth thing the amendment does is address the same thing for a high-interest loan.

The fifth thing the amendment does is related to the database and indicates the language related to the 25 percent of a person's gross-monthly income must be part of the database.

Finally, the effective date of the bill is amended. The amendment creates a bifurcated effective date to create an effective date that will set the regulations and one whereby the database, which is the bulk of the bill, will have to be enacted.

Amendment adopted.

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

Senate Bill No. 283.

Bill read third time.

The following amendment was proposed by Senator Ratti:

Amendment No. 552.

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 1.9 of this bill removes 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(1)(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.

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;

(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. 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. (Deleted by amendment.)~~

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 209.085. 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. (Deleted by amendment.)~~

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] 7 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.] (Deleted by amendment.)~~

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.]~~
(Deleted by amendment.)

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.~~ (Deleted by amendment.)

Sec. 9. ~~[1]~~ This ~~[section and sections 1 to 3, inclusive, of this act become]~~ act becomes effective on July 1, 2019.

~~[2. Sections 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. 552 to Senate Bill No. 283 deletes sections 4 through 8, which would have expanded the scope of the prescription-drug-monitoring program and 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.

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, re-engrossed and to the Committee on Finance.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cancela moved that all necessary rules be suspended, that the reprinting of Senate Bill No. 201 be dispensed with, that the Secretary be authorized to insert Amendment No. 551 adopted by the Senate, and that the bill be placed on the General File and considered next.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 201.

Bill read third time.

Remarks by Senators Cancela, Settlemeyer, Seevers Gansert, Pickard, Kieckhefer and Harris.

SENATOR CANCELA:

Senate Bill No. 201 does three things. First, it codifies the Military Lending Act into State law. The Military Lending Act was passed in 2006. At the time, the Department of Defense believed, and said, at the passage of the law, that the biggest challenge to national security was the financial instability created by payday lenders to military members. As a result, the Department of Defense worked to craft a law setting the interest rate for military members at 36 percent and set a number of other regulations about where lenders could be housed and how lenders could loan to military members. Senate Bill No. 201 codifies that language into State law.

The second thing Senate Bill No. 201 does is authorize entities that offer deferred-deposit loans, title loans and high-interest loans to be part of an electronic-enforcement system of current laws. In 2018, FID did an audit of these types of lenders and found approximately a third were out of compliance with current law. In the audit's recommendations was the idea of creating electronic enforcement for current laws. This bill creates this electronic enforcement mechanism for current laws governing short-term, high-interest loans.

The third thing the bill does is allow lenders to distribute information, created by the State, to help people in financially troubling times. This allows distribution of information on how to negotiate hospital bills through the State, access food stamps, how to get on welfare and give as many options as possible for people dealing with financially-precarious situations.

SENATOR SETTELMEYER:

I appreciate the work on this bill and agree with the concept that the Military Lending Act should be in the bill. It looks like the concept of the safe harbor has been added back into the bill. I am concerned because the fee should be outside of the percentage cap so it is not applied, thereby, taking away the margin and taking people out of business. We need to determine these industries are either lawful and leave them alone or decide we do not like them and get rid of them. We continue to come back to this subject. I am bothered by the subject of taking a fee and having it paid to an outside vendor. I have not seen this done before in this Legislative Body. This circumvents the concept of the tax-restraint initiative, and I will be opposing this bill.

SENATOR SEEVERS GANSERT:

I, too, agree with the majority of this bill, especially the Military Lending Act. I have never seen an example where the State does not collect a fee, do an RFP and then contract within an agency. In this case, that process is circumvented. There is an RFP process, but the fee is not determined in the bill. It is up to the contractor, and the money does not come to the State. I have not seen where a contract like this is set up versus establishing a fee, receiving the fee, completing an RFP process, contracting with an organization and paying the organization based on the money we have and the work they will do. I will vote against this bill because this is a precedent-setting way of contracting with an entity and keeping a fee outside the normal purchasing process.

SENATOR PICKARD:

I agree with the statements of my colleagues from Districts 15 and 17. I question the wisdom of adopting federal law when it already supersedes State law and is unnecessary to repeat. I am opposed to this bill.

SENATOR CANCELA:

The federal law has been rolled back in the last year. The Consumer Fraud and Protection Bureau (CFPB) has made decisions to dismantle consumer protections built up for decades. The language in the bill is meant to ensure those protections, which have been in place for almost 15 years, for service members, their families and dependents stay in place. This is important. There was the option to reference the federal rule, which has changed quite a bit. The bill instead copies the federal language of the Military Lending Act.

In 1994 and followed again in 1996, a ballot initiative was adopted amending Section 18 of Article 4 of the *Nevada Constitution*. The language reads: "Except as otherwise provided in subsection 3, an affirmative vote of not fewer than two-thirds of the members elected to each House is necessary to pass a bill or joint resolution which creates, generates, or increases any public revenue in any form, including but not limited to, taxes, fees, assessments and rates, or changes in the computation bases for taxes, fees, assessments and rates." That language is

important because the question becomes does the bill create, generate or increase any public revenue. Those words, based on the words of statutory interpretation, have to be taken at their literal meaning. The text of the bill does not create, generate or increase a fee. It authorizes FID to contract with a private entity to create a database. In the creation of that database, FID is authorized to negotiate a fee that will never become public revenue. It is part of a contract lenders will enter into with the private entity that manages the database. The money never becomes public revenue. It goes between the lender and the database-management company. This is important because it ensures the money never enters into public coffers. There are other states that are doing something similar and putting money into public revenue. That is not the intention here because of what my colleague pointed out about the thin revenue lines that exist for some of these entities. We are not looking to profit; rather, we are looking to ensure our laws are enforced to the best of FID's abilities, and that requires electronic communication and 21st century technology. The fee that would be negotiated would only go between the lender and the vendor chosen to create the database.

SENATOR KIECKHEFER:

I appreciate the explanation and do not dispute that the bill does what the sponsor has said. It keeps money out of the hands of the State as this would trigger a two-thirds vote to pass the bill. This is an interesting work-around as this bill would have had support for a two-thirds vote. Are we going to start down the road of saying this is going to be State public policy, and we are going to contract a vendor to implement that public policy, but to avoid having to have a super-majority of the Legislature to do that, we are going to allow private entities to start collecting fees on our behalf rather than the State doing it and paying for them? It is a creative work-around. I do not dispute that it is legal, but it is inappropriate.

SENATOR PICKARD:

First, it seemed we were adopting the Military Lending Act. In this version, it seems we are not. I would like some clarity on that please. Is the fee to be collected by the third-party mandatory? Will every lender, in order to lend in this State, have to pay it, or will they be able to contract around that? If every lender is required to pay the fee and that fee pays for a government program, it is a tax and is inappropriate.

SENATOR CANCELA:

The Military Lending Act statute has not been repealed. The rules surrounding the statute have been repealed by the CFPB. In the bill, some sections refer directly to the Military Lending Act and others take language from the Military Lending Act and copy it into statute. The Military Lending Act is referred to in NRS, but it is not codified. This bill codifies the language by copying it and referencing it in statute. This database system has been created in 13 other states. In all states where the database was enacted, the short-term, high-interest industry continued to operate. In some states, it did better.

SENATOR HARRIS:

I would like to thank my colleague from District 10 for literally cutting out the middleman and saving the State the administrative costs related to collecting the fee and remitting it to the vendor.

SENATOR PICKARD:

Are lenders going to be able to contract around, or will this be a mandatory fee everyone will pay?

SENATOR CANCELA:

Lenders would have to use the database as the enforcement tool for current law. Should they chose to contract around or not participate in the electronic enforcement of current laws, they would be out of compliance and subject to penalties for not complying with current laws.

SENATOR SETTELMAYER:

From the testimony we heard, Alabama, Delaware, Florida, Illinois, Indiana, Kentucky, Michigan, North Dakota, Oklahoma, South Carolina, Virginia, Washington and Wisconsin have

this database. Only one state has the funds paid directly to a vendor. In all other states, the money goes directly to the state.

Roll call on Senate Bill No. 201:

YEAS—13.

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

Senate Bill No. 201 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS
SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Assembly Bill No. 65.

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 Sylvia Antuna, Maria Balicanta, Glenna Bolster, Kathleen Broda, Lori Brust, Brent Buccambuso, Ashley Cabral, Victor Chicas, Charetzayda Gonzalez Del Valle, Maria Delgado, Veronica Estrada, Teodora Garcia, Vivian Gray, Jay Griffith, Victor Juarez-Rivera, Stella Kalaoram, Donna Kelly, Rory Kuykendall, Maria Landeros, Juston Larsen, Ericka Legazpi-Duran, Sergio Manzano, Maria Martinez, Sandra Martinez, Juan Ocampo, Rocio Puente and former Senator Tick Segerblom, Greg Stachowiak, Diana Thomas, Eric Thyr, Larry Turner, Leain Vashon and Lucela Watson.

On request of Senator Goicoechea, the privilege of the floor of the Senate Chamber for this day was extended to Warren Archer and Ty Robert LaRiviera.

On request of Senator Hammond, the privilege of the floor of the Senate Chamber for this day was extended to Leslie Shaffer.

On request of Senator Hansen, the privilege of the floor of the Senate Chamber for this day was extended to Sarah Allen, James Leslie and Richard Ware.

On request of Senator Ratti, the privilege of the floor of the Senate Chamber for this day was extended to Petra Garcia, Ken Kitts, Alberto Lopez and Susana Sandoval.

On request of Senator Seevers Gansert, the privilege of the floor of the Senate Chamber for this day was extended to Mekhi Anderson, Amaya Basterrechea-Anderson, Jaden Beuhring, Gavin Black, London Black, Joromy Bounyalath, Austin Burgess, Valeria Cornejo-Recinos, Aubrey Cripps, John Cripps, Chris Demay, Kamryn Demay, Nevaiah Desmond, Paige Doxey, Liepa Etchegoyhen, Cornay Euwing, Brian Feleciano, Olivia Feleciano, Benjamin Fierstein, Shirley Gage, Anneliese Lugo Garcia, Athena General,

Athena Gordillo, Torin Green, Shelley Gregory, Joey Orduna Hastings, Olan Hester, Dustin Hurley, Shelley Jamieson, Tyler Jamieson, Javed Khan, Nathan Kolas, Jordan Kovich, Nathan Lawver, Debra Lester, Rosa Lester, Erick Lopez, Summer Lovan, Ella Marsh, Lindey Marsh, Sileisa Masina, Joey Mello, Aaron Menshew, Logan Metzger, Savannah Miguel, Charley Miller, Rowdy Miller, Brody Movius, Lucy Munk, Charlotte Oade, Lilyanna Ortiz, William Phifer, Harmony Pritchard, Rusty Pritchard, Guadalupe Ramirez, Madeline Reese, Eleanor Richter, Anastasia Rome, Andreas Santos, Leah Sell, Dawson Slama, Lillian Stewart, Sophia Valdez, Grace Velazquez, Natasha Vinje, Grady Walkiewicz and Jennifer Walters.

On request of Senator Washington, the privilege of the floor of the Senate Chamber for this day was extended to Christopher Clark, Jeanette Hill and Cheryl Lawrence.

On request of Senator Woodhouse, the privilege of the floor of the Senate Chamber for this day was extended to Cristhian Barneond, Matthew McClean and Alena Newman.

Senator Cannizzaro moved that the Senate adjourn until Friday, April 19, 2019, at 11:00 a.m.

Motion carried.

Senate adjourned at 7:29 p.m.

Approved:

KATE MARSHALL
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate