THE ONE HUNDRED AND ELEVENTH DAY

CARSON CITY (Saturday), May 25, 2019

Senate called to order at 2:26 p.m.

President Marshall presiding.

Roll called.

All present except for Senators Seevers Gansert and Washington, who were excused.

Prayer by the Senator Yvanna Cancela.

With nine days left this Session and long days behind and ahead of us, there is much to be thankful for. Today, we are grateful for the community we are, from Legislators to the staff who so helpfully make the building run; our community is a mighty one. We truly have so much to show gratitude for.

My hope is that even when we feel empty, we know we are full, that our thankfulness, values and strength ground us and move us forward to the end of Session. May we appreciate each other and the magnitude and significance of the work ahead, and may we treasure the time with our families and loved ones on our day of rest.

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 Finance, to which were referred Senate Bills Nos. 193, 503, 513, 515, 518, 527, 536, 539, 542, 545, 548, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Finance, to which were re-referred Senate Bills Nos. 376, 497, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Finance, to which were referred Senate Bills Nos. 530, 540, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Finance, to which was re-referred Senate Bill No. 346, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOYCE WOODHOUSE, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 1.

Resolution read.

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

Amendment No. 927.

SUMMARY—Directs the Legislative Committee on Energy to conduct an interim study concerning the development of renewable energy and clean energy resources in this State. (BDR R-117)

SENATE CONCURRENT RESOLUTION—Directing the Legislative Committee on Energy to conduct an interim study concerning the development of renewable energy and clean energy resources in this State.

WHEREAS, A renewable energy and clean energy resources program administered by appropriate state and local agencies in this State has the potential to unleash the vast clean energy resources in this State and put Nevada at the forefront of renewable energy and clean energy development as a primary means of achieving energy independence; and

WHEREAS, The foundation of such a program is rooted in Nevada's expansive and, to date, largely untapped potential for renewable energy and clean energy resources, including, without limitation, Nevada's underdeveloped geothermal resources, which are more substantial than in any other state, Nevada's large deposits of lithium, which are currently the only deposits producing lithium for use in the United States, and Nevada's potential for additional development of solar energy, low-temperature geothermal, waste heat to power, combined heat and power, energy storage technology and other clean energy resources which may be identified in the future; and

WHEREAS, Geothermal energy has the smallest carbon footprint of any form of renewable energy and can be used across a wide spectrum of temperatures, including lower temperatures capable of providing direct-use applications, such as heat for public facilities, homes, greenhouse agriculture and vegetable dehydration, and higher temperatures that can produce electricity; and

WHEREAS, Lithium is critical to the burgeoning electric automobile industry and for battery technology in general, with a wide array of applications for all forms of renewable energy and clean energy; and

WHEREAS, Systematic studies are needed to locate these renewable energy and clean energy resources, to analyze the feasibility, both technical and economic, of developing such resources, to determine the best methods for extraction of such resources and to determine if initial support is needed to assist entrepreneurial industries to develop such resources; and

WHEREAS, Studies are needed to understand the full potential of solar energy and its potential relationship with other forms of renewable energy, including, without limitation, enhancing geothermal energy output ~~[,]~~ and determining whether the utilization of solar energy is incentivized by state and local building codes; and

WHEREAS, The implementation of cost-effective energy efficiency measures by state agencies in this State has the potential to save energy costs for the State of Nevada and protect and improve the environment in this State; and

WHEREAS, The conduct of a statewide audit to identify cost-effective energy efficiency measures for implementation by state agencies will enable the State of Nevada to realize the cost savings and environmental benefits of energy efficiency measures; now, therefore, be it

RESOLVED, BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the Legislative Committee on Energy shall conduct an interim study of the assessment and development of the renewable energy and clean energy resources available in this State with the goal of achieving energy independence and facilitating economic diversification in this State; and be it further

RESOLVED, That the study include consideration of methods to increase the opportunities for students in this State to study subjects related to renewable energy and clean energy at community colleges and universities in this State; and be it further

RESOLVED, That, in conducting the study, the Legislative Committee on Energy shall partner or consult with representatives of the Nevada System of Higher Education to examine ways to improve the training of workers in the renewable energy ~~[industry,]~~ and lithium extraction industries, including, without limitation, ways to improve the training of workers to develop, construct, improve, maintain and repair renewable energy and lithium extraction facilities and systems and the components of those facilities and systems, including, without limitation, artificial intelligence used in those facilities and systems; and be it further

RESOLVED, That, as part of the study, the Legislative Committee on Energy may, if feasible, enter into a contract or other agreement with the University of Nevada, Reno, the University of Nevada, Las Vegas and the Desert Research Institute for the gathering of data concerning the assessment and development of renewable energy and clean energy, and a cost-benefit analysis of the various sources of supply of energy, including, without limitation, natural gas plants, geothermal facilities, solar resources, combined heat and power, waste heat to power and demand-side energy conservation resources, from obtaining the energy to the delivery of the energy or energy services to the end-user of the energy; and be it further

RESOLVED, That the study include the feasibility of using renewable energy resources, clean energy resources and the lithium resources in this State for various applications including, without limitation, consideration of:

1. The potential for converting existing mines into clean energy resources;

2. The potential for using direct-use geothermal energy in universities, governmental offices, prisons and other major public facilities in Nevada;

3. Methods for incentivizing the use of renewable energy resources, including on-site energy generation, in the construction of new homes and buildings;

4. Economic and regulatory barriers preventing maximum implementation of clean energy resources including, without limitation, barriers to fully utilizing existing disturbed lands as locations for clean energy resources;

5. The potential for developing geothermal resources for individual mines and mining districts;

~~[4.]~~ 6. The potential for the mining of heat from rocks for engineered geothermal systems in this State, including using the site in Fallon, Nevada,

previously considered as the site for the Frontier Observatory for Research in Geothermal Energy (FORGE) laboratory by the United States Department of Energy;

7. The potential for locating clean energy facilities on existing brownfield sites and other previously disturbed lands such as disused landfills, mines and former industrial sites;

~~[5.]~~ 8. Methods for the acquisition of light detection and ranging (LiDAR) data, which is high resolution topographic data that may provide critical information on the distribution of faults and rock layers that host renewable energy resources;

~~[6.]~~ 9. Methods for the acquisition of new, detailed geologic and energy resource potential maps, including three-dimensional maps, to help identify areas with the greatest potential for development of geothermal and lithium resources;

10. Methods for implementing micro-grids, distributed generation and off-grid developments to innovate and increase the resiliency of the electric power grid, while reducing the losses inherent to transmission on the electric power grid;

~~[7.]~~ 11. The development of infrastructure and support for staff, including, without limitation, laboratories, geoscientists, data managers, web specialists, engineers and economists at state agencies and components of the Nevada System of Higher Education to facilitate implementation of a renewable energy and clean energy resources program in this State; and

~~[8.]~~ 12. Any other matter that the Committee determines is relevant to the study; and be it further

RESOLVED, That the study propose a framework for engaging in damage mitigation and land revitalization for the purpose of locating clean energy facilities on existing brownfield sites and other previously disturbed lands; and be it further

RESOLVED, That the study include economic models, including input and output modeling utilizing IMPLAN or comparable economic modeling tools, that explain potential economic impacts to this State:

1. As the State uses energy more productively through the implementation of cost-effective energy efficiency measures and programs;

2. From the reduction of energy imports from outside of the State including, without limitation, the reduction of imports of fossil fuels, including natural gas, petroleum, propane gasoline or other fossil fuels, as Nevada develops its indigenous energy resources;

3. From the reduction of imports of transportation fuels due to the increased use of electric transportation or the use of other alternative fuels produced in this State, including, without limitation, biofuels; and

4. From the electrification of transportation; and be it further

RESOLVED, That, in conducting the study, the Legislative Committee on Energy shall partner or consult with representatives of the Nevada System of Higher Education, the elementary and secondary education system in this

State, the National Renewable Energy Laboratory and the private sector ~~[.]~~ , including, without limitation, the existing renewable energy and lithium extraction industries located in this State, and consider input provided by other stakeholders including, without limitation, clean energy developers, nongovernmental organizations and professionals with expertise regarding energy transmission and the electric grid; and be it further

RESOLVED, That the Legislative Committee on Energy shall, if feasible, contract with the University of Nevada, Reno, the University of Nevada, Las Vegas and the Desert Research Institute to conduct a statewide audit to identify energy efficiency measures that could be implemented by agencies of the State of Nevada, determine the costs and benefits of those measures, determine the savings that could be realized by the State of Nevada if those agencies implemented the energy efficiency measures identified in the audit and make recommendations for the implementation of energy efficiency measures by those agencies; and be it further

RESOLVED, That the Legislative Committee on Energy shall submit a report concerning the statewide audit to the Legislature and the Governor and provide a copy of the recommendations of the statewide audit to each agency of the State of Nevada; and be it further

RESOLVED, That any recommended legislation proposed by the Legislative Committee on Energy must be approved by a majority of the members of the Assembly and a majority of the members of the Senate appointed to the Committee; and be it further

RESOLVED, That the Legislative Committee on Energy shall submit a report of the results of the study, including, without limitation, any economic models prepared by or for the Committee, a report of any data collected and presented to the Committee concerning the assessment and development of various sources of renewable and clean energy, the potential impacts of the development of such sources of renewable and clean energy and methods for the conservation of energy and any recommendations for legislation to the 81st Session of the Nevada Legislature.

Senator Ohrenschall moved the adoption of the amendment.

Remarks by Senator Ohrenschall.

Amendment No. 927 to Senate Concurrent Resolution No. 1 adds language in a "whereas" clause addressing the utilization of solar energy that is incentivized by State and local building codes; it expands the list of organizations with whom the Legislative Committee on Energy should consult as part of the interim study; expands the scope of the interim study to address: lithium extraction matters; incentives for on-site energy generation in new construction, economic and regulatory barriers to clean energy implementation, the potential for locating clean energy facilities on existing brownfield sites and other previously disturbed lands, methods for implementing micro-grids and off-grid developments to increase the resiliency of the power grid, and the framework for engaging in damage mitigation and land revitalization for locating clean energy facilities.

Amendment adopted.

Resolution read.

Remarks by Senator Spearman.

Senate Concurrent Resolution No. 1 directs the Legislative Committee on Energy to conduct an interim study concerning the development of renewable energy resources in Nevada. The Committee is charged with studying the potential of converting existing mines into geothermal resources and the use of lithium resources in Nevada for energy purposes. Consideration would be given to the potential for using geothermal energy in various public facilities; incentives for on-site energy generation in new construction; economic and regulatory barriers to clean-energy implementation, and the potential for locating clean-energy facilities on existing brownfield sites.

Further consideration would be given to methods for implementing micro grids and off-grid developments to increase the resiliency of the power grid, as well as the acquisition of resource maps to identify areas in Nevada with the greatest potential for geothermal and lithium resources.

Finally, Senate Concurrent Resolution No. 1 provides for the involvement of, and partnership with, Nevada's community colleges' and universities' existing renewable energy and lithium extraction industries and other stakeholders having expertise in energy transmission and the electric grid.

Nevada is the only place in North America with an abundance of lithium. The closest to us would be in Brazil. With the lithium we have, and being second to California with respect to geothermal opportunities, this is a wonderful opportunity to expand our renewable energy resources and diversify our economy. I urge your support.

Resolution adopted.

Resolution ordered, transmitted to the Assembly.

Senator Harris has approved the addition of Senator Spearman as a primary sponsor of Senate Bill No. 209.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Finance:

Senate Bill No. 550—AN ACT relating to programs for public personnel; establishing for the 2019-2021 biennium the subsidies to be paid to the Public Employees' Benefits Program for insurance for certain active and retired public officers and employees; and providing other matters properly relating thereto.

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

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 523.

Bill read third time.

Remarks by Senator Woodhouse.

Senate Bill No. 523 makes a General Fund appropriation of $11,344 to the Department of Education for an unanticipated shortfall in personnel, services and expenditures for literacy programs.

Roll call on Senate Bill No. 523:

YEAS—19.

NAYS—None.

EXCUSED—Seevers Gansert, Washington—2.

Senate Bill No. 523 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 524.

Bill read third time.

Remarks by Senator Woodhouse.

Senate Bill No. 524 makes a General Fund supplemental appropriation of $127,819 in Fiscal Year 2019 to fund a projected shortfall in the State's subsidy of the former local government employers of non-State, non-Medicare retirees who are enrolled in the Public Employees' Benefits Program (PEBP).

Senate Bill No. 552 of the 2017 Session amended NRS 287.023 to provide that a non-State, non-Medicare retiree participating in PEBP would pay the same monthly premium as a similarly enrolled State, non-Medicare retiree and created a four-year period of declining State subsidies during which each retiree's former employer would assume a greater annual share of the increased cost. Senate Bill No. 524 funds the projected shortfall in the State's subsidy pursuant to Senate Bill No. 552 of the 2017 Session.

Roll call on Senate Bill No. 524:

YEAS—19.

NAYS—None.

EXCUSED—Seevers Gansert, Washington—2.

Senate Bill No. 524 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 537.

Bill read third time.

Remarks by Senator Denis.

Senate Bill No. 537 extends the prospective expiration date of the Consumer Affairs Unit of the Department of Business and Industry.

Roll call on Senate Bill No. 537:

YEAS—19.

NAYS—None.

EXCUSED—Seevers Gansert, Washington—2.

Senate Bill No. 537 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 541.

Bill read third time.

Remarks by Senators Woodhouse, Pickard and Kieckhefer.

SENATOR WOODHOUSE:

This measure revises the provisions governing the distribution of the State portion of the Governmental Services Tax (GST) for the 2019-2021 Biennium. Nevada Revised Statutes 482.182 currently requires 25 percent of the proceeds from the portion of the GST generated from the 10-percent depreciation schedule change, originally approved in Senate Bill No. 429 of the 2009 Session, to be deposited in the State General Fund and 75 percent of these proceeds to be deposited in the State Highway Fund. Based on the provisions of Assembly Bill No. 486 approved during the 2017 Session, the current distribution of these proceeds expires on June 30, 2019, and 100 percent of these proceeds are required to be deposited into the State Highway Fund beginning in Fiscal Year 2020.

Senate Bill No. 541 removes the June 30, 2019, expiration date for the current distribution and provides that the State General Fund will continue to receive 25 percent of these proceeds, and the State Highway Fund will continue to receive 75 percent of these proceeds on a permanent basis beginning in Fiscal Year 2020.

SENATOR PICKARD:

Are we going from 100 percent of the Highway Fund back to a 75/25 split? Can you explain that? Secondly, will that then make it permanent?

SENATOR WOODHOUSE:

Just to make sure we are clear, I will reread the last paragraph. This bill removes the June 30, 2019, expiration date for the current distribution and provides that the State General Fund will continue to receive 25 percent of these proceeds. The State Highway Fund will continue to receive 75 percent of these proceeds on a permanent basis beginning in Fiscal Year 2020.

SENATOR PICKARD:

If I understand correctly, before the bill, it was 100 percent to the Highway Fund, and now it goes back? It seems to me as of 2017, we were putting all of this back into the Highway Fund. I may be mistaken on that, but I am trying to figure out the direction we are going with Senate Bill No. 541.

SENATOR KIECKHEFER:

When this was originally implemented, 100 percent of these proceeds were supposed to go to the Highway Fund. During the recessionary years, we started diverting this money to the General Fund. It was 100 percent to start with; it was down to 50 percent, and then, we settled in at 25 percent. Senate Bill No. 541 extends the 25 percent to the General Fund, 75 percent to the Highway Fund split currently in place for the past 4 years, and we will maintain it permanently thereafter.

Roll call on Senate Bill No. 541:

YEAS—18.

NAYS—Pickard.

EXCUSED—Seevers Gansert, Washington—2.

Senate Bill No. 541 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 151.

Bill read third time.

Remarks by Senators Hardy and Ratti.

SENATOR HARDY:

I rise in support. The amendment put on Assembly Bill No. 151 prior to the amendment accepted by the Committee on Health and Human Services, would have explicitly prohibited an attorney from reporting commercial sexual exploitation of a child if the attorney acquired the knowledge of the exploitation from a client during a privileged conversation or communication. If the client had been, or maybe, accused of committing the commercial sexual exploitation**.** I had serious concerns about how that was worded. The amendment was revised and the bill clarifies that an attorney shall not report the commercial sexual exploitation of a child, if such reporting is prohibited by the ethical duties of attorneys set forth in the Nevada Rules of Professional Conduct. Nothing in the bill shall be construed as relieving an attorney from the duty to report such exploitation to the extent the attorney reasonably believes it necessary to prevent further sex trafficking or sexual abuse of the child or pursuant to the bill's requirements in any other circumstances or as such reporting is authorized by the Nevada Rules of Professional Conduct.

The Nevada Rules of Professional Conduct prescribe the ethical responsibility of lawyers in this State. Rule 1.6 of the Nevada Rules of Professional Conduct generally prohibits a lawyer

from revealing information relating to the representation of a client unless the client consents to the disclosure or the disclosure is implicitly authorized in order to carry out the representation. This rule is necessary because the Sixth Amendment to the *United States Constitution* provides for the right to counsel, and in order for people to have effective representation, they may need to discuss incriminating information with counsel without concern it would be provided to the authorities.

This requirement could be interpreted as in conflict with the original version of Assembly Bill No. 151, which appeared to include attorneys as mandatory reporters of commercial sexual exploitation of children. Rule 1.6 of the Nevada Rules of Professional Conduct requires a lawyer to reveal information relating to the representation of a client to the extent the lawyer reasonably believes necessary to prevent a criminal act that he or she believes is likely to result in reasonably certain death or substantial bodily harm. Additionally, Rule 1.6 authorizes a lawyer to reveal information related to representation of a client, when necessary, to prevent reasonably certain death or substantial bodily harm not resulting from a criminal act or to prevent, mitigate and rectify the consequences of a client's criminal act in the commission of which the lawyer's services have been or are being used.

As approved by the Senate Committee on Health and Human Services, the first reprint of Assembly Bill No. 151 prohibits a lawyer from making a report of the commercial sexual exploitation of a child when the report constitutes a prohibited disclosure under Rule 1.6. However, it also clarifies that a lawyer is required to make such a report or such reporting as not prohibited by Rule 1.6. In doing so, the bill specifically addresses reporting the commercial sexual exploitation of a child where necessary to prevent further sex trafficking or sexual abuse.

It is also helpful to look at the American Law Institute, which publishes restatements of law that summarize generally accepted law in particular areas. This Institute's third restatement of the law governing lawyers' comments on provisions similar to Rule 1.6 and states, " 'Seriously bodily harm' includes the consequences of events such as child sexual abuse." Therefore, interpreting Rule 1.6 of the Nevada Rules of Professional Conduct in accordance with the restatement, an attorney has a duty to disclose information relating to the representation of a client to the extent necessary to prevent sexual abuse of children.

The bill codifies this interpretation by requiring an attorney to report the commercial sexual exploitation of a child to the extent the attorney reasonably believes the reporting is necessary to prevent the further sex trafficking or sexual abuse of a child.

SENATOR RATTI:

My colleague did an excellent job of explaining how this bill affects attorneys, but this bill has a broader range than just attorneys. Assembly Bill No. 151 requires individuals currently required to report the abuse or neglect of a child to report suspected commercial sexual exploitation of a child to a child-welfare services agency as soon as reasonably practicable but not later than 24 hours after becoming aware of the possible exploitation.

In addition, it requires any person, regardless of whether the person is a mandatory reporter, who knows or has reasonable cause to believe a child is being commercially sexually exploited, to contact a law enforcement agency immediately if an alleged perpetrator is present or believed to be with the child or the child is otherwise in imminent danger. Any person who knowingly and willfully violates reporting requirements is guilty of a misdemeanor for the first violation and a gross misdemeanor for each subsequent violation.

The bill requires a child-welfare services agency that receives such a report to conduct an initial screening and report the commercial sexual exploitation to the appropriate law enforcement agency. If the child is not in the agency's jurisdiction, the agent may contact child-welfare services in another jurisdiction. The measure provides that certain information related to a report is confidential and may only be released or disseminated under certain authorized circumstances.

Finally, a penalty may be imposed for improperly releasing or disseminating such information.

This is an important bill that will make sure we all have responsibility for acting when we see a child in this horrific situation. The additional work done to ensure we answered the question of whether an attorney still has that same responsibility is very important. I urge you to support this bill.

Roll call on Assembly Bill No. 151:
YEAS—19.
NAYS—None.
EXCUSED—Seevers Gansert, Washington—2.

Assembly Bill No. 151 having received a two-thirds majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

REPORTS OF COMMITTEE

Madam President:

Your Committee on Finance, to which was re-referred Senate Bill No. 254 has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

JOYCE WOODHOUSE, *Chair*

SECOND READING AND AMENDMENT

Senate Bill No. 193.

Bill read second time and ordered to third reading.

Senate Bill No. 503.

Bill read second time and ordered to third reading.

Senate Bill No. 513.

Bill read second time and ordered to third reading.

Senate Bill No. 515.

Bill read second time and ordered to third reading.

Senate Bill No. 518.

Bill read second time and ordered to third reading.

Senate Bill No. 527.

Bill read second time and ordered to third reading.

Senate Bill No. 530.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 935.

SUMMARY—Makes a supplemental appropriation to the Nevada Supreme Court for a projected shortfall related to judicial selection processes. (BDR S-1250)

AN ACT making a supplemental appropriation to the Nevada Supreme Court for a projected shortfall related to judicial selection processes; and providing other matters properly relating thereto.

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

Section 1. There is hereby appropriated from the State General Fund to the Nevada Supreme Court the sum of ~~[$10,500]~~ $6,000 for a projected shortfall related to judicial selection processes. This appropriation is

supplemental to that made by section 11 of chapter 396, Statutes of Nevada 2017, at page 2635.

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

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 935 to Senate Bill No. 530 makes a General Fund supplemental appropriation of $10,500 in Fiscal Year 2019 to the Nevada Supreme Court to fund a projected shortfall related to judicial selection processes. The amendment proposed by the Supreme Court on May 22, 2019, reduces the amount to $6,000 due to the deferral of one judicial selection process to Fiscal Year 2020.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 536.

Bill read second time and ordered to third reading.

Senate Bill No. 539.

Bill read second time and ordered to third reading.

Senate Bill No. 540.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 941.

SUMMARY—Revises provisions relating to vulnerable persons. (BDR 14-1201)

AN ACT relating to vulnerable persons; revising provisions governing the Repository for Information Concerning Crimes Against Older Persons; revising and repealing provisions relating to the abuse, neglect, exploitation, isolation or abandonment of a vulnerable person; revising provisions relating to the Unit for Investigation and Prosecution of Crimes Against Older Persons of the Office of the Attorney General; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines a "vulnerable person" as a person who is 18 years of age or older and who: (1) suffers from a condition of physical or mental incapacitation because of a developmental disability, organic brain damage or mental illness; or (2) has one or more physical or mental limitations that restrict his or her ability to perform daily activities. (NRS 200.5092)

Existing law also defines "protective services" as services that prevent or remedy abuse, neglect, exploitation, isolation and abandonment of older persons. Existing law defines an "older person" as a person who is 60 years of age or older. (NRS 200.5092) Section 5 expands the definition of "protective services" to include services that prevent and remedy abuse, neglect, exploitation, isolation and abandonment of vulnerable persons.

Existing law requires the Aging and Disability Services Division of the Department of Health and Human Services to: (1) identify and record

demographic information concerning older persons who have allegedly been abused, neglected, exploited, isolated or abandoned and those persons who are allegedly responsible for such abuse, neglect, exploitation, isolation or abandonment; (2) obtain information from programs for preventing abuse of older persons and analyze and compare such programs; and (3) publicize provisions of law concerning abuse, neglect, exploitation, isolation or abandonment of older persons. (NRS 200.5098) Section 9 of this bill expands the duties of the Division to include vulnerable persons in such duties. Sections 10-12 of this bill make conforming changes.

Existing law requires certain persons in their professional or occupational capacity, who know or have reasonable cause to believe that an older person has been abused, neglected, exploited, isolated or abandoned to report such abuse, neglect, exploitation, isolation or abandonment within 24 hours to: (1) a local office of the Aging and Disability Services Division of the Department of Health and Human Services; (2) a police department or sheriff's office; or (3) a toll-free telephone service designated by the Division. (NRS 200.5093) Existing law also requires certain persons in their professional or occupational capacity, who know or have reasonable cause to believe that a vulnerable person has been abused, neglected, exploited, isolated or abandoned to report such abuse, neglect, exploitation, isolation or abandonment within 24 hours to a law enforcement agency. (NRS 200.50935) Section 6 of this bill expands those agencies to which a person in his or her professional or occupational capacity can make a report concerning abuse, neglect, exploitation, isolation or abandonment of a vulnerable person to include the local office of the Aging and Disability Services Division or the toll-free telephone service of the Division, meaning that the same process is used for reporting instances of abuse, neglect, exploitation, isolation or abandonment of both older persons and vulnerable persons. Section 33 repeals the existing process for making such a report concerning a vulnerable person. Sections 2, 3, 7, 8 and 25-31 of this bill make conforming changes.

Existing law provides that reports concerning abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person are confidential. Existing law authorizes certain persons to have access to certain information and data contained in such a report. (NRS 200.5095) Section 8 of this bill also authorizes such a report to be made available to the State Guardianship Compliance Office ~~[or a local office of public guardian]~~ or an attorney who represents an older person or vulnerable person in a guardianship proceeding. If such an attorney receives information from such a report, section 10 of this bill requires the attorney to disclose the information concerning abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the court in a guardianship proceeding within 20 days after the attorney's receipt of such information.

Existing law authorizes the Unit for the Investigation and Prosecution of Crimes Against Older Persons of the Office of the Attorney General to investigate and prosecute alleged abuse, neglect, exploitation, isolation or

abandonment of an older person under certain circumstances. (NRS 228.270) Section 17 of this bill changes the name of the Unit to the Unit for the Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons. Section 18 of this bill authorizes the Unit to investigate and prosecute the alleged abuse, neglect, exploitation, isolation or abandonment of a vulnerable person under certain circumstances.

Existing law provides that the Unit for the Investigation and Prosecution of Crimes Against Older Persons may also bring an action to enjoin or obtain any other equitable relief to prevent the abuse, neglect, exploitation, isolation or abandonment of an older person. Existing law also authorizes the Attorney General to seek a civil penalty against such a person responsible for the abuse, neglect, exploitation, isolation or abandonment of the older person. (NRS 228.275, 228.280) Section 19 of this bill authorizes the Unit to bring such an action to enjoin or obtain equitable relief to prevent such abuse, neglect, exploitation, isolation or abandonment of a vulnerable person. Section 20 of this bill authorizes the Attorney General to seek a civil penalty against such a person responsible for the abuse, neglect, exploitation, isolation or abandonment of the vulnerable person. Sections 16 and 21-23 of this bill make conforming changes.

Existing law requires the Repository for Information Concerning Crimes Against Older Persons to contain records of all reports of abuse, neglect, exploitation, isolation or abandonment of older persons in this State. (NRS 179A.450) Section 1 of this bill changes the name of the Repository to the Repository for Information Concerning Crimes Against Older Persons or Vulnerable Persons and additionally requires the Repository to contain records concerning abuse, neglect, exploitation, isolation or abandonment of vulnerable persons in this State.

Section 4 of this bill requires the sheriff of each county to designate an employee of the sheriff's department as a point of contact to the Aging and Disability Services Division of the Department of Health and Human Services.

Sections 13 and 24 of this bill make conforming changes to add vulnerable persons.

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

Section 1. NRS 179A.450 is hereby amended to read as follows:

179A.450 1. The Repository for Information Concerning Crimes Against Older Persons *or Vulnerable Persons* is hereby created within the Central Repository.

2. The Repository for Information Concerning Crimes Against Older Persons *or Vulnerable Persons* must contain a complete and systematic record of all reports of the abuse, neglect, exploitation, isolation or abandonment of older persons *or vulnerable persons* in this State. The record must be prepared in a manner approved by the Director of the Department and must include, without limitation, the following information:

(a) All incidents that are reported to state and local law enforcement agencies and the Aging and Disability Services Division of the Department of Health and Human Services.

(b) All cases that were investigated and the type of such cases.

3. On or before July 1 of each year, the Director of the Department shall prepare and submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature that sets forth statistical data on the abuse, neglect, exploitation, isolation or abandonment of older persons ~~[.]~~ *or vulnerable persons.*

4. The data and findings generated pursuant to this section must not contain information that may reveal the identity of an individual victim or a person accused of the abuse, neglect, exploitation, isolation or abandonment of older persons ~~[.]~~ *or vulnerable persons.*

5. As used in this section:

(a) "Abandonment" has the meaning ascribed to it in NRS 200.5092.

(b) "Abuse" has the meaning ascribed to it in NRS 200.5092.

(c) "Exploitation" has the meaning ascribed to it in NRS 200.5092.

(d) "Isolation" has the meaning ascribed to it in NRS 200.5092.

(e) "Neglect" has the meaning ascribed to it in NRS 200.5092.

(f) "Older person" means a person who is 60 years of age or older.

(g) "Vulnerable person" has the meaning ascribed to it in NRS 200.5092.

Sec. 2. NRS 49.2549 is hereby amended to read as follows:

49.2549 There is no privilege pursuant to NRS 49.2547 if:

1. The purpose of the victim in seeking services from a victim's advocate is to enable or aid any person to commit or plan to commit what the victim knows or reasonably should have known is a crime or fraud;

2. The communication concerns a report of abuse or neglect of a child, older person or vulnerable person in violation of NRS 200.508 ~~[,]~~ *or* 200.5093 , ~~[or 200.50935,]~~ but only as to that portion of the communication;

3. The communication is relevant to an issue of breach of duty by the victim's advocate to the victim or by the victim to the victim's advocate; or

4. Disclosure of the communication is otherwise required by law.

Sec. 3. NRS 90.6145 is hereby amended to read as follows:

90.6145 1. Each broker-dealer and investment adviser shall designate a person or persons to whom a sales representative, representative of the investment adviser or officer or employee of the broker-dealer or investment adviser must report known or suspected exploitation of an older person or vulnerable person.

2. If a sales representative, representative of an investment adviser or officer or employee of the broker-dealer or investment adviser reports known or suspected exploitation of an older person *or vulnerable person* to a designated reporter and, based on such a report or based on his or her own observations or knowledge, the designated reporter knows or has reasonable cause to believe that an older person *or vulnerable person* has been exploited, the designated reporter shall:

(a) Except as otherwise provided in subsection 3, report the known or suspected exploitation of the older person *or vulnerable person* to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office;

(3) The county's office for protective services, if one exists in the county where the suspected exploitation occurred; or

(4) A toll-free telephone service designated by the Aging and Disability Services Division; and

(b) Make such a report as soon as reasonably practicable.

3. If the designated reporter knows or has reasonable cause to believe that the exploitation of an older person *or vulnerable person* involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the designated reporter shall make the report to an agency other than the agency alleged to have committed the act or omission.

4. ~~[If a sales representative, representative of an investment adviser or officer or employee of a broker-dealer or investment adviser reports known or suspected exploitation of a vulnerable person to a designated reporter and, based on such a report or based on his or her own observations or knowledge, the designated reporter knows or has reasonable cause to believe that a vulnerable person has been exploited, the designated reporter shall:~~

~~(a) Except as otherwise provided in subsection 5, report the known or suspected exploitation of the vulnerable person to a law enforcement agency; and~~

~~(b) Make such a report as soon as reasonably practicable.~~

~~5. If the designated reporter knows or has reasonable cause to believe that the exploitation of a vulnerable person involves an act or omission of a law enforcement agency, the designated reporter shall make the report to a law enforcement agency other than the agency alleged to have committed the act or omission.~~

~~6.]~~ In accordance with the provisions of subsection 3 of NRS 239A.070, in making a report pursuant to this section, a designated reporter may:

(a) Disclose any fact or information that forms the basis of the determination that the designated reporter knows or has reasonable cause to believe that an older person or vulnerable person has been exploited, including, without limitation, the identity of any person believed to be involved in the exploitation of the older person or vulnerable person; and

(b) Provide any financial records or other documentation relating to the exploitation of the older person or vulnerable person.

~~[7.]~~ *5.* A sales representative, representative of an investment adviser or officer or employee of a broker-dealer or investment adviser and a designated reporter are entitled to the immunity from liability set forth in NRS 200.5096 for making a report pursuant to this section in good faith.

Sec. 4. Chapter 200 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The sheriff of each county shall designate one employee as a point of contact for the Aging and Disability Services Division of the Department of Health and Human Services.

2. Upon the request of the Aging and Disability Services Division, the employee designated pursuant to subsection 1 shall offer consultation and advice to the Division regarding a report submitted pursuant to NRS 200.5093 and 200.5094 or a request for assistance by the Division relating to abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person.

3. The employee designated pursuant to subsection 1 shall provide his or her contact information to the Administrator of the Aging and Disability Services Division within 20 days after his or her designation as the point of contact.

Sec. 5. NRS 200.5092 is hereby amended to read as follows:

200.5092 As used in NRS 200.5091 to 200.50995, inclusive, *and section 4 of this act,* unless the context otherwise requires:

1. "Abandonment" means:

(a) Desertion of an older person or a vulnerable person in an unsafe manner by a caretaker or other person with a legal duty of care; or

(b) Withdrawal of necessary assistance owed to an older person or a vulnerable person by a caretaker or other person with an obligation to provide services to the older person or vulnerable person.

2. "Abuse" means willful:

(a) Infliction of pain or injury on an older person or a vulnerable person;

(b) Deprivation of food, shelter, clothing or services which are necessary to maintain the physical or mental health of an older person or a vulnerable person;

(c) Infliction of psychological or emotional anguish, pain or distress on an older person or a vulnerable person through any act, including, without limitation:

(1) Threatening, controlling or socially isolating the older person or vulnerable person;

(2) Disregarding the needs of the older person or vulnerable person; or

(3) Harming, damaging or destroying any property of the older person or vulnerable person, including, without limitation, pets;

(d) Nonconsensual sexual contact with an older person or a vulnerable person, including, without limitation:

(1) An act that the older person or vulnerable person is unable to understand or to which the older person or vulnerable person is unable to communicate his or her objection; or

(2) Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or buttocks of the older person or vulnerable person; or

(e) Permitting any of the acts described in paragraphs (a) to (d), inclusive, to be committed against an older person or a vulnerable person.

3. "Exploitation" means any act taken by a person who has the trust and confidence of an older person or a vulnerable person or any use of the power of attorney or guardianship of an older person or a vulnerable person to:

(a) Obtain control, through deception, intimidation or undue influence, over the older person's or vulnerable person's money, assets or property with the intention of permanently depriving the older person or vulnerable person of the ownership, use, benefit or possession of his or her money, assets or property; or

(b) Convert money, assets or property of the older person or vulnerable person with the intention of permanently depriving the older person or vulnerable person of the ownership, use, benefit or possession of his or her money, assets or property.

➥ As used in this subsection, "undue influence" means the improper use of power or trust in a way that deprives a person of his or her free will and substitutes the objectives of another person. The term does not include the normal influence that one member of a family has over another.

4. "Isolation" means preventing an older person or a vulnerable person from having contact with another person by:

(a) Intentionally preventing the older person or vulnerable person from receiving visitors, mail or telephone calls, including, without limitation, communicating to a person who comes to visit the older person or vulnerable person or a person who telephones the older person or vulnerable person that the older person or vulnerable person is not present or does not want to meet with or talk to the visitor or caller knowing that the statement is false, contrary to the express wishes of the older person or vulnerable person and intended to prevent the older person or vulnerable person from having contact with the visitor;

(b) Physically restraining the older person or vulnerable person to prevent the older person or vulnerable person from meeting with a person who comes to visit the older person or vulnerable person; or

(c) Permitting any of the acts described in paragraphs (a) and (b) to be committed against an older person or a vulnerable person.

➥ The term does not include an act intended to protect the property or physical or mental welfare of the older person or vulnerable person or an act performed pursuant to the instructions of a physician of the older person or vulnerable person.

5. "Neglect" means the failure of a person or a manager of a facility who has assumed legal responsibility or a contractual obligation for caring for an older person or a vulnerable person or who has voluntarily assumed responsibility for his or her care to provide food, shelter, clothing or services which are necessary to maintain the physical or mental health of the older person or vulnerable person.

6. "Older person" means a person who is 60 years of age or older.

7. "Protective services" means services the purpose of which is to prevent and remedy the abuse, neglect, exploitation, isolation and abandonment of older persons ~~[.]~~ *or vulnerable persons.* The services may include:

(a) The investigation, evaluation, counseling, arrangement and referral for other services and assistance; and

(b) Services provided to an older person or a vulnerable person who is unable to provide for his or her own needs.

8. "Vulnerable person" means a person 18 years of age or older who:

(a) Suffers from a condition of physical or mental incapacitation because of a developmental disability, organic brain damage or mental illness; or

(b) Has one or more physical or mental limitations that restrict the ability of the person to perform the normal activities of daily living.

Sec. 6. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that an older person *or vulnerable person* has been abused, neglected, exploited, isolated or abandoned shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation, isolation or abandonment of the older person *or vulnerable person* to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office; or

(3) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person *or vulnerable person* has been abused, neglected, exploited, isolated or abandoned.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation, isolation or abandonment of the older person *or vulnerable person* involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of

NRS, perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug abuse counselor, alcohol and drug abuse counselor, music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person *or vulnerable person* who appears to have been abused, neglected, exploited, isolated or abandoned.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation, isolation or abandonment of an older person *or vulnerable person* by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide personal care services in the home.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Every person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

(g) Any employee of the Department of Health and Human Services, except the State Long-Term Care Ombudsman appointed pursuant to NRS 427A.125 and any of his or her advocates or volunteers where prohibited from making such a report pursuant to 45 C.F.R. § 1321.11.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons ~~[.]~~ *or vulnerable persons.*

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation, isolation or abandonment of an older person *or vulnerable person* and refers them to persons and agencies where their requests and needs can be met.

(k) Every social worker.

(l) Any person who owns or is employed by a funeral home or mortuary.

(m) Every person who operates or is employed by a peer support recovery organization, as defined in NRS 449.01563.

(n) Every person who operates or is employed by a community health worker pool, as defined in NRS 449.0028, or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person *or vulnerable*

person has died as a result of abuse, neglect, isolation or abandonment, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person *or vulnerable person* and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney, the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging and Disability Services Division of the Department of Health and Human Services, must be forwarded within 30 days after the completion of the report to the:

(a) Aging and Disability Services Division;

(b) Repository for Information Concerning Crimes Against Older Persons *or Vulnerable Persons* created by NRS 179A.450; and

(c) Unit for the Investigation and Prosecution of Crimes.

8. If the investigation of a report results in the belief that an older person *or vulnerable person* is abused, neglected, exploited, isolated or abandoned, the Aging and Disability Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person *or vulnerable person* if the older person *or vulnerable person* is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

10. As used in this section, "Unit for the Investigation and Prosecution of Crimes" means the Unit for the Investigation and Prosecution of Crimes Against Older Persons *or Vulnerable Persons* in the Office of the Attorney General created pursuant to NRS 228.265.

Sec. 7. NRS 200.5094 is hereby amended to read as follows:

200.5094 1. A person may make a report pursuant to NRS 200.5093 ~~[or 200.50935]~~ by telephone or, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, by any other means of oral, written or electronic communication that a reasonable person would believe, under those facts and circumstances, is a reliable and swift means of communicating information to the person who receives the report. If the report is made orally, the person who receives the report must reduce it to writing as soon as reasonably practicable.

2. The report must contain the following information, when possible:

(a) The name and address of the older person or vulnerable person;

(b) The name and address of the person responsible for his or her care, if there is one;

(c) The name and address, if available, of the person who is alleged to have abused, neglected, exploited, isolated or abandoned the older person or vulnerable person;

(d) The nature and extent of the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person;

(e) Any evidence of previous injuries; and

(f) The basis of the reporter's belief that the older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned.

Sec. 8. NRS 200.5095 is hereby amended to read as follows:

200.5095 1. Reports made pursuant to NRS 200.5093 ~~[, 200.50935]~~ and 200.5094, and records and investigations relating to those reports, are confidential.

2. A person, law enforcement agency or public or private agency, institution or facility who willfully releases data or information concerning the reports and investigation of the abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, except:

(a) Pursuant to a criminal prosecution;

(b) Pursuant to NRS 200.50982; or

(c) To persons or agencies enumerated in subsection 3,

➥ is guilty of a misdemeanor.

3. Except as otherwise provided in subsection 2 and NRS 200.50982, data or information concerning the reports and investigations of the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person is available only to:

(a) A physician who is providing care to an older person or a vulnerable person who may have been abused, neglected, exploited, isolated or abandoned;

(b) An agency responsible for or authorized to undertake the care, treatment and supervision of the older person or vulnerable person;

(c) A district attorney or other law enforcement official who requires the information in connection with an investigation of the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person;

(d) A court which has determined, in camera, that public disclosure of such information is necessary for the determination of an issue before it;

(e) A person engaged in bona fide research, but the identity of the subjects of the report must remain confidential;

(f) A grand jury upon its determination that access to such records is necessary in the conduct of its official business;

(g) Any comparable authorized person or agency in another jurisdiction;

(h) A legal guardian of the older person or vulnerable person, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected, and the legal guardian of the older person or

vulnerable person is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment;

(i) If the older person or vulnerable person is deceased, the executor or administrator of his or her estate, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected, and the executor or administrator is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment; ~~[or]~~

(j) The older person or vulnerable person named in the report as allegedly being abused, neglected, exploited, isolated or abandoned, if that person is not legally ~~[incompetent.]~~ *incapacitated;*

(k) An attorney appointed by a court to represent a protected person in a guardianship proceeding pursuant to NRS 159.0485, if:

(1) The protected person is an older person or vulnerable person;

(2) The identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected; and

(3) The attorney of the protected person is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment; or

(l) The State Guardianship Compliance Office created by NRS 159.341 . ~~*[or a local office of public guardian established pursuant to NRS 253.150.]*~~

4. If the person who is reported to have abused, neglected, exploited, isolated or abandoned an older person or a vulnerable person is the holder of a license or certificate issued pursuant to chapters 449, 630 to 641B, inclusive, or 654 of NRS, the information contained in the report must be submitted to the board that issued the license.

5. If data or information concerning the reports and investigations of the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person is made available pursuant to paragraph (b) or (j) of subsection 3 or subsection 4, the name and any other identifying information of the person who made the report must be redacted before the data or information is made available.

Sec. 9. NRS 200.5098 is hereby amended to read as follows:

200.5098 1. The Aging and Disability Services Division of the Department of Health and Human Services shall:

(a) Identify and record demographic information on the older person *or vulnerable person* who is alleged to have been abused, neglected, exploited, isolated or abandoned and the person who is alleged to be responsible for such abuse, neglect, exploitation, isolation or abandonment.

(b) Obtain information from programs for preventing abuse of older persons ~~[,]~~ *or vulnerable persons,* analyze and compare the programs, and make recommendations to assist the organizers of the programs in achieving the most efficient and effective service possible.

(c) Publicize the provisions of NRS 200.5091 to 200.50995, inclusive ~~[.]~~ *, and section 4 of this act.*

2. The Administrator of the Aging and Disability Services Division of the Department may organize one or more teams to assist in strategic assessment and planning of protective services, issues regarding the delivery of service, programs or individual plans for preventing, identifying, remedying or treating abuse, neglect, exploitation, isolation or abandonment of older persons ~~[.]~~ *or vulnerable persons.* Members of the team serve at the invitation of the Administrator and must be experienced in preventing, identifying, remedying or treating abuse, neglect, exploitation, isolation or abandonment of older persons ~~[.]~~ *or vulnerable persons.* The team may include representatives of other organizations concerned with education, law enforcement or physical or mental health.

3. The team may receive otherwise confidential information and records pertaining to older persons *or vulnerable persons* to assist in assessing and planning. The confidentiality of any information or records received must be maintained under the terms or conditions required by law. The content of any discussion regarding information or records received by the team pursuant to this subsection is not subject to discovery and a member of the team shall not testify regarding any discussion which occurred during the meeting. Any information disclosed in violation of this subsection is inadmissible in all judicial proceedings.

Sec. 10. NRS 200.50982 is hereby amended to read as follows:

200.50982 1. The provisions of NRS 200.5091 to 200.50995, inclusive, *and section 4 of this act* do not prohibit ~~[an]~~ *:*

(a) An agency which is investigating a report of abuse, neglect, exploitation, isolation or abandonment, or which provides protective services, from disclosing data or information concerning the reports and investigations of the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person to other federal, state or local agencies or the legal representatives of the older person or vulnerable person on whose behalf the investigation is being conducted if:

~~[(a)]~~ *(1)* The agency making the disclosure determines that the disclosure is in the best interest of the older person or vulnerable person; and

~~[(b)]~~ *(2)* Proper safeguards are taken to ensure the confidentiality of the information.

(b) An attorney who receives data or information pursuant to paragraph (k) of subsection 3 of NRS 200.5095 from disclosing data or information concerning a report or investigation of the abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person to a court of competent jurisdiction in a guardianship proceeding concerning the older person or vulnerable person.

2. If the Aging and Disability Services Division of the Department of Health and Human Services is investigating a report of abuse, neglect, exploitation, isolation or abandonment of an older person ~~[,]~~ *or vulnerable person*, a law enforcement agency shall, upon request of the Aging and Disability Services Division, provide information relating to any suspect in the

investigation as soon as possible. The information must include, when possible:

(a) The records of criminal history of the suspect;

(b) Whether or not the suspect resides with or near the older person ~~[;]~~ *or vulnerable person;* and

(c) A summary of any events, incidents or arrests which have occurred at the residence of the suspect or the older person *or vulnerable person* within the past 90 days and which involve physical violence or concerns related to public safety or the health or safety of the older person ~~[.]~~ *or vulnerable person.*

3. An attorney shall make the disclosure pursuant to paragraph (b) of subsection 1 to the court within 20 days after his or her receipt of data or information concerning a report or investigation of the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person.

Sec. 11. NRS 200.50984 is hereby amended to read as follows:

200.50984 1. Notwithstanding any other statute to the contrary, the local office of the Aging and Disability Services Division of the Department of Health and Human Services and a county's office for protective services, if one exists in the county where a violation is alleged to have occurred, may for the purpose of investigating an alleged violation of NRS 200.5091 to 200.50995, inclusive, *and section 4 of this act,* inspect all records pertaining to the older person *or vulnerable person* on whose behalf the investigation is being conducted, including, but not limited to, that person's medical and financial records.

2. Except as otherwise provided in this subsection, if a guardian has not been appointed for the older person ~~[,]~~ *or vulnerable person,* the Aging and Disability Services Division or the county's office for protective services shall obtain the consent of the older person *or vulnerable person* before inspecting those records. If the Aging and Disability Services Division or the county's office for protective services determines that the older person *or vulnerable person* is unable to consent to the inspection, the inspection may be conducted without his or her consent. Except as otherwise provided in this subsection, if a guardian has been appointed for the older person ~~[,]~~ *or vulnerable person,* the Aging and Disability Services Division or the county's office for protective services shall obtain the consent of the guardian before inspecting those records. If the Aging and Disability Services Division or the county's office for protective services has reasonable cause to believe that the guardian is abusing, neglecting, exploiting, isolating or abandoning the older person ~~[,]~~ *or vulnerable person,* the inspection may be conducted without the consent of the guardian, except that if the records to be inspected are in the personal possession of the guardian, the inspection must be approved by a court of competent jurisdiction.

Sec. 12. NRS 200.50986 is hereby amended to read as follows:

200.50986 The local office of the Aging and Disability Services Division of the Department of Health and Human Services or the county's office for

protective services may petition a court in accordance with NRS 159.185, 159.1853 or 159.1905 for the removal of the guardian of an older person ~~[,]~~ *or vulnerable person*, or the termination or modification of that guardianship, if, based on its investigation, the Aging and Disability Services Division or the county's office of protective services has reasonable cause to believe that the guardian is abusing, neglecting, exploiting, isolating or abandoning the older person *or vulnerable person* in violation of NRS 200.5091 to 200.50995, inclusive ~~[.]~~ *, and section 4 of this act.*

Sec. 13. NRS 217.070 is hereby amended to read as follows:

217.070 1. "Victim" means:

(a) A person who is physically injured or killed as the direct result of a criminal act;

(b) A minor who was involved in the production of pornography in violation of NRS 200.710, 200.720, 200.725 or 200.730;

(c) A minor who was sexually abused, as "sexual abuse" is defined in NRS 432B.100;

(d) A person who is physically injured or killed as the direct result of a violation of NRS 484C.110 or any act or neglect of duty punishable pursuant to NRS 484C.430 or 484C.440;

(e) A pedestrian who is physically injured or killed as the direct result of a driver of a motor vehicle who failed to stop at the scene of a crash involving the driver and the pedestrian in violation of NRS 484E.010;

(f) An older person *or vulnerable person* who is abused, neglected, exploited, isolated or abandoned in violation of NRS 200.5099 or 200.50995;

(g) A person who is physically injured or killed as the direct result of an act of international terrorism as defined in 18 U.S.C. § 2331(1); or

(h) A person who is trafficked in violation of subsection 2 of NRS 201.300.

2. The term includes any person who was harmed by an act listed in subsection 1, regardless of whether:

(a) The person is a resident of this State, a citizen of the United States or is lawfully entitled to reside in the United States; or

(b) The act was committed by an adult or a minor.

Sec. 14. Chapter 228 of NRS is hereby amended by adding thereto a new section to read as follows:

"Vulnerable person" has the meaning ascribed to it in NRS 200.5092.

Sec. 15. NRS 228.250 is hereby amended to read as follows:

228.250 As used in NRS 228.250 to 228.290, inclusive, *and section 14 of this act*, unless the context otherwise requires, the words and terms defined in NRS 228.255 and 228.260 *and section 14 of this act* have the meanings ascribed to them in those sections.

Sec. 16. NRS 228.260 is hereby amended to read as follows:

228.260 "Unit" means the Unit for the Investigation and Prosecution of Crimes Against Older Persons *or Vulnerable Persons* created pursuant to NRS 228.265.

Sec. 17. NRS 228.265 is hereby amended to read as follows:

228.265 There is hereby created in the Office of the Attorney General the Unit for the Investigation and Prosecution of Crimes Against Older Persons ~~[.]~~ *or Vulnerable Persons.*

Sec. 18. NRS 228.270 is hereby amended to read as follows:

228.270 1. The Unit may investigate and prosecute any alleged abuse, neglect, exploitation, isolation or abandonment of an older person *or vulnerable person* in violation of NRS 200.5099 or 200.50995 and any failure to report such a violation pursuant to NRS 200.5093:

(a) At the request of the district attorney of the county in which the violation occurred;

(b) If the district attorney of the county in which the violation occurred fails, neglects or refuses to prosecute the violation; or

(c) Jointly with the district attorney of the county in which the violation occurred.

2. The Unit may organize or sponsor one or more multidisciplinary teams to review any allegations of abuse, neglect, exploitation, isolation or abandonment of an older person *or vulnerable person* or the death of an older person *or vulnerable person* that is alleged to be from abuse, neglect, isolation or abandonment. A multidisciplinary team may include, without limitation, the following members:

(a) A representative of the Unit;

(b) Any law enforcement agency that is involved with the case under review;

(c) The district attorney's office in the county where the case is under review;

(d) The Aging and Disability Services Division of the Department of Health and Human Services or the county's office of protective services, if one exists in the county where the case is under review;

(e) A representative of the coroner's office; and

(f) Any other medical professional or financial professional that the Attorney General deems appropriate for the review.

3. Each organization represented on a multidisciplinary team may share with other members of the team information in its possession concerning the older person *or vulnerable person* who is the subject of the review or any person who was in contact with the older person *or vulnerable person* and any other information deemed by the organization to be pertinent to the review. Any information shared by an organization with other members of a team is confidential.

4. The organizing or sponsoring of a multidisciplinary team pursuant to subsection 2 does not grant the Unit supervisory authority over, or restrict or impair the statutory authority of, any state or local agency responsible for the investigation or prosecution of allegations of abuse, neglect, exploitation, isolation or abandonment of an older person *or vulnerable person* or the death

of an older person *or vulnerable person* that is alleged to be the result of abuse, neglect, isolation or abandonment.

Sec. 19. NRS 228.275 is hereby amended to read as follows:

228.275 The Unit may bring an action to enjoin or obtain any other equitable relief to prevent the abuse, neglect, exploitation, isolation or abandonment of an older person ~~[.]~~ *or vulnerable person.* The court may award reasonable attorney's fees and costs if the Unit prevails in such an action.

Sec. 20. NRS 228.280 is hereby amended to read as follows:

228.280 1. In addition to any criminal penalty, a person who is convicted of a crime against an older person *or vulnerable person* for which an additional term of imprisonment may be imposed pursuant to paragraph (h), (i) or (j) of subsection 1 of NRS 193.167 or of the abuse, neglect, exploitation, isolation or abandonment of an older person *or vulnerable person* pursuant to NRS 200.5099 or 200.50995 is liable for a civil penalty to be recovered by the Attorney General in a civil action brought in the name of the State of Nevada:

(a) For the first offense, in an amount which is not less than $5,000 and not more than $20,000.

(b) For a second or subsequent offense, in an amount which is not less than $10,000 and not more than $30,000.

2. The Attorney General shall deposit any money collected for civil penalties pursuant to subsection 1 in equal amounts to:

(a) A separate account in the Fund for the Compensation of Victims of Crime created pursuant to NRS 217.260 to provide compensation to older persons *or vulnerable persons* who are:

(1) Victims of a crime for which an additional term of imprisonment may be imposed pursuant to paragraph (h), (i) or (j) of subsection 1 of NRS 193.167; or

(2) Abused, neglected, exploited, isolated or abandoned in violation of NRS 200.5099 and 200.50995.

(b) The Account for the Unit for the Investigation and Prosecution of Crimes Against Older Persons *or Vulnerable Persons* created pursuant to NRS 228.285.

Sec. 21. NRS 228.285 is hereby amended to read as follows:

228.285 1. The Account for the Unit for the Investigation and Prosecution of Crimes Against Older Persons *or Vulnerable Persons* is hereby created in the State General Fund. The Attorney General shall administer the Account.

2. The money in the Account must only be used to carry out the provisions of NRS 228.250 to 228.290, inclusive, *and section 14 of this act* and to pay the expenses incurred by the Unit in the discharge of its duties, including, without limitation, expenses relating to the provision of training and salaries and benefits for employees of the Unit.

3. Money in the Account must remain in the Account and must not revert to the State General Fund at the end of any fiscal year.

Sec. 22. NRS 228.290 is hereby amended to read as follows:

228.290 1. The Unit may apply for any available grants and accept gifts, grants, appropriations or donations to assist the Unit in carrying out its duties pursuant to the provisions of this chapter.

2. Any money received by the Unit must be deposited in the Account for the Unit for the Investigation and Prosecution of Crimes Against Older Persons *or Vulnerable Persons* created pursuant to NRS 228.285.

Sec. 23. NRS 228.495 is hereby amended to read as follows:

228.495 1. The Committee may review the death of the victim of a crime that constitutes domestic violence pursuant to NRS 33.018 if a court or an agency of a local government does not organize or sponsor a multidisciplinary team pursuant to NRS 217.475 or if the court or agency requests the assistance of the Committee. In addition to the review of a particular case, the Committee shall:

(a) Examine the trends and patterns of deaths of victims of crimes that constitute domestic violence in this State;

(b) Determine the number and type of incidents the Committee wishes to review;

(c) Make policy and other recommendations for the prevention of deaths from crimes that constitute domestic violence;

(d) Engage in activities to educate the public, providers of services to victims of domestic violence and policymakers concerning deaths from crimes that constitute domestic violence and strategies for intervention and prevention of such crimes; and

(e) Recommend policies, practices and services to encourage collaboration and reduce the number of deaths from crimes that constitute domestic violence.

2. The review of the death of a victim pursuant to this section does not grant the Attorney General or the Committee supervisory authority over, or restrict or impair the statutory authority of, any state or local governmental agency responsible for the investigation or prosecution of the death of a victim of a crime that constitutes domestic violence pursuant to NRS 33.018.

3. Before reviewing the death of a victim pursuant to this section, the Committee shall adopt a written protocol describing the objectives and structure of the review.

4. The Committee may request any person, agency or organization that is in possession of information or records concerning a victim who is the subject of a review or any person who was in contact with the victim to provide the Committee with any information or records that are relevant to the review. Any information or records provided to the Committee pursuant to this subsection are confidential.

5. The Committee may, if appropriate, meet with any person, agency or organization that the Committee believes may have information relevant to a review conducted by the Committee, including, without limitation, a multidisciplinary team:

(a) To review the death of the victim of a crime that constitutes domestic violence organized or sponsored pursuant to NRS 217.475;

(b) To review any allegations of abuse, neglect, exploitation, isolation or abandonment of an older person *or vulnerable person* or the death of an older person *or vulnerable person* that is alleged to be from abuse, neglect, isolation or abandonment organized pursuant to NRS 228.270;

(c) To review the death of a child organized pursuant to NRS 432B.405; or

(d) To oversee the review of the death of a child organized pursuant to NRS 432B.4075.

6. Except as otherwise provided in subsection 7, each member of the Committee is immune from civil or criminal liability for an activity related to the review of the death of a victim conducted pursuant to this section.

7. Each member of the Committee who discloses any confidential information concerning the death of a child is personally liable for a civil penalty of not more than $500.

8. The Attorney General:

(a) May bring an action to recover a civil penalty imposed pursuant to subsection 7 against a member of the Committee; and

(b) Shall deposit any money received from the civil penalty with the State Treasurer for credit to the State General Fund.

9. The results of a review of the death of a victim conducted pursuant to this section are not admissible in any civil action or proceeding.

10. The Committee shall submit a report of its activities pursuant to this section to the Attorney General. The report must include, without limitation, the findings and recommendations of the Committee. The report must not include information that identifies any person involved in a particular case under review. The Attorney General shall make the report available to the public.

11. Any meeting of the Committee held to review the death of a victim pursuant to this section, or any portion of a meeting of the Committee during which the Committee reviews such a death, is not subject to the provisions of chapter 241 of NRS.

Sec. 24. NRS 289.510 is hereby amended to read as follows:

289.510 1. The Commission:

(a) Shall meet at the call of the Chair, who must be elected by a majority vote of the members of the Commission.

(b) Shall provide for and encourage the training and education of persons whose primary duty is law enforcement to ensure the safety of the residents of and visitors to this State.

(c) Shall adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. The regulations must establish:

(1) Requirements for basic training for category I, category II and category III peace officers and reserve peace officers;

(2) Standards for programs for the continuing education of peace officers, including minimum courses of study and requirements concerning attendance;

(3) Qualifications for instructors of peace officers; and

(4) Requirements for the certification of a course of training.

(d) Shall, when necessary, present courses of training and continuing education courses for category I, category II and category III peace officers and reserve peace officers.

(e) May make necessary inquiries to determine whether the agencies of this State and of the local governments are complying with standards set forth in its regulations.

(f) Shall carry out the duties required of the Commission pursuant to NRS 432B.610 and 432B.620.

(g) May perform any other acts that may be necessary and appropriate to the functions of the Commission as set forth in NRS 289.450 to 289.650, inclusive.

(h) May enter into an interlocal agreement with an Indian tribe to provide training to and certification of persons employed as police officers by that Indian tribe.

2. Regulations adopted by the Commission:

(a) Apply to all agencies of this State and of local governments in this State that employ persons as peace officers;

(b) Must require that all peace officers receive training in the handling of cases involving abuse or neglect of children or missing children;

(c) Must require that all peace officers receive training in the handling of cases involving abuse, neglect, exploitation, isolation and abandonment of older persons ~~[;]~~ *or vulnerable persons;* and

(d) May require that training be carried on at institutions which it approves in those regulations.

Sec. 25. NRS 388.880 is hereby amended to read as follows:

388.880 1. Except as otherwise provided in subsection 2, if any person who knows or has reasonable cause to believe that another person has made a threat of violence against a school official, school employee or pupil reports in good faith that threat of violence to a school official, teacher, school police officer, local law enforcement agency or potential victim of the violence that is threatened, the person who makes the report is immune from civil liability for any act or omission relating to that report. Such a person is not immune from civil liability for any other act or omission committed by the person as a part of, in connection with or as a principal, accessory or conspirator to the violence, regardless of the nature of the other act or omission.

2. The provisions of this section do not apply to a person who:

(a) Is acting in his or her professional or occupational capacity and is required to make a report pursuant to NRS 200.5093, ~~[200.50935,]~~ 392.303 or 432B.220.

(b) Is required to make a report concerning the commission of a violent or sexual offense against a child pursuant to NRS 202.882.

3. As used in this section:

(a) "Reasonable cause to believe" means, in light of all the surrounding facts and circumstances which are known, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.

(b) "School employee" means a licensed or unlicensed person who is employed by:

(1) A board of trustees of a school district pursuant to NRS 391.100 or 391.281;

(2) The governing body of a charter school; or

(3) The Achievement School District.

(c) "School official" means:

(1) A member of the board of trustees of a school district.

(2) A member of the governing body of a charter school.

(3) An administrator employed by the board of trustees of a school district or the governing body of a charter school.

(4) The Executive Director of the Achievement School District.

(d) "Teacher" means a person employed by the:

(1) Board of trustees of a school district to provide instruction or other educational services to pupils enrolled in public schools of the school district.

(2) Governing body of a charter school to provide instruction or other educational services to pupils enrolled in the charter school.

Sec. 26. NRS 394.177 is hereby amended to read as follows:

394.177 1. Except as otherwise provided in subsection 2, if any person who knows or has reasonable cause to believe that another person has made a threat of violence against a school official, school employee or pupil reports in good faith that threat of violence to a school official, teacher, school police officer, local law enforcement agency or potential victim of the violence that is threatened, the person who makes the report is immune from civil liability for any act or omission relating to that report. Such a person is not immune from civil liability for any other act or omission committed by the person as a part of, in connection with or as a principal, accessory or conspirator to the violence, regardless of the nature of the other act or omission.

2. The provisions of this section do not apply to a person who:

(a) Is acting in his or her professional or occupational capacity and is required to make a report pursuant to NRS 200.5093, ~~[200.50935,]~~ 392.303 or 432B.220.

(b) Is required to make a report concerning the commission of a violent or sexual offense against a child pursuant to NRS 202.882.

3. As used in this section:

(a) "Reasonable cause to believe" means, in light of all the surrounding facts and circumstances which are known, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.

(b) "School employee" means a licensed or unlicensed person, other than a school official, who is employed by a private school.

(c) "School official" means:

(1) An owner of a private school.

(2) A director of a private school.

(3) A supervisor at a private school.

(4) An administrator at a private school.

(d) "Teacher" means a person employed by a private school to provide instruction and other educational services to pupils enrolled in the private school.

Sec. 27. NRS 640B.700 is hereby amended to read as follows:

640B.700 1. The Board may refuse to issue a license to an applicant or may take disciplinary action against a licensee if, after notice and a hearing as required by law, the Board determines that the applicant or licensee:

(a) Has submitted false or misleading information to the Board or any agency of this State, any other state, the Federal Government or the District of Columbia;

(b) Has violated any provision of this chapter or any regulation adopted pursuant thereto;

(c) Has been convicted of a felony, a crime relating to a controlled substance or a crime involving moral turpitude;

(d) Is addicted to alcohol or any controlled substance;

(e) Has violated the provisions of NRS 200.5093 ~~[, 200.50935]~~ or 432B.220;

(f) Is guilty of gross negligence in his or her practice as an athletic trainer;

(g) Is not competent to engage in the practice of athletic training;

(h) Has failed to provide information requested by the Board within 60 days after receiving the request;

(i) Has engaged in unethical or unprofessional conduct as it relates to the practice of athletic training;

(j) Has been disciplined in another state, a territory or possession of the United States, or the District of Columbia for conduct that would be a violation of the provisions of this chapter or any regulations adopted pursuant thereto if the conduct were committed in this State;

(k) Has solicited or received compensation for services that he or she did not provide;

(l) If the licensee is on probation, has violated the terms of the probation;

(m) Has terminated professional services to a client in a manner that detrimentally affected that client; or

(n) Has operated a medical facility, as defined in NRS 449.0151, at any time during which:

(1) The license of the facility was suspended or revoked; or

(2) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This paragraph applies to an owner or other principal responsible for the operation of the facility.

2. The Board may, if it determines that an applicant for a license or a licensee has committed any of the acts set forth in subsection 1, after notice and a hearing as required by law:

(a) Refuse to issue a license to the applicant;

(b) Refuse to renew or restore the license of the licensee;

(c) Suspend or revoke the license of the licensee;

(d) Place the licensee on probation;

(e) Impose an administrative fine of not more than $5,000;

(f) Require the applicant or licensee 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.

3. The Board shall not issue a private reprimand to a licensee.

4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 28. NRS 657.290 is hereby amended to read as follows:

657.290 1. Each financial institution shall designate a person or persons to whom an officer or employee of the financial institution must report known or suspected exploitation of an older person or vulnerable person.

2. If an officer or employee reports known or suspected exploitation of an older person *or vulnerable person* to a designated reporter and, based on such a report or based on his or her own observations or knowledge, the designated reporter knows or has reasonable cause to believe that an older person *or vulnerable person* has been exploited, the designated reporter shall:

(a) Except as otherwise provided in subsection 3, report the known or suspected exploitation of the older person *or vulnerable person* to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office;

(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or

(4) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable.

3. If the designated reporter knows or has reasonable cause to believe that the exploitation of the older person *or vulnerable person* involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the designated reporter shall make the report to an agency other than the one alleged to have committed the act or omission.

4. ~~[If an officer or employee reports known or suspected exploitation of a vulnerable person to a designated reporter and, based on such a report or based on his or her own observations or knowledge, the designated reporter knows~~

~~or has reasonable cause to believe that a vulnerable person has been exploited, the designated reporter shall:~~

~~(a) Except as otherwise provided in subsection 5, report the known or suspected exploitation of the vulnerable person to a law enforcement agency; and~~

~~(b) Make such a report as soon as reasonably practicable.~~

~~5. If the designated reporter knows or has reasonable cause to believe that the exploitation of the vulnerable person involves an act or omission of a law enforcement agency, the designated reporter shall make the report to a law enforcement agency other than the one alleged to have committed the act or omission.~~

~~6.]~~ In accordance with the provisions of subsection 3 of NRS 239A.070, in making a report pursuant to this section, a designated reporter may:

(a) Disclose any facts or information that form the basis of the determination that the designated reporter knows or has reasonable cause to believe that an older person or vulnerable person has been exploited, including, without limitation, the identity of any person believed to be involved in the exploitation of the older person or vulnerable person; and

(b) Provide any financial records or other documentation relating to the exploitation of the older person or vulnerable person.

~~[7.]~~ *5.* An officer, employee and the designated reporter are entitled to the immunity from liability set forth in NRS 200.5096 for making a report in good faith.

Sec. 29. NRS 673.807 is hereby amended to read as follows:

673.807 1. Each savings bank shall designate a person or persons to whom a director, officer or employee of the savings bank must report known or suspected exploitation of an older person or vulnerable person.

2. If a director, officer or employee reports known or suspected exploitation of an older person *or vulnerable person* to a designated reporter and, based on such a report or based on his or her own observations or knowledge, the designated reporter knows or has reasonable cause to believe that an older person *or vulnerable person* has been exploited, the designated reporter shall:

(a) Except as otherwise provided in subsection 3, report the known or suspected exploitation of the older person *or vulnerable person* to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office;

(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or

(4) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable.

3. If the designated reporter knows or has reasonable cause to believe that the exploitation of the older person *or vulnerable person* involves an act or

omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the designated reporter shall make the report to an agency other than the one alleged to have committed the act or omission.

4. ~~[If a director, officer or employee reports known or suspected exploitation of a vulnerable person to a designated reporter and, based on such a report or based on his or her own observations or knowledge, the designated reporter knows or has reasonable cause to believe that a vulnerable person has been exploited, the designated reporter shall:~~

~~(a) Except as otherwise provided in subsection 5, report the known or suspected exploitation of the vulnerable person to a law enforcement agency; and~~

~~(b) Make such a report as soon as reasonably practicable.~~

~~5. If the designated reporter knows or has reasonable cause to believe that the exploitation of the vulnerable person involves an act or omission of a law enforcement agency, the designated reporter shall make the report to a law enforcement agency other than the one alleged to have committed the act or omission.~~

~~6.]~~ In accordance with the provisions of subsection 3 of NRS 239A.070, in making a report pursuant to this section, a designated reporter may:

(a) Disclose any facts or information that form the basis of the determination that the designated reporter knows or has reasonable cause to believe that an older person or vulnerable person has been exploited, including, without limitation, the identity of any person believed to be involved in the exploitation of the older person or vulnerable person; and

(b) Provide any financial records or other documentation relating to the exploitation of the older person or vulnerable person.

~~[7.]~~ *5.* A director, officer, employee and the designated reporter are entitled to the immunity from liability set forth in NRS 200.5096 for making a report in good faith.

Sec. 30. NRS 677.707 is hereby amended to read as follows:

677.707 1. Each licensee shall designate a person or persons to whom an officer or employee of the licensee must report known or suspected exploitation of an older person or vulnerable person.

2. If an officer or employee reports known or suspected exploitation of an older person *or vulnerable person* to a designated reporter and, based on such a report or based on his or her own observations or knowledge, the designated reporter knows or has reasonable cause to believe that an older person *or vulnerable person* has been exploited, the designated reporter shall:

(a) Except as otherwise provided in subsection 3, report the known or suspected exploitation of the older person *or vulnerable person* to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office;

(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or

(4) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable.

3. If the designated reporter knows or has reasonable cause to believe that the exploitation of the older person *or vulnerable person* involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the designated reporter shall make the report to an agency other than the one alleged to have committed the act or omission.

4. ~~[If an officer or employee reports known or suspected exploitation of a vulnerable person to a designated reporter and, based on such a report or based on his or her own observations or knowledge, the designated reporter knows or has reasonable cause to believe that a vulnerable person has been exploited, the designated reporter shall:~~

~~(a) Except as otherwise provided in subsection 5, report the known or suspected exploitation of the vulnerable person to a law enforcement agency; and~~

~~(b) Make such a report as soon as reasonably practicable.~~

~~5. If the designated reporter knows or has reasonable cause to believe that the exploitation of the vulnerable person involves an act or omission of a law enforcement agency, the designated reporter shall make the report to a law enforcement agency other than the one alleged to have committed the act or omission.~~

~~6.]~~ In accordance with the provisions of subsection 3 of NRS 239A.070, in making a report pursuant to this section, a designated reporter may:

(a) Disclose any facts or information that form the basis of the determination that the designated reporter knows or has reasonable cause to believe that an older person or vulnerable person has been exploited, including, without limitation, the identity of any person believed to be involved in the exploitation of the older person or vulnerable person; and

(b) Provide any financial records or other documentation relating to the exploitation of the older person or vulnerable person.

~~[7.]~~ *5.* An officer, employee and the designated reporter are entitled to the immunity from liability set forth in NRS 200.5096 for making a report in good faith.

Sec. 31. NRS 678.779 is hereby amended to read as follows:

678.779 1. Each credit union shall designate a person or persons to whom an employee of the credit union must report known or suspected exploitation of an older person or vulnerable person.

2. If an employee reports known or suspected exploitation of an older person *or vulnerable person* to a designated reporter and, based on such a report or based on his or her own observations or knowledge, the designated

reporter knows or has reasonable cause to believe that an older person *or vulnerable person* has been exploited, the designated reporter shall:

(a) Except as otherwise provided in subsection 3, report the known or suspected exploitation of the older person *or vulnerable person* to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office;

(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or

(4) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable.

3. If the designated reporter knows or has reasonable cause to believe that the exploitation of the older person *or vulnerable person* involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the designated reporter shall make the report to an agency other than the one alleged to have committed the act or omission.

4. ~~[If an employee reports known or suspected exploitation of a vulnerable person to a designated reporter and, based on such a report or based on his or her own observations or knowledge, the designated reporter knows or has reasonable cause to believe that a vulnerable person has been exploited, the designated reporter shall:~~

~~(a) Except as otherwise provided in subsection 5, report the known or suspected exploitation of the vulnerable person to a law enforcement agency; and~~

~~(b) Make such a report as soon as reasonably practicable.~~

~~5. If the designated reporter knows or has reasonable cause to believe that the exploitation of the vulnerable person involves an act or omission of a law enforcement agency, the designated reporter shall make the report to a law enforcement agency other than the one alleged to have committed the act or omission.~~

~~6.]~~ In accordance with the provisions of subsection 3 of NRS 239A.070, in making a report pursuant to this section, a designated reporter may:

(a) Disclose any facts or information that form the basis of the determination that the designated reporter knows or has reasonable cause to believe that an older person or vulnerable person has been exploited, including, without limitation, the identity of any person believed to be involved in the exploitation of the older person or vulnerable person; and

(b) Provide any financial records or other documentation relating to the exploitation of the older person or vulnerable person.

~~[7.]~~ *5.* An employee and the designated reporter are entitled to the immunity from liability set forth in NRS 200.5096 for making a report in good faith.

Sec. 32. 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. 33. NRS 200.50935 is hereby repealed.

Sec. 34. This act becomes effective on July 1, 2019.

TEXT OF REPEALED SECTION

200.50935 Report of abuse, neglect, exploitation, isolation or abandonment of vulnerable person; voluntary and mandatory reports; investigation; penalty.

1. Any person who is described in subsection 3 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that a vulnerable person has been abused, neglected, exploited, isolated or abandoned shall:

(a) Report the abuse, neglect, exploitation, isolation or abandonment of the vulnerable person to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the vulnerable person has been abused, neglected, exploited, isolated or abandoned.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation, isolation or abandonment of the vulnerable person involves an act or omission of a law enforcement agency, the person shall make the report to a law enforcement agency other than the one alleged to have committed the act or omission.

3. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, perfusionist, physician assistant licensed pursuant to chapter 630 or 633 of NRS, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug abuse counselor, alcohol and drug abuse counselor, music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats a vulnerable person who appears to have been abused, neglected, exploited, isolated or abandoned.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation, isolation or abandonment of a vulnerable person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide nursing in the home.

(e) Any employee of the Department of Health and Human Services.

(f) Any employee of a law enforcement agency or an adult or juvenile probation officer.

(g) Any person who maintains or is employed by a facility or establishment that provides care for vulnerable persons.

(h) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation, isolation or abandonment of a vulnerable person and refers them to persons and agencies where their requests and needs can be met.

(i) Every social worker.

(j) Any person who owns or is employed by a funeral home or mortuary.

4. A report may be made by any other person.

5. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a vulnerable person has died as a result of abuse, neglect, isolation or abandonment, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the vulnerable person and submit to the appropriate local law enforcement agencies and the appropriate prosecuting attorney his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

6. A law enforcement agency which receives a report pursuant to this section shall immediately initiate an investigation of the report.

7. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No 941 to Senate Bill No. 540 is a budget implementation bill that continues the expansion of the current adult protective services program to a full adult protective services program. This bill provides the Aging and Disability Services Division of the Department of Health and Human Services authority to receive and investigate reports of abuse, neglect, exploitation, isolation and abandonment of vulnerable persons age 18 through 59. The Aging and Disability Services Division concurs with the adoption of the friendly Amendment No. 941 proposed by Clark County on May 24, 2019, which removes the local office from the Public Guardian from section 8, subsection 3(1).

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 542.

Bill read second time and ordered to third reading.

Senate Bill No. 545.

Bill read second time and ordered to third reading.

Senate Bill No. 548.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 346.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 932.

SUMMARY—Revises provisions related to marijuana. (BDR 40-1065)

AN ACT relating to marijuana; ~~[requiring the Department of Taxation to collect certain demographic information concerning marijuana establishments and medical marijuana establishments;]~~ authorizing an independent contractor to enter into a contract with a marijuana establishment or medical marijuana establishment to provide certain training; ~~[providing for the certification of emerging small marijuana businesses by the Office of Economic Development; requiring the Office to establish the Center for Emerging Small Marijuana Business Advocacy and Services; requiring the Office to analyze certain information and prepare an annual report relating to disparities and unlawful discrimination in the licensure of marijuana establishments and medical marijuana establishments;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure or registration of marijuana establishments, medical marijuana establishments and medical marijuana establishment agents by the Department of Taxation. (Chapters 453A and 453D of NRS) ~~[Sections 2 and 6 of this bill require the Department to gather and maintain comprehensive demographic information about owners and agents of each marijuana establishment and medical marijuana establishment and certain similar persons and transmit this information to the Office of Economic Development. Section 18 of this bill requires the Office to: (1) analyze this information to determine whether and to what extent disparities and unlawful discrimination exist with respect to the licensure of marijuana establishments and medical marijuana establishments and to employment in professions related to the marijuana industry; and (2) submit an annual report to the Governor and the Legislature detailing such information.~~

~~—]~~Sections 3 and 7 of this bill authorize an independent contractor to enter into a contract to provide training to medical marijuana establishment agents or agents of a marijuana establishment. Sections 3 and 7 require such an independent contractor to submit a plan to the Department describing the manner in which such training will be conducted.

~~[Existing law creates the Office of Economic Development within the Office of the Governor to coordinate and oversee economic development programs in this State. (NRS 231.043, 231.055) Sections 8-15 and 17 of this bill: (1) provide for the certification of eligible emerging small marijuana businesses by the Office; (2) require the Office to post a list of the emerging small marijuana businesses on its Internet website; and (3) require the Office to adopt regulations, including regulations relating to the application form and procedure for that certification.~~

~~Section 16 of this bill requires the Executive Director of the Office of Economic Development to establish within the Office the Center for Emerging Small Marijuana Business Advocacy and Services for the purposes of: (1) assisting emerging small marijuana businesses obtain information relating to financing; (2) increasing public awareness of and advocating for marijuana-related businesses; (3) establishing an information and referral service to respond to inquiries from emerging small marijuana businesses; and (4) advising the Executive Director on certain matters relating to the marijuana industry.~~]

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

Section 1. ~~[Chapter 453A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.]~~ (Deleted by amendment.)

Sec. 2. ~~[*1. The Department shall gather and maintain comprehensive demographic information, including, without limitation, information regarding race, ethnicity, age and gender, concerning each:*~~

~~*(a) Owner and manager of a medical marijuana establishment.*~~

~~*(b) Holder of a medical marijuana establishment agent registration card who volunteers or works at, contracts to provide labor to or is employed by an independent contractor to provide labor to a medical marijuana establishment.*~~

~~*(c) Applicant for a medical marijuana establishment registration certificate.*~~

~~*(d) Applicant for a business license, permit or any other approval required to operate a medical marijuana establishment.*~~

~~*2. The Department shall transmit to the Office of Economic Development in a manner prescribed by the Office the information gathered and maintained pursuant to subsection 1.*~~] (Deleted by amendment.)

Sec. 3. Chapter 453A of NRS is hereby amended by adding thereto a new section to read as follows:

1. An independent contractor, including, without limitation, an educational institution, nonprofit organization or labor organization, may enter into a contract with a medical marijuana establishment to provide training to the medical marijuana establishment agents who volunteer or work at, contract to provide labor to or are employed by an independent contractor to provide labor to the medical marijuana establishment.

2. The Department shall issue to an independent contractor who wishes to provide training as described in subsection 1 a medical marijuana establishment agent registration card if:

(a) The independent contractor submits to the Department an organized, written plan describing the manner in which the independent contractor will conduct the training which has been agreed to by the independent contractor and the medical marijuana establishment; and

(b) The independent contractor satisfies the requirements of NRS 453A.332.

Sec. 4. NRS 453A.370 is hereby amended to read as follows:

453A.370 The Department shall adopt such regulations as it determines to be necessary or advisable to carry out the provisions of NRS 453A.320 to 453A.370, inclusive ~~[.]~~ *, and ~~[sections 2 and]~~ section 3 of this act.* Such regulations are in addition to any requirements set forth in statute and must, without limitation:

1. Prescribe the form and any additional required content of registration and renewal applications submitted pursuant to NRS 453A.322 and 453A.332.

2. Set forth rules pertaining to the safe and healthful operation of medical marijuana establishments, including, without limitation:

(a) The manner of protecting against diversion and theft without imposing an undue burden on medical marijuana establishments or compromising the confidentiality of the holders of registry identification cards and letters of approval.

(b) Minimum requirements for the oversight of medical marijuana establishments.

(c) Minimum requirements for the keeping of records by medical marijuana establishments.

(d) Provisions for the security of medical marijuana establishments, including, without limitation, requirements for the protection by a fully operational security alarm system of each medical marijuana establishment.

(e) Procedures pursuant to which medical marijuana dispensaries must use the services of an independent testing laboratory to ensure that any marijuana, edible marijuana products and marijuana-infused products sold by the dispensaries to end users are tested for content, quality and potency in accordance with standards established by the Department.

(f) Procedures pursuant to which a medical marijuana dispensary will be notified by the Department if a patient who holds a valid registry identification card or letter of approval has chosen the dispensary as his or her designated medical marijuana dispensary, as described in NRS 453A.366.

(g) Minimum requirements for industrial hemp, as defined in NRS 557.160, which is used by a facility for the production of edible marijuana products or marijuana-infused products to manufacture edible marijuana products or marijuana-infused products or dispensed by a medical marijuana dispensary.

3. Establish circumstances and procedures pursuant to which the maximum fees set forth in NRS 453A.344 may be reduced over time to ensure that the fees imposed pursuant to NRS 453A.344 are, insofar as may be practicable, revenue neutral.

4. Set forth the amount of usable marijuana that a medical marijuana dispensary may dispense to a person who holds a valid registry identification card, including, without limitation, a designated primary caregiver, in any one 14-day period. Such an amount must not exceed the limits set forth in NRS 453A.200.

5. As far as possible while maintaining accountability, protect the identity and personal identifying information of each person who receives, facilitates or delivers services in accordance with this chapter.

6. In cooperation with the applicable professional licensing boards, establish a system to:

(a) Register and track attending providers of health care who advise their patients that the medical use of marijuana may mitigate the symptoms or effects of the patient's medical condition;

(b) Insofar as is possible, track and quantify the number of times an attending provider of health care described in paragraph (a) makes such an advisement; and

(c) Provide for the progressive discipline of attending providers of health care who advise the medical use of marijuana at a rate at which the Department, in consultation with the Division, and applicable board determine and agree to be unreasonably high.

7. Establish different categories of medical marijuana establishment agent registration cards, including, without limitation, criteria for training and certification, for each of the different types of medical marijuana establishments at which such an agent may be employed or volunteer or provide labor as a medical marijuana establishment agent.

8. Provide for the maintenance of a log by the Department, in consultation with the Division, of each person who is authorized to cultivate, grow or produce marijuana pursuant to subsection 6 of NRS 453A.200. The Department shall ensure that the contents of the log are available for verification by law enforcement personnel 24 hours a day.

9. Determine whether any provision of NRS 453A.350 or 453A.352 would make the operation of a medical marijuana establishment or marijuana establishment, as defined in NRS 453D.030, by a dual licensee, as defined in NRS 453D.030, unreasonably impracticable, as defined in NRS 453D.030.

10. Address such other matters as may assist in implementing the program of dispensation contemplated by NRS 453A.320 to 453A.370, inclusive ~~[.]~~ , *and* ~~*[sections 2 and]*~~ *section 3 of this act.*

Sec. 5. ~~[Chapter 453D 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. The Department shall gather and maintain comprehensive demographic information, including, without limitation, information regarding race, ethnicity, age and gender, concerning each:*~~

~~*(a) Owner and manager of a marijuana establishment.*~~

~~*(b) Agent of a marijuana establishment who volunteers or works at, contracts to provide labor to or is employed by an independent contractor to provide labor to a marijuana establishment.*~~

~~*(c) Applicant for a license to operate a marijuana establishment.*~~

~~*(d) Applicant for a business license, permit or any other approval required to operate a marijuana establishment.*~~

~~2. The Department shall transmit to the Office of Economic Development in a manner prescribed by the Office the information gathered and maintained pursuant to subsection 1.]~~ (Deleted by amendment.)

Sec. 7. Chapter 453D of NRS is hereby amended by adding thereto a new section to read as follows:

An independent contractor, including, without limitation, an educational institution, nonprofit organization or labor organization, may enter into a contract with a marijuana establishment to provide training to the agents of a marijuana establishment who volunteer or work at, contract to provide labor to or are employed by an independent contractor to provide labor to the marijuana establishment if:

1. The independent contractor submits to the Department an organized, written plan describing the manner in which the independent contractor will conduct the training which has been agreed to by the independent contractor and the ~~[medical]~~ marijuana establishment; and

2. The independent contractor satisfies any other requirements prescribed by the Department.

Sec. 8. ~~[Chapter 231 of NRS is hereby amended by adding thereto the provisions set forth as sections 9 to 18, inclusive, of this act.]~~ (Deleted by amendment.)

Sec. 9. ~~[As used in sections 9 to 17, inclusive, of this act unless the context otherwise requires, the words and terms defined in sections 10, 11 and 12 of this act have the meanings ascribed to them in those sections.]~~ (Deleted by amendment.)

Sec. 10. ~~["Emerging small marijuana business" means a marijuana establishment or medical marijuana establishment that has been certified by the Office pursuant to section 15 of this act.]~~ (Deleted by amendment.)

Sec. 11. ~~["Marijuana establishment" has the meaning ascribed to it in NRS 453D.030.]~~ (Deleted by amendment.)

Sec. 12. ~~["Medical marijuana establishment" has the meaning ascribed to it in NRS 453A.116.]~~ (Deleted by amendment.)

Sec. 13. ~~[1. To be eligible for certification as an emerging small marijuana business, a marijuana establishment or medical marijuana establishment must:~~

~~(a) Be in existence, operational and operated for a profit;~~

~~(b) Maintain its principal place of business in this State;~~

~~(c) Be in compliance with all applicable licensing and registration requirements in this State;~~

~~(d) Not be a subsidiary or parent company belonging to a group of firms that are owned or controlled by the same persons if, in the aggregate, the group of firms does not qualify pursuant to subsection 2 or 3 for designation as a tier 1 firm or a tier 2 firm; and~~

~~(e) Qualify pursuant to subsection 2 or 3 for designation as a tier 1 firm or a tier 2 firm.~~

~~*2. To be designated a tier 1 firm, a marijuana establishment or medical marijuana establishment:*~~

~~*(a) Must not employ more than 20 full-time or full-time equivalent employees; and*~~

~~*(b) The average annual gross receipts for the marijuana establishment or medical marijuana establishment must not exceed $700,000 for the 3 years immediately preceding the date of application for certification as an emerging small marijuana business.*~~

~~*3. To be designated a tier 2 firm, a marijuana establishment or medical marijuana establishment:*~~

~~*(a) Must not employ more than 30 full-time or full-time equivalent employees; and*~~

~~*(b) The average annual gross receipts for the marijuana establishment or medical marijuana establishment must not exceed $1.3 million for the 3 years immediately preceding the date of application for certification as an emerging small marijuana business.*~~

~~*4. In determining if a marijuana establishment or medical marijuana establishment qualifies for a designation as a tier 1 firm or a tier 2 firm pursuant to subsection 2 or 3, the Office shall use the criteria set forth in section 14 of this act to determine whether an employee is a full-time equivalent employee for the purposes of such a designation.]*~~ (Deleted by amendment.)

Sec. 14. ~~*[To determine whether an employee is a full-time equivalent employee pursuant to section 13 of this act:*~~

~~*1. An owner of a marijuana establishment or medical marijuana establishment applying for certification as an emerging small marijuana business must not be considered a full-time equivalent employee;*~~

~~*2. The period during which the full-time equivalency of an employee is determined must be based on the same period as the tax year for the marijuana establishment or medical marijuana establishment applying for certification as an emerging small marijuana business; and*~~

~~*3. The hours worked by part-time and seasonal employees must be converted into full-time equivalent hours by dividing by 2,080 the total hours worked for the marijuana establishment or medical marijuana establishment applying for certification by all part-time and seasonal employees.]*~~ (Deleted by amendment.)

Sec. 15. ~~*[1. A marijuana establishment or medical marijuana establishment may apply, on a form prescribed by regulation of the Office, to the Office for certification as an emerging small marijuana business. The application must be accompanied by such proof as the Office requires to demonstrate that the applicant is in compliance with the criteria set forth in section 13 of this act and any regulations adopted pursuant to section 17 of this act.*~~

~~*2. Upon receipt of the application and when satisfied that the applicant meets the requirements set forth in this section, section 13 of this act, and any regulations adopted pursuant to section 17 of this act, the Office shall:*~~

~~*(a) Certify the marijuana establishment or medical marijuana establishment as an emerging small marijuana business; and*~~

~~*(b) Provide to the marijuana establishment or medical marijuana establishment, in written or electronic form, information concerning public and private programs to provide financing for small businesses that are applicable to an emerging small marijuana business and criteria for obtaining financing through such programs.*~~

~~*3. The Office shall compile a list of the emerging small marijuana businesses certified pursuant to this section and post the list on its Internet website.]*~~ (Deleted by amendment.)

Sec. 16. ~~*[The Executive Director shall establish within the Office, the Center for Emerging Small Marijuana Business Advocacy and Services:*~~

~~*1. To assist emerging small marijuana businesses in obtaining information about financing and other basic resources which are necessary for success;*~~

~~*2. To increase public awareness of the importance of developing the marijuana industry in this State and encouraging public support for marijuana establishments and medical marijuana establishments;*~~

~~*3. To serve as an advocate for emerging small marijuana businesses, subject to the supervision of the Executive Director or his or her representative, both within and outside the Office;*~~

~~*4. To establish an information and referral service within the Office that is responsive to the inquiries of emerging small marijuana businesses which are directed to the Office or any entity within the Office; and*~~

~~*5. To advise the Executive Director in developing and improving programs of the Office to serve more effectively and support the growth, development and diversification of the marijuana industry in this State.]*~~ (Deleted by amendment.)

Sec. 17. ~~*[1. The Office shall adopt regulations prescribing the application form and procedure for certification as an emerging small marijuana business.*~~

~~*2. The Office may adopt regulations to carry out the provisions of sections 9 to 17, inclusive, of this act.]*~~ (Deleted by amendment.)

Sec. 18. ~~*[1. The Office shall annually analyze the information submitted to the Office pursuant to sections 2 and 6 of this act to determine whether and to what extent disparities and unlawful discrimination exist with respect to:*~~

~~*(a) The licensure of marijuana establishments and medical marijuana establishments; and*~~

~~*(b) Employment in professions related to the marijuana industry, including, without limitation, medical marijuana establishment agents and agents of marijuana establishments.*~~

~~*2. On or before January 31 of each year, the Office shall submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report detailing the analysis of the Office pursuant to subsection 1.*~~

~~*3. As used in this section:*~~

~~*(a) "Marijuana establishment" has the meaning ascribed to it in NRS 453D.030.*~~

~~*(b) "Medical marijuana establishment" has the meaning ascribed to it in NRS 453A.116.*~~

~~*(c) "Medical marijuana establishment agent" has the meaning ascribed to it in NRS 453A.117.]~~ (Deleted by amendment.)

Sec. 19. ~~[The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.]~~ (Deleted by amendment.)

Sec. 20. ~~[1.]~~ This ~~[section and sections 8 to 17, inclusive, and section 19 of this]~~ act ~~[become]~~ becomes effective ~~[:~~

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

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

~~2. Sections 1 to 7, inclusive, and section 18 of this act become effective]~~ on January 2, 2020.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 932 makes various changes to Senate Bill No. 346 including eliminating the requirement for the Department of Taxation to gather and maintain comprehensive demographic information about owners and agents of each marijuana establishment. The amendment also eliminates the requirement that the Governor's Office of Economic Development (GOED) analyze the demographic information and submit an annual report to the Governor and Legislature. The amendment further eliminates the requirement for GOED to provide for the certification of eligible emerging small marijuana businesses. Finally, the amendment eliminates the requirement for GOED to establish the Center for Emerging Small Marijuana Business Advocacy and Services.

Conflict of interest declared by Senator Ohrenschall.

Amendment adopted.

Bill read third time.

Remarks by Senators Harris and Hansen.

SENATOR HARRIS:

Senate Bill No. 346 allows an independent contractor to enter into a contract with a medical-marijuana establishment or a marijuana establishment to provide training to the agents of such establishment who volunteer or work at contract to provide, or are employed by an independent contractor, labor to the marijuana establishment under certain circumstances.

SENATOR HANSEN:

With regard to Senate Bill No. 346, is there some sort of prohibition we are trying to fix here? Normally, when you have an apprentice program, you have to get a State law to do it. Is there some current rule regarding medical-marijuana establishments which prevents them from having a typical contract between a contracting firm or an apprentice program or union?

SENATOR HARRIS:
Because this is a new industry, we need explicit authorization and a mechanism by which they would be able to enter into these contracts. Part of the bill allows these independent contractors to obtain the kind of licensing they may need to handle the product required to train people to enter into this field.

SENATOR HANSEN:
Are federal prohibitions or something they have to deal with because it is marijuana? Is that where we are getting at here?

SENATOR HARRIS:
We are not attempting to legislate around any federal restrictions, simply around the State restrictions we currently have for people who are allowed to possess marijuana, transport it and things like that. The independent contractor will need the ability to engage in certain parts of the business they are not currently allowed to in order to train people so they can get out into the field including into traditional medical-marijuana establishments and marijuana establishments already established under State law.

SENATOR HANSEN:
Thank you, I was just trying to get a handle on it.

Conflict of interest declared by Senator Ohrenschall.

Roll call on Senate Bill No. 346:
YEAS—18.
NAYS—None.
NOT VOTING—Ohrenschall.
EXCUSED—Seevers Gansert, Washington—2.

Senate Bill No. 346 having received a constitutional majority, Madam President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Senate Bill No. 376.
Bill read third time.
Remarks by Senator Woodhouse.
Senate Bill No. 376 establishes certain requirements for the Nevada Institute on Teaching and Educator Preparation and authorizes the Institute to accept gifts, donations, bequests, grants or other sources of money, property or services to support the Institute and to support students who are part of the program established by the Institute. So the Body is aware, funding for the Institute is in the General Fund.

Roll call on Senate Bill No. 376:
YEAS—19.
NAYS—None.
EXCUSED—Seevers Gansert, Washington—2.

Senate Bill No. 376 having received a constitutional majority, Madam President declared it passed.
Bill ordered transmitted to the Assembly.

Senate Bill No. 497.
Bill read third time.
Remarks by Senator Denis.
Senate Bill No. 497 eliminates the requirement for certain business entities whose Nevada gross revenue in a fiscal year is $4 million or less to file a commerce tax return with the Department of

Taxation. The bill becomes effective upon passage and approval. This is to address the problem that many of these businesses under $4 million have not been filing, even though they are required to file a blank form with a zero listed. This will fix that problem.

Roll Call on Senate Bill No. 497:
YEAS—19.
NAYS—None.
EXCUSED—Seevers Gansert, Washington—2.

Senate Bill No. 497 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

REPORTS OF COMMITTEE

Madam President:

Your Committee on Finance, to which were re-referred Senate Bills No. 295, 321, 408, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

JOYCE WOODHOUSE, *Chair*

UNFINISHED BUSINESS
CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 20.

The following Assembly amendment was read:

Amendment No. 669.

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, 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.

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 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,]~~ $5, thereby increasing the additional fee charged by a county recorder from $5 to ~~[$6.]~~ $7. 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, 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. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)
Sec. 10. (Deleted by amendment.)
Sec. 11. (Deleted by amendment.)
Sec. 12. (Deleted by amendment.)
Sec. 13. (Deleted by amendment.)
Sec. 14. (Deleted by amendment.)
Sec. 15. (Deleted by amendment.)
Sec. 16. (Deleted by amendment.)
Sec. 17. (Deleted by amendment.)
Sec. 18. (Deleted by amendment.)
Sec. 19. (Deleted by amendment.)
Sec. 20. (Deleted by amendment.)
Sec. 21. (Deleted by amendment.)
Sec. 22. (Deleted by amendment.)
Sec. 23. (Deleted by amendment.)

Sec. 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 ~~[.]~~ *; 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*

(c) The proposed protected person, through court-appointed or retained counsel, waives his or her appearance.

2. A proposed protected person fund 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 necessaries, 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 ~~[,]~~ *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 service is detrimental to the physical or mental health of the protected person.

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 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. (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]~~ *$7* 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*]~~ *Five* 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] January 1, [2019.] 2020.

Senator Cannizzaro moved that the Senate concur in Assembly Amendment No. 669 to Senate Bill No. 20.

Remarks by Senator Cannizzaro.

Some work was done on Senate Bill No. 20 to adjust some fees, and we are all in agreement on the adjustments.

Motion carried by a two-thirds majority.

Bill ordered enrolled.

Senate Bill No. 73.

The following Assembly amendments were read:

Amendment No. 671.

SUMMARY—Revises provisions relating to gaming. (BDR 41-343)

AN ACT relating to gaming; revising the definition of "gaming device" to include mobile gaming; removing or repealing certain provisions relating to mobile gaming; revising certain provisions relating to publicly traded corporations registered with the Nevada Gaming Commission; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Nevada Gaming Commission and the Nevada Gaming Control Board to administer state gaming licenses and manufacturer's, seller's and distributor's licenses, and to reform various acts relating to the regulation and control of gaming. (NRS 463.140) Existing law authorizes the Commission, with the advice and assistance of the Board, to adopt regulations governing the operation and licensing of mobile gaming. (NRS 463.730) Existing law defines "mobile gaming" as the conduct of gambling games through communication devices operated solely within certain establishments holding a nonrestricted gaming license that permits a person to transfer information to a computer in order to place a bet or wager, and respective information related to the display of the game, game outcomes or other comparable information. (NRS 463.0176) Existing law defines "gaming device" as any object used remotely or directly in connection with gaming, or any other game that affects the results of a wager by determining win or loss but which does not qualify as associated equipment. (NRS 463.0155) Section 2 of this bill revises the definition of "gaming device" to include mobile gaming, thereby making mobile gaming subject to the same regulation and control as a gaming device. Sections 1.7, 3-10, 11-19 and 20 of this bill remove or repeal all provisions with individual references to mobile gaming. Section 9.5 of this bill exempts from the amendatory provisions of sections 5, 7, 8, 10, 18 and 19 : (1) certain persons with a nonrestricted license for a mobile gaming system or such a license for the operation of a mobile gaming system [.] ; (2) certain persons who acquire a financial interest in such an operator of a mobile gaming system or the operation of such a system ; or (3) a successor in interest of such a person who acquired such a financial interest. Section 19.5

also exempts from the amendatory provisions of section 3 of this bill employees of such an operator of a mobile gaming system described in section 19.5. Section 19.5 also provides that the provisions of law repealed by section 20 of this bill still apply to those persons or transactions described in section 19.5. Finally, section 19.5 provides that persons or transactions described in section 19.5 are not exempt from certain provisions of law.

Existing law requires certain persons to apply for and obtain a finding of suitability from the Nevada Gaming Commission if the person acquires, under certain circumstances: (1) beneficial ownership of any voting security of a publicly traded corporation registered with the Commission; (2) beneficial or record ownership of any nonvoting security of a publicly traded corporation registered with the Commission; or (3) beneficial or record ownership of any debt security of a publicly traded corporation registered with the Commission. (NRS 463.643) Section 10.8 of this bill requires certain persons to notify the Chair of the Board and apply for a finding of suitability with the Commission if such a person acquires or holds a certain percentage of any class of voting securities of a publicly traded corporation registered with the Commission. Section 10.8 also requires certain persons to notify the Chair , ~~[and]~~ apply for a finding of suitability with the Commission and pay a sum of money to the Board if such a person obtains beneficial ownership in such a publicly traded corporation and the person has the intent to engage in certain proscribed activities, except that certain persons who acquire less than a 10 percent beneficial ownership in such a corporation through a pension are not subject to ~~[the]~~ such notification , ~~[and]~~ application and payment requirements. Sections 1.3, 1.5 and 10.2-10.6 make conforming changes.

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

Section 1. Chapter 463 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.5 of this act.

Sec. 1.3. *1. "Pension" means an employee pension or benefit plan subject to the Employee Retirement Income Security Act of 1974 or a state or federal government pension plan.*

2. The term does not include an employee pension or benefit plan established by a publicly traded corporation that is registered with the Commission.

Sec. 1.5. *"Proscribed activity" means:*

1. An activity that necessitates a change or amendment to the corporate charter, bylaws, management, policies or operation of a publicly traded corporation that is registered with the Commission;

2. An activity that materially influences or affects the affairs of a publicly traded corporation that is registered with the Commission; or

3. Any other activity determined by the Commission to be inconsistent with holding voting securities for investment purposes only.

Sec. 1.7. NRS 463.0136 is hereby amended to read as follows:

463.0136 "Associated equipment" means:

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

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

Sec. 2. NRS 463.0155 is hereby amended to read as follows:

463.0155 "Gaming device" means any object used remotely or directly in connection with gaming or any game which affects the result of a wager by determining win or loss and which does not otherwise constitute associated equipment. The term includes, without limitation:

1. A slot machine.

2. *Mobile gaming.*

3. A collection of two or more of the following components:

(a) An assembled electronic circuit which cannot be reasonably demonstrated to have any use other than in a slot machine;

(b) A cabinet with electrical wiring and provisions for mounting a coin, token or currency acceptor and provisions for mounting a dispenser of coins, tokens or anything of value;

(c) An assembled mechanical or electromechanical display unit intended for use in gambling; or

(d) An assembled mechanical or electromechanical unit which cannot be demonstrated to have any use other than in a slot machine.

~~[3.]~~ *4.* Any object which may be connected to or used with a slot machine to alter the normal criteria of random selection or affect the outcome of a game.

~~[4.]~~ *5.* A system for the accounting or management of any game in which the result of the wager is determined electronically by using any combination of hardware or software for computers.

~~[5.]~~ *6.* A control program.

~~[6.]~~ *7.* Any combination of one of the components set forth in paragraphs (a) to (d), inclusive, of subsection ~~[2]~~ *3* and any other component which the Commission determines by regulation to be a machine used directly or remotely in connection with gaming or any game which affects the results of a wager by determining a win or loss.

~~[7.]~~ *8.* Any object that has been determined to be a gaming device pursuant to regulations adopted by the Commission.

9. As used in this section ~~[, "control]~~ *:*

(a) "Control program" means any software, source language or executable code which affects the result of a wager by determining win or loss as determined pursuant to regulations adopted by the Commission.

(b) "Mobile gaming" means the conduct of gambling games through communications devices operated solely in an establishment which holds a nonrestricted gaming license and which operates at least 100 slot machines and at least one other game by the use of communications technology that allows a person to transmit information to a computer to assist in the placing of a bet or wager and corresponding information related to the display of the game, game outcomes or other similar information. For the purposes of this paragraph, "communications technology" means any method used and the components employed by an establishment to facilitate the transmission of information, including, without limitation, transmission and reception by systems based on wireless network, wireless fidelity, wire, cable, radio, microwave, light, optics or computer data networks. The term does not include the Internet.

Sec. 3. NRS 463.0157 is hereby amended to read as follows:

463.0157 1. "Gaming employee" means any person connected directly with an operator of a slot route, the operator of a pari-mutuel system, the operator of an inter-casino linked system or a manufacturer, distributor or disseminator, or with the operation of a gaming establishment licensed to conduct any game, 16 or more slot machines, a race book, sports pool or pari-mutuel wagering, including:

(a) Accounting or internal auditing personnel who are directly involved in any recordkeeping or the examination of records associated with revenue from gaming;

(b) Boxpersons;

(c) Cashiers;

(d) Change personnel;

(e) Counting room personnel;

(f) Dealers;

(g) Employees of a person required by NRS 464.010 to be licensed to operate an off-track pari-mutuel system;

(h) Employees of a person required by NRS 463.430 to be licensed to disseminate information concerning racing and employees of an affiliate of such a person involved in assisting the person in carrying out the duties of the person in this State;

(i) Employees whose duties are directly involved with the manufacture, repair, sale or distribution of gaming devices, associated equipment when the employer is required by NRS 463.650 to be licensed, cashless wagering systems ~~[, mobile gaming systems, equipment associated with mobile gaming systems]~~ or interactive gaming systems;

(j) Employees of operators of slot routes who have keys for slot machines or who accept and transport revenue from the slot drop;

(k) Employees of operators of inter-casino linked systems ~~[, mobile gaming systems]~~ or interactive gaming systems whose duties include the operational or supervisory control of the systems or the games that are part of the systems;

(l) Employees of operators of call centers who perform, or who supervise the performance of, the function of receiving and transmitting wagering instructions;

(m) Employees who have access to the Board's system of records for the purpose of processing the registrations of gaming employees that a licensee is required to perform pursuant to the provisions of this chapter and any regulations adopted pursuant thereto;

(n) Floorpersons;

(o) Hosts or other persons empowered to extend credit or complimentary services;

(p) Keno runners;

(q) Keno writers;

(r) Machine mechanics;

(s) Odds makers and line setters;

(t) Security personnel;

(u) Shift or pit bosses;

(v) Shills;

(w) Supervisors or managers;

(x) Ticket writers;

(y) Employees of a person required by NRS 463.160 to be licensed to operate an information service;

(z) Employees of a licensee who have local access and provide management, support, security or disaster recovery services for any hardware or software that is regulated pursuant to the provisions of this chapter and any regulations adopted pursuant thereto; and

(aa) Temporary or contract employees hired by a licensee to perform a function related to gaming.

2. "Gaming employee" does not include barbacks or bartenders whose duties do not involve gaming activities, cocktail servers or other persons engaged exclusively in preparing or serving food or beverages.

3. As used in this section, "local access" means access to hardware or software from within a licensed gaming establishment, hosting center or elsewhere within this State.

Sec. 4. NRS 463.01715 is hereby amended to read as follows:

463.01715 1. "Manufacture" means:

(a) To manufacture, produce, program, design, control the design of or make modifications to a gaming device, associated equipment, cashless wagering system ~~[, mobile gaming system]~~ or interactive gaming system for use or play in Nevada;

(b) To direct or control the methods and processes used to design, develop, program, assemble, produce, fabricate, compose and combine the components and other tangible objects of any gaming device, associated equipment, cashless wagering system ~~[, mobile gaming system]~~ or interactive gaming system for use or play in Nevada;

(c) To assemble, or control the assembly of, a gaming device, associated equipment, cashless wagering system ~~[, mobile gaming system]~~ or interactive gaming system for use or play in Nevada; or

(d) To assume responsibility for any action described in paragraph (a), (b) or (c).

2. As used in this section:

(a) "Assume responsibility" means to:

(1) Acquire complete control over, or ownership of, the applicable gaming device, associated equipment, cashless wagering system ~~[, mobile gaming system]~~ or interactive gaming system; and

(2) Accept continuing legal responsibility for the gaming device, associated equipment, cashless wagering system ~~[, mobile gaming system]~~ or interactive gaming system, including, without limitation, any form of manufacture performed by an affiliate or independent contractor.

(b) "Independent contractor" means, with respect to a manufacturer, any person who:

(1) Is not an employee of the manufacturer; and

(2) Pursuant to an agreement with the manufacturer, designs, develops, programs, produces or composes a control program used in the manufacture of a gaming device. As used in this subparagraph, "control program" has the meaning ascribed to it in NRS 463.0155.

Sec. 5. NRS 463.0177 is hereby amended to read as follows:

463.0177 "Nonrestricted license" or "nonrestricted operation" means:

1. A state gaming license for, or an operation consisting of, 16 or more slot machines;

2. A license for, or operation of, any number of slot machines together with any other game, gaming device, race book or sports pool at one establishment;

3. A license for, or the operation of, a slot machine route; *or*

4. A license for, or the operation of, an inter-casino linked system . ~~[, or~~

~~5. A license for, or the operation of, a mobile gaming system.]~~

Sec. 6. NRS 463.160 is hereby amended to read as follows:

463.160 1. Except as otherwise provided in subsection 4 and NRS 463.172, it is unlawful for any person, either as owner, lessee or employee, whether for hire or not, either solely or in conjunction with others:

(a) To deal, operate, carry on, conduct, maintain or expose for play in the State of Nevada any gambling game, gaming device, inter-casino linked system, ~~[mobile gaming system,]~~ slot machine, race book or sports pool;

(b) To provide or maintain any information service;

(c) To operate a gaming salon;

(d) To receive, directly or indirectly, any compensation or reward or any percentage or share of the money or property played, for keeping, running or carrying on any gambling game, slot machine, gaming device, ~~[mobile gaming system,]~~ race book or sports pool;

(e) To operate as a cash access and wagering instrument service provider; or

(f) To operate, carry on, conduct, maintain or expose for play in or from the State of Nevada any interactive gaming system,

➥ without having first procured, and thereafter maintaining in effect, all federal, state, county and municipal gaming licenses as required by statute, regulation or ordinance or by the governing board of any unincorporated town.

2. The licensure of an operator of an inter-casino linked system is not required if:

(a) A gaming licensee is operating an inter-casino linked system on the premises of an affiliated licensee; or

(b) An operator of a slot machine route is operating an inter-casino linked system consisting of slot machines only.

3. Except as otherwise provided in subsection 4, it is unlawful for any person knowingly to permit any gambling game, slot machine, gaming device, inter-casino linked system, ~~[mobile gaming system,]~~ race book or sports pool to be conducted, operated, dealt or carried on in any house or building or other premises owned by the person, in whole or in part, by a person who is not licensed pursuant to this chapter, or that person's employee.

4. The Commission may, by regulation, authorize a person to own or lease gaming devices for the limited purpose of display or use in the person's private residence without procuring a state gaming license.

5. For the purposes of this section, the operation of a race book or sports pool includes making the premises available for any of the following purposes:

(a) Allowing patrons to establish an account for wagering with the race book or sports pool;

(b) Accepting wagers from patrons;

(c) Allowing patrons to place wagers;

(d) Paying winning wagers to patrons; or

(e) Allowing patrons to withdraw cash from an account for wagering or to be issued a ticket, receipt, representation of value or other credit representing a withdrawal from an account for wagering that can be redeemed for cash,

➥ whether by a transaction in person at an establishment or through mechanical means, such as a kiosk or similar device, regardless of whether that device would otherwise be considered associated equipment. A separate license must be obtained for each location at which such an operation is conducted.

6. As used in this section, "affiliated licensee" has the meaning ascribed to it in NRS 463.430.

Sec. 7. NRS 463.1605 is hereby amended to read as follows:

463.1605 1. Except as otherwise provided in subsection 3, the Commission shall not approve a nonrestricted license, other than for the operation of a ~~[mobile gaming system,]~~ race book or sports pool at an establishment which holds a nonrestricted license to operate both gaming

devices and a gambling game, for an establishment in a county whose population is 100,000 or more unless the establishment is a resort hotel.

2. A county, city or town may require resort hotels to meet standards in addition to those required by this chapter as a condition of issuance of a gaming license by the county, city or town.

3. The Commission may approve a nonrestricted license for an establishment which is not a resort hotel at a new location if:

(a) The establishment was acquired or displaced pursuant to a redevelopment project undertaken by an agency created pursuant to chapter 279 of NRS in accordance with a final order of condemnation entered before June 17, 2005; or

(b) The establishment was acquired or displaced pursuant to a redevelopment project undertaken by an agency created pursuant to chapter 279 of NRS in accordance with a final order of condemnation entered on or after June 17, 2005, and the new location of the establishment is within the same redevelopment area as the former location of the establishment.

Sec. 8. NRS 463.245 is hereby amended to read as follows:

463.245 1. Except as otherwise provided in this section:

(a) All licenses issued to the same person, including a wholly owned subsidiary of that person, for the operation of any game, including a sports pool or race book, which authorize gaming at the same establishment must be merged into a single gaming license.

(b) A gaming license may not be issued to any person if the issuance would result in more than one licensed operation at a single establishment, whether or not the profits or revenue from gaming are shared between the licensed operations.

2. A person who has been issued a nonrestricted gaming license for an operation described in subsection 1 ~~[,]~~ *or* 2 ~~[or 5]~~ of NRS 463.0177 may establish a sports pool or race book on the premises of the establishment only after obtaining permission from the Commission.

3. A person who has been issued a license to operate a sports pool or race book at an establishment may be issued a license to operate a sports pool or race book at a second establishment described in subsection 1 or 2 of NRS 463.0177 only if the second establishment is operated by a person who has been issued a nonrestricted license for that establishment. A person who has been issued a license to operate a race book or sports pool at an establishment is prohibited from operating a race book or sports pool at:

(a) An establishment for which a restricted license has been granted; or

(b) An establishment at which only a nonrestricted license has been granted for an operation described in subsection 3 or 4 of NRS 463.0177.

4. A person who has been issued a license to operate a race book or sports pool shall not enter into an agreement for the sharing of revenue from the operation of the race book or sports pool with another person in consideration for the offering, placing or maintaining of a kiosk or other similar device not

physically located on the licensed premises of the race book or sports pool, except:

(a) An affiliated licensed race book or sports pool; or

(b) The licensee of an establishment at which the race book or sports pool holds or obtains a license to operate pursuant to this section.

➥ This subsection does not prohibit an operator of a race book or sports pool from entering into an agreement with another person for the provision of shared services relating to advertising or marketing.

5. Nothing in this section limits or prohibits an operator of an inter-casino linked system from placing and operating such a system on the premises of two or more gaming licensees and receiving, either directly or indirectly, any compensation or any percentage or share of the money or property played from the linked games in accordance with the provisions of this chapter and the regulations adopted by the Commission. An inter-casino linked system must not be used to link games other than slot machines, unless such games are located at an establishment that is licensed for games other than slot machines.

6. For the purposes of this section, the operation of a race book or sports pool includes making the premises available for any of the following purposes:

(a) Allowing patrons to establish an account for wagering with the race book or sports pool;

(b) Accepting wagers from patrons;

(c) Allowing patrons to place wagers;

(d) Paying winning wagers to patrons; or

(e) Allowing patrons to withdraw cash from an account for wagering or to be issued a ticket, receipt, representation of value or other credit representing a withdrawal from an account for wagering that can be redeemed for cash,

➥ whether by a transaction in person at an establishment or through mechanical means such as a kiosk or other similar device, regardless of whether that device would otherwise be considered associated equipment.

7. The provisions of this section do not apply to a license to operate ~~[a mobile gaming system or to operate]~~ interactive gaming.

Sec. 9. NRS 463.305 is hereby amended to read as follows:

463.305 1. Any person who operates or maintains in this State any gaming device of a specific model, any gaming device which includes a significant modification ~~[, any mobile gaming system]~~ or any inter-casino linked system which the Board or Commission has not approved for testing or for operation is subject to disciplinary action by the Board or Commission.

2. The Board shall maintain a list of approved gaming devices ~~[, mobile gaming systems]~~ and inter-casino linked systems.

3. If the Board suspends or revokes approval of a gaming device pursuant to the regulations adopted pursuant to subsection 4 , ~~[or suspends or revokes approval of a mobile gaming system pursuant to the regulations adopted pursuant to NRS 463.730,]~~ the Board may order the removal of the gaming device ~~[or mobile gaming system]~~ from an establishment.

4. The Commission shall adopt regulations relating to gaming devices and their significant modification and inter-casino linked systems.

Sec. 10. NRS 463.3855 is hereby amended to read as follows:

463.3855 1. In addition to any other state license fees imposed by this chapter, the Commission shall, before issuing a state gaming license to an operator of a slot machine route ~~[, an operator of a mobile gaming system]~~ or an operator of an inter-casino linked system, charge and collect an annual license fee of $500.

2. Each such license must be issued for a calendar year beginning January 1 and ending December 31. If the operation of the licensee is continuing, the Commission shall charge and collect the fee on or before December 31 for the ensuing calendar year.

3. Except as otherwise provided in NRS 463.386, the fee to be charged and collected under this section is the full annual fee, without regard to the date of application for or issuance of the license.

Sec. 10.2. NRS 463.482 is hereby amended to read as follows:

463.482 As used in NRS 463.160 to 463.170, inclusive, 463.368, 463.386, 463.482 to 463.645, inclusive, and 463.750, unless the context otherwise requires, the words and terms defined in NRS 463.4825 to 463.488, inclusive, *and sections 1.3 and 1.5 of this act* have the meanings ascribed to them in those sections.

Sec. 10.4. NRS 463.622 is hereby amended to read as follows:

463.622 The policy of the State of Nevada with respect to corporate *affairs, including, without limitation, corporate* acquisitions, repurchases of securities and corporate recapitalizations affecting corporate licensees and publicly traded corporations that are affiliated companies is to:

1. Assure the financial stability of corporate licensees and affiliated companies;

2. *Protect the continued integrity of corporate gaming in matters of corporate governance;*

3. Preserve the beneficial aspects of conducting business in the corporate form; and

~~[3.]~~ *4.* Promote a neutral environment for the orderly governance of corporate affairs that is consistent with the public policy of this state concerning gaming.

Sec. 10.6. NRS 463.623 is hereby amended to read as follows:

463.623 *1.* The Commission ~~[may]~~ *shall* adopt regulations providing for the review and approval of corporate acquisitions opposed by management, repurchases of securities and corporate defense tactics affecting corporate gaming licensees and publicly traded corporations that are affiliated companies. The regulations must be consistent with:

~~[1.]~~ *(a)* The policy of this state as expressed in this chapter;

~~[2.]~~ *(b)* The provisions of this chapter;

~~[3.]~~ *(c)* The requirements of the Constitution of the United States; and

~~[4.]~~ *(d)* Federal regulation of securities.

2. The regulations must include, without limitation:

(a) Procedures by which a person, before engaging in certain proscribed activities, directly or indirectly, to materially influence or affect the affairs of a publicly traded corporation that is registered with the Commission, must file an application for a finding of suitability pursuant to NRS 463.643;

(b) Provisions that determine which corporate activities, in addition to those described in subsection 5 of NRS 463.643, influence or affect the affairs of a corporation in such a way that the Commission would require a person to file an application for a finding of suitability pursuant to NRS 463.643; and

(c) Provisions that ensure that a person is not unduly prohibited from lawfully exercising any of his or her voting rights derived from being a shareholder of a publicly traded corporation.

Sec. 10.8. NRS 463.643 is hereby amended to read as follows:

463.643 1. Each person who acquires, directly or indirectly:

(a) Beneficial ownership of any voting security; or

(b) Beneficial or record ownership of any nonvoting security,

➥ in a publicly traded corporation which is registered with the Commission may be required to be found suitable if the Commission has reason to believe that the person's acquisition of that ownership would otherwise be inconsistent with the declared policy of this state.

2. Each person who acquires, directly or indirectly, beneficial or record ownership of any debt security in a publicly traded corporation which is registered with the Commission may be required to be found suitable if the Commission has reason to believe that the person's acquisition of the debt security would otherwise be inconsistent with the declared policy of this state.

3. Each person who, individually or in association with others, acquires ~~[,]~~ *or holds,* directly or indirectly, beneficial ownership of more than 5 percent of any class of voting securities of a publicly traded corporation registered with the Nevada Gaming Commission, and who is required to report, or voluntarily reports, the acquisition *or holding* to the Securities and Exchange Commission pursuant to section 13(d)(1), 13(g) or 16(a) of the Securities Exchange Act of 1934, as amended, 15 U.S.C. §§ 78m(d)(1), 78m(g) and 78p(a), respectively, shall, ~~[within 10 days]~~ after filing the report and any amendment thereto with the Securities and Exchange Commission, notify the Nevada Gaming Commission *on the date specified in regulation by the Nevada Gaming Commission and* in the manner prescribed by the Chair of the Board that the report has been filed with the Securities and Exchange Commission.

4. Each person who, individually or in association with others, acquires ~~[,]~~ *or holds,* directly or indirectly, the beneficial ownership of more than 10 percent of any class of voting securities of a publicly traded corporation registered with the Commission, or who is required to report, or voluntarily reports, such acquisition *or holding* pursuant to section 13(d)(1), 13(g) or 16(a) of the Securities Exchange Act of 1934, as amended, 15 U.S.C. §§ 78m(d)(1), 78m(g) and 78p(a), respectively, shall apply to the Commission for a finding

of suitability within 30 days after the ~~[Chair of the Board mails the written notice.]~~ *date specified by the Commission by regulation.*

5. A person who acquires, directly or indirectly:

(a) Beneficial ownership of any voting security; or

(b) Beneficial or record ownership of any nonvoting security or debt security,

➥ in a publicly traded corporation created under the laws of a foreign country which is registered with the Commission shall file such reports and is subject to such a finding of suitability as the Commission may prescribe.

6. *Except as otherwise provided in subsection 7, each person who, individually or in association with others, acquires or holds, directly or indirectly, the beneficial ownership of any amount of any class of voting securities of a publicly traded corporation registered with the Commission, and who has the intent to engage in any proscribed activity shall:*

(a) Within 2 days after possession of such intent, notify the Chair of the Board in the manner prescribed by the Chair; ~~*[and]*~~

(b) Apply to the Commission for a finding of suitability within 30 days after notifying the Chair pursuant to paragraph (a) ~~*[.]*~~ *; and*

(c) Deposit with the Board the sum of money required by the Board pursuant to subsection 8.

7. Except as otherwise provided by the Commission, a person who has beneficial ownership of less than 10 percent of each class of voting securities of a publicly traded corporation registered with the Commission, acquired or held by the person through a pension, need not notify the Commission , ~~*[or]*~~ *apply for a finding of suitability with the Commission or deposit the required sum of money with the Board pursuant to subsection 6 before engaging in any proscribed activity.*

8. Any person required by the Commission or by this section to be found suitable shall:

(a) Except as otherwise required in subsection 4, apply for a finding of suitability within 30 days after the Commission requests that the person do so; and

(b) Together with the application, deposit with the Board a sum of money which, in the opinion of the Board, will be adequate to pay the anticipated costs and charges incurred in the investigation and processing of the application, and deposit such additional sums as are required by the Board to pay final costs and charges.

~~[7.]~~ *9.* Any person required by the Commission or this section to be found suitable who is found unsuitable by the Commission shall not hold directly or indirectly the:

(a) Beneficial ownership of any voting security; or

(b) Beneficial or record ownership of any nonvoting security or debt security,

➥ of a publicly traded corporation which is registered with the Commission beyond the time prescribed by the Commission.

~~[8.]~~ *10.* The violation of subsection ~~[6]~~ *8* or ~~[7]~~ *9* is a gross misdemeanor.

~~[9.]~~ *11.* As used in this section, "debt security" means any instrument generally recognized as a corporate security representing money owed and reflected as debt on the financial statement of a publicly traded corporation, including, but not limited to, bonds, notes and debentures.

Sec. 11. NRS 463.650 is hereby amended to read as follows:

463.650 1. Except as otherwise provided in subsections 2 to 7, inclusive, it is unlawful for any person, either as owner, lessee or employee, whether for hire or not, to operate, carry on, conduct or maintain any form of manufacture, selling or distribution of any gaming device, cashless wagering system ~~[, mobile gaming system]~~ or interactive gaming system for use or play in Nevada without first procuring and maintaining all required federal, state, county and municipal licenses.

2. A lessor who specifically acquires equipment for a capital lease is not required to be licensed under this section.

3. The holder of a state gaming license or the holding company of a corporation, partnership, limited partnership, limited-liability company or other business organization holding a license may, within 2 years after cessation of business or upon specific approval by the Board, dispose of by sale in a manner approved by the Board, any or all of its gaming devices, including slot machines ~~[, mobile gaming systems]~~ and cashless wagering systems, without a distributor's license. In cases of bankruptcy of a state gaming licensee or foreclosure of a lien by a bank or other person holding a security interest for which gaming devices are security in whole or in part for the lien, the Board may authorize the disposition of the gaming devices without requiring a distributor's license.

4. The Commission may, by regulation, authorize a person who owns:

(a) Gaming devices for home use in accordance with NRS 463.160; or

(b) Antique gaming devices,

➥ to sell such devices without procuring a license therefor to residents of jurisdictions wherein ownership of such devices is legal.

5. Upon approval by the Board, a gaming device owned by:

(a) A law enforcement agency;

(b) A court of law; or

(c) A gaming device repair school licensed by the Commission on Postsecondary Education,

➥ may be disposed of by sale, in a manner approved by the Board, without a distributor's license. An application for approval must be submitted to the Board in the manner prescribed by the Chair.

6. A manufacturer who performs any action described in paragraph (a), (b) or (c) of subsection 1 of NRS 463.01715 is not required to be licensed under the provisions of this section with respect to the performance of that action if another manufacturer who is licensed under the provisions of this section assumes responsibility for the performance of that action.

7. An independent contractor who designs, develops, programs, produces or composes a control program for use in the manufacture of a gaming device that is for use or play in this State is not required to be licensed under the provisions of this section with respect to the design, development, programming, production or composition of a control program if a manufacturer who is licensed under the provisions of this section assumes responsibility for the design, development, programming, production or composition of the control program.

8. Any person who the Commission determines is a suitable person to receive a license under the provisions of this section may be issued a manufacturer's or distributor's license. The burden of proving his or her qualification to receive or hold a license under this section is at all times on the applicant or licensee.

9. Every person who must be licensed pursuant to this section is subject to the provisions of NRS 463.482 to 463.645, inclusive, unless exempted from those provisions by the Commission.

10. The Commission may exempt, for any purpose, a manufacturer, seller or distributor from the provisions of NRS 463.482 to 463.645, inclusive, if the Commission determines that the exemption is consistent with the purposes of this chapter.

11. Any person conducting business in Nevada who is not required to be licensed as a manufacturer, seller or distributor pursuant to subsection 1, but who otherwise must register with the Attorney General of the United States pursuant to Title 15 of U.S.C., must submit to the Board a copy of such registration within 10 days after submission to the Attorney General of the United States.

12. It is unlawful for any person, either as owner, lessee or employee, whether for hire or not, to knowingly distribute any gaming device, cashless wagering system, ~~[mobile gaming system,]~~ interactive gaming system or associated equipment from Nevada to any jurisdiction where the possession, ownership or use of any such device, system or equipment is illegal.

13. As used in this section:

(a) "Antique gaming device" means a gaming device that was manufactured before 1961.

(b) "Assume responsibility" has the meaning ascribed to it in NRS 463.01715.

(c) "Control program" has the meaning ascribed to it in NRS 463.0155.

(d) "Holding company" has the meaning ascribed to it in NRS 463.485.

(e) "Independent contractor" has the meaning ascribed to it in NRS 463.01715.

Sec. 12. NRS 463.6505 is hereby amended to read as follows:

463.6505 1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of a license as a manufacturer, distributor or seller of gaming devices ~~[or mobile gaming systems]~~ must indicate in the application submitted to the Commission whether the applicant has a state

business license. If the applicant has a state business license, the applicant must include in the application the business identification number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS.

2. A license as a manufacturer, distributor or seller of gaming devices ~~[or mobile gaming systems]~~ may not be renewed by the Commission if:

(a) The applicant fails to submit the information required by subsection 1; or

(b) The State Controller has informed the Commission pursuant to subsection 5 of NRS 353C.1965 that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:

(1) Satisfied the debt;

(2) Entered into an agreement for the payment of the debt pursuant to NRS 353C.130; or

(3) Demonstrated that the debt is not valid.

3. As used in this section:

(a) "Agency" has the meaning ascribed to it in NRS 353C.020.

(b) "Debt" has the meaning ascribed to it in NRS 353C.040.

Sec. 13. NRS 463.651 is hereby amended to read as follows:

463.651 1. A natural person who applies for the issuance or renewal of a license as a manufacturer, distributor or seller of gaming devices ~~[or mobile gaming systems]~~ shall submit to the Commission the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Commission shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Commission.

3. A license as a manufacturer, distributor or seller of gaming devices ~~[or mobile gaming systems]~~ may not be issued or renewed by the Commission if the applicant is a natural person who:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Commission shall advise the applicant

to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 14. NRS 463.652 is hereby amended to read as follows:

463.652 1. If the Commission receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license as a manufacturer, distributor or seller of gaming devices , ~~[or mobile gaming systems,]~~ the Commission shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Commission receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Commission shall reinstate a license as a manufacturer, distributor or seller of gaming devices ~~[or mobile gaming systems]~~ that has been suspended by a district court pursuant to NRS 425.540 if the Commission receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 15. NRS 463.653 is hereby amended to read as follows:

463.653 The application of a natural person who applies for the issuance of a license as a manufacturer, distributor or seller of gaming devices ~~[or mobile gaming systems]~~ must include the social security number of the applicant.

Sec. 16. NRS 463.670 is hereby amended to read as follows:

463.670 1. The Legislature finds and declares as facts:

(a) That the inspection of games, gaming devices, associated equipment, cashless wagering systems, inter-casino linked systems ~~[, mobile gaming systems]~~ and interactive gaming systems is essential to carry out the provisions of this chapter.

(b) That the inspection of games, gaming devices, associated equipment, cashless wagering systems, inter-casino linked systems ~~[, mobile gaming systems]~~ and interactive gaming systems is greatly facilitated by the opportunity to inspect components before assembly and to examine the methods of manufacture.

(c) That the interest of this State in the inspection of games, gaming devices, associated equipment, cashless wagering systems, inter-casino linked systems ~~[, mobile gaming systems]~~ and interactive gaming systems must be balanced with the interest of this State in maintaining a competitive gaming industry in which games can be efficiently and expeditiously brought to the market.

2. The Commission may, with the advice and assistance of the Board, adopt and implement procedures that preserve and enhance the necessary

balance between the regulatory and economic interests of this State which are critical to the vitality of the gaming industry of this State.

3. The Board may inspect every game or gaming device which is manufactured, sold or distributed:

(a) For use in this State, before the game or gaming device is put into play.

(b) In this State for use outside this State, before the game or gaming device is shipped out of this State.

4. The Board may inspect every game or gaming device which is offered for play within this State by a state gaming licensee.

5. The Board may inspect all associated equipment, every cashless wagering system, every inter-casino linked system ~~[, every mobile gaming system]~~ and every interactive gaming system which is manufactured, sold or distributed for use in this State before the equipment or system is installed or used by a state gaming licensee and at any time while the state gaming licensee is using the equipment or system.

6. In addition to all other fees and charges imposed by this chapter, the Board may determine, charge and collect an inspection fee from each manufacturer, seller, distributor or independent testing laboratory which must not exceed the actual cost of inspection and investigation.

7. The Commission shall adopt regulations which:

(a) Provide for the registration of independent testing laboratories and of each person that owns, operates or has significant involvement with an independent testing laboratory, specify the form of the application required for such registration, set forth the qualifications required for such registration and establish the fees required for the application, the investigation of the applicant and the registration of the applicant.

(b) Authorize the Board to utilize independent testing laboratories for the inspection and certification of any game, gaming device, associated equipment, cashless wagering system, inter-casino linked system ~~[, mobile gaming system]~~ or interactive gaming system, or any components thereof.

(c) Establish uniform protocols and procedures which the Board and independent testing laboratories must follow during an inspection performed pursuant to subsection 3 or 5, and which independent testing laboratories must follow during the certification of any game, gaming device, associated equipment, cashless wagering system, inter-casino linked system ~~[, mobile gaming system]~~ or interactive gaming system, or any components thereof, for use in this State or for shipment from this State.

(d) Allow an application for the registration of an independent testing laboratory to be granted upon the independent testing laboratory's completion of an inspection performed in compliance with the uniform protocols and procedures established pursuant to paragraph (c) and satisfaction of such other requirements that the Board may establish.

(e) Provide the standards and procedures for the revocation of the registration of an independent testing laboratory.

(f) Provide the standards and procedures relating to the filing of an application for a finding of suitability pursuant to this section and the remedies should a person be found unsuitable.

(g) Provide any additional provisions which the Commission deems necessary and appropriate to carry out the provisions of this section and which are consistent with the public policy of this State pursuant to NRS 463.0129.

8. The Commission shall retain jurisdiction over any person registered pursuant to this section and any regulation adopted thereto, in all matters relating to a game, gaming device, associated equipment, cashless wagering system, inter-casino linked system ~~[, mobile gaming system]~~ or interactive gaming system, or any component thereof or modification thereto, even if the person ceases to be registered.

9. A person registered pursuant to this section is subject to the investigatory and disciplinary proceedings that are set forth in NRS 463.310 to 463.318, inclusive, and shall be punished as provided in those sections.

10. The Commission may, upon recommendation of the Board, require the following persons to file an application for a finding of suitability:

(a) A registered independent testing laboratory.

(b) An employee of a registered independent testing laboratory.

(c) An officer, director, partner, principal, manager, member, trustee or direct or beneficial owner of a registered independent testing laboratory or any person that owns or has significant involvement with the activities of a registered independent testing laboratory.

11. If a person fails to submit an application for a finding of suitability within 30 days after a demand by the Commission pursuant to this section, the Commission may make a finding of unsuitability. Upon written request, such period may be extended by the Chair of the Commission, at the Chair's sole and absolute discretion.

12. As used in this section, unless the context otherwise requires, "independent testing laboratory" means a private laboratory that is registered by the Board to inspect and certify games, gaming devices, associated equipment, cashless wagering systems, inter-casino linked systems ~~[, mobile gaming systems]~~ or interactive gaming systems, and any components thereof and modifications thereto, and to perform such other services as the Board and Commission may request.

Sec. 17. NRS 463.677 is hereby amended to read as follows:

463.677 1. The Legislature finds that:

(a) Technological advances have evolved which allow licensed gaming establishments to expose games, including, without limitation, system-based and system-supported games, gaming devices, ~~[mobile gaming systems,]~~ interactive gaming, cashless wagering systems or race books and sports pools, and to be assisted by a service provider who provides important services to the public with regard to the conduct and exposure of such games.

(b) To protect and promote the health, safety, morals, good order and general welfare of the inhabitants of this State, and to carry out the public

policy declared in NRS 463.0129, it is necessary that the Board and Commission have the ability to license service providers by maintaining strict regulation and control of the operation of such service providers and all persons and locations associated therewith.

2. Except as otherwise provided in subsection 3, the Commission may, with the advice and assistance of the Board, provide by regulation for the licensing and operation of a service provider and all persons, locations and matters associated therewith. Such regulations may include, without limitation:

(a) Provisions requiring the service provider to meet the qualifications for licensing pursuant to NRS 463.170, in addition to any other qualifications established by the Commission, and to be licensed regardless of whether the service provider holds any other license.

(b) Criteria regarding the location from which the service provider conducts its operations, including, without limitation, minimum internal and operational control standards established by the Commission.

(c) Provisions relating to the licensing of persons owning or operating a service provider, and any persons having a significant involvement therewith, as determined by the Commission.

(d) A provision that a person owning, operating or having significant involvement with a service provider, as determined by the Commission, may be required by the Commission to be found suitable to be associated with licensed gaming, including race book or sports pool operations.

(e) Additional matters which the Commission deems necessary and appropriate to carry out the provisions of this section and which are consistent with the public policy of this State pursuant to NRS 463.0129, including that a service provider must be liable to the licensee on whose behalf the services are provided for the service provider's proportionate share of the fees and taxes paid by the licensee.

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

4. Regulations adopted by the Commission pursuant to this section must provide that the premises on which a service provider conducts its operations are subject to the power and authority of the Board and Commission pursuant to NRS 463.140, as though the premises are where gaming is conducted and the service provider is a gaming licensee.

5. As used in this section:

(a) "Interactive gaming service provider" means a person who acts on behalf of an establishment licensed to operate interactive gaming and:

(1) Manages, administers or controls wagers that are initiated, received or made on an interactive gaming system;

(2) Manages, administers or controls the games with which wagers that are initiated, received or made on an interactive gaming system are associated;

(3) Maintains or operates the software or hardware of an interactive gaming system; or

(4) Provides products, services, information or assets to an establishment licensed to operate interactive gaming and receives therefor a percentage of gaming revenue from the establishment's interactive gaming system.

(b) "Service provider" means a person who:

(1) Acts on behalf of another licensed person who conducts nonrestricted gaming operations, and who assists, manages, administers or controls wagers or games, or maintains or operates the software or hardware of games on behalf of such a licensed person, and is authorized to share in the revenue from games without being licensed to conduct gaming at an establishment;

(2) Is an interactive gaming service provider;

(3) Is a cash access and wagering instrument service provider; or

(4) Meets such other or additional criteria as the Commission may establish by regulation.

Sec. 18. NRS 465.070 is hereby amended to read as follows:

465.070 It is unlawful for any person:

1. To alter or misrepresent the outcome of a game or other event on which wagers have been made after the outcome is made sure but before it is revealed to the players.

2. To place, increase or decrease a bet or to determine the course of play after acquiring knowledge, not available to all players, of the outcome of the game or any event that affects the outcome of the game or which is the subject of the bet or to aid anyone in acquiring such knowledge for the purpose of placing, increasing or decreasing a bet or determining the course of play contingent upon that event or outcome.

3. To claim, collect or take, or attempt to claim, collect or take, money or anything of value in or from a gambling game, with intent to defraud, without having made a wager contingent thereon, or to claim, collect or take an amount greater than the amount won.

4. Knowingly to entice or induce another to go to any place where a gambling game is being conducted or operated in violation of the provisions of this chapter, with the intent that the other person play or participate in that gambling game.

5. To place or increase a bet after acquiring knowledge of the outcome of the game or other event which is the subject of the bet, including past-posting and pressing bets.

6. To reduce the amount wagered or cancel the bet after acquiring knowledge of the outcome of the game or other event which is the subject of the bet, including pinching bets.

7. To manipulate, with the intent to cheat, any component of a gaming device in a manner contrary to the designed and normal operational purpose for the component, including, but not limited to, varying the pull of the handle of a slot machine, with knowledge that the manipulation affects the outcome

of the game or with knowledge of any event that affects the outcome of the game.

8. To offer, promise or give anything of value to anyone for the purpose of influencing the outcome of a race, sporting event, contest or game upon which a wager may be made, or to place, increase or decrease a wager after acquiring knowledge, not available to the general public, that anyone has been offered, promised or given anything of value for the purpose of influencing the outcome of the race, sporting event, contest or game upon which the wager is placed, increased or decreased.

9. To change or alter the normal outcome of any game played on an interactive gaming system ~~[or a mobile gaming system]~~ or the way in which the outcome is reported to any participant in the game.

Sec. 19. NRS 465.094 is hereby amended to read as follows:

465.094 The provisions of NRS 465.092 and 465.093 do not apply to global risk management pursuant to NRS 463.810 and 463.820 or to a wager placed by a person for the person's own benefit or, without compensation, for the benefit of another that is accepted or received by, placed with, or sent, transmitted or relayed to:

1. A race book or sports pool that is licensed pursuant to chapter 463 of NRS, if the wager is accepted or received within this State and otherwise complies with all other applicable laws and regulations concerning wagering;

2. A person who is licensed to engage in off-track pari-mutuel wagering pursuant to chapter 464 of NRS, if the wager is accepted or received within this State and otherwise complies with subsection 3 of NRS 464.020 and all other applicable laws and regulations concerning wagering;

3. ~~[A person who is licensed to operate a mobile gaming system pursuant to chapter 463 of NRS, if the wager is accepted or received within this State and otherwise complies with all other applicable laws and regulations concerning wagering;~~

~~4.]~~ Any other person or establishment that is licensed to engage in wagering pursuant to title 41 of NRS, if the wager is accepted or received within this State and otherwise complies with all other applicable laws and regulations concerning wagering; or

~~[5.]~~ *4.* Any other person or establishment that is licensed to engage in wagering in another jurisdiction and is permitted to accept or receive a wager from patrons within this State under an agreement entered into by the Governor pursuant to NRS 463.747.

Sec. 19.5. 1. The amendatory provisions of section 3 of this act do not apply to an employee of an operator of a mobile gaming system described in subsection 2 whose duties include the operational or supervisory control of the system or the games that are part of the system.

2. The amendatory provisions of sections 5, 7, 8, 10, 18 and 19 of this act do not apply to:

(a) A person who holds a nonrestricted license for a mobile gaming system or who holds such a license for the operation of a mobile gaming system that was issued on or before June 30, 2019;

(b) A person who ~~[acquired]~~ before, on or after July 1, 2019, acquires a financial interest in ~~[an]~~ :

(1) An operator of a mobile gaming system ~~[pursuant to]~~ described in paragraph (a) ; or ~~[who acquired a financial interest in the]~~

(2) The operation of such a ~~[system before, on or after July 1, 2019;]~~ mobile gaming system described in paragraph (a); or

(c) A successor in interest to a person who acquires a financial interest ~~[pursuant to]~~ described in paragraph (b).

~~[2.]~~

3. The provisions of statute repealed by section 20 of this act continue to apply on and after July 1, 2019, to any person or transaction described in subsections 1 and 2.

4. The provisions of ~~[subsection 1]~~ this section do not exempt a person or transaction from any provision of law relating to the licensure, registration, finding of suitability, review or approval of such a person or transaction.

Sec. 20. NRS 463.0176, 463.730 and 463.735 are hereby repealed.

Sec. 21. 1. This section and sections 1, 1.3, 1.5 and 10.2 to 10.8, inclusive, of this act become effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks to carry out the amendatory provisions of this act, and on January 1, 2020, for all other purposes.

2. Sections 1.7 to 10, inclusive, and 11 to 20, inclusive, of this act become effective on July 1, 2019.

TEXT OF REPEALED SECTIONS

463.0176 "Mobile gaming" defined. "Mobile gaming" means the conduct of gambling games through communications devices operated solely in an establishment which holds a nonrestricted gaming license and which operates at least 100 slot machines and at least one other game by the use of communications technology that allows a person to transmit information to a computer to assist in the placing of a bet or wager and corresponding information related to the display of the game, game outcomes or other similar information. For the purposes of this section, "communications technology" means any method used and the components employed by an establishment to facilitate the transmission of information, including, without limitation, transmission and reception by systems based on wireless network, wireless fidelity, wire, cable, radio, microwave, light, optics or computer data networks. The term does not include the Internet.

463.730 License required to operate, manufacture, sell or distribute mobile gaming system or to manufacture equipment associated with mobile gaming; powers and duties of Commission; regulations; conditions.

1. Except as otherwise provided in subsection 2, the Commission may, with the advice and assistance of the Board, adopt regulations governing the

operation of mobile gaming and the licensing of:

(a) An operator of a mobile gaming system;

(b) A manufacturer, seller or distributor of a mobile gaming system; and

(c) A manufacturer of equipment associated with mobile gaming.

2. The Commission may not adopt regulations pursuant to this section until the Commission first determines that:

(a) Mobile gaming systems are secure and reliable, and provide reasonable assurance that players will be of lawful age and communicating only from areas of licensed gaming establishments that have been approved by the Commission for that purpose; and

(b) Mobile gaming can be operated in a manner which complies with all applicable laws.

3. The regulations adopted by the Commission pursuant to this section must:

(a) Provide that gross revenue received by a licensed gaming establishment or the operator or the manufacturer of a mobile gaming system from the operation of mobile gaming is subject to the same license fee provisions of NRS 463.370 as the other games and gaming devices operated at the licensed gaming establishment.

(b) Provide that a mobile communications device which displays information relating to the game to a participant in the game as part of a mobile gaming system is subject to the same fees and taxes applicable to slot machines as set forth in NRS 463.375 and 463.385.

(c) Set forth standards for the security of the computer system and its location, which may be outside a licensed gaming establishment but must be within this State, and for approval of hardware and software used in connection with mobile gaming.

(d) Define "mobile gaming system," "operator of a mobile gaming system" and "equipment associated with mobile gaming" as the terms are used in this chapter.

463.735 Enforceability of mobile gaming debts. A debt incurred by a patron in connection with playing a mobile gaming system at a licensed gaming establishment is valid and may be enforced by legal process.

Amendment No. 820.

SUMMARY—Revises provisions relating to gaming. (BDR 41-343)

AN ACT relating to gaming; revising the definition of "gaming device" to include mobile gaming; removing or repealing certain provisions relating to mobile gaming; revising certain provisions relating to publicly traded corporations registered with the Nevada Gaming Commission; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Nevada Gaming Commission and the Nevada Gaming Control Board to administer state gaming licenses and manufacturer's, seller's and distributor's licenses, and to reform various acts relating to the regulation and control of gaming. (NRS 463.140) Existing law authorizes the

Commission, with the advice and assistance of the Board, to adopt regulations governing the operation and licensing of mobile gaming. (NRS 463.730) Existing law defines "mobile gaming" as the conduct of gambling games through communication devices operated solely within certain establishments holding a nonrestricted gaming license that permits a person to transfer information to a computer in order to place a bet or wager, and respective information related to the display of the game, game outcomes or other comparable information. (NRS 463.0176) Existing law defines "gaming device" as any object used remotely or directly in connection with gaming, or any other game that affects the results of a wager by determining win or loss but which does not qualify as associated equipment. (NRS 463.0155) Section 2 of this bill revises the definition of "gaming device" to include mobile gaming, thereby making mobile gaming subject to the same regulation and control as a gaming device. Sections 1.7, 3-10, 11-19 and 20 of this bill remove or repeal all provisions with individual references to mobile gaming. Section 19.5 of this bill exempts from the amendatory provisions of sections 5, 7, 8, 10, 18 and 19: (1) certain persons with a nonrestricted license for a mobile gaming system or such a license for the operation of a mobile gaming system; (2) certain persons who acquire a financial interest in such an operator of a mobile gaming system or the operation of such a system; or (3) a successor in interest of such a person who acquired such a financial interest. Section 19.5 also exempts from the amendatory provisions of section 3 of this bill employees of such an operator of a mobile gaming system described in section 19.5. Section 19.5 also provides that the provisions of law repealed by section 20 of this bill still apply to those persons or transactions described in section 19.5. Finally, section 19.5 provides that persons or transactions described in section 19.5 are not exempt from certain provisions of law.

Existing law requires certain persons to apply for and obtain a finding of suitability from the Nevada Gaming Commission if the person acquires, under certain circumstances: (1) beneficial ownership of any voting security of a publicly traded corporation registered with the Commission; (2) beneficial or record ownership of any nonvoting security of a publicly traded corporation registered with the Commission; or (3) beneficial or record ownership of any debt security of a publicly traded corporation registered with the Commission. (NRS 463.643) Section 10.8 of this bill requires certain persons to notify the Chair of the Board and apply for a finding of suitability with the Commission if such a person acquires or holds a certain percentage of any class of voting securities of a publicly traded corporation registered with the Commission. Section 10.8 also requires certain persons or plan sponsors of a pension or employee benefit plan to notify the Chair, apply for a finding of suitability with the Commission and pay a sum of money to the Board if such a person or plan sponsor obtains beneficial ownership or ownership, as applicable, in such a publicly traded corporation and the person or plan sponsor has the intent to engage in certain proscribed activities, except that certain persons who acquire less than a 10 percent beneficial ownership in such a corporation through a

pension or employee benefit plan, or plan sponsors who acquire less than 10 percent ownership in such a corporation, are not subject to such notification, application and payment requirements. Sections 1.3 ~~[,]~~ and 1.5 ~~[and]~~ of this bill define "pension or employee benefit plan" and "proscribed activity" for the purposes of this bill. Sections 10.2-10.6 make conforming changes.

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

Section 1. Chapter 463 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.5 of this act.

Sec. 1.3. *1. "Pension ~~["]~~ or employee benefit plan" means an employee pension or welfare benefit plan subject to the Employee Retirement Income Security Act of 1974 or a state or federal government pension plan.*

2. The term does not include an employee pension or welfare benefit plan established by a publicly traded corporation that is registered with the Commission ~~[.]~~ , unless such a pension or benefit plan is a multiemployer plan as defined in the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1002(37) or § 1301(a)(3).

Sec. 1.5. *"Proscribed activity" means:*

1. An activity that necessitates a change or amendment to the corporate charter, bylaws, management, policies or operation of a publicly traded corporation that is registered with the Commission;

2. An activity that materially influences or affects the affairs of a publicly traded corporation that is registered with the Commission; or

3. Any other activity determined by the Commission to be inconsistent with holding voting securities for investment purposes only.

Sec. 1.7. NRS 463.0136 is hereby amended to read as follows:

463.0136 "Associated equipment" means:

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

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

Sec. 2. NRS 463.0155 is hereby amended to read as follows:

463.0155 "Gaming device" means any object used remotely or directly in connection with gaming or any game which affects the result of a wager by determining win or loss and which does not otherwise constitute associated equipment. The term includes, without limitation:

1. A slot machine.

2. *Mobile gaming.*

3. A collection of two or more of the following components:

(a) An assembled electronic circuit which cannot be reasonably demonstrated to have any use other than in a slot machine;

(b) A cabinet with electrical wiring and provisions for mounting a coin, token or currency acceptor and provisions for mounting a dispenser of coins, tokens or anything of value;

(c) An assembled mechanical or electromechanical display unit intended for use in gambling; or

(d) An assembled mechanical or electromechanical unit which cannot be demonstrated to have any use other than in a slot machine.

~~[3.]~~ *4.* Any object which may be connected to or used with a slot machine to alter the normal criteria of random selection or affect the outcome of a game.

~~[4.]~~ *5.* A system for the accounting or management of any game in which the result of the wager is determined electronically by using any combination of hardware or software for computers.

~~[5.]~~ *6.* A control program.

~~[6.]~~ *7.* Any combination of one of the components set forth in paragraphs (a) to (d), inclusive, of subsection ~~[2]~~ *3* and any other component which the Commission determines by regulation to be a machine used directly or remotely in connection with gaming or any game which affects the results of a wager by determining a win or loss.

~~[7.]~~ *8.* Any object that has been determined to be a gaming device pursuant to regulations adopted by the Commission.

~~[➥]~~

9. As used in this section ~~[, "control]~~ *:*

(a) "Control program" means any software, source language or executable code which affects the result of a wager by determining win or loss as determined pursuant to regulations adopted by the Commission.

(b) "Mobile gaming" means the conduct of gambling games through communications devices operated solely in an establishment which holds a nonrestricted gaming license and which operates at least 100 slot machines and at least one other game by the use of communications technology that allows a person to transmit information to a computer to assist in the placing of a bet or wager and corresponding information related to the display of the game, game outcomes or other similar information. For the purposes of this paragraph, "communications technology" means any method used and the components employed by an establishment to facilitate the transmission of information, including, without limitation, transmission and reception by systems based on wireless network, wireless fidelity, wire, cable, radio, microwave, light, optics or computer data networks. The term does not include the Internet.

Sec. 3. NRS 463.0157 is hereby amended to read as follows:

463.0157 1. "Gaming employee" means any person connected directly with an operator of a slot route, the operator of a pari-mutuel system, the operator of an inter-casino linked system or a manufacturer, distributor or

disseminator, or with the operation of a gaming establishment licensed to conduct any game, 16 or more slot machines, a race book, sports pool or pari-mutuel wagering, including:

(a) Accounting or internal auditing personnel who are directly involved in any recordkeeping or the examination of records associated with revenue from gaming;

(b) Boxpersons;

(c) Cashiers;

(d) Change personnel;

(e) Counting room personnel;

(f) Dealers;

(g) Employees of a person required by NRS 464.010 to be licensed to operate an off-track pari-mutuel system;

(h) Employees of a person required by NRS 463.430 to be licensed to disseminate information concerning racing and employees of an affiliate of such a person involved in assisting the person in carrying out the duties of the person in this State;

(i) Employees whose duties are directly involved with the manufacture, repair, sale or distribution of gaming devices, associated equipment when the employer is required by NRS 463.650 to be licensed, cashless wagering systems ~~[, mobile gaming systems, equipment associated with mobile gaming systems]~~ or interactive gaming systems;

(j) Employees of operators of slot routes who have keys for slot machines or who accept and transport revenue from the slot drop;

(k) Employees of operators of inter-casino linked systems ~~[, mobile gaming systems]~~ or interactive gaming systems whose duties include the operational or supervisory control of the systems or the games that are part of the systems;

(l) Employees of operators of call centers who perform, or who supervise the performance of, the function of receiving and transmitting wagering instructions;

(m) Employees who have access to the Board's system of records for the purpose of processing the registrations of gaming employees that a licensee is required to perform pursuant to the provisions of this chapter and any regulations adopted pursuant thereto;

(n) Floorpersons;

(o) Hosts or other persons empowered to extend credit or complimentary services;

(p) Keno runners;

(q) Keno writers;

(r) Machine mechanics;

(s) Odds makers and line setters;

(t) Security personnel;

(u) Shift or pit bosses;

(v) Shills;

(w) Supervisors or managers;

(x) Ticket writers;

(y) Employees of a person required by NRS 463.160 to be licensed to operate an information service;

(z) Employees of a licensee who have local access and provide management, support, security or disaster recovery services for any hardware or software that is regulated pursuant to the provisions of this chapter and any regulations adopted pursuant thereto; and

(aa) Temporary or contract employees hired by a licensee to perform a function related to gaming.

2. "Gaming employee" does not include barbacks or bartenders whose duties do not involve gaming activities, cocktail servers or other persons engaged exclusively in preparing or serving food or beverages.

3. As used in this section, "local access" means access to hardware or software from within a licensed gaming establishment, hosting center or elsewhere within this State.

Sec. 4. NRS 463.01715 is hereby amended to read as follows:

463.01715 1. "Manufacture" means:

(a) To manufacture, produce, program, design, control the design of or make modifications to a gaming device, associated equipment, cashless wagering system ~~[, mobile gaming system]~~ or interactive gaming system for use or play in Nevada;

(b) To direct or control the methods and processes used to design, develop, program, assemble, produce, fabricate, compose and combine the components and other tangible objects of any gaming device, associated equipment, cashless wagering system ~~[, mobile gaming system]~~ or interactive gaming system for use or play in Nevada;

(c) To assemble, or control the assembly of, a gaming device, associated equipment, cashless wagering system ~~[, mobile gaming system]~~ or interactive gaming system for use or play in Nevada; or

(d) To assume responsibility for any action described in paragraph (a), (b) or (c).

2. As used in this section:

(a) "Assume responsibility" means to:

(1) Acquire complete control over, or ownership of, the applicable gaming device, associated equipment, cashless wagering system ~~[, mobile gaming system]~~ or interactive gaming system; and

(2) Accept continuing legal responsibility for the gaming device, associated equipment, cashless wagering system ~~[, mobile gaming system]~~ or interactive gaming system, including, without limitation, any form of manufacture performed by an affiliate or independent contractor.

(b) "Independent contractor" means, with respect to a manufacturer, any person who:

(1) Is not an employee of the manufacturer; and

(2) Pursuant to an agreement with the manufacturer, designs, develops, programs, produces or composes a control program used in the manufacture

of a gaming device. As used in this subparagraph, "control program" has the meaning ascribed to it in NRS 463.0155.

Sec. 5. NRS 463.0177 is hereby amended to read as follows:

463.0177 "Nonrestricted license" or "nonrestricted operation" means:

1. A state gaming license for, or an operation consisting of, 16 or more slot machines;

2. A license for, or operation of, any number of slot machines together with any other game, gaming device, race book or sports pool at one establishment;

3. A license for, or the operation of, a slot machine route; *or*

4. A license for, or the operation of, an inter-casino linked system . ~~[; or~~

~~5. A license for, or the operation of, a mobile gaming system.]~~

Sec. 6. NRS 463.160 is hereby amended to read as follows:

463.160 1. Except as otherwise provided in subsection 4 and NRS 463.172, it is unlawful for any person, either as owner, lessee or employee, whether for hire or not, either solely or in conjunction with others:

(a) To deal, operate, carry on, conduct, maintain or expose for play in the State of Nevada any gambling game, gaming device, inter-casino linked system, ~~[mobile gaming system,]~~ slot machine, race book or sports pool;

(b) To provide or maintain any information service;

(c) To operate a gaming salon;

(d) To receive, directly or indirectly, any compensation or reward or any percentage or share of the money or property played, for keeping, running or carrying on any gambling game, slot machine, gaming device, ~~[mobile gaming system,]~~ race book or sports pool;

(e) To operate as a cash access and wagering instrument service provider; or

(f) To operate, carry on, conduct, maintain or expose for play in or from the State of Nevada any interactive gaming system,

➥ without having first procured, and thereafter maintaining in effect, all federal, state, county and municipal gaming licenses as required by statute, regulation or ordinance or by the governing board of any unincorporated town.

2. The licensure of an operator of an inter-casino linked system is not required if:

(a) A gaming licensee is operating an inter-casino linked system on the premises of an affiliated licensee; or

(b) An operator of a slot machine route is operating an inter-casino linked system consisting of slot machines only.

3. Except as otherwise provided in subsection 4, it is unlawful for any person knowingly to permit any gambling game, slot machine, gaming device, inter-casino linked system, ~~[mobile gaming system,]~~ race book or sports pool to be conducted, operated, dealt or carried on in any house or building or other premises owned by the person, in whole or in part, by a person who is not licensed pursuant to this chapter, or that person's employee.

4. The Commission may, by regulation, authorize a person to own or lease gaming devices for the limited purpose of display or use in the person's private residence without procuring a state gaming license.

5. For the purposes of this section, the operation of a race book or sports pool includes making the premises available for any of the following purposes:

(a) Allowing patrons to establish an account for wagering with the race book or sports pool;

(b) Accepting wagers from patrons;

(c) Allowing patrons to place wagers;

(d) Paying winning wagers to patrons; or

(e) Allowing patrons to withdraw cash from an account for wagering or to be issued a ticket, receipt, representation of value or other credit representing a withdrawal from an account for wagering that can be redeemed for cash,

➥ whether by a transaction in person at an establishment or through mechanical means, such as a kiosk or similar device, regardless of whether that device would otherwise be considered associated equipment. A separate license must be obtained for each location at which such an operation is conducted.

6. As used in this section, "affiliated licensee" has the meaning ascribed to it in NRS 463.430.

Sec. 7. NRS 463.1605 is hereby amended to read as follows:

463.1605 1. Except as otherwise provided in subsection 3, the Commission shall not approve a nonrestricted license, other than for the operation of a ~~[mobile gaming system,]~~ race book or sports pool at an establishment which holds a nonrestricted license to operate both gaming devices and a gambling game, for an establishment in a county whose population is 100,000 or more unless the establishment is a resort hotel.

2. A county, city or town may require resort hotels to meet standards in addition to those required by this chapter as a condition of issuance of a gaming license by the county, city or town.

3. The Commission may approve a nonrestricted license for an establishment which is not a resort hotel at a new location if:

(a) The establishment was acquired or displaced pursuant to a redevelopment project undertaken by an agency created pursuant to chapter 279 of NRS in accordance with a final order of condemnation entered before June 17, 2005; or

(b) The establishment was acquired or displaced pursuant to a redevelopment project undertaken by an agency created pursuant to chapter 279 of NRS in accordance with a final order of condemnation entered on or after June 17, 2005, and the new location of the establishment is within the same redevelopment area as the former location of the establishment.

Sec. 8. NRS 463.245 is hereby amended to read as follows:

463.245 1. Except as otherwise provided in this section:

(a) All licenses issued to the same person, including a wholly owned subsidiary of that person, for the operation of any game, including a sports

pool or race book, which authorize gaming at the same establishment must be merged into a single gaming license.

(b) A gaming license may not be issued to any person if the issuance would result in more than one licensed operation at a single establishment, whether or not the profits or revenue from gaming are shared between the licensed operations.

2. A person who has been issued a nonrestricted gaming license for an operation described in subsection 1 ~~[,]~~ *or* 2 ~~[or 5]~~ of NRS 463.0177 may establish a sports pool or race book on the premises of the establishment only after obtaining permission from the Commission.

3. A person who has been issued a license to operate a sports pool or race book at an establishment may be issued a license to operate a sports pool or race book at a second establishment described in subsection 1 or 2 of NRS 463.0177 only if the second establishment is operated by a person who has been issued a nonrestricted license for that establishment. A person who has been issued a license to operate a race book or sports pool at an establishment is prohibited from operating a race book or sports pool at:

(a) An establishment for which a restricted license has been granted; or

(b) An establishment at which only a nonrestricted license has been granted for an operation described in subsection 3 or 4 of NRS 463.0177.

4. A person who has been issued a license to operate a race book or sports pool shall not enter into an agreement for the sharing of revenue from the operation of the race book or sports pool with another person in consideration for the offering, placing or maintaining of a kiosk or other similar device not physically located on the licensed premises of the race book or sports pool, except:

(a) An affiliated licensed race book or sports pool; or

(b) The licensee of an establishment at which the race book or sports pool holds or obtains a license to operate pursuant to this section.

➥ This subsection does not prohibit an operator of a race book or sports pool from entering into an agreement with another person for the provision of shared services relating to advertising or marketing.

5. Nothing in this section limits or prohibits an operator of an inter-casino linked system from placing and operating such a system on the premises of two or more gaming licensees and receiving, either directly or indirectly, any compensation or any percentage or share of the money or property played from the linked games in accordance with the provisions of this chapter and the regulations adopted by the Commission. An inter-casino linked system must not be used to link games other than slot machines, unless such games are located at an establishment that is licensed for games other than slot machines.

6. For the purposes of this section, the operation of a race book or sports pool includes making the premises available for any of the following purposes:

(a) Allowing patrons to establish an account for wagering with the race book or sports pool;

(b) Accepting wagers from patrons;

(c) Allowing patrons to place wagers;

(d) Paying winning wagers to patrons; or

(e) Allowing patrons to withdraw cash from an account for wagering or to be issued a ticket, receipt, representation of value or other credit representing a withdrawal from an account for wagering that can be redeemed for cash,

➥ whether by a transaction in person at an establishment or through mechanical means such as a kiosk or other similar device, regardless of whether that device would otherwise be considered associated equipment.

7. The provisions of this section do not apply to a license to operate ~~[a mobile gaming system or to operate]~~ interactive gaming.

Sec. 9. NRS 463.305 is hereby amended to read as follows:

463.305 1. Any person who operates or maintains in this State any gaming device of a specific model, any gaming device which includes a significant modification ~~[, any mobile gaming system]~~ or any inter-casino linked system which the Board or Commission has not approved for testing or for operation is subject to disciplinary action by the Board or Commission.

2. The Board shall maintain a list of approved gaming devices ~~[, mobile gaming systems]~~ and inter-casino linked systems.

3. If the Board suspends or revokes approval of a gaming device pursuant to the regulations adopted pursuant to subsection 4 , ~~[or suspends or revokes approval of a mobile gaming system pursuant to the regulations adopted pursuant to NRS 463.730,]~~ the Board may order the removal of the gaming device ~~[or mobile gaming system]~~ from an establishment.

4. The Commission shall adopt regulations relating to gaming devices and their significant modification and inter-casino linked systems.

Sec. 10. NRS 463.3855 is hereby amended to read as follows:

463.3855 1. In addition to any other state license fees imposed by this chapter, the Commission shall, before issuing a state gaming license to an operator of a slot machine route ~~[, an operator of a mobile gaming system]~~ or an operator of an inter-casino linked system, charge and collect an annual license fee of $500.

2. Each such license must be issued for a calendar year beginning January 1 and ending December 31. If the operation of the licensee is continuing, the Commission shall charge and collect the fee on or before December 31 for the ensuing calendar year.

3. Except as otherwise provided in NRS 463.386, the fee to be charged and collected under this section is the full annual fee, without regard to the date of application for or issuance of the license.

Sec. 10.2. NRS 463.482 is hereby amended to read as follows:

463.482 As used in NRS 463.160 to 463.170, inclusive, 463.368, 463.386, 463.482 to 463.645, inclusive, and 463.750, unless the context otherwise requires, the words and terms defined in NRS 463.4825 to 463.488, inclusive, *and sections 1.3 and 1.5 of this act* have the meanings ascribed to them in those sections.

Sec. 10.4. NRS 463.622 is hereby amended to read as follows:

463.622 The policy of the State of Nevada with respect to corporate *affairs, including, without limitation, corporate* acquisitions, repurchases of securities and corporate recapitalizations affecting corporate licensees and publicly traded corporations that are affiliated companies is to:

1. Assure the financial stability of corporate licensees and affiliated companies;

2. *Protect the continued integrity of corporate gaming in matters of corporate governance;*

3. Preserve the beneficial aspects of conducting business in the corporate form; and

~~[3.]~~ *4.* Promote a neutral environment for the orderly governance of corporate affairs that is consistent with the public policy of this state concerning gaming.

Sec. 10.6. NRS 463.623 is hereby amended to read as follows:

463.623 *1.* The Commission ~~[may]~~ *shall* adopt regulations providing for the review and approval of corporate acquisitions opposed by management, repurchases of securities and corporate defense tactics affecting corporate gaming licensees and publicly traded corporations that are affiliated companies. The regulations must be consistent with:

~~[1.]~~ *(a)* The policy of this state as expressed in this chapter;

~~[2.]~~ *(b)* The provisions of this chapter;

~~[3.]~~ *(c)* The requirements of the Constitution of the United States; and

~~[4.]~~ *(d)* Federal regulation of securities.

2. The regulations must include, without limitation:

(a) Procedures by which a person, before engaging in certain proscribed activities, directly or indirectly, to materially influence or affect the affairs of a publicly traded corporation that is registered with the Commission, must file an application for a finding of suitability pursuant to NRS 463.643;

(b) Provisions that determine which corporate activities, in addition to those described in subsection 5 of NRS 463.643, influence or affect the affairs of a corporation in such a way that the Commission would require a person to file an application for a finding of suitability pursuant to NRS 463.643; and

(c) Provisions that ensure that a person is not unduly prohibited from lawfully exercising any of his or her voting rights derived from being a shareholder of a publicly traded corporation.

Sec. 10.8. NRS 463.643 is hereby amended to read as follows:

463.643 1. Each person who acquires, directly or indirectly:

(a) Beneficial ownership of any voting security; or

(b) Beneficial or record ownership of any nonvoting security,

➥ in a publicly traded corporation which is registered with the Commission may be required to be found suitable if the Commission has reason to believe that the person's acquisition of that ownership would otherwise be inconsistent with the declared policy of this state.

2. Each person who acquires, directly or indirectly, beneficial or record ownership of any debt security in a publicly traded corporation which is registered with the Commission may be required to be found suitable if the Commission has reason to believe that the person's acquisition of the debt security would otherwise be inconsistent with the declared policy of this state.

3. Each person who, individually or in association with others, acquires ~~[,]~~ *or holds*, directly or indirectly, beneficial ownership of more than 5 percent of any class of voting securities of a publicly traded corporation registered with the Nevada Gaming Commission, and who is required to report, or voluntarily reports, the acquisition *or holding* to the Securities and Exchange Commission pursuant to section 13(d)(1), 13(g) or 16(a) of the Securities Exchange Act of 1934, as amended, 15 U.S.C. §§ 78m(d)(1), 78m(g) and 78p(a), respectively, shall, ~~[within 10 days]~~ after filing the report and any amendment thereto with the Securities and Exchange Commission, notify the Nevada Gaming Commission *on the date specified in regulation by the Nevada Gaming Commission and* in the manner prescribed by the Chair of the Board that the report has been filed with the Securities and Exchange Commission.

4. Each person who, individually or in association with others, acquires ~~[,]~~ *or holds*, directly or indirectly, the beneficial ownership of more than 10 percent of any class of voting securities of a publicly traded corporation registered with the Commission, or who is required to report, or voluntarily reports, such acquisition *or holding* pursuant to section 13(d)(1), 13(g) or 16(a) of the Securities Exchange Act of 1934, as amended, 15 U.S.C. §§ 78m(d)(1), 78m(g) and 78p(a), respectively, shall apply to the Commission for a finding of suitability within 30 days after the ~~[Chair of the Board mails the written notice.]~~ *date specified by the Commission by regulation.*

5. A person who acquires, directly or indirectly:

(a) Beneficial ownership of any voting security; or

(b) Beneficial or record ownership of any nonvoting security or debt security,

➥ in a publicly traded corporation created under the laws of a foreign country which is registered with the Commission shall file such reports and is subject to such a finding of suitability as the Commission may prescribe.

6. *Except as otherwise provided in subsection 7, each person who, individually or in association with others, acquires or holds, directly or indirectly, the beneficial ownership of any amount of any class of voting securities of a publicly traded corporation registered with the Commission* ~~*[,]*~~ *or each plan sponsor of a pension or employee benefit plan that acquires or holds any amount of any class of voting securities in such a publicly traded corporation, and who has the intent to engage in any proscribed activity shall:*

(a) Within 2 days after possession of such intent, notify the Chair of the Board in the manner prescribed by the Chair;

(b) Apply to the Commission for a finding of suitability within 30 days after notifying the Chair pursuant to paragraph (a); and

(c) Deposit with the Board the sum of money required by the Board pursuant to subsection 8.

7. Except as otherwise provided by the Commission, a person who has beneficial ownership of less than 10 percent of each class of voting securities of a publicly traded corporation registered with the Commission, acquired or held by the person through a pension ~~[,]~~ or employee benefit plan, or the plan sponsor of a pension or employee benefit plan that has ownership of less than 10 percent of each class of voting securities of such a publicly traded corporation, need not notify the Commission, apply for a finding of suitability with the Commission or deposit the required sum of money with the Board pursuant to subsection 6 before engaging in any proscribed activity.

8. Any person required by the Commission or by this section to be found suitable shall:

(a) Except as otherwise required in subsection 4, apply for a finding of suitability within 30 days after the Commission requests that the person do so; and

(b) Together with the application, deposit with the Board a sum of money which, in the opinion of the Board, will be adequate to pay the anticipated costs and charges incurred in the investigation and processing of the application, and deposit such additional sums as are required by the Board to pay final costs and charges.

~~[7.]~~ *9.* Any person required by the Commission or this section to be found suitable who is found unsuitable by the Commission shall not hold directly or indirectly the:

(a) Beneficial ownership of any voting security; or

(b) Beneficial or record ownership of any nonvoting security or debt security,

➥ of a publicly traded corporation which is registered with the Commission beyond the time prescribed by the Commission.

~~[8.]~~ *10.* The violation of subsection ~~[6]~~ *8* or ~~[7]~~ *9* is a gross misdemeanor.

~~[9.]~~ *11.* As used in this section, "debt security" means any instrument generally recognized as a corporate security representing money owed and reflected as debt on the financial statement of a publicly traded corporation, including, but not limited to, bonds, notes and debentures.

Sec. 11. NRS 463.650 is hereby amended to read as follows:

463.650 1. Except as otherwise provided in subsections 2 to 7, inclusive, it is unlawful for any person, either as owner, lessee or employee, whether for hire or not, to operate, carry on, conduct or maintain any form of manufacture, selling or distribution of any gaming device, cashless wagering system ~~[, mobile gaming system]~~ or interactive gaming system for use or play in Nevada without first procuring and maintaining all required federal, state, county and municipal licenses.

2. A lessor who specifically acquires equipment for a capital lease is not required to be licensed under this section.

3. The holder of a state gaming license or the holding company of a corporation, partnership, limited partnership, limited-liability company or other business organization holding a license may, within 2 years after cessation of business or upon specific approval by the Board, dispose of by sale in a manner approved by the Board, any or all of its gaming devices, including slot machines ~~[, mobile gaming systems]~~ and cashless wagering systems, without a distributor's license. In cases of bankruptcy of a state gaming licensee or foreclosure of a lien by a bank or other person holding a security interest for which gaming devices are security in whole or in part for the lien, the Board may authorize the disposition of the gaming devices without requiring a distributor's license.

4. The Commission may, by regulation, authorize a person who owns:

(a) Gaming devices for home use in accordance with NRS 463.160; or

(b) Antique gaming devices,

➥ to sell such devices without procuring a license therefor to residents of jurisdictions wherein ownership of such devices is legal.

5. Upon approval by the Board, a gaming device owned by:

(a) A law enforcement agency;

(b) A court of law; or

(c) A gaming device repair school licensed by the Commission on Postsecondary Education,

➥ may be disposed of by sale, in a manner approved by the Board, without a distributor's license. An application for approval must be submitted to the Board in the manner prescribed by the Chair.

6. A manufacturer who performs any action described in paragraph (a), (b) or (c) of subsection 1 of NRS 463.01715 is not required to be licensed under the provisions of this section with respect to the performance of that action if another manufacturer who is licensed under the provisions of this section assumes responsibility for the performance of that action.

7. An independent contractor who designs, develops, programs, produces or composes a control program for use in the manufacture of a gaming device that is for use or play in this State is not required to be licensed under the provisions of this section with respect to the design, development, programming, production or composition of a control program if a manufacturer who is licensed under the provisions of this section assumes responsibility for the design, development, programming, production or composition of the control program.

8. Any person who the Commission determines is a suitable person to receive a license under the provisions of this section may be issued a manufacturer's or distributor's license. The burden of proving his or her qualification to receive or hold a license under this section is at all times on the applicant or licensee.

9. Every person who must be licensed pursuant to this section is subject to the provisions of NRS 463.482 to 463.645, inclusive, unless exempted from those provisions by the Commission.

10. The Commission may exempt, for any purpose, a manufacturer, seller or distributor from the provisions of NRS 463.482 to 463.645, inclusive, if the Commission determines that the exemption is consistent with the purposes of this chapter.

11. Any person conducting business in Nevada who is not required to be licensed as a manufacturer, seller or distributor pursuant to subsection 1, but who otherwise must register with the Attorney General of the United States pursuant to Title 15 of U.S.C., must submit to the Board a copy of such registration within 10 days after submission to the Attorney General of the United States.

12. It is unlawful for any person, either as owner, lessee or employee, whether for hire or not, to knowingly distribute any gaming device, cashless wagering system, ~~[mobile gaming system,]~~ interactive gaming system or associated equipment from Nevada to any jurisdiction where the possession, ownership or use of any such device, system or equipment is illegal.

13. As used in this section:

(a) "Antique gaming device" means a gaming device that was manufactured before 1961.

(b) "Assume responsibility" has the meaning ascribed to it in NRS 463.01715.

(c) "Control program" has the meaning ascribed to it in NRS 463.0155.

(d) "Holding company" has the meaning ascribed to it in NRS 463.485.

(e) "Independent contractor" has the meaning ascribed to it in NRS 463.01715.

Sec. 12. NRS 463.6505 is hereby amended to read as follows:

463.6505 1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of a license as a manufacturer, distributor or seller of gaming devices ~~[or mobile gaming systems]~~ must indicate in the application submitted to the Commission whether the applicant has a state business license. If the applicant has a state business license, the applicant must include in the application the business identification number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS.

2. A license as a manufacturer, distributor or seller of gaming devices ~~[or mobile gaming systems]~~ may not be renewed by the Commission if:

(a) The applicant fails to submit the information required by subsection 1; or

(b) The State Controller has informed the Commission pursuant to subsection 5 of NRS 353C.1965 that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:

(1) Satisfied the debt;

(2) Entered into an agreement for the payment of the debt pursuant to NRS 353C.130; or

(3) Demonstrated that the debt is not valid.

3. As used in this section:

(a) "Agency" has the meaning ascribed to it in NRS 353C.020.

(b) "Debt" has the meaning ascribed to it in NRS 353C.040.

Sec. 13. NRS 463.651 is hereby amended to read as follows:

463.651 1. A natural person who applies for the issuance or renewal of a license as a manufacturer, distributor or seller of gaming devices ~~[or mobile gaming systems]~~ shall submit to the Commission the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Commission shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Commission.

3. A license as a manufacturer, distributor or seller of gaming devices ~~[or mobile gaming systems]~~ may not be issued or renewed by the Commission if the applicant is a natural person who:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Commission shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 14. NRS 463.652 is hereby amended to read as follows:

463.652 1. If the Commission receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license as a manufacturer, distributor or seller of gaming devices , ~~[or mobile gaming systems,]~~ the Commission shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Commission receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Commission shall reinstate a license as a manufacturer, distributor or seller of gaming devices ~~[or mobile gaming systems]~~ that has been suspended by a district court pursuant to NRS 425.540 if the Commission

receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 15. NRS 463.653 is hereby amended to read as follows:

463.653 The application of a natural person who applies for the issuance of a license as a manufacturer, distributor or seller of gaming devices ~~[or mobile gaming systems]~~ must include the social security number of the applicant.

Sec. 16. NRS 463.670 is hereby amended to read as follows:

463.670 1. The Legislature finds and declares as facts:

(a) That the inspection of games, gaming devices, associated equipment, cashless wagering systems, inter-casino linked systems ~~[, mobile gaming systems]~~ and interactive gaming systems is essential to carry out the provisions of this chapter.

(b) That the inspection of games, gaming devices, associated equipment, cashless wagering systems, inter-casino linked systems ~~[, mobile gaming systems]~~ and interactive gaming systems is greatly facilitated by the opportunity to inspect components before assembly and to examine the methods of manufacture.

(c) That the interest of this State in the inspection of games, gaming devices, associated equipment, cashless wagering systems, inter-casino linked systems ~~[, mobile gaming systems]~~ and interactive gaming systems must be balanced with the interest of this State in maintaining a competitive gaming industry in which games can be efficiently and expeditiously brought to the market.

2. The Commission may, with the advice and assistance of the Board, adopt and implement procedures that preserve and enhance the necessary balance between the regulatory and economic interests of this State which are critical to the vitality of the gaming industry of this State.

3. The Board may inspect every game or gaming device which is manufactured, sold or distributed:

(a) For use in this State, before the game or gaming device is put into play.

(b) In this State for use outside this State, before the game or gaming device is shipped out of this State.

4. The Board may inspect every game or gaming device which is offered for play within this State by a state gaming licensee.

5. The Board may inspect all associated equipment, every cashless wagering system, every inter-casino linked system ~~[, every mobile gaming system]~~ and every interactive gaming system which is manufactured, sold or distributed for use in this State before the equipment or system is installed or used by a state gaming licensee and at any time while the state gaming licensee is using the equipment or system.

6. In addition to all other fees and charges imposed by this chapter, the Board may determine, charge and collect an inspection fee from

each manufacturer, seller, distributor or independent testing laboratory which must not exceed the actual cost of inspection and investigation.

7. The Commission shall adopt regulations which:

(a) Provide for the registration of independent testing laboratories and of each person that owns, operates or has significant involvement with an independent testing laboratory, specify the form of the application required for such registration, set forth the qualifications required for such registration and establish the fees required for the application, the investigation of the applicant and the registration of the applicant.

(b) Authorize the Board to utilize independent testing laboratories for the inspection and certification of any game, gaming device, associated equipment, cashless wagering system, inter-casino linked system ~~[, mobile gaming system]~~ or interactive gaming system, or any components thereof.

(c) Establish uniform protocols and procedures which the Board and independent testing laboratories must follow during an inspection performed pursuant to subsection 3 or 5, and which independent testing laboratories must follow during the certification of any game, gaming device, associated equipment, cashless wagering system, inter-casino linked system ~~[, mobile gaming system]~~ or interactive gaming system, or any components thereof, for use in this State or for shipment from this State.

(d) Allow an application for the registration of an independent testing laboratory to be granted upon the independent testing laboratory's completion of an inspection performed in compliance with the uniform protocols and procedures established pursuant to paragraph (c) and satisfaction of such other requirements that the Board may establish.

(e) Provide the standards and procedures for the revocation of the registration of an independent testing laboratory.

(f) Provide the standards and procedures relating to the filing of an application for a finding of suitability pursuant to this section and the remedies should a person be found unsuitable.

(g) Provide any additional provisions which the Commission deems necessary and appropriate to carry out the provisions of this section and which are consistent with the public policy of this State pursuant to NRS 463.0129.

8. The Commission shall retain jurisdiction over any person registered pursuant to this section and any regulation adopted thereto, in all matters relating to a game, gaming device, associated equipment, cashless wagering system, inter-casino linked system ~~[, mobile gaming system]~~ or interactive gaming system, or any component thereof or modification thereto, even if the person ceases to be registered.

9. A person registered pursuant to this section is subject to the investigatory and disciplinary proceedings that are set forth in NRS 463.310 to 463.318, inclusive, and shall be punished as provided in those sections.

10. The Commission may, upon recommendation of the Board, require the following persons to file an application for a finding of suitability:

(a) A registered independent testing laboratory.

(b) An employee of a registered independent testing laboratory.

(c) An officer, director, partner, principal, manager, member, trustee or direct or beneficial owner of a registered independent testing laboratory or any person that owns or has significant involvement with the activities of a registered independent testing laboratory.

11. If a person fails to submit an application for a finding of suitability within 30 days after a demand by the Commission pursuant to this section, the Commission may make a finding of unsuitability. Upon written request, such period may be extended by the Chair of the Commission, at the Chair's sole and absolute discretion.

12. As used in this section, unless the context otherwise requires, "independent testing laboratory" means a private laboratory that is registered by the Board to inspect and certify games, gaming devices, associated equipment, cashless wagering systems, inter-casino linked systems ~~[, mobile gaming systems]~~ or interactive gaming systems, and any components thereof and modifications thereto, and to perform such other services as the Board and Commission may request.

Sec. 17. NRS 463.677 is hereby amended to read as follows:

463.677 1. The Legislature finds that:

(a) Technological advances have evolved which allow licensed gaming establishments to expose games, including, without limitation, system-based and system-supported games, gaming devices, ~~[mobile gaming systems,]~~ interactive gaming, cashless wagering systems or race books and sports pools, and to be assisted by a service provider who provides important services to the public with regard to the conduct and exposure of such games.

(b) To protect and promote the health, safety, morals, good order and general welfare of the inhabitants of this State, and to carry out the public policy declared in NRS 463.0129, it is necessary that the Board and Commission have the ability to license service providers by maintaining strict regulation and control of the operation of such service providers and all persons and locations associated therewith.

2. Except as otherwise provided in subsection 3, the Commission may, with the advice and assistance of the Board, provide by regulation for the licensing and operation of a service provider and all persons, locations and matters associated therewith. Such regulations may include, without limitation:

(a) Provisions requiring the service provider to meet the qualifications for licensing pursuant to NRS 463.170, in addition to any other qualifications established by the Commission, and to be licensed regardless of whether the service provider holds any other license.

(b) Criteria regarding the location from which the service provider conducts its operations, including, without limitation, minimum internal and operational control standards established by the Commission.

(c) Provisions relating to the licensing of persons owning or operating a service provider, and any persons having a significant involvement therewith, as determined by the Commission.

(d) A provision that a person owning, operating or having significant involvement with a service provider, as determined by the Commission, may be required by the Commission to be found suitable to be associated with licensed gaming, including race book or sports pool operations.

(e) Additional matters which the Commission deems necessary and appropriate to carry out the provisions of this section and which are consistent with the public policy of this State pursuant to NRS 463.0129, including that a service provider must be liable to the licensee on whose behalf the services are provided for the service provider's proportionate share of the fees and taxes paid by the licensee.

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

4. Regulations adopted by the Commission pursuant to this section must provide that the premises on which a service provider conducts its operations are subject to the power and authority of the Board and Commission pursuant to NRS 463.140, as though the premises are where gaming is conducted and the service provider is a gaming licensee.

5. As used in this section:

(a) "Interactive gaming service provider" means a person who acts on behalf of an establishment licensed to operate interactive gaming and:

(1) Manages, administers or controls wagers that are initiated, received or made on an interactive gaming system;

(2) Manages, administers or controls the games with which wagers that are initiated, received or made on an interactive gaming system are associated;

(3) Maintains or operates the software or hardware of an interactive gaming system; or

(4) Provides products, services, information or assets to an establishment licensed to operate interactive gaming and receives therefor a percentage of gaming revenue from the establishment's interactive gaming system.

(b) "Service provider" means a person who:

(1) Acts on behalf of another licensed person who conducts nonrestricted gaming operations, and who assists, manages, administers or controls wagers or games, or maintains or operates the software or hardware of games on behalf of such a licensed person, and is authorized to share in the revenue from games without being licensed to conduct gaming at an establishment;

(2) Is an interactive gaming service provider;

(3) Is a cash access and wagering instrument service provider; or

(4) Meets such other or additional criteria as the Commission may establish by regulation.

Sec. 18. NRS 465.070 is hereby amended to read as follows:

465.070 It is unlawful for any person:

1. To alter or misrepresent the outcome of a game or other event on which wagers have been made after the outcome is made sure but before it is revealed to the players.

2. To place, increase or decrease a bet or to determine the course of play after acquiring knowledge, not available to all players, of the outcome of the game or any event that affects the outcome of the game or which is the subject of the bet or to aid anyone in acquiring such knowledge for the purpose of placing, increasing or decreasing a bet or determining the course of play contingent upon that event or outcome.

3. To claim, collect or take, or attempt to claim, collect or take, money or anything of value in or from a gambling game, with intent to defraud, without having made a wager contingent thereon, or to claim, collect or take an amount greater than the amount won.

4. Knowingly to entice or induce another to go to any place where a gambling game is being conducted or operated in violation of the provisions of this chapter, with the intent that the other person play or participate in that gambling game.

5. To place or increase a bet after acquiring knowledge of the outcome of the game or other event which is the subject of the bet, including past-posting and pressing bets.

6. To reduce the amount wagered or cancel the bet after acquiring knowledge of the outcome of the game or other event which is the subject of the bet, including pinching bets.

7. To manipulate, with the intent to cheat, any component of a gaming device in a manner contrary to the designed and normal operational purpose for the component, including, but not limited to, varying the pull of the handle of a slot machine, with knowledge that the manipulation affects the outcome of the game or with knowledge of any event that affects the outcome of the game.

8. To offer, promise or give anything of value to anyone for the purpose of influencing the outcome of a race, sporting event, contest or game upon which a wager may be made, or to place, increase or decrease a wager after acquiring knowledge, not available to the general public, that anyone has been offered, promised or given anything of value for the purpose of influencing the outcome of the race, sporting event, contest or game upon which the wager is placed, increased or decreased.

9. To change or alter the normal outcome of any game played on an interactive gaming system ~~[or a mobile gaming system]~~ or the way in which the outcome is reported to any participant in the game.

Sec. 19. NRS 465.094 is hereby amended to read as follows:

465.094 The provisions of NRS 465.092 and 465.093 do not apply to global risk management pursuant to NRS 463.810 and 463.820 or to a wager placed by a person for the person's own benefit or, without compensation, for

the benefit of another that is accepted or received by, placed with, or sent, transmitted or relayed to:

1. A race book or sports pool that is licensed pursuant to chapter 463 of NRS, if the wager is accepted or received within this State and otherwise complies with all other applicable laws and regulations concerning wagering;

2. A person who is licensed to engage in off-track pari-mutuel wagering pursuant to chapter 464 of NRS, if the wager is accepted or received within this State and otherwise complies with subsection 3 of NRS 464.020 and all other applicable laws and regulations concerning wagering;

3. ~~[A person who is licensed to operate a mobile gaming system pursuant to chapter 463 of NRS, if the wager is accepted or received within this State and otherwise complies with all other applicable laws and regulations concerning wagering;~~

~~4.]~~ Any other person or establishment that is licensed to engage in wagering pursuant to title 41 of NRS, if the wager is accepted or received within this State and otherwise complies with all other applicable laws and regulations concerning wagering; or

~~[5.]~~ *4.* Any other person or establishment that is licensed to engage in wagering in another jurisdiction and is permitted to accept or receive a wager from patrons within this State under an agreement entered into by the Governor pursuant to NRS 463.747.

Sec. 19.5. 1. The amendatory provisions of section 3 of this act do not apply to an employee of an operator of a mobile gaming system described in subsection 2 whose duties include the operational or supervisory control of the system or the games that are part of the system.

2. The amendatory provisions of sections 5, 7, 8, 10, 18 and 19 of this act do not apply to:

(a) A person who holds a nonrestricted license for a mobile gaming system or who holds such a license for the operation of a mobile gaming system that was issued on or before June 30, 2019;

(b) A person who before, on or after July 1, 2019, acquires a financial interest in:

(1) An operator of a mobile gaming system described in paragraph (a); or

(2) The operation of such a mobile gaming system described in paragraph (a); or

(c) A successor in interest to a person who acquires a financial interest described in paragraph (b).

3. The provisions of statute repealed by section 20 of this act continue to apply on and after July 1, 2019, to any person or transaction described in subsections 1 and 2.

4. The provisions of this section do not exempt a person or transaction from any provision of law relating to the licensure, registration, finding of suitability, review or approval of such a person or transaction.

Sec. 20. NRS 463.0176, 463.730 and 463.735 are hereby repealed.

Sec. 21. 1. This section and sections 1, 1.3, 1.5 and 10.2 to 10.8, inclusive, of this act become effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks to carry out the amendatory provisions of this act, and on January 1, 2020, for all other purposes.

2. Sections 1.7 to 10, inclusive, and 11 to 20, inclusive, of this act become effective on July 1, 2019.

TEXT OF REPEALED SECTIONS

463.0176 "Mobile gaming" defined. "Mobile gaming" means the conduct of gambling games through communications devices operated solely in an establishment which holds a nonrestricted gaming license and which operates at least 100 slot machines and at least one other game by the use of communications technology that allows a person to transmit information to a computer to assist in the placing of a bet or wager and corresponding information related to the display of the game, game outcomes or other similar information. For the purposes of this section, "communications technology" means any method used and the components employed by an establishment to facilitate the transmission of information, including, without limitation, transmission and reception by systems based on wireless network, wireless fidelity, wire, cable, radio, microwave, light, optics or computer data networks. The term does not include the Internet.

463.730 License required to operate, manufacture, sell or distribute mobile gaming system or to manufacture equipment associated with mobile gaming; powers and duties of Commission; regulations; conditions.

1. Except as otherwise provided in subsection 2, the Commission may, with the advice and assistance of the Board, adopt regulations governing the operation of mobile gaming and the licensing of:

(a) An operator of a mobile gaming system;

(b) A manufacturer, seller or distributor of a mobile gaming system; and

(c) A manufacturer of equipment associated with mobile gaming.

2. The Commission may not adopt regulations pursuant to this section until the Commission first determines that:

(a) Mobile gaming systems are secure and reliable, and provide reasonable assurance that players will be of lawful age and communicating only from areas of licensed gaming establishments that have been approved by the Commission for that purpose; and

(b) Mobile gaming can be operated in a manner which complies with all applicable laws.

3. The regulations adopted by the Commission pursuant to this section must:

(a) Provide that gross revenue received by a licensed gaming establishment or the operator or the manufacturer of a mobile gaming system from the operation of mobile gaming is subject to the same license fee provisions of NRS 463.370 as the other games and gaming devices operated at the licensed gaming establishment.

(b) Provide that a mobile communications device which displays information relating to the game to a participant in the game as part of a mobile gaming system is subject to the same fees and taxes applicable to slot machines as set forth in NRS 463.375 and 463.385.

(c) Set forth standards for the security of the computer system and its location, which may be outside a licensed gaming establishment but must be within this State, and for approval of hardware and software used in connection with mobile gaming.

(d) Define "mobile gaming system," "operator of a mobile gaming system" and "equipment associated with mobile gaming" as the terms are used in this chapter.

463.735 Enforceability of mobile gaming debts. A debt incurred by a patron in connection with playing a mobile gaming system at a licensed gaming establishment is valid and may be enforced by legal process.

Senator Cannizzaro moved that the Senate concur in Assembly Amendments Nos. 671, 820 to Senate Bill No. 73.

Remarks by Senator Cannizzaro.

We are in agreement on these amendments to which make changes to the devices mentioned in Senate Bill No. 73.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 364.

The following Assembly amendment was read:

Amendment No. 731.

SUMMARY—Prohibits discrimination against and provides protection for ~~[persons who reside in or receive services from]~~ patients or residents of certain facilities. (BDR 40-757)

AN ACT relating to the protection of vulnerable persons; prohibiting a medical facility, facility for the dependent and certain other facilities from engaging in certain discriminatory actions; requiring employees and agents of such facilities to receive certain training relating to cultural competency; requiring such facilities to take certain measures to protect the privacy of persons receiving care from the facilities ~~[; requiring administrators and employees of such facilities to receive certain training;]~~ and adapt electronic records to reflect certain information concerning patients or residents; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensing and regulation of medical facilities, facilities for the dependent and certain other facilities by the Division of Public and Behavioral Health of the Department of Health and Human Services. (NRS 449.029-449.240) Section 2 of this bill prohibits such a facility from discriminating against a person based on the actual or perceived race, color, religion, national origin, ancestry, age, gender, physical or mental disability, sexual orientation, gender identity or expression or human immunodeficiency

virus status of the person or a person with whom the person associates. Section 6 of this bill requires the State Board of Health to adopt regulations that prescribe the specific types of prohibited discrimination. Section 2 requires such a facility to post prominently in the facility and include on any marketing website: (1) a statement that a person who is discriminated against on prohibited grounds may file a complaint with the Division; and (2) the contact information for the Division.

Section 2.5 of this bill requires the Board, by regulation, to require a medical facility, facility for the dependent and certain other facilities required by the Board to be licensed to conduct training relating specifically to cultural competency for any agent or employee of the facility who provides care to a patient or resident of the facility. Section 2.5 provides that such cultural competency training is required so that such an agent or employee may better understand patients or residents who have different cultural backgrounds, including patients who are: (1) from various gender, racial and ethnic backgrounds; (2) from various religious backgrounds; (3) lesbian, gay, bisexual, transgender and questioning persons; (4) children and senior citizens; (5) persons with a mental or physical disability; and (6) part of any other population, as determined by the Board. Section 2.5 requires such training to be provided through a course or program that is approved by the Department of Health and Human Services.

Section 3 of this bill requires ~~[such]~~ a medical facility , facility for the dependent and certain other facilities required by the Board to be licensed to ~~[ensure that all records maintained by the facility concerning a person refer to the person using the gender identity, name and pronouns preferred by the person and]~~ take certain measures to protect the privacy of persons receiving care from the facility. ~~[Section 6 of this bill requires administrators and employees of such facilities to receive training concerning cultural competency and sensitivity in issues relating to the lesbian, gay, bisexual and transgender community.]~~ Section 3.5 of this bill requires the Board to adopt regulations that require such a facility to develop policies to ensure that a patient or resident is addressed by his or her preferred name and pronoun and in accordance with his or her gender identity or expression. Section 3.5 also requires the facility to adapt electronic records to reflect the gender identities or expressions of gender diverse patients or residents and section 11 of this bill requires that to occur by July 1, 2021, unless an extension is approved by the Division of Public and Behavioral Health. Sections 4-10 of this bill make conforming changes.

~~[Existing law creates the Office of the State Long-Term Care Ombudsman within the Aging and Disability Services Division of the Department of Health and Human Services to advocate for the protection of residents of facilities for long-term care and authorizes the Ombudsman to investigate complaints concerning such facilities. (NRS 427A.125, 427A.135) Section 2 requires a medical facility, a facility for the dependent and certain other facilities required to be licensed by the State Board of Health to post prominently in the facility~~

~~and include on any marketing website and in any marketing materials: (1) a statement that a person who is discriminated against on prohibited grounds may file a complaint with the Ombudsman; and (2) the contact information for the Ombudsman.]~~

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

Section 1. Chapter 449 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 ~~[and 3]~~ to 3.5, inclusive, of this act.

Sec. 2. *1. A medical facility, facility for the dependent or facility which is otherwise required by regulations adopted by the Board pursuant to NRS 449.0303 to be licensed and any employee or independent contractor of such a facility shall not discriminate in the admission of, or the provision of services to, a ~~[person]~~ patient or resident based wholly or partially on the actual or perceived race, color, religion, national origin, ancestry, age, gender, physical or mental disability, sexual orientation, gender identity or expression or human immunodeficiency virus status of the ~~[person]~~ patient or resident or any person with whom the ~~[person]~~ patient or resident associates.*

2. ~~[Prohibited discrimination pursuant to subsection 1 includes, without limitation:~~

~~(a) Denying admission to the facility, transferring or refusing to transfer a person within the facility or to another facility or discharging or evicting a person from the facility.~~

~~(b) Denying a request by persons to share a room.~~

~~(c) Preventing a person from wearing or being dressed in clothing, accessories or cosmetics that are authorized for any other person.~~

~~(d) Restricting a person from associating with other persons, including, without limitation, engaging in consensual sexual relations.~~

~~(e) Denying or restricting care that is appropriate for the biology of a person or providing care in a manner that unduly demeans or causes avoidable discomfort to a person.~~

~~(f) Harassing or verbally or physically abusing a person.~~

~~(g) If rooms are assigned by gender, assigning, reassigning or refusing to assign a room to a transgender person in accordance with the gender identity of the person, except at the request of the person.~~

~~(h) Prohibiting a person from using, requiring a person to show documentation before using or otherwise harassing a person for using or seeking to use a restroom available to other persons of the same gender identity.~~

~~(i) Willfully failing to use the preferred name or pronouns of a person after the person has informed the facility of his or her preferred name or pronouns.~~

~~(j) Willfully refusing to comply with the decisions of the spouse or domestic partner of a person who is the authorized representative of the person if the decisions are within the scope of the authorized representation.~~

~~—3.]~~ *A medical facility, facility for the dependent or facility which is otherwise required by regulations adopted by the Board pursuant to NRS 449.0303 to be licensed shall* ~~[post]~~ *:*

(a) Develop and carry out policies to prevent the specific types of prohibited discrimination described in the regulations adopted by the Board pursuant to NRS 449.0302 and meet any other requirements prescribed by regulations of the Board; and

(b) Post prominently in the facility and include on any Internet website ~~[and in any materials]~~ *used to market the facility the following statement:*

> *[Name of facility] does not discriminate and does not permit discrimination, including, without limitation, bullying, abuse or harassment, on the basis of actual or perceived race, color, religion, national origin, ancestry, age, gender, physical or mental disability, sexual orientation, gender identity or expression or HIV status, or based on association with another person on account of that person's actual or perceived race, color, religion, national origin, ancestry, age, gender, physical or mental disability, sexual orientation, gender identity or expression or HIV status.*

~~[4.]~~ *3. In addition to the statement prescribed by subsection* ~~[3,]~~ *2, a facility for skilled nursing, facility for intermediate care or residential facility for groups shall post prominently in the facility and include on any Internet website* ~~[and in any materials]~~ *used to market the facility:*

(a) Notice that a ~~[person]~~ *patient or resident who has experienced prohibited discrimination may file a complaint with the* ~~[Office of the State Long-Term Care Ombudsman created by NRS 427A.125;]~~ *Division; and*

(b) The contact information for the ~~[Office of the State Long-Term Care Ombudsman.]~~ *Division.*

~~[5.]~~ *4. The provisions of this section shall not be construed to:*

(a) Require a medical facility, facility for the dependent or facility which is otherwise required by regulations adopted by the Board pursuant to NRS 449.0303 to be licensed or an employee or independent contractor thereof to take or refrain from taking any action in violation of reasonable medical standards; or

(b) Prohibit a medical facility, facility for the dependent or facility which is otherwise required by regulations adopted by the Board pursuant to NRS 449.0303 to be licensed from adopting a policy that is applied uniformly and in a nondiscriminatory manner, including, without limitation, such a policy that bans or restricts sexual relations.

Sec. 2.5. 1. To enable an agent or employee of a medical facility, facility for the dependent or facility which is otherwise required by regulations adopted by the Board pursuant to NRS 449.0303 to be licensed who provides care to a patient or resident of the facility to more effectively treat patients or care for residents, as applicable, the Board shall, by regulation, require such a facility to conduct training relating specifically to cultural competency for any agent or employee of the facility who provides care to a patient or resident

of the facility so that such an agent or employee may better understand patients or residents who have different cultural backgrounds, including, without limitation, patients or residents who are:

(a) From various gender, racial and ethnic backgrounds;

(b) From various religious backgrounds;

(c) Lesbian, gay, bisexual, transgender and questioning persons;

(d) Children and senior citizens;

(e) Persons with a mental or physical disability; and

(f) Part of any other population that such an agent or employee may need to better understand, as determined by the Board.

2. The training relating specifically to cultural competency conducted by a medical facility, facility for the dependent or facility which is otherwise required by regulations adopted by the Board pursuant to NRS 449.0303 to be licensed pursuant to subsection 1 must be provided through a course or program that is approved by the Department of Health and Human Services.

Sec. 3. *A medical facility, facility for the dependent or facility which is otherwise required by regulations adopted by the Board pursuant to NRS 449.0303 to be licensed shall:*

1. ~~[Ensure that all records maintained by the facility concerning a person refer to the person using the gender identity, name and pronouns preferred by the person;~~

~~2.]~~ Maintain the confidentiality of personally identifiable information concerning the sexual orientation of a ~~[person,]~~ patient or resident, whether the ~~[person]~~ patient or resident is transgender or has undergone a gender transition and the human immunodeficiency virus status of the ~~[person]~~ patient or resident and take reasonable actions to prevent the unauthorized disclosure of such information;

~~[3.]~~ 2. Prohibit employees or independent contractors of the facility who are not performing a physical examination or directly providing care to a ~~[person]~~ patient or resident from being present during any portion of the physical examination or care, as applicable, during which the ~~[person]~~ patient or resident is fully or partially unclothed without the express permission of the ~~[person]~~ patient or resident or the authorized representative of the ~~[person;~~

~~4.]~~ patient or resident;

3. Use visual barriers, including, without limitation, doors, curtains and screens, to provide privacy for ~~[persons]~~ patients or residents who are fully or partially unclothed; and

~~[5.]~~ 4. Allow a ~~[person]~~ patient or resident to refuse to be examined, observed or treated by an employee or independent contractor of the facility for a purpose that is primarily educational rather than therapeutic.

Sec. 3.5. The Board shall adopt regulations that require a medical facility, facility for the dependent or facility which is otherwise required by regulations adopted by the Board pursuant to NRS 449.0303 to be licensed to:

1. Develop policies to ensure that a patient or resident is addressed by his or her preferred name and pronoun and in accordance with his or her gender identity or expression;

2. Adapt electronic records to reflect the gender identities or expressions of patients or residents with diverse gender identities or expressions, including, without limitation:

(a) If the facility is a medical facility, adapting health records to meet the medical needs of patients or residents with diverse sexual orientations and gender identities or expressions, including, without limitation, integrating information concerning sexual orientation and gender identity or expression into electronic systems for maintaining health records; and

(b) If the facility is a facility for the dependent or other residential facility, adapting electronic records to include:

(1) The preferred name and pronoun and gender identity or expression of a resident; and

(2) Any other information prescribed by regulation of the Board.

Sec. 4. NRS 449.029 is hereby amended to read as follows:

449.029 As used in NRS 449.029 to 449.240, inclusive, *and sections 2 ~~[and 3]~~ to 3.5, inclusive, of this act,* unless the context otherwise requires, "medical facility" has the meaning ascribed to it in NRS 449.0151 and includes a program of hospice care described in NRS 449.196.

Sec. 5. NRS 449.0301 is hereby amended to read as follows:

449.0301 The provisions of NRS 449.029 to 449.2428, inclusive, *and sections 2 ~~[and 3]~~ to 3.5, inclusive, of this act* do not apply to:

1. Any facility conducted by and for the adherents of any church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing in the practice of the religion of the church or denomination, except that such a facility shall comply with all regulations relative to sanitation and safety applicable to other facilities of a similar category.

2. Foster homes as defined in NRS 424.014.

3. Any medical facility, facility for the dependent or facility which is otherwise required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed that is operated and maintained by the United States Government or an agency thereof.

Sec. 6. NRS 449.0302 is hereby amended to read as follows:

449.0302 1. The Board shall adopt:

(a) Licensing standards for each class of medical facility or facility for the dependent covered by NRS 449.029 to 449.2428, inclusive, *and sections 2 ~~[and 3]~~ to 3.5, inclusive, of this act* and for programs of hospice care.

(b) Regulations governing the licensing of such facilities and programs.

(c) Regulations governing the procedure and standards for granting an extension of the time for which a natural person may provide certain care in his or her home without being considered a residential facility for groups

pursuant to NRS 449.017. The regulations must require that such grants are effective only if made in writing.

(d) Regulations establishing a procedure for the indemnification by the Division, from the amount of any surety bond or other obligation filed or deposited by a facility for refractive surgery pursuant to NRS 449.068 or 449.069, of a patient of the facility who has sustained any damages as a result of the bankruptcy of or any breach of contract by the facility.

(e) *Regulations that prescribe* ~~*[required training for administrators and employees of medical facilities, facilities for the dependent and facilities which are otherwise required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed concerning cultural competency and sensitivity in issues relating to lesbian, gay, bisexual and transgender persons.]*~~ *the specific types of discrimination prohibited by section 2 of this act.*

(f) Any other regulations as it deems necessary or convenient to carry out the provisions of NRS 449.029 to 449.2428, inclusive ~~[.]~~ *, and sections 2 ~~[and 3]~~ to 3.5, inclusive, of this act.*

2. The Board shall adopt separate regulations governing the licensing and operation of:

(a) Facilities for the care of adults during the day; and

(b) Residential facilities for groups,

➥ which provide care to persons with Alzheimer's disease.

3. The Board shall adopt separate regulations for:

(a) The licensure of rural hospitals which take into consideration the unique problems of operating such a facility in a rural area.

(b) The licensure of facilities for refractive surgery which take into consideration the unique factors of operating such a facility.

(c) The licensure of mobile units which take into consideration the unique factors of operating a facility that is not in a fixed location.

4. The Board shall require that the practices and policies of each medical facility or facility for the dependent provide adequately for the protection of the health, safety and physical, moral and mental well-being of each person accommodated in the facility.

5. In addition to the training requirements prescribed pursuant to NRS 449.093, the Board shall establish minimum qualifications for administrators and employees of residential facilities for groups. In establishing the qualifications, the Board shall consider the related standards set by nationally recognized organizations which accredit such facilities.

6. The Board shall adopt separate regulations regarding the assistance which may be given pursuant to NRS 453.375 and 454.213 to an ultimate user of controlled substances or dangerous drugs by employees of residential facilities for groups. The regulations must require at least the following conditions before such assistance may be given:

(a) The ultimate user's physical and mental condition is stable and is following a predictable course.

(b) The amount of the medication prescribed is at a maintenance level and does not require a daily assessment.

(c) A written plan of care by a physician or registered nurse has been established that:

(1) Addresses possession and assistance in the administration of the medication; and

(2) Includes a plan, which has been prepared under the supervision of a registered nurse or licensed pharmacist, for emergency intervention if an adverse condition results.

(d) Except as otherwise authorized by the regulations adopted pursuant to NRS 449.0304, the prescribed medication is not administered by injection or intravenously.

(e) The employee has successfully completed training and examination approved by the Division regarding the authorized manner of assistance.

7. The Board shall adopt separate regulations governing the licensing and operation of residential facilities for groups which provide assisted living services. The Board shall not allow the licensing of a facility as a residential facility for groups which provides assisted living services and a residential facility for groups shall not claim that it provides "assisted living services" unless:

(a) Before authorizing a person to move into the facility, the facility makes a full written disclosure to the person regarding what services of personalized care will be available to the person and the amount that will be charged for those services throughout the resident's stay at the facility.

(b) The residents of the facility reside in their own living units which:

(1) Except as otherwise provided in subsection 8, contain toilet facilities;

(2) Contain a sleeping area or bedroom; and

(3) Are shared with another occupant only upon consent of both occupants.

(c) The facility provides personalized care to the residents of the facility and the general approach to operating the facility incorporates these core principles:

(1) The facility is designed to create a residential environment that actively supports and promotes each resident's quality of life and right to privacy;

(2) The facility is committed to offering high-quality supportive services that are developed by the facility in collaboration with the resident to meet the resident's individual needs;

(3) The facility provides a variety of creative and innovative services that emphasize the particular needs of each individual resident and the resident's personal choice of lifestyle;

(4) The operation of the facility and its interaction with its residents supports, to the maximum extent possible, each resident's need for autonomy and the right to make decisions regarding his or her own life;

(5) The operation of the facility is designed to foster a social climate that allows the resident to develop and maintain personal relationships with fellow residents and with persons in the general community;

(6) The facility is designed to minimize and is operated in a manner which minimizes the need for its residents to move out of the facility as their respective physical and mental conditions change over time; and

(7) The facility is operated in such a manner as to foster a culture that provides a high-quality environment for the residents, their families, the staff, any volunteers and the community at large.

8. The Division may grant an exception from the requirement of subparagraph (1) of paragraph (b) of subsection 7 to a facility which is licensed as a residential facility for groups on or before July 1, 2005, and which is authorized to have 10 or fewer beds and was originally constructed as a single-family dwelling if the Division finds that:

(a) Strict application of that requirement would result in economic hardship to the facility requesting the exception; and

(b) The exception, if granted, would not:

(1) Cause substantial detriment to the health or welfare of any resident of the facility;

(2) Result in more than two residents sharing a toilet facility; or

(3) Otherwise impair substantially the purpose of that requirement.

9. The Board shall, if it determines necessary, adopt regulations and requirements to ensure that each residential facility for groups and its staff are prepared to respond to an emergency, including, without limitation:

(a) The adoption of plans to respond to a natural disaster and other types of emergency situations, including, without limitation, an emergency involving fire;

(b) The adoption of plans to provide for the evacuation of a residential facility for groups in an emergency, including, without limitation, plans to ensure that nonambulatory patients may be evacuated;

(c) Educating the residents of residential facilities for groups concerning the plans adopted pursuant to paragraphs (a) and (b); and

(d) Posting the plans or a summary of the plans adopted pursuant to paragraphs (a) and (b) in a conspicuous place in each residential facility for groups.

10. The regulations governing the licensing and operation of facilities for transitional living for released offenders must provide for the licensure of at least three different types of facilities, including, without limitation:

(a) Facilities that only provide a housing and living environment;

(b) Facilities that provide or arrange for the provision of supportive services for residents of the facility to assist the residents with reintegration into the community, in addition to providing a housing and living environment; and

(c) Facilities that provide or arrange for the provision of alcohol and drug abuse programs, in addition to providing a housing and living environment and providing or arranging for the provision of other supportive services.

➥ The regulations must provide that if a facility was originally constructed as a single-family dwelling, the facility must not be authorized for more than eight beds.

11. As used in this section, "living unit" means an individual private accommodation designated for a resident within the facility.

Sec. 7. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.029 to 449.2428, inclusive, *and sections 2 ~~[and 3]~~ to 3.5, inclusive, of this act* upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.029 to 449.245, inclusive, *and sections 2 ~~[and 3]~~ to 3.5, inclusive, of this act,* or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, *and sections 2 ~~[and 3]~~ to 3.5, inclusive, of this act,* and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required.

(f) Failure to comply with the provisions of NRS 449.2486.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

➥ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Division pursuant to subsection 2.

Sec. 8. NRS 449.163 is hereby amended to read as follows:

449.163 1. In addition to the payment of the amount required by NRS 449.0308, if a medical facility, facility for the dependent or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, *and sections 2 ~~[and 3]~~ to 3.5, inclusive, of this act* or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

(a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;

(b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;

(c) If the license of the facility limits the occupancy of the facility and the facility has exceeded the approved occupancy, require the facility, at its own expense, to move patients to another facility that is licensed;

(d) Impose an administrative penalty of not more than $5,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(e) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:

(1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (d) of subsection 1, the Division may:

(a) Suspend the license of the facility until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

3. The Division may require any facility that violates any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, *and sections 2 ~~[and 3]~~ to 3.5, inclusive, of this act* or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

4. Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 must be accounted for separately and used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, *and sections 2 ~~[and 3]~~ to 3.5, inclusive, of this act,* 449.435 to 449.531, inclusive, and chapter 449A of NRS to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards or for any other purpose authorized by the Legislature.

Sec. 9. NRS 449.240 is hereby amended to read as follows:

449.240 The district attorney of the county in which the facility is located shall, upon application by the Division, institute and conduct the prosecution of any action for violation of any provisions of NRS 449.029 to 449.245, inclusive ~~[.]~~ *, and sections 2 ~~[and 3]~~ to 3.5, inclusive, of this act.*

Sec. 10. NRS 654.190 is hereby amended to read as follows:

654.190 1. The Board may, after notice and an opportunity for a hearing as required by law, impose an administrative fine of not more than $10,000 for each violation on, recover reasonable investigative fees and costs incurred from, suspend, revoke, deny the issuance or renewal of or place conditions on the license of, and place on probation or impose any combination of the foregoing on any licensee who:

(a) Is convicted of a felony relating to the practice of administering a nursing facility or residential facility or of any offense involving moral turpitude.

(b) Has obtained his or her license by the use of fraud or deceit.

(c) Violates any of the provisions of this chapter.

(d) Aids or abets any person in the violation of any of the provisions of NRS 449.029 to 449.2428, inclusive, *and sections 2 ~~[and 3]~~ to 3.5, inclusive, of this act* as those provisions pertain to a facility for skilled nursing, facility for intermediate care or residential facility for groups.

(e) Violates any regulation of the Board prescribing additional standards of conduct for licensees, including, without limitation, a code of ethics.

(f) Engages in conduct that violates the trust of a patient or resident or exploits the relationship between the licensee and the patient or resident for the financial or other gain of the licensee.

2. If a licensee requests a hearing pursuant to subsection 1, the Board shall give the licensee written notice of a hearing pursuant to NRS 233B.121 and 241.034. A licensee may waive, in writing, his or her right to attend the hearing.

3. The Board may compel the attendance of witnesses or the production of documents or objects by subpoena. The Board may adopt regulations that set forth a procedure pursuant to which the Chair of the Board may issue subpoenas on behalf of the Board. Any person who is subpoenaed pursuant to this subsection may request the Board to modify the terms of the subpoena or grant additional time for compliance.

4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

5. The expiration of a license by operation of law or by order or decision of the Board or a court, or the voluntary surrender of a license, does not deprive the Board of jurisdiction to proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

Sec. 11. 1. The Division of Public and Behavioral Health of the Department of Health and Human Services shall review and revise the regulations adopted pursuant to chapter 449 of NRS to ensure that those regulations:

~~[1.]~~ (a) Do not conflict with the requirements of sections 2 ~~[and 3]~~ to 3.5, inclusive, of this act concerning prohibited bases for discrimination; and

~~[2.]~~ (b) Use currently accepted terminology that accounts for and protects the rights of transgender persons and persons who do not identify as either male or female.

2. The State Board of Health shall adopt the regulations described in subsection 2 of section 3.5 of this act on or before July 1, 2020.

3. Except as otherwise provided in this subsection, a medical facility, facility for the dependent or facility which is otherwise required by regulations adopted by the Board pursuant to NRS 449.0303 to be licensed must comply with the regulations adopted pursuant to subsection 2 of section 3.5 of this act on or before July 1, 2021. Such a facility may request from the Division of Public and Behavioral Health of the Department of Health and Human Services an extension of the deadline prescribed by this subsection. The Division may grant such a request upon a showing of good cause.

Sec. 12. This act becomes effective:

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

2. On January 1, 2020, for all other purposes.

Senator Ratti moved that the Senate concur in Assembly Amendment No. 731 to Senate Bill No. 364.

Remarks by Senator Ratti.

Amendment No. 731 revises Senate Bill No. 364 to require the State Board of Health to adopt regulations prescribing the specific types of discrimination prohibited in a medical facility, facility for the dependent or certain other facilities; requiring such facilities to conduct training relating to cultural competency for employees who care for patients or residents; requiring such facilities to develop policies to ensure the patients and residents are addressed by their preferred name and pronoun in accordance with their gender identity or expression, and, to adopt electronic records to reflect the gender identities or expression of gender diverse individuals. In addition, the amendment requires such facilities to post prominently and include in any marketing website or statement that a person who is discriminated against on prohibited grounds may file a complaint with the Division of Public and Behavioral Health of the Department of Health and Human Services.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 382.

The following Assembly amendment was read:

Amendment No. 721.

SUMMARY—Revises provisions relating to real property. (BDR 9-1067)

AN ACT relating to real property; revising provisions governing deeds of trust; revising provisions relating to foreclosure mediation; revising provisions governing notice requirements for certain mechanics' liens; revising provisions relating to how a mortgage of real property is not deemed a conveyance; revising provisions relating to recording estates in property; revising provisions relating to common-interest ownership; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth various definitions that apply to deeds of trust. (NRS 107.015) Section 1 of this bill adds additional definitions to existing law that are currently found in various provisions governing deeds of trust. Sections 7-21, 24-26 and 32 of this bill make conforming changes.

Existing law provides certain requirements for deeds of trust that encumber a lease of a dwelling unit of a cooperative housing corporation. (NRS 107.025, 107.027, 107.080) Sections 2, 3 and 9 of this bill revise the terminology used for these types of deeds of trust.

Sections 4-6, 9-13 and 16 of this bill make additional revisions to the terminology used for deeds of trust.

Existing law provides the manner in which parties to a deed of trust may set out certain amounts for statutory covenants. Existing law does not provide the amounts that apply if such parties failed to set out these amounts. (NRS 107.040) Section 5 of this bill provides the amounts that apply if such parties fail to set out these amounts.

Existing law requires a lessee to record a notice and either establish a construction disbursement account or record a surety bond before the lessee may cause a work of improvement to be constructed, altered or repaired upon the property that lessee is leasing. (NRS 108.2403) Existing law provides that if a construction disbursement account is established, each person who provided a work of improvement has a lien upon the funds in the account for an amount equal to the amount owed. (NRS 108.2407) Existing law provides that these provisions do not apply if all owners of the property record a written notice of waiver of the owners' rights before the commencement of construction of the work of improvement. Each owner who records such a written notice of waiver must serve written notice upon certain parties. (NRS 108.2405) Section 22 of this bill authorizes such a written notice of waiver to apply with respect to one or more works of improvement as described in the written notice of waiver. Section 22 sets forth certain

requirements on how each owner who records such a written notice of waiver must service written notice upon certain parties.

Existing law prohibits a mortgage of real property from being deemed a conveyance so as to enable the owner of the mortgage to take possession of the real property without a foreclosure and sale. (NRS 40.050) Section 23 of this bill prohibits a mortgage of real property from being deemed a conveyance so as to enable the owner of the mortgage to take possession of the real property in the absence of a foreclosure sale or in accordance with a court order.

Existing law sets forth the requirements for recording certain documents that relate to real property. Existing law prohibits the county recorder from recording with respect to real property any deed that does not contain the name and address of the person for whom a statement of the taxes assessed on the real property is mailed. This prohibition applies to a grant, bargain or deed of sale. (NRS 111.312) Section 27 of this bill provides that this prohibition applies to a grant, bargain and sale deed.

Existing law sets forth that the provisions governing common-interest communities only apply to a nonresidential planned community if the declaration that creates a common-interest community so provides. (NRS 116.1201) Section 28 of this bill places this applicability language in a new section and further sets forth how a declaration may provide that such provisions apply to nonresidential planned communities. Section 29 of this bill makes a conforming change.

Existing law sets forth how a declaration that creates a common-interest community may be amended. Existing law prohibits an amendment, without the unanimous consent of the units' owners, from changing: (1) the boundaries of any unit; (2) the allocated interests of a unit; or (3) the uses to which any unit is restricted. (NRS 116.2117) Section 30 of this bill prohibits an amendment, without the unanimous consent of the units' owners, from changing: (1) the boundaries of any unit; or (2) the allocated interests of a unit.

Existing law authorizes a unit-owners' association to commence a civil action only upon a vote or written agreement of certain owners of units. At least 10 days before an association commences or seeks to ratify the commencement of a civil action, the association shall provide a written statement to the units' owners that includes certain information. Existing law additionally provides that the association may commence certain civil actions without such a vote or written agreement. (NRS 116.31088) Section 30.5 of this bill specifies that the written statement that is required to be provided at least 10 days before the commencement or ratification of the commencement of a civil action applies to civil actions on which the owners of units are entitled to vote.

Existing law creates the Account for Foreclosure Mediation Assistance in the State General Fund and requires that the money in the Account be expended only for the purpose of supporting a program of foreclosure mediation and developing and maintaining an Internet portal for the program.

(NRS 107.080) Existing law requires Home Means Nevada, Inc., to: (1) develop and maintain the Internet portal for the program of foreclosure mediation; and (2) submit to the Interim Finance Committee, at least quarterly, a report that concerns the Account and any other information the Interim Finance Committee requires. (NRS 107.086) Section 12 of this bill revises the reporting requirement and instead requires Home Means Nevada, Inc., to submit to the Interim Finance Committee, at least annually: (1) a report concerning the program of foreclosure mediation and the operational and financial status of Home Means Nevada, Inc.; and (2) its annual audit and tax returns. Existing law also requires the Administrator of the Division of Internal Audits of the Office of Finance to conduct an audit of Home Means Nevada, Inc., at least annually. (NRS 107.086) Section 12 removes this requirement.

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

Section 1. NRS 107.015 is hereby amended to read as follows:

107.015 As used in this chapter:

1. *"Association" and "unit-owners' association" have the meanings ascribed to them in NRS 116.011.*

2. "Beneficiary" means the beneficiary of the deed of trust or the successor in interest of the beneficiary or any person designated or authorized to act on behalf of the beneficiary or its successor in interest.

3. "Cooperative" has the meaning ascribed to it in NRS 116.031.

4. "Facsimile machine" means a device which receives and copies a reproduction or facsimile of a document or photograph which is transmitted electronically or telephonically by telecommunications lines.

~~[2.]~~ *5. "Noncommercial lender" means a lender which makes a loan secured by a deed of trust on owner-occupied housing and which is not a bank, financial institution or other entity regulated pursuant to title 55 or 56 of NRS.*

6. "Owner-occupied housing" means housing that is occupied by an owner as the owner's primary residence. The term does not include vacant land or any time share or other property regulated under chapter 119A of NRS.

7. "Person with an interest" means any person who has or claims any right, title or interest in, or lien or charge upon, the real property described in a deed of trust, as evidenced by any document or instrument recorded in the office of the county recorder of the county in which any part of the real property is situated.

8. "Proprietary lease" has the meaning ascribed to it in NRS 116.077.

9. "Residential foreclosure" means the sale of a single-family residence under a power of sale granted by NRS 107.0805.

10. "Sale in lieu of a foreclosure sale" has the meaning ascribed to it in NRS 40.429.

11. "Single-family residence" means a structure that is comprised of not more than four units. The term does not include vacant land or any time share or other property regulated under chapter 119A of NRS.

12. "Surety" means a corporation authorized to transact surety business in this State pursuant to NRS 679A.030 that:

(a) Is included in the United States Department of the Treasury's Listing of Approved Sureties; and

(b) Issues a surety bond pursuant to this section that does not exceed the underwriting limitations established for that surety by the United States Department of the Treasury.

13. "Surety bond" means a bond issued by a surety for the reconveyance of a deed of trust pursuant to this section.

14. "Title insurer" has the meaning ascribed to it in NRS 692A.070.

15. "Trustee" means the trustee of record.

16. "Unit" has the meaning ascribed to it in NRS 116.093.

Sec. 2. NRS 107.025 is hereby amended to read as follows:

107.025 A deed of trust may encumber an estate for years however created, including a *proprietary* lease ~~[of a dwelling unit of]~~ *in* a cooperative , ~~[housing corporation,]~~ unless prohibited by the instrument creating the estate, and foreclosure may be had by the exercise of a power of sale in accordance with the provisions of this chapter.

Sec. 3. NRS 107.027 is hereby amended to read as follows:

107.027 1. The ~~[shares which accompany a]~~ *ownership interest and votes in the cooperative association entitling the unit's owner to* lease ~~[of]~~ a ~~[dwelling]~~ unit in a cooperative ~~[housing corporation]~~ are appurtenant to the *proprietary* lease. Any security interest in or lien on the *proprietary* lease encumbers the ~~[shares]~~ *ownership interest and votes in the cooperative association* whether or not the instrument creating the interest or lien expressly includes ~~[the shares.]~~ *such interests and votes.*

2. No security interest in or lien on ~~[shares of]~~ *the ownership interest or votes in* a cooperative ~~[housing corporation]~~ *association* is effective unless the instrument which purports to create the interest or lien encumbers the *proprietary* lease to which the ~~[shares]~~ *ownership interest and votes* pertain.

Sec. 4. NRS 107.030 is hereby amended to read as follows:

107.030 Every deed of trust made after March 29, 1927, may adopt by reference all or any of the following covenants, agreements, obligations, rights and remedies:

1. Covenant No. 1. That grantor agrees to pay and discharge at maturity all taxes and assessments and all other charges and encumbrances which now are or shall hereafter be, or appear to be, a lien upon the ~~[trust]~~ premises, or any part thereof; and that grantor will pay all interest or installments due on any prior encumbrance, and that in default thereof, beneficiary may, without demand or notice, pay the same, and beneficiary shall be sole judge of the legality or validity of such taxes, assessments, charges or encumbrances, and the amount necessary to be paid in satisfaction or discharge thereof.

2. Covenant No. 2. That the grantor will at all times keep the buildings and improvements which are now or shall hereafter be erected upon the premises insured against loss or damage by fire, to the amount of at least $...., by some

insurance company or companies approved by beneficiary, the policies for which insurance shall be made payable, in case of loss, to beneficiary, and shall be delivered to and held by the beneficiary as further security; and that in default thereof, beneficiary may procure such insurance, not exceeding the amount aforesaid, to be effected either upon the interest of trustee or upon the interest of grantor, or his or her assigns, and in their names, loss, if any, being made payable to beneficiary, and may pay and expend for premiums for such insurance such sums of money as the beneficiary may deem necessary.

3. Covenant No. 3. That if, during the existence of the trust, there be commenced or pending any suit or action affecting the ~~[conveyed]~~ premises, or any part thereof, or the title thereto, or if any adverse claim for or against the premises, or any part thereof, be made or asserted, the trustee or beneficiary may appear or intervene in the suit or action and retain counsel therein and defend same, or otherwise take such action therein as they may be advised, and may settle or compromise same or the adverse claim; and in that behalf and for any of the purposes may pay and expend such sums of money as the trustee or beneficiary may deem to be necessary.

4. Covenant No. 4. That the grantor will pay to trustee and to beneficiary respectively, on demand, the amounts of all sums of money which they shall respectively pay or expend pursuant to the provisions of the implied covenants of this section, or any of them, together with interest upon each of the amounts, until paid, from the time of payment thereof, at the rate of ..... percent per annum.

5. Covenant No. 5. That in case grantor shall well and truly perform the obligation or pay or cause to be paid at maturity the debt or promissory note, and all moneys agreed to be paid, and interest thereon for the security of which the transfer is made, and also the reasonable expenses of the trust in this section specified, then the trustee, its successors or assigns, shall reconvey to the grantor all the estate in the premises conveyed to the trustee by the grantor. Any part of the trust property may be reconveyed at the request of the beneficiary.

6. Covenant No. 6. That if default be made in the performance of the obligation, or in the payment of the debt, or interest thereon, or any part thereof, or in the payment of any of the other moneys agreed to be paid, or of any interest thereon, or if any of the conditions or covenants in this section adopted by reference be violated, and if the notice of breach and election to sell, required by this chapter, be first recorded, then trustee, its successors or assigns, on demand by beneficiary, or assigns, shall sell the above-granted premises, or such part thereof as in its discretion it shall find necessary to sell, in order to accomplish the objects of these trusts, in the manner following, namely:

The trustees shall first give notice of the time and place of such sale, in the manner provided in NRS 107.080 and may postpone such sale not more than three times by proclamation made to the persons assembled at the time and place previously appointed and advertised for such sale, and on the day of sale

so advertised, or to which such sale may have been postponed, the trustee may sell the property so advertised, or any portion thereof, at public auction, at the time and place specified in the notice, at a public location in the county in which the property, or any part thereof, to be sold, is situated, to the highest cash bidder. The beneficiary, obligee, creditor, or the holder or holders of the promissory note or notes secured thereby may bid and purchase at such sale. The beneficiary may, after recording the notice of breach and election, waive or withdraw the same or any proceedings thereunder, and shall thereupon be restored to the beneficiary's former position and have and enjoy the same rights as though such notice had not been recorded.

7. Covenant No. 7. That the trustee, upon such sale, shall make (without warranty), execute and, after due payment made, deliver to purchaser or purchasers, his, her or their heirs or assigns, a deed or deeds of the premises so sold which shall convey to the purchaser all the title of the grantor in the ~~[trust]~~ premises, and shall apply the proceeds of the sale thereof in payment, firstly, of the expenses of such sale, together with the reasonable expenses of the trust, including counsel fees, in an amount equal to ..... percent of the amount secured thereby and remaining unpaid or reasonable counsel fees and costs actually incurred, which shall become due upon any default made by grantor in any of the payments aforesaid; and also such sums, if any, as trustee or beneficiary shall have paid, for procuring a search of the title to the premises, or any part thereof, subsequent to the execution of the deed of trust; and in payment, secondly, of the obligation or debts secured, and interest thereon then remaining unpaid, and the amount of all other moneys with interest thereon herein agreed or provided to be paid by grantor; and the balance or surplus of such proceeds of sale it shall pay to grantor, his or her heirs, executors, administrators or assigns.

8. Covenant No. 8. That in the event of a sale of the premises , ~~[conveyed or transferred in trust,]~~ or any part thereof, and the execution of a deed or deeds therefor under such trust, the recital therein of default, and of recording notice of breach and election of sale, and of the elapsing of the 3-month period, and of the giving of notice of sale, and of a demand by beneficiary, his or her heirs or assigns, that such sale should be made, shall be conclusive proof of such default, recording, election, elapsing of time, and of the due giving of such notice, and that the sale was regularly and validly made on due and proper demand by beneficiary, his or her heirs and assigns; and any such deed or deeds with such recitals therein shall be effectual and conclusive against grantor, his or her heirs and assigns, and all other persons; and the receipt for the purchase money recited or contained in any deed executed to the purchaser as aforesaid shall be sufficient discharge to such purchaser from all obligation to see to the proper application of the purchase money, according to the trusts aforesaid.

9. Covenant No. 9. That the beneficiary or his or her assigns may, from time to time, appoint another trustee, or trustees, to execute the trust created by the deed of trust . ~~[or other conveyance in trust.]~~ An instrument executed and acknowledged by the beneficiary is conclusive proof of the proper

appointment of such substituted trustee. Upon the recording of such executed and acknowledged instrument, the new trustee or trustees shall be vested with all the title, interest, powers, duties and trusts in the premises vested in or conferred upon the original trustee. If there be more than one trustee, either may act alone and execute the trusts upon the request of the beneficiary, and all of the trustee's acts thereunder shall be deemed to be the acts of all trustees, and the recital in any conveyance executed by such sole trustee of such request shall be conclusive evidence thereof, and of the authority of such sole trustee to act.

Sec. 5. NRS 107.040 is hereby amended to read as follows:

107.040 1. In order to adopt by reference any of the covenants, agreements, obligations, rights and remedies in NRS 107.030, it shall only be necessary to state in the deed of trust the following: "The following covenants, Nos. ....., ... and ..... (inserting the respective numbers) of NRS 107.030 are hereby adopted and made a part of this deed of trust."

2. A deed of trust , ~~[or other conveyance in trust,]~~ in order to fix the amount of insurance to be carried, need not reincorporate the provisions of Covenant No. 2 of NRS 107.030, but may merely state the following: "Covenant No. 2," and set out thereafter the amount of insurance to be carried ~~[.]~~ *or, if no amount is set out, the amount must be the full replacement value of the buildings and improvements which are now or shall hereafter be erected upon the premises.*

3. In order to fix the rate of interest under Covenant No. 4 of NRS 107.030, it shall only be necessary to state in such ~~[trust]~~ deed ~~[or other conveyance in]~~ *of* trust ~~[,]~~ *the following:* "Covenant No. 4," and set out thereafter the rate of interest to be charged thereunder ~~[.]~~ *or, if no rate of interest is set out, the rate of interest must be at the highest applicable rate set forth in the note secured by such deed of trust.*

4. In order to fix the amount or percent of counsel fees under Covenant No. 7 of NRS 107.030, it shall only be necessary to state in such deed of trust, ~~[or other conveyance in trust,]~~ the following: "Covenant No. 7," and set out thereafter ~~[either]~~ the percentage to be allowed or, ~~[in lieu of the]~~ *if no* percentage ~~[to be allowed,]~~ *is set out, the amount to be allowed must be* reasonable counsel fees and costs actually incurred.

Sec. 6. NRS 107.050 is hereby amended to read as follows:

107.050 Nothing in NRS 107.030 and 107.040 shall prevent the parties to any ~~[transfer in]~~ *deed of* trust from entering into other, different or additional covenants or agreements than those set out in NRS 107.030.

Sec. 7. NRS 107.079 is hereby amended to read as follows:

107.079 1. Whenever the debt or obligation secured by a deed of trust has been paid in full or otherwise satisfied and the current beneficiary of record cannot be located after diligent search as described in subsection 9 or refuses to execute and deliver a proper request to reconvey the estate in real property conveyed to the trustee by the grantor, as required by NRS 107.077, or whenever a balance, including, without limitation, principal and interest, remains due on the debt secured by the deed of trust and the trustor or the

trustor's successor in interest cannot locate after diligent search the current beneficiary of record, the trustor or the trustor's successor in interest may record or cause to be recorded a surety bond that meets the requirements of subsection 2 and a declaration that meets the requirements of subsection 3.

2. The surety bond recorded pursuant to subsection 1 must:

(a) Be acceptable to the trustee;

(b) Be issued by a surety authorized to issue surety bonds in this State in an amount equal to the greater of:

(1) Two times the amount of the original obligation or debt secured by the deed of trust plus any principal amounts, including, without limitation, advances, indicated in a recorded amendment thereto; or

(2) One-and-a-half times the total amount computed pursuant to subparagraph (1) plus any accrued interest on that amount;

(c) Be conditioned on payment of any amount which the beneficiary recovers in an action to enforce the obligation or recover the debt secured by the deed of trust, plus costs and reasonable attorney's fees;

(d) Be made payable to the trustee who executes a reconveyance pursuant to subsection 4 and the beneficiary or the beneficiary's successor in interest; and

(e) Contain a statement of:

(1) The recording date and instrument number or book and page number of the recorded deed of trust;

(2) The names of the original trustor and beneficiary;

(3) The amount shown as the original principal amount secured by the deed of trust; and

(4) The recording information and new principal amount shown in any recorded amendment to the deed of trust.

3. The declaration recorded pursuant to subsection 1 must:

(a) Be signed under penalty of perjury by the trustor or the trustor's successor in interest;

(b) State that it is recorded pursuant to this section;

(c) State the name of the original trustor;

(d) State the name of the beneficiary;

(e) State the name and address of the person making the declaration;

(f) Except as otherwise provided in subsection 8, contain a statement of the following, whichever is applicable:

(1) That the obligation or debt secured by the deed of trust has been paid in full or otherwise satisfied and the current beneficiary of record cannot be located after diligent search or refuses to execute and deliver a proper request to reconvey the estate in real property conveyed to the trustee by the grantor, as required by NRS 107.077; or

(2) That a balance, including, without limitation, principal and interest, remains due on the debt secured by the deed of trust and the trustor or the trustor's successor in interest cannot locate after diligent search the current beneficiary of record;

(g) Contain a statement that the declarant has mailed by certified mail, return receipt requested, to the last known address of the person to whom payments under the deed of trust were made and to the last beneficiary of record at the address indicated for such beneficiary on the instrument creating, assigning or conveying the deed of trust, a notice of the recording of the surety bond and declaration pursuant to this section, of the name and address of the trustee, of the beneficiary's right to record a written objection to the reconveyance of the deed of trust pursuant to this section and of the requirement to notify the trustee in writing of any such objection; and

(h) Contain the date of the mailing of any notice pursuant to this section and the name and address of each person to whom such a notice was mailed.

4. Not earlier than 30 days after the recording of the surety bond and declaration pursuant to subsections 1, 2 and 3, delivery to the trustee of the fees charged by the trustee for the preparation, execution or recordation of a reconveyance pursuant to subsection 7 of NRS 107.077, plus costs incurred by the trustee, and a demand for reconveyance under NRS 107.077, the trustee shall execute and record or cause to be recorded a reconveyance of the deed of trust pursuant to NRS 107.077, unless the trustee has received a written objection to the reconveyance of the deed of trust from the beneficiary of record within 30 days after the recording of the surety bond and declaration pursuant to subsections 1, 2 and 3. The recording of a reconveyance pursuant to this subsection has the same effect as a reconveyance of the deed of trust pursuant to NRS 107.077 and releases the lien of the deed of trust. A trustee is not liable to any person for the execution and recording of a reconveyance pursuant to this section if the trustee acted in reliance upon the substantial compliance with this section by the trustor or the trustor's successor in interest. The sole remedy for a person damaged by the reconveyance of a deed of trust pursuant to this section is an action for damages against the trustor or the person making the declaration described in subsection 3 or an action against the surety bond.

5. Upon the recording of a reconveyance of the deed of trust pursuant to subsection 4, interest no longer accrues on any balance remaining due under the obligation or debt secured by the deed of trust to the extent that the balance due has been stated in the declaration described in subsection 3. Notwithstanding any provision of chapter 120A of NRS, any amount of the balance remaining due under the obligation or debt secured by the deed of trust, including, without limitation, principal and interest, which is remitted to the issuer of the surety bond described in subsection 2 in connection with the issuance of that surety bond must, if unclaimed within 3 years after remittance, be property that is presumed abandoned for the purposes of chapter 120A of NRS. From the date on which the amount is paid or delivered to the Administrator of Unclaimed Property pursuant to NRS 120A.570, the issuer of the surety bond is relieved of any liability to pay to the beneficiary or his or her heirs or successors in interest the amount paid or delivered to the Administrator.

6. Any failure to comply with the provisions of this section does not affect the rights of a bona fide purchaser or encumbrancer for value.

7. This section shall not be deemed to create an exclusive procedure for the reconveyance of a deed of trust and the issuance of surety bonds and declarations to release the lien of a deed of trust, and shall not affect any other procedures, whether or not such procedures are set forth in statute, for the reconveyance of a deed of trust and the issuance of surety bonds and declaration to release the lien of a deed of trust.

8. For the purposes of this section, the trustor or the trustor's successor in interest may substitute the current trustee of record without conferring any duties upon that trustee other than duties which are incidental to the execution of a reconveyance pursuant to this section, if:

(a) The debt or obligation secured by a deed of trust has been paid in full or otherwise satisfied;

(b) The current trustee of record and the current beneficiary of record cannot be located after diligent search as described in subsection 9;

(c) The declaration filed pursuant to subsection 3:

(1) In addition to the information required to be stated in the declaration pursuant to subsection 3, states that the current trustee of record and the current beneficiary of record cannot be located after diligent search; and

(2) In lieu of the statement required by paragraph (f) of subsection 3, contains a statement that the obligation or debt secured by the deed of trust has been paid in full or otherwise satisfied and the current beneficiary of record cannot be located after diligent search or refuses to execute and deliver a proper request to reconvey the estate in real property conveyed to the trustee by the grantor, as required by NRS 107.077;

(d) The substitute trustee is a title insurer that agrees to accept the substitution, except that this paragraph does not impose a duty on a title insurer to accept the substitution; and

(e) The surety bond required by this section is for a period of not less than 5 years.

9. For the purposes of subsection 1, a diligent search has been conducted if:

(a) A notice stating the intent to record a surety bond and declaration pursuant to this section, the name and address of the trustee, the beneficiary's right to record a written objection to the reconveyance of the deed of trust pursuant to this section and the requirement to notify the trustee in writing of any such objection, has been mailed by certified mail, return receipt requested, to the last known address of the person to whom payments under the deed of trust were made and to the last beneficiary of record at the address indicated for such beneficiary on the instrument creating, assigning or conveying the deed of trust.

(b) A search has been conducted of the telephone directory in the city where the beneficiary of record or trustee of record, whichever is applicable, maintained its last known address or place of business.

(c) If the beneficiary of record or the beneficiary's successor in interest, or the trustee of record or the trustee's successor in interest, whichever is applicable, is a business entity, a search has been conducted of the records of the Secretary of State and the records of the agency or officer of the state of organization of the beneficiary, trustee or successor, if known.

(d) If the beneficiary of record or trustee of record is a state or national bank or state or federal savings and loan association or savings bank, an inquiry concerning the location of the beneficiary or trustee has been made to the regulator of the bank, savings and loan association or savings bank.

~~[10. As used in this section:~~

~~(a) "Surety" means a corporation authorized to transact surety business in this State pursuant to NRS 679A.030 that:~~

~~(1) Is included in the United States Department of the Treasury's Listing of Approved Sureties; and~~

~~(2) Issues a surety bond pursuant to this section that does not exceed the underwriting limitations established for that surety by the United States Department of the Treasury.~~

~~(b) "Surety bond" means a bond issued by a surety for the reconveyance of a deed of trust pursuant to this section.]~~

Sec. 8. NRS 107.0795 is hereby amended to read as follows:

107.0795 As used in NRS 107.0795 to 107.140, inclusive, unless the context otherwise requires:

1. "Abandoned residential property" means residential real property:

(a) Consisting of not more than four family dwelling units or a single-family residential unit, including, without limitation, a condominium, townhouse or home within a subdivision, if the unit is sold, leased or otherwise conveyed unit by unit, regardless of whether the unit is part of a larger building or parcel that consists of more than four units; and

(b) That the grantor or the successor in interest of the grantor has surrendered as evidenced by a document signed by the grantor or successor confirming the surrender or by the delivery of the keys to the property to the beneficiary or that satisfies the following conditions:

(1) The residential real property is not currently occupied as a principal residence by the grantor of the deed of trust, the person who holds title of record or any lawful occupant;

(2) The obligation secured by the deed of trust is in default and the deficiency in performance or payment has not been cured;

(3) The gas, electric and water utility services to the residential real property have been terminated;

(4) It appears, after reasonable inquiry, that there are no children enrolled in school residing at the address of the residential real property;

(5) Payments pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits, payments for unemployment compensation or payments for public assistance, as defined in NRS 422A.065,

are not currently being delivered, electronically or otherwise, to a person who has registered the address of the residential real property as his or her residence with the agency making the payment;

(6) An owner of the residential real property is not presently serving in the Armed Forces of the United States, a reserve component thereof or the National Guard; and

(7) Two or more of the following conditions exist:

(I) Construction was initiated on the residential real property and was discontinued before completion, leaving a building unsuitable for occupancy, and no construction has taken place for at least 6 months;

(II) Multiple windows on the residential real property are boarded up or closed off or are smashed through, broken off or unhinged, or multiple window panes are broken and unrepaired;

(III) Doors on the residential real property are smashed through, broken off, unhinged or continuously unlocked;

(IV) The residential real property has been stripped of copper or other materials, or interior fixtures to the property have been removed;

(V) Law enforcement officials have received at least one report of trespassing or vandalism or other illegal acts being committed at the residential real property within the immediately preceding 6 months;

(VI) The residential real property has been declared unfit for occupancy and ordered to remain vacant and unoccupied under an order issued by a municipal or county authority or a court of competent jurisdiction;

(VII) The local police, fire or code enforcement authority has requested that the owner or any other interested or authorized party secure the residential real property because the local authority has declared the property to be an imminent danger to the health, safety and welfare of the public; or

(VIII) The residential real property is open and unprotected and in reasonable danger of significant damage resulting from exposure to the elements or vandalism.

2. The term does not include residential real property if:

(a) There is construction, renovation or rehabilitation on the residential real property that is proceeding diligently to completion, and any building being constructed, renovated or rehabilitated on the property is in substantial compliance with all applicable ordinances, codes, regulations and laws;

(b) The residential real property is occupied on a seasonal basis, but is otherwise secure;

(c) There are bona fide rental or sale signs on the residential real property, or the property is listed on a Multiple Listing Service, and the property is secure; or

(d) The residential real property is secure but is the subject of a probate action, action to quiet title or any other ownership dispute.

3. As used in this section, "condominium" has the meaning ascribed to it in NRS 116.027.

Sec. 9. NRS 107.080 is hereby amended to read as follows:

107.080 1. Except as otherwise provided in NRS 106.210, 107.0805, 107.085 and 107.086, if any transfer in trust of any estate in real property is made after March 29, 1927, to secure the performance of an obligation or the payment of any debt, a power of sale is hereby conferred upon the trustee to be exercised after a breach of the obligation for which the transfer is security.

2. The power of sale must not be exercised, however, until:

(a) In the case of any *deed of* trust ~~[agreement]~~ coming into force:

(1) On or after July 1, 1949, and before July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 15 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment; or

(2) On or after July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 35 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment.

(b) The beneficiary, the successor in interest of the beneficiary or the trustee first executes and causes to be recorded in the office of the recorder of the county wherein the trust property, or some part thereof, is situated a notice of the breach and of the election to sell or cause to be sold the property to satisfy the obligation.

(c) The beneficiary or its successor in interest or the servicer of the obligation or debt secured by the deed of trust has instructed the trustee to exercise the power of sale with respect to the property.

(d) Not less than 3 months have elapsed after the recording of the notice or, if the notice includes an affidavit and a certification indicating that, pursuant to NRS 107.130, an election has been made to use the expedited procedure for the exercise of the power of sale with respect to abandoned residential property, not less than 60 days have elapsed after the recording of the notice.

3. The 15- or 35-day period provided in paragraph (a) of subsection 2 commences on the first day following the day upon which the notice of default and election to sell is recorded in the office of the county recorder of the county in which the property is located and a copy of the notice of default and election to sell is mailed by registered or certified mail, return receipt requested and with postage prepaid to the grantor or, to the person who holds the title of record on the date the notice of default and election to sell is recorded, and, if the property is operated as a facility licensed under chapter 449 of NRS, to the State Board of Health, at their respective addresses, if known, otherwise to the address of the trust property or, if authorized by the parties, delivered by electronic transmission. The notice of default and election to sell must describe the deficiency in performance or payment and may contain a notice of intent to declare the entire unpaid balance due if acceleration is permitted by the

obligation secured by the deed of trust, but acceleration must not occur if the deficiency in performance or payment is made good and any costs, fees and expenses incident to the preparation or recordation of the notice and incident to the making good of the deficiency in performance or payment are paid within the time specified in subsection 2.

4. The trustee, or other person authorized to make the sale under the terms of the ~~[trust]~~ deed ~~[or transfer in]~~ *of* trust, shall, after expiration of the applicable period specified in paragraph (d) of subsection 2 following the recording of the notice of breach and election to sell, and before the making of the sale, give notice of the time and place thereof by recording the notice of sale and by:

(a) Providing the notice to each trustor, any other person entitled to notice pursuant to this section and, if the property is operated as a facility licensed under chapter 449 of NRS, the State Board of Health, by personal service, by electronic transmission if authorized by the parties or by mailing the notice by registered or certified mail to the last known address of the trustor and any other person entitled to such notice pursuant to this section;

(b) Posting a similar notice particularly describing the property, for 20 days successively, in a public place in the county where the property is situated; and

(c) Publishing a copy of the notice three times, once each week for 3 consecutive weeks, in a newspaper of general circulation in the county where the property is situated or, if the property is a time share, by posting a copy of the notice on an Internet website and publishing a statement in a newspaper in the manner required by subsection 3 of NRS 119A.560.

5. Every sale made under the provisions of this section and other sections of this chapter vests in the purchaser the title of the grantor and any successors in interest without equity or right of redemption. Except as otherwise provided in subsection 7, a sale made pursuant to this section must be declared void by any court of competent jurisdiction in the county where the sale took place if:

(a) The trustee or other person authorized to make the sale does not substantially comply with the provisions of this section;

(b) Except as otherwise provided in subsection 6, an action is commenced in the county where the sale took place within 30 days after the date on which the trustee's deed upon sale is recorded pursuant to subsection 10 in the office of the county recorder of the county in which the property is located; and

(c) A notice of lis pendens providing notice of the pendency of the action is recorded in the office of the county recorder of the county where the sale took place within 5 days after commencement of the action.

6. If proper notice is not provided pursuant to subsection 3 or paragraph (a) of subsection 4 to the grantor, to the person who holds the title of record on the date the notice of default and election to sell is recorded, to each trustor or to any other person entitled to such notice, the person who did not receive such proper notice may commence an action pursuant to subsection 5 within 90 days after the date of the sale.

7. Upon expiration of the time for commencing an action which is set forth in subsections 5 and 6, any failure to comply with the provisions of this section or any other provision of this chapter does not affect the rights of a bona fide purchaser as described in NRS 111.180.

8. If, in an action brought by the grantor or the person who holds title of record in the district court in and for the county in which the real property is located, the court finds that the beneficiary, the successor in interest of the beneficiary or the trustee did not comply with any requirement of subsection 2, 3 or 4, the court must award to the grantor or the person who holds title of record:

(a) Damages of $5,000 or treble the amount of actual damages, whichever is greater;

(b) An injunction enjoining the exercise of the power of sale until the beneficiary, the successor in interest of the beneficiary or the trustee complies with the requirements of subsections 2, 3 and 4; and

(c) Reasonable attorney's fees and costs,

➥ unless the court finds good cause for a different award. The remedy provided in this subsection is in addition to the remedy provided in subsection 5.

9. The sale *or assignment* of a *proprietary* lease ~~[of a dwelling unit of]~~ *in* a cooperative ~~[housing corporation]~~ vests in the purchaser *or assignee* title to the ~~[shares]~~ *ownership interest and votes* in the ~~[corporation]~~ *cooperative association* which accompany the *proprietary* lease.

10. After a sale of property is conducted pursuant to this section, the trustee shall:

(a) Within 30 days after the date of the sale, record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located; or

(b) Within 20 days after the date of the sale, deliver the trustee's deed upon sale to the successful bidder. Within 10 days after the date of delivery of the deed by the trustee, the successful bidder shall record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located.

11. Within 5 days after recording the trustee's deed upon sale, the trustee or successful bidder, whoever recorded the trustee's deed upon sale pursuant to subsection 10, shall cause a copy of the trustee's deed upon sale to be posted conspicuously on the property. The failure of a trustee or successful bidder to effect the posting required by this subsection does not affect the validity of a sale of the property to a bona fide purchaser for value without knowledge of the failure.

12. If the successful bidder fails to record the trustee's deed upon sale pursuant to paragraph (b) of subsection 10, the successful bidder:

(a) Is liable in a civil action to any party that is a senior lienholder against the property that is the subject of the sale in a sum of up to $500 and for reasonable attorney's fees and the costs of bringing the action; and

(b) Is liable in a civil action for any actual damages caused by the failure to comply with the provisions of subsection 10 and for reasonable attorney's fees and the costs of bringing the action.

13. The county recorder shall, in addition to any other fee, at the time of recording a notice of default and election to sell collect:

(a) A fee of $150 for deposit in the State General Fund.

(b) A fee of $95 for deposit in the Account for Foreclosure Mediation Assistance, which is hereby created in the State General Fund. The Account must be administered by the Interim Finance Committee and the money in the Account may be expended only for the purpose of:

(1) Supporting a program of foreclosure mediation; and

(2) The development and maintenance of an Internet portal for a program of foreclosure mediation pursuant to subsection ~~[18]~~ *16* of NRS 107.086.

(c) A fee of $5 to be paid over to the county treasurer on or before the fifth day of each month for the preceding calendar month. The county recorder may direct that 1.5 percent of the fees collected by the county recorder pursuant to this paragraph be transferred into a special account for use by the office of the county recorder. The county treasurer shall remit quarterly to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for the operation of programs for the indigent all the money received from the county recorder pursuant to this paragraph.

14. The fees collected pursuant to paragraphs (a) and (b) of subsection 13 must be paid over to the county treasurer by the county recorder on or before the fifth day of each month for the preceding calendar month, and, except as otherwise provided in this subsection, must be placed to the credit of the State General Fund or the Account for Foreclosure Mediation Assistance as prescribed pursuant to subsection 13. The county recorder may direct that 1.5 percent of the fees collected by the county recorder be transferred into a special account for use by the office of the county recorder. The county treasurer shall, on or before the 15th day of each month, remit the fees deposited by the county recorder pursuant to this subsection to the State Controller for credit to the State General Fund or the Account as prescribed in subsection 13.

15. The beneficiary, the successor in interest of the beneficiary or the trustee who causes to be recorded the notice of default and election to sell shall not charge the grantor or the successor in interest of the grantor any portion of any fee required to be paid pursuant to subsection 13.

~~[16. As used in this section, "trustee" means the trustee of record.]~~

Sec. 10. NRS 107.0805 is hereby amended to read as follows:

107.0805 1. In addition to the requirements set forth in NRS 107.080, 107.085 and 107.086, the power of sale for a residential foreclosure is subject to the following requirements and conditions and must not be executed until:

(a) In the case of any *deed of* trust ~~[agreement]~~ which concerns owner-occupied housing , ~~[as defined in NRS 107.086,]~~ the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or

any other person who has a subordinate lien or encumbrance of record on the property has, for a period that commences in the manner and subject to the requirements described in subsection 2 and expires 5 days before the date of sale, failed to make good the deficiency in performance or payment.

(b) The beneficiary, the successor in interest of the beneficiary or the trustee first executes and causes to be recorded in the office of the recorder of the county wherein the trust property, or some part thereof, is situated a notice of the breach and of the election to sell or cause to be sold the property pursuant to subsection 2 of NRS 107.080, together with a notarized affidavit of authority to exercise the power of sale. The affidavit required by this paragraph must state under penalty of perjury the following information, which must be based on the direct, personal knowledge of the affiant or the personal knowledge which the affiant acquired by a review of the business records of the beneficiary, the successor in interest of the beneficiary or the servicer of the obligation or debt secured by the deed of trust, which business records must meet the standards set forth in NRS 51.135:

(1) The full name and business address of the current trustee or the current trustee's personal representative or assignee, the current holder of the note secured by the deed of trust, the current beneficiary of record and the current servicer of the obligation or debt secured by the deed of trust.

(2) That the beneficiary under the deed of trust, the successor in interest of the beneficiary or the trustee is in actual or constructive possession of the note secured by the deed of trust or that the beneficiary or its successor in interest or the trustee is entitled to enforce the obligation or debt secured by the deed of trust. For the purposes of this subparagraph, if the obligation or debt is an instrument, as defined in subsection 2 of NRS 104.3103, a beneficiary or its successor in interest or the trustee is entitled to enforce the instrument if the beneficiary or its successor in interest or the trustee is:

(I) The holder of the instrument;

(II) A nonholder in possession of the instrument who has the rights of a holder; or

(III) A person not in possession of the instrument who is entitled to enforce the instrument pursuant to a court order issued under NRS 104.3309.

(3) That the beneficiary or its successor in interest, the servicer of the obligation or debt secured by the deed of trust or the trustee, or an attorney representing any of those persons, has sent to the obligor or borrower of the obligation or debt secured by the deed of trust a written statement of:

(I) That amount of payment required to make good the deficiency in performance or payment, avoid the exercise of the power of sale and reinstate the terms and conditions of the underlying obligation or debt existing before the deficiency in performance or payment, as of the date of the statement;

(II) The amount in default;

(III) The principal amount of the obligation or debt secured by the deed of trust;

(IV) The amount of accrued interest and late charges;

(V) A good faith estimate of all fees imposed in connection with the exercise of the power of sale; and

(VI) Contact information for obtaining the most current amounts due and the local or toll-free telephone number described in subparagraph (4).

(4) A local or toll-free telephone number that the obligor or borrower of the obligation or debt may call to receive the most current amounts due and a recitation of the information contained in the affidavit.

(5) The date and the recordation number or other unique designation of, and the name of each assignee under, each recorded assignment of the deed of trust. The information required to be stated in the affidavit pursuant to this subparagraph may be based on:

(I) The direct, personal knowledge of the affiant;

(II) The personal knowledge which the affiant acquired by a review of the business records of the beneficiary, the successor in interest of the beneficiary or the servicer of the obligation or debt secured by the deed of trust, which business records must meet the standards set forth in NRS 51.135;

(III) Information contained in the records of the recorder of the county in which the property is located; or

(IV) The title guaranty or title insurance issued by a title insurer or title agent authorized to do business in this State pursuant to chapter 692A of NRS.

2. The period provided in paragraph (a) of subsection 1 commences on the first day following the day upon which the notice of default and election to sell is recorded in the office of the county recorder of the county in which the property is located and a copy of the notice of default and election to sell is mailed by registered or certified mail, return receipt requested and with postage prepaid, to the grantor or to the person who holds the title of record on the date the notice of default and election to sell is recorded, at their respective addresses, if known, otherwise to the address of the trust property or, if authorized by the parties, delivered by electronic transmission. In addition to meeting the requirements set forth in subsection 1 and NRS 107.080, the notice of default and election must:

(a) If the property is subject to the requirements of NRS 107.400 to 107.560, inclusive, contain the declaration required by subsection 6 of NRS 107.510;

(b) If, pursuant to NRS 107.130, an election has been made to use the expedited procedure for the exercise of the power of sale with respect to abandoned residential property, include the affidavit and certification required by subsection 6 of NRS 107.130; and

(c) Comply with the provisions of NRS 107.087.

3. In addition to providing notice pursuant to the requirements set forth in subsection 4 of NRS 107.080, the trustee, or other person authorized to make the sale under the terms of the deed of trust ~~[or transfer in trust]~~ with respect to a residential foreclosure, shall, after expiration of the applicable period specified in paragraph (d) of subsection 2 of NRS 107.080, following the recording of the notice of breach and election to sell, and before the making of the sale, comply with the provisions of NRS 107.087.

4. In addition to the grounds provided in paragraph (a) of subsection 5 of NRS 107.080, a sale made pursuant to this section must be declared void by any court of competent jurisdiction in the county where the sale took place if the trustee or other person authorized to make the sale does not substantially comply with any applicable provisions set forth in NRS 107.086 and 107.087, and the applicant otherwise complies with subsection 5 of NRS 107.080.

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

~~(a) "Residential foreclosure" means the sale of a single family residence under a power of sale granted by this section. As used in this paragraph, "single family residence":~~

~~(1) Means a structure that is comprised of not more than four units.~~

~~(2) Does not include vacant land or any time share or other property regulated under chapter 119A of NRS.~~

~~(b) "Trustee" has the meaning ascribed in NRS 107.080.]~~

Sec. 11. NRS 107.085 is hereby amended to read as follows:

107.085 1. With regard to a ~~[transfer in]~~ *deed of* trust ~~[of]~~ *for* an estate in real property to secure the performance of an obligation or the payment of a debt, the provisions of this section apply to the exercise of a power of sale pursuant to NRS 107.080 only if:

(a) The *deed of* trust ~~[agreement]~~ becomes effective on or after October 1, 2003, and, on the date the *deed of* trust ~~[agreement]~~ is made, the *deed of* trust ~~[agreement]~~ is subject to the provisions of § 152 of the Home Ownership and Equity Protection Act of 1994, 15 U.S.C. § 1602(bb), and the regulations adopted by the Board of Governors of the Federal Reserve System pursuant thereto, including, without limitation, 12 C.F.R. § 226.32; or

(b) The *deed of* trust ~~[agreement]~~ concerns owner-occupied housing . ~~[as defined in NRS 107.086.]~~

2. The trustee shall not exercise a power of sale pursuant to NRS 107.080 unless:

(a) In the manner required by subsection 3, not later than 60 days before the date of the sale, the trustee causes to be served upon the grantor or the person who holds the title of record a notice in the form described in subsection 3; and

(b) If an action is filed in a court of competent jurisdiction claiming an unfair lending practice in connection with the *deed of* trust , ~~[agreement,]~~ the date of the sale is not less than 30 days after the date the most recent such action is filed.

3. The notice described in subsection 2 must be:

(a) Served upon the grantor or the person who holds the title of record:

(1) Except as otherwise provided in subparagraph (2), by personal service or, if personal service cannot be timely effected, in such other manner as a court determines is reasonably calculated to afford notice to the grantor or the person who holds the title of record; or

(2) If the *deed of* trust ~~[agreement]~~ concerns owner-occupied housing *:* ~~[as defined in NRS 107.086:]~~

(I) By personal service;

(II) If the grantor or the person who holds the title of record is absent from his or her place of residence or from his or her usual place of business, by leaving a copy with a person of suitable age and discretion at either place and mailing a copy to the grantor or the person who holds the title of record at his or her place of residence or place of business; or

(III) If the place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, by posting a copy in a conspicuous place on the trust property, delivering a copy to a person there residing if the person can be found and mailing a copy to the grantor or the person who holds the title of record at the place where the trust property is situated; and

(b) In substantially the following form, with the applicable telephone numbers and mailing addresses provided on the notice and, except as otherwise provided in subsection 4, a copy of the promissory note attached to the notice:

NOTICE

YOU ARE IN DANGER OF LOSING YOUR HOME!

Your home loan is being foreclosed. In not less than 60 days your home may be sold and you may be forced to move. For help, call:

Consumer Credit Counseling _____

The Attorney General

The Division of Mortgage Lending _____

The Division of Financial Institutions _____

Legal Services _____

Your Lender _____

Nevada Fair Housing Center _____

4. The trustee shall cause all social security numbers to be redacted from the copy of the promissory note before it is attached to the notice pursuant to paragraph (b) of subsection 3.

5. This section does not prohibit a judicial foreclosure.

6. As used in this section, "unfair lending practice" means an unfair lending practice described in NRS 598D.010 to 598D.150, inclusive.

Sec. 12. NRS 107.086 is hereby amended to read as follows:

107.086 1. Except as otherwise provided in this subsection and subsection 4 of NRS 107.0865, in addition to the requirements of NRS 107.085, the exercise of the power of sale pursuant to NRS 107.080 with respect to any *deed of* trust ~~[agreement]~~ which concerns owner-occupied housing is subject to the provisions of this section. The provisions of this section do not apply to the exercise of the power of sale if the notice of default and election to sell recorded pursuant to subsection 2 of NRS 107.080 includes an affidavit and a certification indicating that, pursuant to NRS 107.130, an election has been made to use the expedited procedure for the exercise of the power of sale with respect to abandoned residential property.

2. The trustee shall not exercise a power of sale pursuant to NRS 107.080 unless the trustee:

(a) Includes with the notice of default and election to sell which is mailed, or delivered by electronic transmission if authorized by the parties, to the grantor or the person who holds the title of record as required by subsection 3 of NRS 107.080:

(1) Contact information which the grantor or the person who holds the title of record may use to reach a person with authority to negotiate a loan modification on behalf of the beneficiary of the deed of trust;

(2) Contact information which the grantor or the person who holds the title of record may use to serve notice as required pursuant to subsection 3 if the grantor or person who holds the title does not elect to waive mediation;

(3) Contact information for at least one local housing counseling agency approved by the United States Department of Housing and Urban Development;

(4) A notice provided by Home Means Nevada, Inc., or its successor organization, indicating that the grantor or the person who holds the title of record may petition the district court to participate in mediation pursuant to this section if he or she files such a petition, pays a $25 filing fee, serves a copy of the petition upon the beneficiary of the deed, Home Means Nevada, Inc., or its successor organization, and the trustee by certified mail, return receipt requested or, if authorized by the parties, by electronic transmission, and pays to the district court his or her share of the fee established pursuant to subsection 12; and

(5) A form upon which the grantor or the person who holds the title of record may indicate an election to waive mediation pursuant to this section and one envelope addressed to the trustee and one envelope addressed to Home Means Nevada, Inc., or its successor organization, which the grantor or the person who holds the title of record may use to comply with the provisions of subsection 3;

(b) In addition to including the information described in paragraph (a) with the notice of default and election to sell which is mailed or delivered by electronic transmission, as applicable, to the grantor or the person who holds the title of record as required by subsection 3 of NRS 107.080, provides to the grantor or the person who holds the title of record the information described in paragraph (a) concurrently with, but separately from, the notice of default and election to sell which is mailed or delivered by electronic transmission, as applicable, to the grantor or the person who holds the title of record as required by subsection 3 of NRS 107.080;

(c) Serves a copy of the notice upon Home Means Nevada, Inc., or its successor organization;

(d) If the owner-occupied housing is located within a common-interest community, notifies the unit-owners' association of the common-interest community, not later than 10 days after mailing or delivering by electronic transmission, as applicable, the copy of the notice of default and election to sell as required by subsection 3 of NRS 107.080, that the exercise of the power of sale is subject to the provisions of this section; and

(e) Causes to be recorded in the office of the recorder of the county in which the trust property, or some part thereof, is situated:

(1) The certificate provided to the trustee by Home Means Nevada, Inc., or its successor organization, pursuant to subsection 4 or 7 which provides that no mediation is required in the matter; or

(2) The certificate provided to the trustee by Home Means Nevada, Inc., or its successor organization, pursuant to subsection 8 which provides that mediation has been completed in the matter.

3. If the grantor or the person who holds the title of record elects to waive mediation, he or she shall, not later than 30 days after service of the notice in the manner required by NRS 107.080, complete the form required by subparagraph (5) of paragraph (a) of subsection 2 and return the form to the trustee and Home Means Nevada, Inc., or its successor organization, by certified mail, return receipt requested or, if authorized by the parties, by electronic transmission. If the grantor or the person who holds the title of record does not elect to waive mediation, he or she shall, not later than 30 days after the service of the notice in the manner required by NRS 107.080, petition the district court to participate in mediation pursuant to this section, at the time of filing such a petition, pay to the clerk of the court a fee of $25 and his or her share of the fee established pursuant to subsection 12. The grantor or the person who holds the title of record shall serve a copy of the petition, by certified mail, return receipt requested or, if authorized by the parties, by electronic transmission, upon the beneficiary of the deed of trust and Home Means Nevada, Inc., or its successor organization. Upon receipt of the copy of the petition, Home Means Nevada, Inc., or its successor organization, shall notify the trustee and every other person with an interest ~~[as defined in NRS 107.090,]~~ by certified mail, return receipt requested or, if authorized by the parties, by electronic transmission, of the petition of the grantor or person who holds the title of record to participate in mediation pursuant to this section. Upon receipt of a petition pursuant to this section, the district court shall assign the matter to a senior justice, judge, hearing master or other designee and schedule the matter for mediation. If the grantor or person who holds the title of record satisfies the requirements of this subsection to participate in mediation pursuant to this section, no further action may be taken to exercise the power of sale until the completion of the mediation.

4. If the grantor or the person who holds the title of record indicates on the form described in subparagraph (5) of paragraph (a) of subsection 2 an election to waive mediation, fails to petition the district court pursuant to subsection 3 or fails to pay to the district court his or her share of the fee established pursuant to subsection 12 as required by subsection 3, Home Means Nevada, Inc., or its successor organization, shall, not later than 60 days after Home Means Nevada, Inc., or its successor organization, receives the form indicating an election to waive mediation or 90 days after the service of the notice in the manner required by NRS 107.080, whichever is earlier, provide to the trustee a certificate which provides that no mediation is required in the matter.

5. Each mediation required by this section must be conducted by a senior justice, judge, hearing master or other designee pursuant to the rules adopted pursuant to subsection 12. The beneficiary of the deed of trust or a representative shall attend the mediation. The grantor or his or her representative, or the person who holds the title of record or his or her representative, shall attend the mediation. The beneficiary of the deed of trust shall bring to the mediation the original or a certified copy of the deed of trust, the mortgage note, each assignment of the deed of trust or mortgage note and any documents created in connection with a loan modification. If the beneficiary of the deed of trust is represented at the mediation by another person, that person must have authority to negotiate a loan modification on behalf of the beneficiary of the deed of trust or have access at all times during the mediation to a person with such authority.

6. If the beneficiary of the deed of trust or the representative fails to attend the mediation, fails to participate in the mediation in good faith or does not bring to the mediation each document required by subsection 5 or does not have the authority or access to a person with the authority required by subsection 5, the mediator shall prepare and submit to the district court a recommendation concerning the imposition of sanctions against the beneficiary of the deed of trust or the representative. The court may issue an order imposing such sanctions against the beneficiary of the deed of trust or the representative as the court determines appropriate, including, without limitation, requiring a loan modification in the manner determined proper by the court.

7. If the grantor or the person who holds the title of record is enrolled to participate in mediation pursuant to this section but fails to attend the mediation, the district court shall dismiss the petition. Home Means Nevada, Inc., or its successor organization, shall, not later than 30 days after the scheduled mediation, provide to the trustee a certificate which states that no mediation is required in the matter.

8. If the mediator determines that the parties, while acting in good faith, are not able to agree to a loan modification, the mediator shall prepare and submit to the district court a recommendation that the petition be dismissed. The court may dismiss the petition and if the petition is dismissed, transmit a copy of the order of dismissal to Home Means Nevada, Inc., or its successor organization. Home Means Nevada, Inc., or its successor organization, shall, not later than 30 days after receipt of such an order, provide to the trustee a certificate which provides that the mediation required by this section has been completed in the matter.

9. If the parties agree to a loan modification or settlement, the mediator shall notify the district court. Upon receipt of such notification, the court shall enter an order describing the terms of any loan modification or settlement agreement.

10. Upon receipt of the certificate provided to the trustee by Home Means Nevada, Inc., or its successor organization, pursuant to subsection 4, 7 or 8, if

the property is located within a common-interest community, the trustee shall, not later than 10 days after receipt of the certificate, notify the unit-owners' association of the existence of the certificate.

11. During the pendency of any mediation pursuant to this section, a unit's owner must continue to pay any obligation, other than any past due obligation.

12. The Supreme Court shall adopt rules necessary to carry out the provisions of this section. The rules must, without limitation, include provisions:

(a) Ensuring that mediations occur in an orderly and timely manner.

(b) Requiring each party to a mediation to provide such information as the mediator determines necessary.

(c) Establishing procedures to protect the mediation process from abuse and to ensure that each party to the mediation acts in good faith.

(d) Establishing a total fee of not more than $500 that may be charged and collected by the district court for mediation services pursuant to this section and providing that the responsibility for payment of the fee must be shared equally by the parties to the mediation. On or before the first Monday of each month, the clerk of the district court shall pay over to the county treasurer an amount equal to $100 of each fee charged and collected pursuant to this paragraph. The county treasurer shall remit quarterly all such amounts turned over to the county treasurer to the State Controller for deposit to the Account for Foreclosure Mediation Assistance created by paragraph (b) of subsection 13 of NRS 107.080.

(e) Prescribing a form supplied by the district court to file a petition to participate in mediation pursuant to this section.

13. Except as otherwise provided in subsection 15, the provisions of this section do not apply if:

(a) The grantor or the person who holds the title of record has surrendered the property, as evidenced by a letter confirming the surrender or delivery of the keys to the property to the trustee, the beneficiary of the deed of trust or the mortgagee, or an authorized agent thereof; or

(b) A petition in bankruptcy has been filed with respect to the grantor or the person who holds the title of record under chapter 7, 11, 12 or 13 of Title 11 of the United States Code and the bankruptcy court has not entered an order closing or dismissing the case or granting relief from a stay of foreclosure.

14. A noncommercial lender is not excluded from the application of this section.

15. Each mediator who acts pursuant to this section in good faith and without gross negligence are immune from civil liability for those acts.

16. ~~[Home Means Nevada, Inc., or its successor organization, shall, at least once each calendar quarter, submit to the Interim Finance Committee a report:~~

~~(a) Concerning the status of the Account for Foreclosure Mediation Assistance; and~~

~~(b) Any other information required by the Interim Finance Committee.~~

~~17. The Administrator of the Division of Internal Audits of the Office of Finance shall cause to be conducted, not less than annually, an audit of Home Means Nevada, Inc., or its successor organization.~~

~~18.]~~ Home Means Nevada, Inc., or its successor organization, shall develop and maintain an Internet portal for a program of foreclosure mediation to streamline the process of foreclosure mediation. Home Means Nevada, Inc., or its successor organization shall:

(a) Make available on the Internet portal the option to receive by electronic transmission any notification required as part of the process of foreclosure mediation;

(b) Require authorization in writing from any party who wants to receive notification by electronic transmission; and

(c) Authorize notification by electronic transmission at each stage of the process of foreclosure mediation.

~~[19.]~~ *17. Home Means Nevada, Inc., or its successor organization, shall, at least once each calendar year, submit to the Interim Finance Committee:*

(a) A report concerning the program of foreclosure mediation and the operational and financial status of Home Means Nevada, Inc., or its successor organization; and

(b) The annual audit and tax returns of Home Means Nevada, Inc., or its successor organization.

18. As used in this section:

(a) "Common-interest community" has the meaning ascribed to it in NRS 116.021.

(b) ~~["Noncommercial lender" means a lender which makes a loan secured by a deed of trust on owner-occupied housing and which is not a bank, financial institution or other entity regulated pursuant to title 55 or 56 of NRS.~~

~~(c)]~~ "Obligation" has the meaning ascribed to it in NRS 116.310313.

~~[(d) "Owner-occupied housing" means housing that is occupied by an owner as the owner's primary residence. The term does not include vacant land or any time share or other property regulated under chapter 119A of NRS.~~

~~(e)]~~ *(c)* "Unit-owners' association" has the meaning ascribed to it in NRS 116.011.

~~[(f)]~~ *(d)* "Unit's owner" has the meaning ascribed to it in NRS 116.095.

Sec. 13. NRS 107.0865 is hereby amended to read as follows:

107.0865 1. A mortgagor under a mortgage secured by owner-occupied housing or a grantor or the person who holds the title of record with respect to any *deed of* trust ~~[agreement]~~ which concerns owner-occupied housing may initiate mediation to negotiate a loan modification under the mediation process set forth in NRS 107.086 if:

(a) A local housing counseling agency approved by the United States Department of Housing and Urban Development certifies that the mortgagor, grantor or person who holds the title of record:

(1) Has a documented financial hardship; and

(2) Is in imminent risk of default; and

(b) The mortgagor, grantor or person who holds the title of record:

(1) Files a petition with the district court indicating an election to enter into mediation pursuant to this section;

(2) At the time of filing such a petition, pays to the clerk of the court a fee of $25;

(3) Pays to the district court his or her share of the fee established pursuant to subsection 12 of NRS 107.086; and

(4) Serves a copy of the petition upon Home Means Nevada, Inc., or its successor organization, and the beneficiary of the deed of trust, by certified mail, return receipt requested or, if authorized by the parties, by electronic transmission.

2. Upon receipt of a copy of a petition pursuant to subsection 1, Home Means Nevada, Inc., or its successor organization, shall notify the mortgage servicer, by certified mail, return receipt requested or, if authorized by the parties, by electronic transmission, of the petition of the mortgagor, grantor or person who holds the title of record to participate in mediation pursuant to this section. Upon receipt of a copy of a petition pursuant to subsection 1, the district court shall assign the matter to a senior justice, judge, hearing master or other designee and schedule the matter for mediation. Home Means Nevada, Inc., or its successor organization, shall notify every other person with an interest ~~[as defined in NRS 107.090,]~~ by certified mail, return receipt requested or, if authorized by the parties, by electronic transmission, of the petition of the mortgagor, grantor or person who holds the title of record to participate in mediation.

3. Each mediation required by this section must be conducted in conformity with the requirements of subsections 5 and 6 of NRS 107.086.

4. If the mediator determines that the parties, while acting in good faith, are not able to agree to a loan modification, the mediator shall prepare and submit to the district court a recommendation that the petition be dismissed. The court may dismiss the petition and transmit a copy of the order of dismissal to Home Means Nevada, Inc., or its successor organization. Home Means Nevada, Inc., or its successor organization shall, not later than 30 days after receipt of the order of dismissal, provide to the mortgage servicer a certificate which provides that the mediation required by this section has been completed in the matter. If Home Means Nevada, Inc., or its successor organization, provides such a certificate, the requirement for mediation pursuant to NRS 107.086 is satisfied.

5. The certificate provided pursuant to subsection 4 must be in the same form as the certificate provided pursuant to subsection 8 of NRS 107.086, and may be recorded in the office of the county recorder in which the trust property, or some part thereof, is situated. The recording of the certificate in the office of the county recorder in which the trust property, or some part thereof, is situated shall be deemed to be the recording of the certificate required pursuant to subparagraph (2) of paragraph (e) of subsection 2 of NRS 107.086.

6. A noncommercial lender is not excluded from the application of this section.

7. Home Means Nevada, Inc., or its successor organization, and each mediator who acts pursuant to this section in good faith and without gross negligence are immune from civil liability for those acts.

8. As used in this section:

(a) "Financial hardship" means a documented event that would prevent the long-term payment of any debt relating to a mortgage or deed of trust secured by owner-occupied housing, including, without limitation:

(1) The death of the borrower or co-borrower;

(2) Serious illness;

(3) Divorce or separation; or

(4) Job loss or a reduction in pay.

(b) "Imminent risk of default" means the inability of a grantor or the person who holds the title of record to make his or her mortgage payment within the next 90 days.

~~[(c) "Noncommercial lender" has the meaning ascribed to it in NRS 107.086.~~

~~(d) "Owner-occupied housing" has the meaning ascribed to it in NRS 107.086.]~~

Sec. 14. NRS 107.087 is hereby amended to read as follows:

107.087 1. In addition to the requirements of NRS 107.080, if the sale of property is a residential foreclosure, a copy of the notice of default and election to sell and the notice of sale must:

(a) Be posted in a conspicuous place on the property not later than:

(1) For a notice of default and election to sell, 100 days before the date of sale; or

(2) For a notice of sale, 15 days before the date of sale; and

(b) Include, without limitation:

(1) The physical address of the property; and

(2) The contact information of the trustee or the person conducting the foreclosure who is authorized to provide information relating to the foreclosure status of the property.

2. In addition to the requirements of NRS 107.084, the notices must not be defaced or removed until the transfer of title is recorded or the property becomes occupied after completion of the sale, whichever is earlier.

3. A separate notice must be posted in a conspicuous place on the property and mailed, with a certificate of mailing issued by the United States Postal Service or another mail delivery service, to any tenant or subtenant, if any, other than the grantor or the grantor's successor in interest, in actual occupation of the premises not later than 15 days before the date of sale. The separate notice must be in substantially the following form:

NOTICE TO TENANTS OF THE PROPERTY

Foreclosure proceedings against this property have started, and a notice of sale of the property to the highest bidder has been issued.

You may either: (1) terminate your lease or rental agreement and move out; or (2) remain and possibly be subject to eviction proceedings under chapter 40 of the Nevada Revised Statutes. Any subtenants may also be subject to eviction proceedings.

Between now and the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the landlord.

After the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the successful bidder, in accordance with chapter 118A of the Nevada Revised Statutes.

Under the Nevada Revised Statutes eviction proceedings may begin against you after you have been given a notice to surrender.

If the property is sold and you pay rent by the week or another period of time that is shorter than 1 month, you should generally receive notice after not less than the number of days in that period of time.

If the property is sold and you pay rent by the month or any other period of time that is 1 month or longer, you should generally receive notice at least 60 days in advance.

Under Nevada Revised Statutes 40.280, notice must generally be served on you pursuant to chapter 40 of the Nevada Revised Statutes and may be served by:

(1) Delivering a copy to you personally in the presence of a witness, unless service is accomplished by a sheriff, constable or licensed process server, in which case the presence of a witness is not required;

(2) If you are absent from your place of residence or usual place of business, leaving a copy with a person of suitable age and discretion at either place and mailing a copy to you at your place of residence or business and to the place where the leased property is situated, if different; or

(3) If your place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, posting a copy in a conspicuous place on the leased property and mailing a copy to you at the place where the leased property is situated. If the property is sold and a landlord, successful bidder or subsequent purchaser files an eviction action against you in court, you will be served with a summons and complaint and have the opportunity to respond. Eviction actions may result in temporary evictions, permanent evictions, the awarding of damages pursuant to Nevada Revised Statutes 40.360 or some combination of those results.

Under the Justice Court Rules of Civil Procedure:

(1) You will be given at least 10 days to answer a summons and complaint;

(2) If you do not file an answer, an order evicting you by default may be obtained against you;

(3) A hearing regarding a temporary eviction may be called as soon as 11 days after you are served with the summons and complaint; and

(4) A hearing regarding a permanent eviction may be called as soon as 20 days after you are served with the summons and complaint.

4. The posting of a notice required by this section must be completed by a process server licensed pursuant to chapter 648 of NRS or any constable or sheriff of the county in which the property is located.

~~[5. As used in this section, "residential foreclosure" has the meaning ascribed to it in NRS 107.0805.]~~

Sec. 15. NRS 107.090 is hereby amended to read as follows:

107.090 1. ~~[As used in this section, "person with an interest" means any person who has or claims any right, title or interest in, or lien or charge upon, the real property described in the deed of trust, as evidenced by any document or instrument recorded in the office of the county recorder of the county in which any part of the real property is situated.~~

~~2.]~~ A person with an interest or any other person who is or may be held liable for any debt secured by a lien on the property desiring a copy of a notice of default or notice of sale under a deed of trust with power of sale upon real property may at any time after recordation of the deed of trust record in the office of the county recorder of the county in which any part of the real property is situated an acknowledged request for a copy of the notice of default or of sale. The request must state the name and address of the person requesting copies of the notices and identify the deed of trust by stating the names of the parties thereto, the date of recordation, and the book and page where it is recorded.

~~[3.]~~ *2.* The trustee or person authorized to record the notice of default shall, within 10 days after the notice of default is recorded and mailed pursuant to NRS 107.080, cause to be deposited in the United States mail an envelope, registered or certified, return receipt requested and with postage prepaid, containing a copy of the notice, addressed to:

(a) Each person who has recorded a request for a copy of the notice; and

(b) Each other person with an interest whose interest or claimed interest is subordinate to the deed of trust.

~~[4.]~~ *3.* The trustee or person authorized to make the sale shall, at least 20 days before the date of sale, cause to be deposited in the United States mail an envelope, registered or certified, return receipt requested and with postage prepaid, containing a copy of the notice of time and place of sale, addressed to each person described in subsection ~~[3.]~~ *2*.

~~[5.]~~ *4.* An association may record in the office of the county recorder of the county in which a unit governed by the association is situated an acknowledged request for a copy of the deed upon sale of the unit pursuant to a deed of trust. A request recorded by an association must include, without limitation:

(a) A legal description of the unit or the assessor's parcel number of the unit;

(b) The name and address of the association; and

(c) A statement that the request is made by an association.

~~[6.]~~ *5.* A request recorded by an association pursuant to subsection ~~[5]~~ *4* regarding a unit supersedes all previous requests recorded by the association pursuant to subsection ~~[5]~~ *4* regarding the unit.

~~[7.]~~ *6.* If a trustee or person authorized to record a notice of default records the notice of default for a unit regarding which an association has recorded a request pursuant to subsection ~~[5,]~~ *4,* the trustee or authorized person shall mail to the association a copy of the deed upon the sale of the unit pursuant to a deed of trust within 15 days after the trustee records the deed upon the sale of the unit.

~~[8.]~~ *7.* No request recorded pursuant to the provisions of subsection ~~[2]~~ *1* or ~~[5]~~ *4* affects the title to real property, and failure to mail a copy of the deed upon the sale of the unit after a request is made by an association pursuant to subsection ~~[5]~~ *4* does not affect the title to real property.

~~[9. As used in this section:~~

~~(a) "Association" has the meaning ascribed to it in NRS 116.011.~~

~~(b) "Unit" has the meaning ascribed to it in NRS 116.093.]~~

Sec. 16. NRS 107.095 is hereby amended to read as follows:

107.095 1. The notice of default required by NRS 107.080 must also be sent by registered or certified mail, return receipt requested and with postage prepaid or, if authorized by the parties, by electronic transmission to each guarantor or surety of the debt. If the address of the guarantor or surety is unknown, the notice must be sent to the address of the trust property. Failure to give the notice, except as otherwise provided in subsection 3, releases the guarantor or surety from his or her obligation to the beneficiary, but does not affect the validity of a sale conducted pursuant to NRS 107.080 or the obligation of any guarantor or surety to whom the notice was properly given.

2. Failure to give the notice of default required by NRS 107.090, except as otherwise provided in subsection 3, releases the obligation to the beneficiary of any person who has complied with NRS 107.090 and who is or may otherwise be held liable for the debt or other obligation secured by the deed of trust, but such a failure does not affect the validity of a sale conducted pursuant to NRS 107.080 or the obligation of any person to whom the notice was properly given pursuant to this section or to NRS 107.080 or 107.090.

3. A guarantor, surety or other obligor is not released pursuant to this section if:

(a) The required notice is given at least 15 days before the later of:

(1) The expiration of the 15- or 35-day period described in paragraph (a) of subsection 2 of NRS 107.080;

(2) In the case of any *deed of* trust ~~[agreement]~~ which concerns owner-occupied housing , ~~[as defined in NRS 107.086,]~~ the expiration of the period described in paragraph (a) of subsection 1 of NRS 107.0805; or

(3) Any extension of the applicable period by the beneficiary; or

(b) The notice is rescinded before the sale is advertised.

Sec. 17. NRS 107.130 is hereby amended to read as follows:

107.130 1. A beneficiary may elect to use an expedited procedure for the

exercise of the trustee's power of sale pursuant to NRS 107.080 if, after an investigation, the beneficiary:

(a) Determines that real property is abandoned residential property; and

(b) Receives from the applicable governmental entity a certification pursuant to subsection 4.

2. Each board of county commissioners of a county and each governing body of an incorporated city shall designate an agency or a contractor to inspect real property upon receipt of a request pursuant to paragraph (b) of subsection 3 and to provide certifications that real property is abandoned residential property pursuant to subsection 4.

3. If a beneficiary has a reasonable belief that real property may be abandoned residential property, the beneficiary or its agent:

(a) May enter the real property, but may not enter any dwelling or structure, to investigate whether the real property is abandoned residential property. Notwithstanding any other provision of law, a beneficiary and its agents who enter real property pursuant to this paragraph are not liable for trespass.

(b) May request a certification pursuant to subsection 4 from the agency or contractor designated by the applicable governmental entity pursuant to subsection 2.

4. Upon receipt of a request pursuant to paragraph (b) of subsection 3, the agency or contractor designated by the applicable governmental entity shall inspect the real property to determine the existence of two or more conditions pursuant to subparagraph (7) of paragraph (b) of subsection 1 of NRS 107.0795. The designee and any employees of the designee may enter the real property, but may not enter any dwelling or structure, to perform an inspection pursuant to this subsection, and the designee and any employees who enter real property pursuant to this subsection are not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, or for trespass. If the designee or an employee of the designee determines that the real property is abandoned residential property, the designee shall serve a notice by first-class mail to the grantor or the successor in interest of the grantor and by posting the notice on the front door of the residence. The notice must provide that unless a lawful occupant of the real property contacts the designee within 30 days after service of the notice, the designee will issue a certification that the real property is abandoned residential property and that the beneficiary may use the certification to seek an expedited procedure for the exercise of the trustee's power of sale. If a grantor or the successor in interest of the grantor or a lawful occupant of the real property fails to contact the designee within 30 days after service of the notice, the designee shall provide to the beneficiary a certification that the real property is abandoned residential property. The certification required by this subsection must:

(a) Be signed and verified by the designee or the employee or employees of the designee who inspected the real property;

(b) State that, upon information and belief of the designee, after investigation by the designee or the employee or employees of the designee, the real property is abandoned residential property; and

(c) State the conditions or circumstances supporting the determination that the property is abandoned residential property. Documentary evidence in support of such conditions or circumstances must be attached to the certification.

5. For an inspection, service of notice and issuance of a certification pursuant to subsection 4, the agency or contractor designated pursuant to subsection 2 by the applicable governmental entity may charge and receive from the beneficiary a fee of not more than $300.

6. A beneficiary who elects to use an expedited procedure for the exercise of the trustee's power of sale pursuant to NRS 107.080 must include, or cause to be included, with the notice of default and election to sell recorded pursuant to subsection 2 of NRS 107.080 an affidavit setting forth the facts supporting the determination that the real property is abandoned residential property and the certification provided to the beneficiary pursuant to subsection 4. The affidavit required by this subsection must:

(a) Be signed and verified by the beneficiary;

(b) State that, upon information and belief of the beneficiary after investigation by the beneficiary or its agent, the property is abandoned residential property; and

(c) State the conditions or circumstances supporting the determination that the property is abandoned residential property. Documentary evidence in support of such conditions or circumstances must be attached to the affidavit.

7. If the notice of default and election to sell recorded pursuant to subsection 2 of NRS 107.080 includes the affidavit and certification described in subsection 6, before the sale, the grantor or a successor in interest of the grantor may record in the office of the county recorder in the county where the real property is located an affidavit stating that the real property is not abandoned residential property, unless the grantor or the successor in interest of the grantor has surrendered the property as evidenced by a document signed by the grantor or successor confirming the surrender or by the delivery of the keys to the real property to the beneficiary. Upon the recording of such an affidavit:

(a) The grantor or the successor in interest must mail by registered or certified mail, return receipt requested, to the beneficiary and the trustee a copy of the affidavit; and

(b) The notice of default and election to sell and the affidavit and certification described in subsection 6 are deemed to be withdrawn.

8. If the notice of default and election to sell recorded pursuant to subsection 2 of NRS 107.080 includes the affidavit and certification described in subsection 6, the trustee's sale of the abandoned residential property must be conducted within 6 months after the beneficiary received the certification.

If the trustee's sale is not conducted within 6 months after the beneficiary received the certification:

(a) The notice of default and election to sell and the affidavit and certification described in subsection 6 are deemed to be withdrawn; and

(b) The beneficiary is liable to the grantor or the successor in interest of the grantor for a civil penalty of not more than $500.

9. The period specified in subsection 8 is tolled:

(a) If a borrower has filed a case under 11 U.S.C. Chapter 7, 11, 12 or 13, until the bankruptcy court enters an order closing or dismissing the bankruptcy case or granting relief from a stay of the trustee's sale.

(b) If a court issues a stay or enjoins the trustee's sale, until the court issues an order granting relief from the stay or dissolving the injunction.

10. As used in this section ~~[:~~

~~(a) "Applicable]~~ , *"applicable* governmental entity" means:

~~[(1)]~~ *(a)* If the real property is within the boundaries of a city, the governing body of the city; and

~~[(2)]~~ *(b)* If the real property is not within the boundaries of a city, the board of county commissioners of the county in which the property is located.

~~[(b) "Beneficiary" means the beneficiary of the deed of trust or the successor in interest of the beneficiary or any person designated or authorized to act on behalf of the beneficiary or its successor in interest.]~~

Sec. 18. NRS 107.140 is hereby amended to read as follows:

107.140 ~~[1.]~~ No provision of the laws of this State may be construed to require a sale in lieu of a foreclosure sale to be an arm's length transaction or to prohibit a sale in lieu of a foreclosure sale that is not an arm's length transaction.

~~[2. As used in this section, "sale in lieu of a foreclosure sale" has the meaning ascribed to it in NRS 40.429.]~~

Sec. 19. NRS 107.420 is hereby amended to read as follows:

107.420 "Foreclosure prevention alternative" means a modification of a loan secured by the most senior residential mortgage loan on the property or any other loss mitigation option. The term includes, without limitation, a sale in lieu of a foreclosure sale . ~~[, as defined in NRS 40.429.]~~

Sec. 20. NRS 107.450 is hereby amended to read as follows:

107.450 "Residential mortgage loan" means a loan which is primarily for personal, family or household use and which is secured by a mortgage or deed of trust on owner-occupied housing . ~~[as defined in NRS 107.086.]~~

Sec. 21. NRS 107.460 is hereby amended to read as follows:

107.460 The provisions of NRS 107.400 to 107.560, inclusive, do not apply to a financial institution, as defined in NRS 660.045, that, during its immediately preceding annual reporting period, as established with its primary regulator, has foreclosed on 100 or fewer real properties located in this State which constitute owner-occupied housing . ~~[, as defined in NRS 107.086.]~~

Sec. 22. NRS 108.2405 is hereby amended to read as follows:

108.2405 1. The provisions of NRS 108.2403 and 108.2407 do not

apply:

(a) In a county with a population of 700,000 or more with respect to a ground lessee who enters into a ground lease for real property which is designated for use or development by the county for commercial purposes which are compatible with the operation of the international airport for the county.

(b) If all owners of the property, individually or collectively, record a written notice of waiver of the owners' rights set forth in NRS 108.234 with the county recorder of the county where the property is located before the commencement of construction of the work of improvement. *Such a written notice of waiver may be with respect to one or more works of improvement as described in the written notice of waiver.*

2. Each owner who records a notice of waiver pursuant to paragraph (b) of subsection 1 must serve such notice by certified mail, return receipt requested, upon ~~[the]~~ *any* prime contractor of the work of improvement and all other lien claimants who ~~[may]~~ give the owner a notice of right to lien pursuant to NRS 108.245, within 10 days after the owner's receipt of a notice of right to lien or 10 days after the date on which the notice of waiver is recorded pursuant to this subsection.

3. As used in this section:

(a) "Ground lease" means a written agreement:

(1) To lease real property which, on the date on which the agreement is signed, does not include any existing buildings or improvements that may be occupied on the land; and

(2) That is entered into for a period of not less than 10 years, excluding any options to renew that may be included in any such lease.

(b) "Ground lessee" means a person who enters into a ground lease as a lessee with the county as record owner of the real property as the lessor.

Sec. 23. NRS 40.050 is hereby amended to read as follows:

40.050 A mortgage of real property shall not be deemed a conveyance, whatever its terms, so as to enable the owner of the mortgage to take possession of the real property ~~[without a foreclosure and sale.]~~ *in the absence of a foreclosure sale or in accordance with NRS 32.100 to 32.370, inclusive, NRS 107.100 or chapter 107A of NRS.*

Sec. 24. NRS 40.437 is hereby amended to read as follows:

40.437 1. An action pursuant to NRS 40.430 affecting owner-occupied housing that is commenced in a court of competent jurisdiction is subject to the provisions of this section.

2. In an action described in subsection 1:

(a) The copy of the complaint served on the mortgagor must include a separate document containing:

(1) Contact information which the mortgagor may use to reach a person with authority to negotiate a loan modification on behalf of the plaintiff;

(2) Contact information for at least one local housing counseling agency approved by the United States Department of Housing and Urban Development;

(3) A notice provided by Home Means Nevada, Inc., or its successor organization, indicating that the mortgagor may petition the court to participate in mediation pursuant to this section if he or she pays to the court his or her share of the fee established pursuant to subsection 12 of NRS 107.086; and

(4) A form upon which the mortgagor may indicate an election to enter into mediation or to waive mediation pursuant to this section and one envelope addressed to the plaintiff and one envelope addressed to Home Means Nevada, Inc., or its successor organization, which the mortgagor may use to comply with the provisions of subsection 3; and

(b) The plaintiff must submit a copy of the complaint to Home Means Nevada, Inc., or its successor organization.

3. If the mortgagor elects to waive mediation, he or she shall, not later than the date on which an answer to the complaint is due, complete the form required by subparagraph (4) of paragraph (a) of subsection 2 and file the form with the court and return a copy of the form to the plaintiff by certified mail, return receipt requested or, if authorized by the parties, by electronic transmission. If the mortgagor does not elect to waive mediation, he or she shall, not later than the date on which an answer to the complaint is due, pay to the court his or her share of the fee established pursuant to subsection 12 of NRS 107.086. Upon receipt of the share of the fee established pursuant to subsection 12 of NRS 107.086 owed by the mortgagor, the court shall notify the plaintiff, by certified mail, return receipt requested or, if authorized by the parties, by electronic transmission, of the grant of the petition of the mortgagor to participate in mediation pursuant to this section and shall assign the matter to a senior justice, judge, hearing master or other designee and schedule the matter for mediation. Upon the plaintiff's receipt of such notice, the plaintiff shall notify any person with an interest as defined in NRS ~~[107.090,]~~ *107.015*, by certified mail, return receipt requested or, if authorized by the parties, by electronic transmission, of the election of the mortgagor to participate in mediation. The judicial foreclosure action must be stayed until the completion of the mediation. If the mortgagor indicates on the form required by subparagraph (4) of paragraph (a) of subsection 2 of his or her election to waive mediation or fails to pay the court his or her share of the fee established pursuant to subsection 12 of NRS 107.086, as required by this subsection, no mediation is required in the action and the action pursuant to NRS 40.430 must proceed.

4. Each mediation required by this section must be conducted by a senior justice, judge, hearing master or other designee pursuant to the rules adopted pursuant to subsection 12 of NRS 107.086. The plaintiff or a representative, and the mortgagor or his or her representative, shall attend the mediation. If the plaintiff is represented at the mediation by another person, that person must

have authority to negotiate a loan modification on behalf of the plaintiff or have access at all times during the mediation to a person with such authority.

5. If the plaintiff or the representative fails to attend the mediation, fails to participate in the mediation in good faith or does not have the authority or access to a person with the authority required by subsection 4, the mediator shall prepare and submit to the court a petition and recommendation concerning the imposition of sanctions against the plaintiff or the representative. The court may issue an order imposing such sanctions against the plaintiff or the representative as the court determines appropriate, including, without limitation, requiring a loan modification in the manner determined proper by the court.

6. If the mortgagor is enrolled to participate in mediation pursuant to this section but fails to attend the mediation, no mediation is required and the judicial foreclosure action must proceed as if the mortgagor had elected to waive mediation.

7. If the mediator determines that the parties, while acting in good faith, are not able to agree to a loan modification, the mediator shall prepare and submit to the court a recommendation that the mediation be terminated. The court may terminate the mediation and proceed with the judicial foreclosure action.

8. The rules adopted by the Supreme Court pursuant to subsection 12 of NRS 107.086 apply to a mediation conducted pursuant to this section, and the Supreme Court may adopt any additional rules necessary to carry out the provisions of this section.

9. Except as otherwise provided in subsection 11, the provisions of this section do not apply if:

(a) The mortgagor has surrendered the property, as evidenced by a letter confirming the surrender or delivery of the keys to the property to the trustee, the beneficiary of the deed of trust or the mortgagee, or an authorized agent thereof; or

(b) A petition in bankruptcy has been filed with respect to the defendant under 11 U.S.C. Chapter 7, 11, 12 or 13 and the bankruptcy court has not entered an order closing or dismissing the case or granting relief from a stay of foreclosure.

10. A noncommercial lender is not excluded from the application of this section.

11. Each mediator who acts pursuant to this section in good faith and without gross negligence is immune from civil liability for those acts.

12. As used in this section:

(a) "Mortgagor" includes the grantor of a deed of trust or the person who holds the title of record to the real property.

(b) "Noncommercial lender" has the meaning ascribed to it in NRS ~~[107.086.]~~ *107.015*.

(c) "Owner-occupied housing" has the meaning ascribed to it in NRS ~~[107.086.]~~ *107.015*.

Sec. 25. NRS 40.512 is hereby amended to read as follows:

40.512 1. If real collateral is environmentally impaired and the debtor's obligation is in default, a secured lender may:

(a) Waive the secured lender's lien as to all of the real collateral and proceed as an unsecured creditor, including reduction of the secured lender's claim against the debtor to judgment and any other rights and remedies permitted by law; or

(b) Waive the secured lender's lien in accordance with paragraph (a) as to that part of the real collateral which is environmentally impaired and proceed against the unimpaired real collateral.

2. To waive the secured lender's lien against all or part of the environmentally impaired real collateral, the secured lender must, before commencement of any action, record with the county recorder of the county where the real collateral is located a notice of intent to waive the lien and mail a copy thereof, by registered or certified mail, return receipt requested, with postage prepaid, to the debtor, to the person who holds the title of record on the date of the notice, and to those persons with an interest, as defined in NRS ~~[107.090,]~~ *107.015*, whose interest or claimed interest is subordinate to the secured lender's lien, at their respective addresses, if known, otherwise to the address of the real collateral. In the case of a partial waiver the notice of intent to waive may be contained in a notice of default and election to sell. The notice of intent to waive must contain:

(a) A legal description of the environmentally impaired real collateral;

(b) A statement that the secured lender intends to proceed against the debtor under the applicable paragraph of subsection 1; and

(c) If the secured lender is proceeding under paragraph (b) of subsection 1, a statement that the secured lender will proceed against the unimpaired property, which may result in a judgment for deficiency against the debtor as a result of diminution in value of the collateral because of the exclusion of the environmentally impaired portion.

3. A secured lender may not waive the secured lender's lien as a result of any environmental impairment if the secured lender had actual knowledge of the environmental impairment at the time the lien was created. In determining whether a secured lender had such knowledge, the report of any person legally entitled to prepare the report with respect to the existence or absence of any environmental impairment is prima facie evidence of the existence or absence, as the case may be, of any environmental impairment.

4. A waiver made by a secured lender pursuant to this section is not final or conclusive until a final judgment, as defined in subsection 4 of NRS 40.435, has been obtained. If the waiver covers the full extent of the collateral, the secured lender shall immediately thereafter cause the secured lender's lien to be released by recording the waiver in the same manner as the lien was recorded.

Sec. 26. NRS 100.091 is hereby amended to read as follows:

100.091 1. For each loan requiring the deposit of money to an escrow

account, loan trust account or other impound account for the payment of taxes, assessments, rental or leasehold payments, insurance premiums or other obligations related to the encumbered property, the lender shall:

(a) Require contributions in an amount reasonably necessary to pay the obligations as they become due.

(b) Unless money in the account is insufficient, pay in a timely manner the obligations as they become due.

(c) At least annually, analyze the account. The analysis of each account must be performed to determine whether sufficient money is contributed to the account on a monthly basis to pay for the projected disbursements from the account. At least 30 days before the effective date of any increased contribution to the account based on the analysis, a statement must be sent to the borrower showing the method of determining the amount of money held in the account, the amount of projected disbursements from the account and the amount of the reserves which may be held in accordance with federal guidelines.

2. If, upon completion of the analysis, it is determined that an account is not sufficiently funded to pay from the normal payment the items when due on the account, the lender shall offer the borrower the opportunity to correct the deficiency by making one lump-sum payment or by making increased monthly contributions, in an amount required by the lender. The lender shall not declare a default on the account solely because the borrower is unable to pay the amount of the deficiency in one lump sum.

3. Except for payments made by a borrower for a lender to recover previous deficiencies in contributions to the account pursuant to subsection 2, the borrower is entitled pursuant to subsection 4 to the amount by which the borrower's contributions to the account exceed the amount reasonably necessary to pay the annual obligations due from the account, together with interest thereon at the rate established pursuant to NRS 99.040.

4. If, upon completion of the analysis, it is determined that the amount of money held by the lender in the account, together with anticipated future monthly contributions to the account to be credited to the account before the dates items are due on the account, exceed the amount of money required to pay the items when due, the lender shall, not later than 30 days after completion of its annual review of the account, notify the borrower:

(a) Of the amount by which the contributions and interest earned pursuant to subsection 3 exceed the amount reasonably necessary to pay the annual obligations due from the account; and

(b) That the borrower may, not later than 20 days after receipt of the notice, specify that the lender:

(1) Repay the excess money and interest promptly to the borrower;

(2) Apply the excess money and interest to the outstanding principal balance; or

(3) Retain the excess money and interest in the account.

5. If the borrower fails to specify the disposition of the excess money and interest as provided in paragraph (b) of subsection 4, the lender shall maintain the excess money and interest in the account.

6. If any payment on the loan is delinquent at the time of the analysis, the lender shall retain any excess money and interest in the account and apply the excess money and interest in the account toward payment of the delinquency.

7. A lender who violates any provision of subsections 4, 5 and 6 is liable to the borrower for a civil penalty of not more than $1,000.

8. The provisions of this section apply exclusively to:

(a) A loan secured by a single family residence, as that term is defined in NRS ~~[107.0805;]~~ *107.015;* and

(b) A unit in a common-interest community that is used exclusively for residential use, as those terms are defined in chapter 116 of NRS.

9. As used in this section:

(a) "Borrower" means any person who receives a loan secured by real property and who is required to make advance contributions for the payment of taxes, insurance premiums or other expenses related to the property.

(b) "Lender" means any person who makes loans secured by real property and who requires advance contributions for the payment of taxes, insurance premiums or other expenses related to the property.

Sec. 27. NRS 111.312 is hereby amended to read as follows:

111.312 1. The county recorder shall not record with respect to real property, a notice of completion, a declaration of homestead, a lien or notice of lien, an affidavit of death, a mortgage or deed of trust, any conveyance of real property or instrument in writing setting forth an agreement to convey real property or a notice pursuant to NRS 111.3655 unless the document being recorded contains:

(a) The mailing address of the grantee or, if there is no grantee, the mailing address of the person who is requesting the recording of the document; and

(b) Except as otherwise provided in subsection 2, the assessor's parcel number of the property at the top left corner of the first page of the document, if the county assessor has assigned a parcel number to the property. The parcel number must comply with the current system for numbering parcels used by the county assessor's office. The county recorder is not required to verify that the assessor's parcel number is correct.

2. Any document relating exclusively to the transfer of water rights may be recorded without containing the assessor's parcel number of the property.

3. The county recorder shall not record with respect to real property any deed, including, without limitation:

(a) A grant, bargain ~~[or]~~ *and sale* deed *;* ~~[of sale;]~~

(b) Quitclaim deed;

(c) Warranty deed; or

(d) Trustee's deed upon sale,

➥ unless the document being recorded contains the name and address of the person to whom a statement of the taxes assessed on the real property is to be mailed.

4. The assessor's parcel number shall not be deemed to be a complete legal description of the real property conveyed.

5. Except as otherwise provided in subsection 6, if a document that is being recorded includes a legal description of real property that is provided in metes and bounds, the document must include the name and mailing address of the person who prepared the legal description. The county recorder is not required to verify the accuracy of the name and mailing address of such a person.

6. If a document including the same legal description described in subsection 5 previously has been recorded, the document must include all information necessary to identify and locate the previous recording, but the name and mailing address of the person who prepared the legal description is not required for the document to be recorded. The county recorder is not required to verify the accuracy of the information concerning the previous recording.

Sec. 28. Chapter 116 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The provisions of this chapter do not apply to a planned community in which all units are restricted exclusively to nonresidential use unless the declaration provides that this chapter or a part of this chapter does apply to that planned community pursuant to this section.

2. This chapter applies to a planned community containing both units that are restricted exclusively to nonresidential use and other units that are not so restricted only if the declaration so provides or if the real estate comprising the units that may be used for residential purposes would be a planned community in the absence of the units that may not be used for residential purposes.

3. The declaration for the nonresidential planned community may provide that:

(a) This entire chapter applies to the planned community;

(b) Only the provisions of NRS 116.001 to 116.2122, inclusive, and 116.3116 to 116.31168, inclusive, apply to the planned community; or

(c) Only the provisions of NRS 116.3116 to 116.31168, inclusive, apply to the planned community.

4. If this entire chapter applies to a nonresidential planned community pursuant to subsection 3, the declaration may also require, subject to NRS 116.1112, that:

(a) Notwithstanding NRS 116.3105, any management, maintenance operations or employment contract, lease of recreational or parking areas or facilities and any other contract or lease between the association and a declarant or an affiliate of a declarant continues in force after the declarant turns over control of the association; and

(b) Notwithstanding NRS 116.1104 and subsection 3 of NRS 116.311, purchasers of units must execute proxies, powers of attorney or similar devices in favor of the declarant regarding particular matters enumerated in those instruments.

Sec. 29. NRS 116.1201 is hereby amended to read as follows:

116.1201 1. Except as otherwise provided in this section and NRS 116.1203, this chapter applies to all common-interest communities created within this State.

2. This chapter does not apply to:

(a) A limited-purpose association, except that a limited-purpose association:

(1) Shall pay the fees required pursuant to NRS 116.31155, except that if the limited-purpose association is created for a rural agricultural residential common-interest community, the limited-purpose association is not required to pay the fee unless the association intends to use the services of the Ombudsman;

(2) Shall register with the Ombudsman pursuant to NRS 116.31158;

(3) Shall comply with the provisions of:

(I) NRS 116.31038;

(II) NRS 116.31083 and 116.31152, unless the limited-purpose association is created for a rural agricultural residential common-interest community;

(III) NRS 116.31073, if the limited-purpose association is created for maintaining the landscape of the common elements of the common-interest community; and

(IV) NRS 116.31075, if the limited-purpose association is created for a rural agricultural residential common-interest community;

(4) Shall comply with the provisions of NRS 116.4101 to 116.412, inclusive, as required by the regulations adopted by the Commission pursuant to paragraph (b) of subsection 5; and

(5) Shall not enforce any restrictions concerning the use of units by the units' owners, unless the limited-purpose association is created for a rural agricultural residential common-interest community.

(b) ~~[A planned community in which all units are restricted exclusively to nonresidential use unless the declaration provides that this chapter or a part of this chapter does apply to that planned community pursuant to NRS 116.12075. This chapter applies to a planned community containing both units that are restricted exclusively to nonresidential use and other units that are not so restricted only if the declaration so provides or if the real estate comprising the units that may be used for residential purposes would be a planned community in the absence of the units that may not be used for residential purposes.~~

~~(c)]~~ Common-interest communities or units located outside of this State, but NRS 116.4102 and 116.4103, and, to the extent applicable, NRS 116.41035 to 116.4107, inclusive, apply to a contract for the disposition of a unit in that

common-interest community signed in this State by any party unless exempt under subsection 2 of NRS 116.4101.

~~[(d)]~~ *(c)* A common-interest community that was created before January 1, 1992, is located in a county whose population is less than 55,000, and has less than 50 percent of the units within the community put to residential use, unless a majority of the units' owners otherwise elect in writing.

~~[(e)]~~ *(d)* Except as otherwise provided in this chapter, time shares governed by the provisions of chapter 119A of NRS.

3. The provisions of this chapter do not:

(a) Prohibit a common-interest community created before January 1, 1992, from providing for separate classes of voting for the units' owners;

(b) Require a common-interest community created before January 1, 1992, to comply with the provisions of NRS 116.2101 to 116.2122, inclusive;

(c) Invalidate any assessments that were imposed on or before October 1, 1999, by a common-interest community created before January 1, 1992;

(d) Except as otherwise provided in subsection 8 of NRS 116.31105, prohibit a common-interest community created before January 1, 1992, or a common-interest community described in NRS 116.31105 from providing for a representative form of government, except that, in the election or removal of a member of the executive board, the voting rights of the units' owners may not be exercised by delegates or representatives;

(e) Prohibit a master association which governs a time-share plan created pursuant to chapter 119A of NRS from providing for a representative form of government for the time-share plan; or

(f) Prohibit a master association which governs a planned community containing both units that are restricted exclusively to nonresidential use and other units that are not so restricted and which is exempt from the provisions of this chapter pursuant to ~~[paragraph (b) of]~~ subsection 2 *of section 28 of this act* from providing for a representative form of government.

4. The provisions of chapters 117 and 278A of NRS do not apply to common-interest communities.

5. The Commission shall establish, by regulation:

(a) The criteria for determining whether an association, a limited-purpose association or a common-interest community satisfies the requirements for an exemption or limited exemption from any provision of this chapter; and

(b) The extent to which a limited-purpose association must comply with the provisions of NRS 116.4101 to 116.412, inclusive.

6. As used in this section, "limited-purpose association" means an association that:

(a) Is created for the limited purpose of maintaining:

(1) The landscape of the common elements of a common-interest community;

(2) Facilities for flood control; or

(3) A rural agricultural residential common-interest community; and

(b) Is not authorized by its governing documents to enforce any restrictions concerning the use of units by units' owners, unless the limited-purpose association is created for a rural agricultural residential common-interest community.

Sec. 30. NRS 116.2117 is hereby amended to read as follows:

116.2117 1. Except as otherwise provided in NRS 116.21175, and except in cases of amendments that may be executed by a declarant under subsection 5 of NRS 116.2109 or NRS 116.211, or by the association under NRS 116.1107, 116.2106, subsection 3 of NRS 116.2108, subsection 1 of NRS 116.2112 or NRS 116.2113, or by certain units' owners under subsection 2 of NRS 116.2108, subsection 1 of NRS 116.2112, subsection 2 of NRS 116.2113 or subsection 2 of NRS 116.2118, and except as otherwise limited by subsections 4, *6,* 7 and 8, the declaration, including any plats, may be amended only by vote or agreement of units' owners of units to which at least a majority of the votes in the association are allocated, unless the declaration specifies a different percentage for all amendments or for specified subjects of amendment. If the declaration requires the approval of another person as a condition of its effectiveness, the amendment is not valid without that approval.

2. No action to challenge the validity of an amendment adopted by the association pursuant to this section may be brought more than 1 year after the amendment is recorded.

3. Every amendment to the declaration must be recorded in every county in which any portion of the common-interest community is located and is effective only upon recordation. An amendment, except an amendment pursuant to NRS 116.2112, must be indexed in the grantee's index in the name of the common-interest community and the association and in the grantor's index in the name of the parties executing the amendment.

4. Except to the extent expressly permitted or required by other provisions of this chapter, no amendment may change the boundaries of any unit ~~[,]~~ *or* change the allocated interests of a unit ~~[or change the uses to which any unit is restricted,]~~ in the absence of unanimous consent of only those units' owners whose units are affected and the consent of a majority of the owners of the remaining units.

5. Amendments to the declaration required by this chapter to be recorded by the association must be prepared, executed, recorded and certified on behalf of the association by any officer of the association designated for that purpose or, in the absence of designation, by the president of the association.

6. An amendment to the declaration which prohibits or materially restricts the permitted uses of a unit or the number or other qualifications of persons who may occupy units may not be enforced against a unit's owner who was the owner of the unit on the date of the recordation of the amendment as long as the unit's owner remains the owner of that unit.

7. A provision in the declaration creating special declarant's rights that have not expired may not be amended without the consent of the declarant.

8. If any provision of this chapter or of the declaration requires the consent of a holder of a security interest in a unit, or an insurer or guarantor of such interest, as a condition to the effectiveness of an amendment to the declaration, that consent is deemed granted if:

(a) The holder, insurer or guarantor has not requested, in writing, notice of any proposed amendment; or

(b) Notice of any proposed amendment is required or has been requested and a written refusal to consent is not received by the association within 60 days after the association delivers notice of the proposed amendment to the holder, insurer or guarantor, by certified mail, return receipt requested, to the address for notice provided by the holder, insurer or guarantor in a prior written request for notice.

Sec. 30.5. NRS 116.31088 is hereby amended to read as follows:

116.31088 1. The association shall provide written notice to each unit's owner of a meeting at which the commencement of a civil action is to be considered at least 21 calendar days before the date of the meeting. Except as otherwise provided in this subsection, the association may commence a civil action only upon a vote or written agreement of the owners of units to which at least a majority of the votes of the members of the association are allocated. The provisions of this subsection do not apply to a civil action that is commenced:

(a) To enforce the payment of an assessment;

(b) To enforce the declaration, bylaws or rules of the association;

(c) To enforce a contract with a vendor;

(d) To proceed with a counterclaim; or

(e) To protect the health, safety and welfare of the members of the association. If a civil action is commenced pursuant to this paragraph without the required vote or agreement, the action must be ratified within 90 days after the commencement of the action by a vote or written agreement of the owners of the units to which at least a majority of votes of the members of the association are allocated. If the association, after making a good faith effort, cannot obtain the required vote or agreement to commence or ratify such a civil action, the association may thereafter seek to dismiss the action without prejudice for that reason only if a vote or written agreement of the owners of the units to which at least a majority of votes of the members of the association are allocated was obtained at the time the approval to commence or ratify the actionwas sought.

2. At least 10 days before an association commences or seeks to ratify the commencement of a civil action ~~[,]~~ *on which the owners of units are entitled to vote pursuant to subsection 1,* the association shall provide a written statement to all the units' owners that includes:

(a) A reasonable estimate of the costs of the civil action, including reasonable attorney's fees;

(b) An explanation of the potential benefits of the civil action and the potential adverse consequences if the association does not commence the action or if the outcome of the action is not favorable to the association; and

(c) All disclosures that are required to be made upon the sale of the property.

3. No person other than a unit's owner may request the dismissal of a civil action commenced by the association on the ground that the association failed to comply with any provision of this section.

4. If any civil action in which the association is a party is settled, the executive board shall disclose the terms and conditions of the settlement at the next regularly scheduled meeting of the executive board after the settlement has been reached. The executive board may not approve a settlement which contains any terms and conditions that would prevent the executive board from complying with the provisions of this subsection.

Sec. 31. NRS 116.31168 is hereby amended to read as follows:

116.31168 1. A person with an interest or any other person who is or may be held liable for any amounts which are the subject of the association's lien pursuant to NRS 116.3116 or the servicer of a loan secured by a deed of trust or mortgage on real property which is subject to such lien desiring a copy of a notice of default and election to sell or notice of sale under the association's lien may record in the office of the county recorder of the county in which any part of the real property is situated an acknowledged request for a copy of the notice of default and election to sell or the notice of sale. The request must ~~[:]~~ *state:*

(a) ~~[State the]~~ *The* name and address of the person requesting copies of the notices;

(b) ~~[State a]~~ *A* legal description of the unit in which the person has an interest or the assessor's parcel number of that unit; and

(c) The names of the unit's owner and the common-interest community.

2. The association or other person authorized to record the notice of default and election to sell shall, within 10 days after the notice is recorded and mailed pursuant to NRS 116.31162, cause to be deposited in the United States mail an envelope, registered or certified, return receipt requested and with postage prepaid, containing a copy of the notice, addressed to each person who has recorded a request for a copy of the notice.

3. The association or other person authorized to make the sale shall, at least 20 days before the date of sale, cause to be deposited in the United States mail an envelope, registered or certified, return receipt requested and with postage prepaid, containing a copy of the notice of time and place of sale, addressed to each person described in subsection 2.

4. As used in this section, "person with an interest" means any person who has or claims any right, title or interest in, or lien or charge upon, a unit being foreclosed pursuant to NRS 116.31162 to 116.31168, inclusive.

Sec. 32. NRS 657.110 is hereby amended to read as follows:

657.110 1. Each mortgagee or beneficiary of a deed of trust under a

residential mortgage loan, including, without limitation, a bank, credit union, savings bank, savings and loan association, thrift company or other financial institution which is licensed, registered or otherwise authorized to do business in this State, shall provide to the Division of Financial Institutions the name, street address and any other contact information of a person to whom:

(a) A borrower or a representative of a borrower must send any document, record or notification necessary to facilitate a mediation conducted pursuant to NRS 40.437 or 107.086.

(b) A unit-owners' association must send any notice required to be given pursuant to NRS 116.3116 to 116.31168, inclusive.

2. The Division of Financial Institutions shall maintain on its Internet website the information provided to the Division pursuant to subsection 1 and provide a prominent display of, or a link to, the information described in subsection 1, on the home page of its Internet website.

3. As used in this section:

(a) "Borrower" means a person who is a mortgagor or grantor of a deed of trust under a residential mortgage loan.

(b) "Residential mortgage loan" means a loan which is primarily for personal, family or household use and which is secured by a mortgage or deed of trust on owner-occupied housing as defined in NRS ~~[107.086.]~~ *107.015.*

Senator Cannizzaro moved that the Senate concur in Assembly Amendment No. 721 to Senate Bill No. 382.

Remarks by Senator Cannizzaro.

A lot of work has gone into getting consensus on this bill, and we are finally there. This amendment to Senate Bill No. 382 makes various changes to the Home Means Nevada Program.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 403.

The following Assembly amendment was read:

Amendment No. 786.

JOINT SPONSOR: ASSEMBLYWOMAN KRASNER

SUMMARY—Revises provisions relating to data privacy for pupils. (BDR 34-309)

AN ACT relating to education; requiring each public and private school to provide certain information to a pupil or the parent or legal guardian of a pupil before providing technology to a pupil or allowing a pupil to use a school service; revising provisions relating to school service providers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally controls the manner in which a school service provider may use the personally identifiable information of a pupil and prohibits a school service provider from engaging in targeted advertising. (NRS 388.292) "School service provider" is defined in existing law as a provider of certain Internet services, online services or mobile applications.

(NRS 388.283, 388.284) Section 1 of this bill requires a public school, including a charter school and a university school for profoundly gifted pupils, to post certain information on the Internet website of the school before a pupil uses a school service of a school service provider. Such information must include a description of the laws governing school service providers, a list of the school service providers for the school, confirmation that each school service provider has a plan for the security of data established by the school service provider, any other actions taken by the public school, the school district, or the applicable governing body to protect the data of the pupils and the manner in which a person may report suspicious activity related to the use of a school service. Each school must also communicate the manner in which to locate the information at the beginning of each school year.

Section 2 of this bill revises the prohibition on targeted advertising by a school service provider to prohibit the school service provider from engaging in targeted advertising within its school service or on any other Internet website, online service or mobile application if the targeted advertising is based upon information gathered from its school service. Section 2 also authorizes a school service provider to use the personally identifiable information of a pupil to perform certain research which is required or authorized by federal or state law. Section 3 of this bill authorizes a school service provider to use aggregated, deidentified information derived from the personally identifiable information of pupils to develop and improve the products of the school service provider.

Existing law requires a school service provider to establish a plan for the security of any data concerning pupils that is collected or maintained by the school service provider. (NRS 388.293) Section 2.5 of this bill requires the school service provider to inform a school district, charter school or university school for profoundly gifted pupils or a private school if there is a breach of the plan for the security of the data ~~[.]~~ or any breach of the data itself. Section 2.5 further requires a school that receives such notice to provide the notice to the pupils and the parents and legal guardians of pupils who are less than 18 years of age.

Sections 5-10 of this bill establish similar provisions for private schools.

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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Before a public school, including, without limitation, a charter school and a university school for profoundly gifted pupils, allows a pupil to use any school service or provides a pupil with any technology, the public school must post on the Internet website of the public school information that:

(a) Summarizes the laws governing school service providers set forth in this section and NRS 388.281 to 388.296, inclusive;

(b) Lists each school service provider for the school;

(c) Confirms that each such school service provider for the school has created a plan for the security of any data concerning pupils, including, without limitation, covered information and personally identifiable information pursuant to NRS 388.293 and informs about the circumstances under which notification will be provided if a breach is discovered;

(d) Describes any other actions taken by the public school, the school district or the governing body of the charter school or university school for profoundly gifted pupils, as applicable, to protect the security of any data collected by a school service provider, including, without limitation, covered information and personally identifiable information, concerning pupils; and

(e) Describes the manner in which a pupil or the parent or legal guardian of a pupil may report any suspicious activity relating to the use of a school service by a pupil.

2. At the beginning of each school year, each public school, including, without limitation, a charter school and a university school for profoundly gifted pupils, shall communicate to the pupils enrolled at the school and the parents and legal guardians of such pupils the availability of the information described in subsection 1 and the manner in which to locate the information.

3. As used in this section:

(a) "Covered information" means the personally identifiable information of a pupil or any information that is linked to the personally identifiable information of a pupil which is:

(1) Created by or provided to a school service provider by a pupil or the parent or legal guardian of a pupil through the use of a school service;

(2) Created by or provided to a school service provider by an employee of a public school, a school district or the governing body of a charter school; or

(3) Gathered by a school service provider from any other source and associated with the identity of a pupil.

(b) "Personally identifiable information" has the meaning ascribed to it in 34 C.F.R. § 99.3.

(c) "School service" has the meaning ascribed to it in NRS 388.283.

(d) "School service provider" has the meaning ascribed to it in NRS 388.284.

Sec. 2. NRS 388.292 is hereby amended to read as follows:

388.292 1. Except as otherwise provided in subsections 2 and 5, a school service provider may collect, use, allow access to or transfer personally identifiable information concerning a pupil only:

(a) For purposes inherent to the use of a school service by a teacher in a classroom or for the purposes authorized by the board of trustees of the school district in which the school that the pupil attends is located, the governing body of the charter school that the pupil attends or the governing body of the university school for profoundly gifted pupils that the pupil attends, as applicable, so long as it is authorized by federal and state law;

(b) If required by federal or state law;

(c) In response to a subpoena issued by a court of competent jurisdiction;

(d) To protect the safety of a user of the school service; or

(e) With the consent of any person required in a policy of the school district, charter school or university school for profoundly gifted pupils, as applicable, or, if none, with the consent of the pupil, if the pupil is at least 18 years of age, or the parent or legal guardian of the pupil if the pupil is less than 18 years of age.

2. A school service provider may transfer personally identifiable information concerning a pupil to a third-party service provider if the school service provider provides notice to any person designated in a policy of the school district, charter school or university school for profoundly gifted pupils, as applicable, to receive such notice or, if none, to the pupil, if the pupil is at least 18 years of age, or the parent or guardian of the pupil and:

(a) Contractually prohibits the third-party service provider from using any such information for any purpose other than providing the contracted school services to, or on behalf of, the school service provider;

(b) Prohibits the third-party service provider from disclosing any personally identifiable information concerning a pupil unless the disclosure is authorized pursuant to subsection 1; and

(c) Requires the third-party service provider to comply with the requirements of NRS 388.281 to 388.296, inclusive ~~.~~ , *and section 1 of this act.*

3. A school service provider shall delete any personally identifiable information concerning a pupil that is collected or maintained by the school service provider and that is under the control of the school service provider within a reasonable time not to exceed 30 days after receiving a request from the board of trustees of the school district in which the school that the pupil attends is located, the governing body of the charter school that the pupil attends or the governing body of the university school for profoundly gifted pupils that the pupil attends, as applicable. The board of trustees or the governing body, as applicable, must have a policy which allows a pupil who is at least 18 years of age or the parent or legal guardian of any pupil to review such information and request that such information about the pupil be deleted. The school service provider shall delete such information upon the request of the parent or legal guardian of a pupil if no such policy exists.

4. Any agreement entered into by a school service provider that provides for the disclosure of personally identifiable information must require that the person or governmental entity to whom the information will be disclosed abide by the requirements imposed pursuant to this section.

5. A school service provider shall not:

(a) Use personally identifiable information to engage in targeted advertising ~~.~~ *within the school service or on any other Internet website, online service or mobile application if the targeted advertising is based upon any information acquired from use of the school service.*

(b) Except as otherwise provided in this paragraph, sell personally identifiable information concerning a pupil. A school service provider may transfer personally identifiable information concerning pupils to an entity that purchases, merges with or otherwise acquires the school service and the acquiring entity becomes subject to the requirements of NRS 388.281 to 388.296, inclusive, *and section 1 of this act,* and any contractual provisions between the school service provider and the board of trustees of a school district, the governing body of a charter school or the governing body of a university school for profoundly gifted pupils, as applicable, governing such information.

(c) Use personally identifiable information concerning a pupil to create a profile of the pupil for any purpose not related to the instruction of the pupil provided by the school without the consent of the appropriate person described in paragraph (e) of subsection 1.

(d) Use personally identifiable information concerning a pupil in a manner that is inconsistent with any contract governing the activities of the school service provider for the school service in effect at the time the information is collected or in a manner that violates any of the provisions of NRS 388.281 to 388.296, inclusive ~~[.]~~ *, and section 1 of this act.*

(e) Knowingly retain, without the consent of the appropriate person described in paragraph (e) of subsection 1, personally identifiable information concerning a pupil beyond the period authorized by the contract governing the activities of the school service provider.

6. This section does not prohibit the use of personally identifiable information concerning a pupil that is collected or maintained by a school service provider for the purposes of:

(a) Adaptive learning or providing personalized or customized education;

(b) Maintaining or improving the school service;

(c) Recommending additional content or services within a school service;

(d) Responding to a request for information by a pupil;

(e) Soliciting feedback regarding a school service; ~~[or]~~

(f) *Performing research which:*

(1) Is required by federal or state law; or

(2) Is authorized by federal or state law, is performed under the direction of a public school, school district or the Department and does not use any personally identifiable information concerning a pupil for any purpose relating to advertising or creating a profile of the pupil for any purpose not related to the instruction of the pupil; or

(g) Allowing a pupil who is at least 18 years of age or the parent or legal guardian of any pupil to download, transfer, or otherwise maintain data concerning a pupil.

7. A school service provider that violates the provisions of this section is subject to a civil penalty in an amount not to exceed $5,000 per violation. The Attorney General may recover the penalty in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction.

Sec. 2.5. NRS 388.293 is hereby amended to read as follows:

388.293 1. A school service provider shall establish and carry out a detailed plan for the security of any data concerning pupils that is collected or maintained by the school service provider. The plan must include, without limitation:

(a) Procedures for protecting the security, privacy, confidentiality and integrity of personally identifiable information concerning a pupil; and

(b) Appropriate administrative, technological and physical safeguards to ensure the security of data concerning pupils.

2. A school service provider shall ensure that any successor entity understands that it is subject to the provisions of NRS 388.281 to 388.296, inclusive, *and section 1 of this act* and agrees to abide by all privacy and security commitments related to personally identifiable information concerning a pupil collected and maintained by the school service provider before allowing a successor entity to access such personally identifiable information.

3. A school service provider shall provide notice to a school district, charter school or university school for profoundly gifted pupils, as applicable, or a private school pursuant to section 10 of this act, of any breach of the plan for the security of any data concerning pupils or any breach of such data and any actions taken or being taken by the school service provider to address the breach. The notice must be provided as soon as practicable and without unreasonable delay.

4. A school district, charter school, university school for profoundly gifted pupils or private school that receives a notice pursuant to subsection 3, shall provide the notice to each pupil affected by the breach or, if a pupil is less than 18 years of age, the parent or legal guardian of the pupil. The notice must be provided as soon as practicable and without unreasonable delay.

Sec. 3. NRS 388.295 is hereby amended to read as follows:

388.295 A school service provider may use and disclose information derived from personally identifiable information concerning a pupil to demonstrate the effectiveness of the products or services of the school service provider, including, without limitation, for use in advertising or marketing regarding the school service *, and to develop and improve a school service or any other Internet website, online service or mobile application of the school service provider* so long as the information is aggregated or is presented in a manner which does not disclose the identity of the pupil about whom the information relates.

Sec. 4. Chapter 394 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 to 10, inclusive, of this act.

Sec. 5. *As used in sections 5 to 10, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 6 to 9, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 6. *"Covered information" means the personally identifiable information of a pupil or any information that is linked to the personally identifiable information of a pupil which is:*

1. Created by or provided to a school service provider by a pupil or the parent or legal guardian of a pupil through the use of a school service;

2. Created by or provided to a school service provider by an employee of a private school or the governing body of a private school; or

3. Gathered by a school service provider from any other source and associated with the identity of a pupil.

Sec. 7. *"Personally identifiable information" has the meaning ascribed to it in 34 C.F.R. § 99.3.*

Sec. 8. *1. "School service" means an Internet website, online service or mobile application that:*

(a) Collects or maintains personally identifiable information concerning a pupil;

(b) Is used primarily for educational purposes; and

(c) Is designed and marketed for use in private schools and is used at the direction of teachers and other educational personnel.

2. The term does not include:

(a) An Internet website, online service or mobile application that is designed or marketed for use by a general audience, even if the school service is also marketed to private schools;

(b) An internal database, system or program maintained or operated by a private school or the governing body of a private school;

(c) A school service for which a school service provider has:

(1) Been designated by the governing body of a private school as a school official pursuant to the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g;

(2) Entered into a contract with the governing body of a private school; and

(3) Agreed to comply with and be subject to the provisions of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, relating to personally identifiable information; or

(d) Any instructional programs purchased by the governing body of a private school.

Sec. 9. *"School service provider" means a person that operates a school service, to the extent the provider is operating in that capacity.*

Sec. 10. *1. Before a private school allows a pupil to use any school service or provides a pupil with any technology, the private school must post on the Internet website of the school information that:*

(a) Summarizes the laws governing school service providers;

(b) Lists each school service provider for the private school and the plan for the security of any data concerning pupils, including, without limitation, covered information and personally identifiable information, that is established by the school service provider;

(c) Describes any other actions taken by the private school to protect the security of any data collected by a school service provider, including, without limitation, covered information and personally identifiable information, concerning pupils; and

(d) Describes the manner in which a pupil or the parent or legal guardian of a pupil may report any suspicious activity relating to the use of a school service by a pupil.

2. At the beginning of each school year, each private school shall communicate to the pupils enrolled at the school and the parents and legal guardians of such pupils the availability of the information described in subsection 1 and the manner in which to locate the information.

Sec. 11. This act becomes effective 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 on July 1, 2020, for all other purposes.

Senator Denis moved that the Senate not concur in Assembly Amendment No. 786 to Senate Bill No. 403.

Remarks by Senator Denis.

Amendment No. 786 to Senate Bill No. 403 adds a joint sponsor to the bill and clarifies that a school service provider must inform a school or district of any data breach. However, we are missing a piece that needs to go in so I would like to go to a Conference Committee to be able to fix it.

Motion carried.

Bill ordered transmitted to the Assembly.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bills Nos. 13, 15, 33, 35, 36, 41, 42, 57, 66, 67, 87, 95, 101, 108, 126, 131, 136, 147, 179, 185, 208, 212, 220, 224, 267, 298, 300, 320, 336, 350, 367, 385, 394, 395, 396, 407; Assembly Bills Nos. 95, 230, 260, 285, 290, 304, 334, 450, 453, 472, 478, 488, 490, 496; Assembly Joint Resolutions Nos. 3, 4, 6, 7, 8; Assembly Joint Resolution 2 of the 79th Session.

Senator Cannizzaro moved that the Senate adjourn in memory of those who paid the ultimate sacrifice with their lives for our Country until Monday, May 27, 2019, at 11:00 a.m.

Motion carried.

Senate adjourned at 3:14 p.m.

Approved: KATE MARSHALL
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate