THE ONE HUNDRED AND EIGHTEENTH DAY

CARSON CITY (Saturday), June 1, 2019

Senate called to order at 5:47 p.m.

President Marshall presiding.

Roll called.

All present.

Prayer by Senator Pat Spearman.

God, Creator of the universe and Giver of all that is good and Champion for the poor, for the downtrodden and those living in the social margins, this time is a time for interception between change and fear of change. We come this day thanking You for all of the gifts of life we enjoy, but let us not be comfortable with our blessings while suffering, discrimination, oppression and character castigation exist in this world. Trouble our hearts and our minds to work for justice and equality for all of Your children. Agitate us, God, to consider the plight of the poor, the sick, the weak, the infirmed and the vulnerable as we deliberate policies. By Your Spirit, keep us concerned about the difficulty of those who are in distress, those who are depressed, who live among us without the opportunity to live life to its fullest.

As You were present at the beginning of time and brought order out of chaos, be present with us, today, as we deliberate matters that affect the lives of all Nevadans. Let us do so without malice, selfishness or acrimony. Fill us with Your love and endow us with Your wisdom and give us a spirit of humility so all that we do on this day reflects Your will for peace, justice and equitable treatment for all of humanity. This is our hope and petition.

We close this prayer with the firm belief that You have heard our concerns and now empower us to accomplish the tasks set before us with thoughtfulness, truthfulness and without deceitful motivation.

It is in the Name of the Creator who is concerned about all of creation and the God of the universe. For those who are the descendants of Isaac, Jewish blessing of Shalom. For those who follow Jesus, the Jewish carpenter,

AMEN.

And for the descendants of Ishmael,

SALA SALAAM.

Pledge of Allegiance to the Flag.

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

REPORTS OF COMMITTEE

Madam President:

Your Committee on Education, to which were referred Assembly Bills Nos. 168, 289, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MOISES DENIS, *Chair*

Madam President:

Your Committee on Finance, to which were referred Senate Bills Nos. 553, 555, 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 was referred Senate Bill No. 211, 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 were re-referred Senate Bills Nos. 90, 174, 215, 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*

Madam President:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 489, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID R. PARKS, *Chair*

Madam President:

Your Committee on Growth and Infrastructure, to which was referred Senate Bill No. 547, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

YVANNA D. CANCELA, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 31, 2019

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 43, 483, 486, 495.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Spearman moved that Assembly Bill No. 319 be taken from the Secretary's desk and placed on the General File on the second Agenda.

Motion carried.

Senator Woodhouse moved that Assembly Bills Nos. 111, 235 be taken from the General File and re-referred to the Committee on Finance.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Senator Ratti:

Senate Bill No. 556—AN ACT relating to taxation; authorizing certain boards of county commissioners to recommend the imposition of a property tax to employ and equip additional sheriff's deputies for the sheriff's office or firefighters for the county fire department, or both; authorizing the governing body of certain incorporated cities to recommend the imposition of a property tax to employ and equip additional police officers or firefighters, or both; providing that a board of county commissioners or the governing body of an incorporated city is authorized to submit a question to the voters at the 2020 General Election asking whether the recommended property tax should be imposed; requiring the imposition of such a property tax that is approved by the voters; providing for the use of the proceeds of such taxes for certain purposes; providing for the expiration of the authority of a board of county commissioners and a governing body of certain incorporated cities to recommend the imposition of such taxes; and providing other matters properly relating thereto.

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

Motion carried.

WAIVERS AND EXEMPTIONS

WAIVER OF JOINT STANDING RULE(S)

A Waiver requested by Senator Ratti.
For: Senate Bill No. 556.
To Waive:

Subsection 1 of Joint Standing Rule No. 14 (Committee requests of each house must be requested by 15th day).

Subsection 1 of Joint Standing Rule No. 14.2 (dates for introduction of BDRs requested by individual legislators and committees).

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).

Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: Tuesday, May 28, 2019.

NICOLE CANNIZZARO
Senate Majority Leader

JASON FRIERSON
Speaker of the Assembly

INTRODUCTIONS, FIRST READING AND REFERENCE

Assembly Bill No. 43.

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

Motion carried.

Assembly Bill No. 483.

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

Motion carried.

Assembly Bill No. 486.

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

Motion carried.

Assembly Bill No. 495.

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

Motion carried.

GENERAL FILE AND THIRD READING

Senate Joint Resolution No. 8.

Resolution read third time.

Remarks by Senators Cannizzaro, Hardy, Hammond, Hansen, Scheible and Seevers Gansert.

SENATOR CANNIZZARO:

I am pleased to stand in support of Senate Joint Resolution No. 8. Senate Joint Resolution No. 8 proposes to amend the *Nevada Constitution* by adding a guarantee that equality of rights under the law shall not be denied or abridged by this State or any of its political subdivisions on account of

race, color, creed sex, sexual orientation, gender identity or expression, age, disability, ancestry or national origin.

One of the things we have discussed over time is the concept of equality. What Senate Joint Resolution No. 8 seeks to do is to put that in the *Nevada Constitution*. It is a constitutional right for people to be equal under the law. Last Session, we had a robust discussion about that topic and whether this State would be one of the states to ratify the Equal Rights Amendment and guarantee rights regardless of sex. It is historic that in the first female majority Legislature we are continuing that conversation. When thinking about what should be included in the *Nevada Constitution*, Senate Joint Resolution No. 8 is broader than just the idea of sex, but that is an important part of equality; it is not just given to one group, it is given to all groups. I am proud to stand in support of Senate Joint Resolution No. 8 and urge my colleagues to also support it.

SENATOR HARDY:

My wife was stunned when her DNA spit test showed that she was not Danish, when, since 1780, she has been one-half pure Danish and initial results taken years before confirmed she is pure Danish. Her most recent DNA update showed 29-percent Norwegian and northwestern European, but no Danish, which was and is her nationality. I have distant family who are DNA positive for a gender but are ambiguous for physical appearance. We have family members who are attracted to and married to the same gender, and sons and daughters who have been basketball players without the need of a constitutional amendment. I teach medical students who are a majority women in some classes. I wonder if I need a constitutional amendment to prove what we know, men and women are different, or as the French say, vive la difference. Because there have been laws and regulations protecting the rights or minority ownership, I am glad to go to the store in the Reno airport and say hello to former Senator Bernice Matthews when she is working at her daughter's shop. I was able to use the urinal in France next to the cabinets for women or men at Notre Dame de Paris. We do not need a constitutional amendment to learn how to treat people with respect and deference. We do need to be careful to protect the rights of religion and other freedoms without layering on difficult-to-interpret criteria for a type of reverse discrimination seemingly justified by a constitutional amendment ripe for litigation. We are sometimes tempted to pass laws to create conflict instead of harmony and appreciation for one another.

This is being proposed as the equal rights amendment. This is America. We have equal rights guaranteed under the law. I hope we can learn to have equal respect for one another in spite of our differences without this nebulous, divisive proposal. My wife and I live in somewhat of a bubble and recognize that rights and freedoms in this Country have, for centuries, been balanced, and the rights to believe and practice our religion have to be respected by those who do not believe as we do. We do not have to trample on other rights, and I hope we can develop love and compassion and perhaps not be judgmental about what people are doing. This constitutional amendment will not impinge on the fundamental right of conscience as defined in Article 1, Section 4, of the *Nevada Constitution*. Section 4 reads: "Liberty of conscience. The free exercise and enjoyment of religious profession and worship without discrimination or preference shall forever be allowed in this State, and no person shall be rendered incompetent to be a witness on account of his opinions on matters of his religious belief, but the liberty of conscience hereby secured, shall not be so construed, as to excuse acts of licentiousness or justify practices inconsistent with the peace, or safety of this State." I would add to this, "… for the peace or the safety of any individual in this State." I will be voting in favor of Senate Joint Resolution No. 8.

SENATOR HAMMOND:

Last night, I listened to the hearing on Senate Joint Resolution No. 8 and noted the strong feelings expressed on both sides. I respect all who came forward and those who in this building who worked so hard on these issues. I agree with many that the process to get here was poor. This bill came to us late, and the political pandering by some is not lost on me. We already have laws that provide the protections this bill intends. We have an obligation as public officials to thoroughly vet all legislation that comes before us. This includes ensuring that as many Nevadans as possible have an opportunity to participate in a hearing and allow their voices to be heard. I do not believe that process was followed yesterday. I have had more in-depth conversations in my office on this subject than in the Committee that heard this bill. I look forward to having more

public contribution on this in the next Legislative Session before it goes to a vote of the people. Those conversations are important in making sure the public has as much knowledge as possible when casting their vote. In the limited time I have had to review this bill, I can find no part of it that is anything other than equality under the law. The issue before us today is not one of social issues. This bill will make its way to the people, and it is the people who will make the final decision on it. I am comfortable with that. In this Chamber we have had conversations on abortion, same-sex marriage, rights and protections for transgender men and women and will have more in the future. Those are not the questions before us today. This is a question of justice, period. We can have no true, just society without first and foremost ensuring each citizen is equal under the eyes of the law. While debating the Fourteenth Amendment, the great abolitionist and lawmaker Thaddeus Stevens said, "I don't hold with equality in all things, only with equality before the law and nothing more." I cannot, in good conscience, vote against something that calls for nothing more than equality under the law for all people. I look forward to future discussions to vet out the wording of this amendment. For today, I am a "yes."

SENATOR HANSEN:

The original Equal Rights Amendment that was on the ballot in Nevada in 1978 read, "Equality of rights under the law shall not be denied or abridged by the U.S. or any state on account of sex." The first time I was in the building was in 1977 watching the Equal Rights Amendment debate here. It was an historic time. Bob Rose had to break a tie vote on the Equal Rights Amendment in this House, and I have been watching this for a long time. After extensive debate, it was on the ballot in 1978 with that language, and Nevadans overwhelming rejected it two to one.

I am aware things have changed. You may think they have changed a lot, but they have not. Jimmy Carter was president, and Nevada was almost two to one in favor of Democratic in voter registration. If this is voted on, it will no longer be able to be debated on in this Chamber; it will make a constitutional change and we will no longer be able to make necessary changes. There is a big difference when it is in the Constitution. While the Equal Rights Amendment was originally about sex, this dramatically expands it to include race, color, creed, sex, sexual orientation, gender identity or expression, age, disability, ancestry or national origin. That is way beyond the original one from 1978.

I bring this up because, especially on the issue of gender identity or expression, it is ironic that this bill will harm women. Women for decades worked to get Title 9 funds for athletic programs in the United States. Women's athletics have expanded dramatically, but because of the gender identity argument and issue we now have, biological males are participating in female sports. For the mothers who are working hard, taking their children to batting cages and sporting events with the hope they can get a female scholarship for athletics or other female specific scholarship, that will be challenged and no longer allowed under pure equality.

In Nevada we have preferences for women in business. When women bid against me in contracting, a female-owned business has an advantaged. That will be denied if this passes. Abortion also comes into play. An almost identical bill was placed in the New Mexico Constitution. Justice Pamela Minzer, in the unanimous 1998 New Mexico Supreme Court's New Mexico's Right to Choose NARAL v. William Johnson, said: "There is no comparable restriction on medically necessary services relating to physical characteristics or conditions that are unique to men. Indeed, we can find no provision in the Department's regulations that disfavor any comparable medically necessary procedure unique to the male anatomy. The restriction on funding abortions undoubtable singles out for less favorable treatment a gender-linked condition that is unique to women." In other words, taxpayer-funded abortions became a constitutional responsibility for the government of New Mexico. On March 13, 2019, the National Abortion Rights Action League, Pro-Choice America distributed an email alert nationwide to members and supporters to urge Congress to attempt to facilitate the ratification of the ERA because the Equal Rights Amendment would reinforce the constitutional right to abortion; it would require judges to strike down anti-abortion laws. For those of you who are pro-life, this not only takes that right away but would potentially require our State to finance abortions.

The *Nevada Constitution* has a provision that allows a religious organization to follow its principles. That is absent in this bill. There is a likelihood Catholic hospitals could be forced to provide abortion services if this bill passes. I urge my colleagues to consider these things,

especially those of you who are highly political. Picture those 20- to 50-year-old soccer moms raising their girls with the expectations they are going to be able to participate in sporting events and then watching the strange phenomenon where biological males are setting new records. I can guarantee you this is going to impact people when they vote on this amendment. It will eliminate all the work that has been aggressively been done by the feminists to ensure female athletes get protected under the law.

I do not fear it being on the ballot. I am voting "no" on it because, having gone through this whole thing, I feel it is an exercise in political futility. These rights already exist, and there is nothing we cannot do in this Chamber. There is no issue involving inequality we cannot address under NRS. It will not help us to put this into the Constitution. As we have learned with Marsy's Law, once something is locked into the Constitution, even if there are problems, we cannot touch it for several years. I urge my colleagues to think carefully about this. It is not something to make things right again. It is potentially a dangerous and harmful thing for women in Nevada because it removes existing protections under the law. I urge my colleagues to vote against Senate Joint Resolution No. 8.

SENATOR SCHEIBLE:

I would like to respond to my colleague from District 14, because it is important we understand some things about this resolution. This only affects State governments. The way this resolution is worded would not require churches to undertake any kind of new or different practices because it specifies a government entity or agency of the State.

I want to talk about abortion. We have had many spirited debates about it and have had many meaningful discussions about this issue in the Chamber and in our Committees. I hope and I trust that none of my colleagues believe abortion is wrong or that we should be prohibited from getting one because men and women are not equal. I hope and I trust the belief we do not have in common, is what equality means or what makes us equal. If anyone believes they are going to stop abortions by stopping equality, their priorities are not in line with what this Chamber has always stood for, which is to treat people as equals. We can argue over what that means and how that manifests but to suggest we remove equality from the equation in order to get the result we want is just plain wrong.

I also want to talk about trans people; they are people too. They deserve our recognition under the law, and they deserve equality under the law. I would hazard a guess that none of us on this Floor can imagine what it is like to have that kind of life experience, although most trans people are not out for the entirety of their lives, and one day, one of us could discover that is the truth for us. To suggest any young person is going to put themselves through the pain, suffering and challenges of living as a trans person in this transphobic environment to win a scholarship to play sports in college is just offensive. Moreover, even if we think that is happening, we should not change our laws and stop providing for the equality and dignity of all of the rest of our citizens because of a few bad actors. That is why voting for this joint resolution is an easy and good choice.

SENATOR SEEVERS GANSERT:

I rise in support of Senate Joint Resolution No. 8. We have dozens of statutes on the books to protect citizens and ensure everyone is treated equally. When you look at the plain language of this resolution, it says, "Equality of rights under the law shall not be denied or abridged by the State or any of its political subdivisions on account of race, color, creed, sex, sexual orientation, gender identity or expression, age, disability, ancestry or national origin." I am not sure how we can deny this. Equality is important, and it is simple. When we have objections around religion, creed is religion. Creed means religion, faith and religious beliefs so that portion is covered. Some of you may remember I was the lone Republican who stood for the Equal Rights Amendment; I was the only one. I am proud and appreciate my colleagues who support this amendment today. We, as representatives of Nevadans, should provide an opportunity for our citizens to vote, and that is what this will do.

Roll call on Senate Joint Resolution No. 8:

YEAS—18.

NAYS—Goicoechea, Hansen, Washington—3.

Senate Joint Resolution No. 8 having received a constitutional majority, Madam President declared it passed.

Resolution ordered transmitted to the Assembly.

Assembly Bill No. 155.

Bill read third time.

Remarks by Senators Denis and Kieckhefer.

SENATOR DENIS:

Assembly Bill No. 155 reduces, from 15 to 12, the number of credit hours per semester in which a student is required to enroll at a community or State college to remain eligible for the Silver State Opportunity Grant Program. The bill further creates an exception to the minimum credit hour requirement for students in the final semester of a program of study. Finally, to the extent that money is available, Assembly Bill No. 155 prescribes the priority order in which grants must be awarded.

SENATOR KIECKHEFER:

The Silver State Opportunity Grant (SSOG), when it was first created in 2015, was the first program in Nevada to provide need-based financial aid to our community college students and students at Nevada State colleges. That is how it has become known, as a need-based financial aid program. When it was created, its intention was more as a graduation assistance program, and it was designed with understanding that low-income, at-risk and first-generation students can often not attend college full time because they have work or other family obligations. The purpose of this scholarship is to address students who are taking 9 or 12 units and inform them that if they take one or two more classes, the State will provide money to help offset some of the financial responsibility, and they will be able to attend fulltime. Attending fulltime is the biggest driver for success in retention and graduation. It is graduation these students need. The difference in earning potential and total life outcome between attending and not attending college is different, but graduating from college is the key. This is what creates the ladder up the economic scale and achievement of the American dream we talk about.

The SSOG was designed as incentive for students to increase their workload, attend fulltime, and it has worked as originally designed. The year one cohort, which was a three-year graduation rate of the two-year colleges, is 60-percent system-wide. That is a graduation rate almost 20 points higher than students who meet all other criteria except taking fewer than 15 credits per semester. That 20 point gap is proof that the theory behind the bill is true. There are more than 1,500 students enrolled being supported by this scholarship. I have worked hard as the program has grown over the past four years to get funding for the program into the base appropriation for the Nevada System of Higher Education. We currently fund it with $10 million, which covers almost everyone eligible under the 15 credit-hour requirement. At this time, there is a little money left over. The bill in front of us today would allow that money to continue to be invested in students, and that is why I can support it. This bill will continue to fund the mission of the program, which is supporting those students enrolled in 15 credits. If there is anything left over after that, it can support other eligible students at the 12-credit requirement. That is a good outcome. I hope that, if over time the need to put more money into this program to support students at the 15-credit level becomes greater, we can do that. This is successful; it is a program that has worked. If we continue down this road, with this strategy of trying to help people graduate rather than just attend college, we will have greater success for both our future as a State and theirs as individuals.

Roll call on Assembly Bill No. 155:

YEAS—21.

NAYS—None.

Assembly Bill No. 155 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 216.

Bill read third time.

Remarks by Senator Kieckhefer.

Assembly Bill No. 216 requires the State Treasurer to establish a Statewide database containing information relating to potential funding sources for higher education. This bill further requires the State Treasurer to make the database publicly available on its Internet website and establish certain means of communication to disseminate and explain the information contained in the database. This bill also requires the Attorney General to establish a program to connect victims of domestic violence and human trafficking with the information contained in the database. Finally, this bill authorizes both the State Treasurer and the Attorney General to accept any gift, donation, bequest, grant or other source of money to establish and maintain the database and program.

Roll call on Assembly Bill No. 216:

YEAS—21.

NAYS—None.

Assembly Bill No. 216 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 300.

Bill read third time.

Remarks by Senators Ohrenschall and Spearman.

SENATOR OHRENSCHALL:

Assembly Bill No. 300 requires the Director of the Department of Veterans Services to prescribe a questionnaire for veterans concerning their experience in the military and any service-connected disabilities and diseases and annually submit the information obtained through the questionnaire to the Division of Public and Behavioral Health of the Department of Health and Human Services (DHHS). The bill also requires the Director to conduct public-outreach programs to provide information and raise public awareness concerning service-connected disabilities, diseases and survivor benefits available to family members of veterans. Further, the bill requires the Division to provide free continuing education courses or information concerning issues related to the health of veterans, including service-connected disabilities and diseases, to providers of health care and certain other persons. Finally, in addition to other provisions, the bill authorizes certain providers of health care to ask each new patient or client who is over 18 years of age if he or she is a veteran and if the patient or client indicates that he or she is a veteran, provide the patient or client with the contact information for the Department of Veterans Services.

SENATOR SPEARMAN:

I rise in strong support of Assembly Bill No. 300. One of the things we have always had difficulty doing is identify our veterans, especially those who need these services the most. For those veterans still among us, they have served their time and deserve our fullest support. For those who are no longer here, their family's deserve our fullest support. In all of our military cemeteries, including Arlington, people of all races, creeds, colors and members of the LGBTQ community are buried. I strongly support this bill.

Roll call on Assembly Bill No. 300:

YEAS—21.

NAYS—None.

Assembly Bill No. 300 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 345.

Bill read third time.

The following amendment was proposed by Senator Ohrenschall:

Amendment No. 1080.

SUMMARY—Makes various changes relating to elections. (BDR 24-873)

AN ACT relating to elections; authorizing each county and city clerk to establish polling places where any registered voter of the county or city, respectively, may vote in person on the day of certain elections; authorizing an elector to register to vote during certain periods before and on the day of certain elections and setting forth the requirements for such registration; requiring the Secretary of State to establish a system for voter registration on the Internet website of the Secretary of State and setting forth certain requirements for that system; requiring the Department of Motor Vehicles to provide a form to decline voter registration or indicate a political party affiliation after concluding certain transactions with the Department; requiring a county clerk to reject certain applications to register to vote that are automatically transmitted to the county clerk by the Department of Motor Vehicles; revising requirements to publish certain information relating to elections in a newspaper; revising certain provisions relating to a student trainee serving as election board officer; requiring a provisional ballot to include all offices, candidates and measures upon which the person casting the provisional ballot would be entitled to vote if he or she were casting a regular ballot; revising certain deadlines related to absent ballots; authorizing a registered voter to request an absentee ballot for all elections; revising certain other requirements for absent ballots; revising the hours for early voting; authorizing county and city clerks to extend the hours for early voting after the hours have been published; establishing certain protections for private property owners who rent private property for use as a polling place; establishing certain requirements for the database of the Department of Motor Vehicles relating to processing and verifying voter registration information; making appropriations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under the Nevada Constitution, a person must be a qualified elector in order to be a registered voter. (Nev. Const. Art. 2, §§ 1, 6) Under Nevada's elections laws, a person who is a qualified elector and meets certain statutory requirements may register to vote, and a person who is at least 17 years but less than 18 years of age and meets certain statutory requirements may preregister to vote. Within a certain period after such a person registers or preregisters to vote and is deemed to be a registered voter, the person must be issued a voter registration card that contains certain registration information. (NRS 293.485, 293.4855, 293.517)

Section 1.5 of this bill defines the term "voter registration card" for the purposes of Nevada's elections laws, and section 1.7 of this bill lists the information that must be contained in the voter registration card under existing law. In addition, section 1.7 clarifies that if a person is qualified to register to

vote for an election and has properly completed any authorized method to register to vote for the election, the issuance of a voter registration card to the person is not a prerequisite to vote in the election. Similarly, section 56 of this bill also clarifies that once a person who preregisters to vote is deemed to be a registered voter, the issuance of a voter registration card to the person is not a prerequisite to vote in an election.

Existing law requires the county clerk to establish the boundaries of election precincts and authorizes election precincts to be combined into election districts. (NRS 293.205-293.209) Existing law prohibits a person from applying for or receiving a ballot at any election precinct or district other than the one at which the person is entitled to vote. (NRS 293.730) Section 2 of this bill authorizes the county clerk to establish one or more polling places in the county where any person entitled to vote in the county by personal appearance may do so on the day of a primary or general election. Section 3 of this bill requires the county clerk to publicize the location of such polling places. Section 4 of this bill requires the county clerk to prepare a roster of registered voters in the county for any such polling place. Section 5 of this bill sets forth the procedure for a person to vote in person at any such polling place. Sections 73-76 of this bill set forth corresponding provisions authorizing the city clerks to establish polling places where any person who is entitled to vote in the city by personal appearance may do so on the day of the primary city or general city election.

Existing law sets forth deadlines for registering to vote by mail, computer or appearing in person at the office of the county or city clerk. (NRS 293.560, 293C.527) The last day to register to vote for a primary election, primary city election, general election or general city election: (1) by mail is the fourth Tuesday preceding the election; (2) by appearing in person at the office of the county or city clerk, as applicable, is the third Tuesday preceding the election; and (3) by computer is the Thursday preceding the first day of the period for early voting for the election. Sections 5.1-9.8, 64 and 105 of this bill revise these deadlines and authorize additional methods and times for voter registration for a primary election, primary city election, general election or general city election.

Section 6 of this bill provides that: (1) through the Thursday preceding the election, an elector may register to vote by computer using the online registration system provided on the website of the Office of the Secretary of State; and (2) after such online registration, the elector may appear and vote in person at a polling place during the period for early voting or on election day under certain circumstances. Section 6 further provides that the elector must vote by casting a provisional ballot for all offices, candidates and measures on the ballot, except that the elector is entitled to cast a regular ballot if it is verified, at the time of voting, that the elector is qualified to cast a regular ballot in the election.

In addition to other methods of registration and notwithstanding the close of registration under other provisions of law, sections 8 and 9 of this bill authorize

an elector to register to vote in person at a polling place during the period for early voting or on the day of the election and to vote on the same day as the registration under certain circumstances. Sections 8 and 9 also direct the county or city clerk to authorize one or more of the following methods of registration at the polling place: (1) a paper application; (2) a computer system established for the county; or (3) the Secretary of State's online system. However, sections 8 and 9 permit the county or city clerk to limit the use of a particular method, such as a paper application, to circumstances when another method is not reasonably available.

To register and vote in person on the same day under sections 8 and 9, an elector must appear at a polling place, complete an application to register to vote by computer or another authorized method at the polling place and provide proof of identity and residence. Upon completion of the application and verification of identity and residence, the elector: (1) is deemed to be conditionally registered to vote and may vote in that election only at the polling place at which he or she registered to vote; and (2) must vote by casting a provisional ballot for all offices, candidates, questions and measures on the ballot. However, under section 8, the elector is entitled to cast a regular ballot during the period for early voting if it is verified, at the time of voting, that the elector is qualified to cast a regular ballot in the election.

Sections 6, 8, 9 and 9.4 of this bill provide that, if the elector casts a provisional ballot, it will be counted only after final verification to determine whether the elector was qualified to register to vote and to cast the ballot in the election. Section 9.6 of this bill provides that the county or city clerk: (1) shall not include any provisional ballot in the unofficial results reported on election night; and (2) beginning on the day following the election, shall regularly report the results of the counting of the provisional ballots until such counting is completed. Section 9.8 of this bill directs the Secretary of State to establish a system, such as a toll-free telephone number or an Internet website, to inform an elector who cast a provisional ballot whether or not the ballot was counted and, if not, the reason why the ballot was not counted. Section 148.8 of this bill makes an appropriation for the costs of implementing this bill.

With regard to other methods of voter registration, sections 64 and 105 of this bill change the deadline for registering in person at the offices of the county or city clerk to the fourth Tuesday preceding the election, which is the same deadline for registering by mail. Sections 64 and 105 also eliminate the existing requirement that certain offices of the county or city clerk remain open for extended office hours during the last days before the deadline to register in person at those offices.

Under existing law, a registered voter may use an application to register to vote to correct his or her voter registration information. (NRS 293.5235) Section 5.9 of this bill allows a registered voter, after the close of registration, to use certain authorized methods to update his or her voter registration information. Section 5.9 also authorizes the county or city clerk to require the voter to cast a provisional ballot if any circumstances exist that give the clerk

reasonable cause to believe that the use of a provisional ballot is necessary to provide sufficient time to verify and determine whether the voter is eligible to cast the ballot in the election based on his or her updated voter registration information.

Under existing law and various city charters, the Legislature has provided that city elections are governed by Nevada's elections laws, so far as those laws can be made applicable and are not inconsistent with the city charters. (NRS 293.126, 293C.110) To ensure statewide uniformity and consistency in the application of sections 5.1-9.8 regarding voter registration, sections 5.7, 15.5, 82, 117, 118, 120, 123, 125, 128, 131, 134, 137, 140, 143, 145 and 147 of this bill amend existing law and the applicable city charters to provide that sections 5.1-9.8 apply to city elections and supersede and preempt any conflicting provisions of the city charters.

Under existing law, the Secretary of State serves as the Chief Officer of Elections and is responsible for the execution and enforcement of state and federal law relating to Nevada's elections. (NRS 293.124) Section 11 of this bill requires the Secretary of State to establish an online system for voter registration on the Internet website of the Office of the Secretary of State and sets forth certain requirements for the online system. Section 148.6 of this bill makes an appropriation to the Secretary of State for the purposes of implementing and operating the online system and verifying voter registration information.

At the 2018 general election, the voters approved Ballot Question No. 5, also known as the Automatic Voter Registration Initiative, which requires the Department of Motor Vehicles to: (1) establish a system for the secure electronic storage and transmission of voter registration information obtained from a person who applies for the issuance or renewal of or a change of address on any driver's license or identification card; (2) collect certain voter registration information from the person, unless he or she affirmatively declines to apply to register to vote; and (3) transmit that information to the county clerk of the county in which the person resides to register that person to vote or update his or her voter registration information. (2018 Ballot Question No. 5, Automatic Voter Registration Initiative)

In carrying out its duties regarding voter registration, section 12 of this bill requires the Department to provide a person with a form that allows the person to: (1) affirmatively decline to be registered to vote or have his or her voter registration updated; and (2) indicate a political party affiliation. The form also must inform the person that he or she may return the form immediately after his or her transaction with the Department to a secured container within the Department or update his or her voter registration information using the Secretary of State's online system. Section 12 further provides that if a person fails to return the form at the end of his or her transaction with the Department, that person will be deemed to have cnsented to the transmission of his or her voter registration information, and the Department will transmit that information to the county clerk who will list the person's political party as

nonpartisan under certain circumstances. Sections 148.4 and 148.5 of this bill make appropriations to the Department for the purposes of carrying out its duties regarding voter registration.

After receiving the voter registration information transmitted by the Department, section 13 of this bill provides that the county clerk must review the information to determine whether the person is eligible to register to vote. If the county clerk determines the person is not eligible to register to vote, section 13 provides that the voter registration information shall be deemed not to be a complete application to register to vote and that person shall be deemed not to have applied to register to vote.

Existing law requires the county and city clerk to publish certain information relating to a primary election or general election in a newspaper of general circulation. (NRS 293.203, 293.253, 293C.187) Sections 20, 85 and 112 of this bill remove the requirement for the county and city clerk to publish the names of the candidates and offices to which the candidates seek nomination or election. Section 23 of this bill removes the additional requirement for the county clerk to publish a condensation of any statewide measure and its explanation, arguments, rebuttals and fiscal note.

Existing law prohibits the county or city clerk from assigning more than one student trainee to serve as an election board officer to any one polling place. (NRS 293.2175, 293.227, 293C.222) Sections 21, 21.5 and 86 of this bill remove that prohibition so that more than one student trainee may be assigned to a polling place.

Existing federal law requires states to allow certain registered voters to cast provisional ballots in special circumstances to ensure that the voters facing those circumstances are not unfairly denied the right to vote. (Section 302 of the Help America Vote Act of 2002, 52 U.S.C. § 21082) To comply with federal law, existing Nevada law authorizes a person to cast a provisional ballot if the person completes a written affirmation and: (1) declares that he or she is registered to vote and is eligible to vote in the election in the jurisdiction but his or her name does not appear on the voter registration list; (2) has registered to vote by mail or computer, has not voted in an election for federal office in this State and fails to provide identification to an election board officer at the polling place; or (3) declares that he or she is entitled to vote after the polling place would close as a result of certain court orders. A provisional ballot allows the person casting it to vote only for candidates for federal office. After the election, provisional ballots are kept separate from regular ballots and are only counted towards the result of the election under certain circumstances. (NRS 293.3081-293.3085) Sections 10.3 and 37-39 of this bill ensure that the provisions governing provisional ballots subject to the federal requirements are kept separate in Nevada's elections laws from the provisions governing provisional ballots cast under sections 5.1-9.8. However, sections 5.8 and 10.6 of this bill ensure that both types of provisional ballots include all offices, candidates and measures on which the person who is casting

the provisional ballot would be entitled to vote if he or she were casting a regular ballot.

Existing law requires a person who will distribute forms to request absent ballots to provide written notice to the county or city clerk within 14 days of distributing the forms and mail the forms not later than 21 days before the election. (NRS 293.3095, 293C.306) Sections 42 and 93 of this bill revise the time periods to require the person to provide notice to the county or city clerk within 28 days of distributing the forms and to mail the forms not later than 35 days before an election.

Existing law requires a registered voter, with limited exceptions, to request an absent ballot by 5 p.m. on the seventh calendar day preceding a primary, primary city, general or general city election. (NRS 293.313, 293C.310) Sections 43 and 94 of this bill revise the deadline to require a person to request an absent ballot by 5 p.m. on the 14th day preceding an election.

Existing law authorizes a registered voter with a physical disability or who is at least 65 years of age to submit a written request to the county or city clerk to receive an absent ballot for all elections at which the registered voter is eligible to vote. (NRS 293.3165, 293C.318) Sections 44 and 95 of this bill instead provide that any registered voter may submit a written request to receive an absent ballot for all elections at which the registered voter is eligible to vote.

Existing law requires that an absent ballot be received by the county or city clerk by the time the polls close on the day of an election. (NRS 293.317) Sections 45 and 76.5 of this bill instead provide that an absent ballot must be: (1) delivered by hand to the county or city clerk by the time set for the closing of the polls; or (2) mailed to the county or city clerk and postmarked on or before the day of an election and also received by the county or city clerk within the period for the counting of absent ballots, which continues through the seventh day following the election.

Existing law establishes a process for the county or city clerk to follow upon receiving an absent ballot from a registered voter. (NRS 293.325, 293C.325) Sections 46 and 96 of this bill revise this process to require the county or city clerk to check the signature on the envelope of an absent ballot against all signatures of the voter in the records of the clerk, and if two employees of the office of the clerk question whether the signature matches, the county or city clerk must contact the voter to ask whether it is the signature of the voter. Sections 46 and 96 further require the county or city clerk to contact a voter who has neglected to sign the return envelope of an absent ballot.

Existing law requires a permanent polling place for early voting by personal appearance at a primary or general election to remain open: (1) on Monday through Friday during the first week of early voting, from 8 a.m. to 6 p.m.; (2) on Monday through Friday during the second week of early voting, from 8 a.m. to 6 p.m. or 8 p.m.; and (3) on any Saturday during early voting, for at least 4 hours between 10 a.m. to 6 p.m. (NRS 293.3568, 293C.3568) Sections 49 and 101 of this bill revise the hours a polling place must remain

open during the period for early voting: (1) on Monday through Friday during early voting, for at least 8 hours during such times as the county or city clerk may establish; and (2) on any Saturday during early voting, for at least 4 hours during such times as the county or city clerk may establish.

Existing law requires the county or city clerk to publish the dates and hours that early voting will be conducted at each permanent and temporary polling place for early voting. (NRS 293.3576, 293C.3576) Sections 50 and 102 of this bill provide that the county or city clerk may extend the hours that early voting will be conducted after the hours have been published.

Existing law authorizes the county or city clerk to rent privately owned locations to be designated as a polling place on election day. (NRS 293.437) Section 52.6 of this bill provides that the legal rights and remedies of the owner or lessor of the private property to be rented as a location to be used as a polling place are not impaired or affected by renting the property.

Existing law requires the Secretary of State to establish and maintain an official statewide voter registration list, which, among other requirements, must be coordinated with the databases of the Department of Motor Vehicles. (NRS 293.675) Section 69 of this bill: (1) requires the Department to ensure that its database is capable of processing any information related to an application to register to vote, an application to update voter registration information or a request to verify the accuracy of voter registration information as quickly as feasible; and (2) prohibits the Department from limiting the number of applications or requests to verify the accuracy of voter registration information that may be processed by the database in any given day.

Existing law provides that the counties and certain cities must complete the canvass of the election returns in the county or city, respectively, on or before the sixth working day following the election. (NRS 293.387, 293.393, 293C.387) However, various city charters set different periods for certain cities to complete the canvass of the election returns following the election. Sections 52.2, 52.4, 104.5, 116, 119, 121, 124, 126, 129, 132, 135, 138, 141, 144 and 148 of this bill provide that all counties and cities must complete the canvass of the election returns on or before the 10th day following the election.

Under the Nevada Constitution and existing statutes, persons who circulate initiative and referendum petitions proposing changes in the law are required to submit the petitions to the county clerks by certain deadlines, so the clerks can verify whether the petitions have a sufficient number of valid signatures to qualify for the ballot. (Nev. Const. Art. 19, §§ 1, 2; NRS 295.056) Section 112.2 of this bill revises those deadlines.

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.5 to 13, inclusive, of this act.

Sec. 1.5. *"Voter registration card" means a voter registration card that is issued to a voter pursuant to any provision of this title and contains the information set forth in section 1.7 of this act.*

Sec. 1.7. *1. A voter registration card must contain:*

(a) The name, address, political affiliation and precinct number of the voter;

(b) The date of its issuance; and

(c) The signature of the county clerk.

2. If a voter is qualified to register to vote for an election and has properly completed any method authorized by the provisions of this title to register to vote for the election, the issuance of a voter registration card to the voter is not a prerequisite to vote in the election.

Sec. 2. *1. A county clerk may establish one or more polling places in the county where any person entitled to vote in the county by personal appearance may do so on the day of the primary election or general election.*

2. Any person entitled to vote in the county by personal appearance may do so at any polling place established pursuant to subsection 1.

Sec. 3. *1. Except as otherwise provided in subsection 2, if a county clerk establishes one or more polling places pursuant to section 2 of this act, the county clerk must:*

(a) Publish during the week before the election in a newspaper of general circulation a notice of the location of each such polling place.

(b) Post a list of the location of each such polling place on any bulletin board used for posting notice of meetings of the board of county commissioners. The list must be posted continuously for a period beginning not later than the fifth business day before the election and ending at 7 p.m. on the day of the election. The county clerk shall make copies of the list available to the public during the period of posting in reasonable quantities without charge.

2. The provisions of subsection 1 do not apply if every polling place in the county is a polling place where any person entitled to vote in the county by personal appearance may do so on the day of the primary election or general election.

3. No additional polling place may be established pursuant to section 2 of this act after the publication pursuant to this section, except in the case of an emergency and if approved by the Secretary of State.

Sec. 4. *1. For each polling place established pursuant to section 2 of this act, if any, the county clerk shall prepare a roster that contains, for every registered voter in the county, the voter's name, the address where he or she is registered to vote, his or her voter identification number, the voter's precinct or district number and the voter's signature.*

2. The roster must be delivered or caused to be delivered by the county clerk to an election board officer of the proper polling place before the opening of the polls.

Sec. 5. *1. Except as otherwise provided in NRS 293.283 and sections 5.1 to 9.8, inclusive, of this act, upon the appearance of a person to cast a ballot at a polling place established pursuant to section 2 of this act, the election board officer shall:*

(a) Determine that the person is a registered voter in the county and has not already voted in that county in the current election;

(b) Instruct the voter to sign the roster or a signature card; and

(c) Verify the signature of the voter in the manner set forth in NRS 293.277.

2. If the signature of the voter does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the voter registration card issued to the voter.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. The county clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that county in the current election.

5. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place where he or she applies to vote.

6. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:

(a) Prepare the mechanical voting device for the voter;

(b) Ensure that the voter's precinct or voting district and the form of the ballot are indicated on the voting receipt, if the county clerk uses voting receipts; and

(c) Allow the voter to cast a vote.

7. A voter applying to vote at a polling place established pursuant to section 2 of this act may be challenged pursuant to NRS 293.303.

Sec. 5.1. *As used in sections 5.1 to 9.8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 5.2 to 5.5, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 5.2. *"Election" means:*

1. A primary election;

2. A general election;

3. A primary city election; or

4. A general city election.

Sec. 5.3. *"Final verification" means the procedures established pursuant to section 9.4 of this act to verify and determine whether a person who cast a provisional ballot was qualified to register to vote and to cast the ballot in the election.*

Sec. 5.4. *"Polling place for early voting" means any permanent or temporary polling place for early voting.*

Sec. 5.5. *1. "Provisional ballot" means a provisional ballot cast by a person pursuant to sections 5.1 to 9.8, inclusive, of this act.*

2. The term does not include a provisional ballot cast by a person pursuant to:

(a) NRS 293.3081 to 293.3086, inclusive, and sections 10.3 and 10.6 of this act; or

(b) Section 302 of the Help America Vote Act of 2002, 52 U.S.C. § 21082, as amended.

Sec. 5.6. *1. The procedures authorized pursuant to the provisions of sections 5.1 to 9.8, inclusive, of this act are subject to all other provisions of this title relating to the registration of electors and the voting of registered voters, but only to the extent that the other provisions of this title do not conflict with the provisions of sections 5.1 to 9.8, inclusive, of this act.*

2. If there is any conflict between the provisions of sections 5.1 to 9.8, inclusive, of this act and the other provisions of this title, the provisions of sections 5.1 to 9.8, inclusive, of this act control.

3. The provisions of sections 5.1 to 9.8, inclusive, of this act must be liberally construed and broadly interpreted to achieve their intended public purpose of encouraging and facilitating a greater number of electors to participate in the electoral process by voting, and if there is any uncertainty or doubt regarding the construction, interpretation or application of the provisions of sections 5.1 to 9.8, inclusive, of this act, that uncertainty or doubt must be resolved in favor of this public purpose.

Sec. 5.7. *1. Except as otherwise provided in subsections 2 and 3, the provisions of sections 5.1 to 9.8, inclusive, of this act apply to city elections and supersede and preempt any conflicting provisions of a city charter, regardless of the date of the enactment or amendment of the conflicting provisions of the city charter.*

2. The provisions of sections 5.1 to 9.8, inclusive, of this act relating to early voting do not apply to a city election if the governing body of the city has not provided for the conduct of early voting by personal appearance in the city election pursuant to NRS 293C.110.

3. The provisions of sections 5.1 to 9.8, inclusive, of this act do not apply to a city election in which all ballots must be cast by mail pursuant to NRS 293C.112.

Sec. 5.8. *If a person casts a provisional ballot pursuant to sections 5.1 to 9.8, inclusive, of this act, the provisional ballot must include all offices, candidates and measures upon which the person would have been entitled to vote if the person had cast a regular ballot.*

Sec. 5.9. *1. After the close of registration for an election pursuant to NRS 293.560 or 293C.527, a registered voter may update his or her voter registration information, including, without limitation, his or her name, address and party affiliation.*

2. The county or city clerk shall authorize one or more of the following methods for a registered voter to update his or her voter registration information pursuant to this section:

(a) A paper application;

(b) A system established pursuant to NRS 293.506 for using a computer to register voters; or

(c) The system established by the Secretary of State pursuant to section 11 of this act.

➥ If the county or city clerk authorizes the use of more than one method, the county or city clerk may limit the use of a particular method to circumstances when another method is not reasonably available.

3. If a registered voter updates his or her voter registration information pursuant to this section and applies to vote in the election, the county or city clerk may require the voter to cast a provisional ballot in the election if any circumstances exist that give the county or city clerk reasonable cause to believe that the use of a provisional ballot is necessary to provide sufficient time to verify and determine whether the voter is eligible to cast the ballot in the election based on his or her updated voter registration information.

4. If a registered voter casts a provisional ballot in the election pursuant to this section, the provisional ballot is subject to final verification in accordance with the procedures that apply to other provisional ballots cast in the election pursuant to sections 5.1 to 9.8, inclusive, of this act.

Sec. 6. *1. Through the Thursday preceding the day of the election, an elector may register to vote in the county or city, as applicable, in which the elector is eligible to vote by submitting an application to register to vote by computer using the system established by the Secretary of State pursuant to section 11 of this act before the elector appears at a polling place described in subsection 2 to vote in person.*

2. If an elector submits an application to register to vote pursuant to this section, the elector may vote only in person:

(a) During the period for early voting, at any polling place for early voting by personal appearance in the county or city, as applicable, in which the elector is eligible to vote; or

(b) On the day of the election, at:

(1) A polling place established pursuant to section 2 or 73 of this act, if one has been established in the county or city, as applicable, in which the elector is eligible to vote; or

(2) The polling place for his or her election precinct.

3. To vote in person, an elector who submits an application to register to vote pursuant to this section must:

(a) Appear before the close of polls at a polling place described in subsection 2;

(b) Inform an election board officer that, before appearing at the polling place, the elector submitted an application to register to vote by computer

using the system established by the Secretary of State pursuant to section 11 of this act; and

(c) Except as otherwise provided in subsection 4, provide his or her current and valid driver's license or identification card issued by the Department of Motor Vehicles which shows his or her physical address as proof of the elector's identity and residency.

4. If the driver's license or identification card issued by the Department of Motor Vehicles to the elector does not have the elector's current residential address, the following documents may be used to establish the residency of the elector if the current residential address of the elector, as indicated on his or her application to register to vote, is displayed on the document:

(a) A military identification card;

(b) A utility bill, including, without limitation, a bill for electric, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television service;

(c) A bank or credit union statement;

(d) A paycheck;

(e) An income tax return;

(f) A statement concerning the mortgage, rental or lease of a residence;

(g) A motor vehicle registration;

(h) A property tax statement; or

(i) Any other document issued by a governmental agency.

5. Subject to final verification, if an elector submits an application to register to vote and appears at a polling place to vote in person pursuant to this section:

(a) The elector shall be deemed to be conditionally registered to vote at the polling place upon:

(1) The determination that the elector submitted the application to register to vote by computer using the system established by the Secretary of State pursuant to section 11 of this act and that the application to register to vote is complete; and

(2) The verification of the elector's identity and residency pursuant to this section.

(b) After the elector is deemed to be conditionally registered to vote at the polling place pursuant to paragraph (a), the elector:

(1) May vote in the election only at that polling place;

(2) Must vote as soon as practicable and before leaving that polling place; and

(3) Must vote by casting a provisional ballot, unless it is verified, at that time, that the elector is qualified to register to vote and to cast a regular ballot in the election at that polling place.

Sec. 7. (Deleted by amendment.)

Sec. 8. *1. Notwithstanding the close of any method of registration for an election pursuant to NRS 293.560 or 293C.527, an elector may register to vote in person at any polling place for early voting by personal appearance in the county or city, as applicable, in which the elector is eligible to vote.*

2. To register to vote in person during the period for early voting, an elector must:

(a) Appear before the close of polls at a polling place for early voting by personal appearance in the county or city, as applicable, in which the elector is eligible to vote.

(b) Complete the application to register to vote by a method authorized by the county or city clerk pursuant to this paragraph. The county or city clerk shall authorize one or more of the following methods for a person to register to vote pursuant to this paragraph:

(1) A paper application;

(2) A system established pursuant to NRS 293.506 for using a computer to register voters; or

(3) The system established by the Secretary of State pursuant to section 11 of this act.

➥ *If the county or city clerk authorizes the use of more than one method, the county or city clerk may limit the use of a particular method to circumstances when another method is not reasonably available.*

(c) Except as otherwise provided in subsection 3, provide his or her current and valid driver's license or identification card issued by the Department of Motor Vehicles which shows his or her physical address as proof of the elector's identity and residency.

3. If the driver's license or identification card issued by the Department of Motor Vehicles to the elector does not have the elector's current residential address, the following documents may be used to establish the residency of the elector if the current residential address of the elector, as indicated on his or her application to register to vote, is displayed on the document:

(a) A military identification card;

(b) A utility bill, including, without limitation, a bill for electric, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television service;

(c) A bank or credit union statement;

(d) A paycheck;

(e) An income tax return;

(f) A statement concerning the mortgage, rental or lease of a residence;

(g) A motor vehicle registration;

(h) A property tax statement; or

(i) Any other document issued by a governmental agency.

4. Subject to final verification, if an elector registers to vote in person at a polling place pursuant to this section:

(a) The elector shall be deemed to be conditionally registered to vote at the polling place upon:

(1) The determination that the application to register to vote is complete; and

(2) The verification of the elector's identity and residency pursuant to this section.

(b) After the elector is deemed to be conditionally registered to vote at the polling place pursuant to paragraph (a), the elector:

(1) May vote in the election only at that polling place;

(2) Must vote as soon as practicable and before leaving that polling place; and

(3) Must vote by casting a provisional ballot, unless it is verified, at that time, that the elector is qualified to register to vote and to cast a regular ballot in the election at that polling place.

Sec. 9. *1. Notwithstanding the close of any method of registration for an election pursuant to NRS 293.560 or 293C.527, an elector may register to vote in person on the day of the election at any polling place in the county or city, as applicable, in which the elector is eligible to vote.*

2. To register to vote on the day of the election, an elector must:

(a) Appear before the close of polls at a polling place in the county or city, as applicable, in which the elector is eligible to vote.

(b) Complete the application to register to vote by a method authorized by the county or city clerk pursuant to this paragraph. The county or city clerk shall authorize one or more of the following methods for a person to register to vote pursuant to this paragraph:

(1) A paper application;

(2) A system established pursuant to NRS 293.506 for using a computer to register voters; or

(3) The system established by the Secretary of State pursuant to section 11 of this act.

➥ *If the county or city clerk authorizes the use of more than one method, the county or city clerk may limit the use of a particular method to circumstances when another method is not reasonably available.*

(c) Except as otherwise provided in subsection 3, provide his or her current and valid driver's license or identification card issued by the Department of Motor Vehicles which shows his or her physical address as proof of the elector's identity and residency.

3. If the driver's license or identification card issued by the Department of Motor Vehicles to the elector does not have the elector's current residential address, the following documents may be used to establish the residency of the elector if the current residential address of the elector, as indicated on his or her application to register to vote, is displayed on the document:

(a) A military identification card;

(b) A utility bill, including, without limitation, a bill for electric, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television service;

(c) A bank or credit union statement;

(d) A paycheck;

(e) An income tax return;

(f) A statement concerning the mortgage, rental or lease of a residence;

(g) A motor vehicle registration;

(h) A property tax statement; or

(i) Any other document issued by a governmental agency.

4. Subject to final verification, if an elector registers to vote in person at a polling place pursuant to this section:

(a) The elector shall be deemed to be conditionally registered to vote at the polling place upon:

(1) The determination that the application to register to vote is complete; and

(2) The verification of the elector's identity and residency pursuant to this section.

(b) After the elector is deemed to be conditionally registered to vote at the polling place pursuant to paragraph (a), the elector:

(1) May vote in the election only at that polling place;

(2) Must vote as soon as practicable and before leaving that polling place; and

(3) Must vote by casting a provisional ballot.

Sec. 9.2. *If an elector is deemed to be conditionally registered to vote at a polling place pursuant to sections 5.1 to 9.8, inclusive, of this act, the county clerk shall issue to the elector a voter registration card as soon as practicable after final verification.*

Sec. 9.4. *1. Each county and city clerk shall establish procedures, approved by the Secretary of State, for:*

(a) Carrying out final verification to verify and determine whether a person who cast a provisional ballot was qualified to register to vote and to cast the ballot in the election; and

(b) Keeping each provisional ballot separate from other ballots until such final verification.

2. For the purposes of final verification:

(a) The Secretary of State shall verify that an elector has voted in the election in only one county or city, as applicable, and provide each county and city clerk with a copy of the verification report; and

(b) Each county and city clerk shall verify that an elector has voted in the election at only one polling place in the county or city, as applicable.

Sec. 9.6. *1. Following each election, a canvass of the provisional ballots cast in the election must be conducted pursuant to NRS 293.387 and 293C.387.*

2. The county or city clerk shall not include any provisional ballot in the unofficial results reported on election night.

3. Beginning on the day following the election, the county or city clerk shall regularly report the results of the counting of the provisional ballots until such counting is completed.

Sec. 9.8. *1. The Secretary of State shall establish a free access system, such as a toll-free telephone number or an Internet website, to inform a person who cast a provisional ballot whether the person's ballot was counted and, if the ballot was not counted, the reason why the ballot was not counted.*

2. The free access system must ensure secrecy of the ballot while protecting the confidentiality and integrity of personal information contained therein.

3. Access to information concerning a provisional ballot must be restricted to the person who cast the provisional ballot.

Sec. 10. (Deleted by amendment.)

Sec. 10.3. *As used in this section, NRS 293.3081 to 293.3086, inclusive, and section 10.6 of this act, unless the context otherwise requires:*

1. "Provisional ballot" means a provisional ballot cast by a person pursuant to this section, NRS 293.3081 to 293.3086, inclusive, and section 10.6 of this act.

2. The term does not include a provisional ballot cast by a person pursuant to sections 5.1 to 9.8, inclusive, of this act.

Sec. 10.6. *If a person casts a provisional ballot pursuant to this section, NRS 293.3081 to 293.3086, inclusive, and section 10.3 of this act, the provisional ballot must include all offices, candidates and measures upon which the person would have been entitled to vote if the person had cast a regular ballot.*

Sec. 11. *1. The Secretary of State shall establish a system on the Internet website of the Office of the Secretary of State to allow persons by computer to:*

(a) Preregister and register to vote;

(b) Cancel his or her preregistration or voter registration;

(c) Update his or her preregistration or voter registration information, including, without limitation, the person's name, address and party affiliation; and

(d) Determine at what polling place or places he or she is entitled to vote.

2. The system established pursuant to subsection 1 must:

(a) Be user friendly;

(b) Comply with any procedures and requirements prescribed by the Secretary of State pursuant to NRS 293.250 and 293.4855; and

(c) Inform any person who uses the system to register to vote for an election pursuant to sections 6, 8 and 9 of this act that the person may vote in the election only if the person complies with the applicable requirements established by those sections.

3. The Secretary of State shall include on the system, in black lettering and not more than 14-point type, the following information:

(a) The qualifications to register or preregister to vote;

(b) That if the applicant does not meet the qualifications, he or she is prohibited from registering or preregistering to vote; and

(c) The penalties for submitting a false application.

4. The Secretary of State shall not include on the system:

(a) Any additional warnings regarding the penalties for submitting a false application; or

(b) The notice set forth in NRS 225.083.

Sec. 12. *1. At the time the Department of Motor Vehicles notifies a person of the qualifications to vote in this State pursuant to section 3 of the 2018 Ballot Question No. 5, the Automatic Voter Registration Initiative, the Department shall provide the person with a paper form on which the person may:*

(a) Affirmatively decline to be registered to vote or have his or her voter registration updated; and

(b) Elect to indicate a political party affiliation.

2. The form provided by the Department pursuant to subsection 1:

(a) Must include a notice informing the person of the information required pursuant to paragraphs (b) and (c) of subsection 2 of section 3 of the 2018 Ballot Question No. 5, the Automatic Voter Registration Initiative, and that the person may:

(1) Return the completed form at the end of his or her transaction with the Department by depositing the form in the secured container provided by the Department pursuant to subsection 3; or

(2) Use the system established by the Secretary of State pursuant to section 11 of this act to update his or her voter registration information, including, without limitation, the person's name, address and party affiliation.

(b) May include any other information that the Department determines is necessary to carry out the provisions of this section.

3. The Department shall provide a secured container within the Department designated for the return of any form provided to a person pursuant to this section.

4. For the purposes of sections 4 and 5 of the 2018 Ballot Question No. 5, the Automatic Voter Registration Initiative:

(a) If a person deposits the completed form in the secured container at the end of his or her transaction with the Department and has not affirmatively declined in the form to be registered to vote or have his or her voter registration updated:

(1) The Department shall be deemed to have collected the information contained in th e form from the person during his or her transaction with the Department; and

(2) The person shall be deemed to have consented to the transmission of that information and the other information and documents collected during his or her transaction with the Department to the Secretary of State and the appropriate county clerks for the purpose of registering the person to vote or updating the person's existing voter registration information in order to correct the statewide voter registration list pursuant to NRS 293.530, if necessary.

(b) If a person does not deposit the form in the secured container at the end of his or her transaction with the Department:

(1) The person shall be deemed to have consented to the transmission of the information and documents collected during his or her transaction with the Department to the Secretary of State and the appropriate county clerks for

the purpose of registering the person to vote or updating the person's existing voter registration information in order to correct the statewide voter registration list pursuant to NRS 293.530, if necessary.

(2) The appropriate county clerk shall list the person's political party as nonpartisan, unless the person is already a registered voter listed as affiliated with a political party in the person's existing voter registration information.

5. The Department may adopt regulations to carry out the provisions of this section.

Sec. 13. *1. Each county clerk shall review the voter registration information transmitted by the Department of Motor Vehicles pursuant to section 5 of the 2018 Ballot Question No. 5, the Automatic Voter Registration Initiative, and section 12 of this act to determine whether the person is eligible to register to vote in this State.*

2. If the county clerk determines that a person is not eligible to register to vote pursuant to subsection 1:

(a) It shall be deemed that the transmittal is not a completed voter registration application;

(b) It shall be deemed that the person did not apply to register to vote; and

(c) The county clerk must reject the application and may not register that person to vote.

Sec. 13.3. NRS 293.010 is hereby amended to read as follows:

293.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 293.013 to 293.121, inclusive, *and section 1.5 of this act* have the meanings ascribed to them in those sections.

Sec. 13.5. NRS 293.093 is hereby amended to read as follows:

293.093 "Regular votes" means the votes cast by registered voters, except votes cast by *:*

1. An absent ballot *;*

2. A provisional ballot pursuant to sections 5.1 to 9.8, inclusive, of this act; or

3. A provisional ballot ~~[.]~~ *pursuant to NRS 293.3081 to 293.3086, inclusive, and sections 10.3 and 10.6 of this act.*

Sec. 14. NRS 293.095 is hereby amended to read as follows:

293.095 "Roster" means the record in printed or electronic form furnished to election board officers which ~~[contains]~~ *:*

1. Contains a list of ~~[eligible]~~ *registered* voters and is to be used for obtaining the signature of each ~~[person applying for a ballot.]~~ *registered voter who applies to vote at a polling place; or*

2. Is to be used for obtaining the signature of each elector who applies to register to vote or applies to vote at a polling place pursuant to sections 5.1 to 9.8, inclusive, of this act.

Sec. 15. (Deleted by amendment.)

Sec. 15.5. NRS 293.126 is hereby amended to read as follows:

293.126 *1. The provisions of sections 5.1 to 9.8, inclusive, of this act apply to city elections.*

2. The *other* provisions of this chapter, not inconsistent with the provisions of chapter 293C of NRS or a city charter, *also* apply to city elections.

Sec. 16. NRS 293.1273 is hereby amended to read as follows:

293.1273 ~~[In any county where registrations are performed and records are kept by computer, a]~~ *A* facsimile of a voter's signature that is created by a computer may be used if a verification or comparison of the signature is required by any provision of this title.

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 18.5. NRS 293.12757 is hereby amended to read as follows:

293.12757 ~~[A]~~ *If a person is qualified to register to vote and has properly completed any method authorized by the provisions of this title to register to vote:*

1. The person may sign a petition required under the election laws of this State on or after the date *on which* the person is deemed to be registered to vote pursuant to NRS 293.4855 , ~~[or]~~ 293.517 ~~[, subsection 7 of NRS]~~ *or* 293.5235 ~~[or]~~ , *sections 5.1 to 9.8, inclusive, of this act,* section 6 of the 2018 Ballot Question No. 5, the Automatic Voter Registration Initiative ~~[.]~~ , *or any other provision of this title; and*

2. The county clerk shall use the date prescribed by subsection 1 for the purposes of the verification of the person's signature on the petition.

Sec. 19. NRS 293.1277 is hereby amended to read as follows:

293.1277 1. If the Secretary of State finds that the total number of signatures submitted to all the county clerks is 100 percent or more of the number of registered voters needed to declare the petition sufficient, the Secretary of State shall immediately so notify the county clerks. After the notification, each of the county clerks shall determine the number of registered voters who have signed the documents submitted in the county clerk's county and, in the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, shall tally the number of signatures for each petition district contained or fully contained within the county clerk's county. This determination must be completed within 9 days, excluding Saturdays, Sundays and holidays, after the notification pursuant to this subsection regarding a petition containing signatures which are required to be verified pursuant to NRS 293.128, 295.056, 298.109, 306.035 or 306.110, and within 3 days, excluding Saturdays, Sundays and holidays, after the notification pursuant to this subsection regarding a petition containing signatures which are required to be verified pursuant to NRS 293.172 or 293.200. For the purpose of verification pursuant to this section, the county clerk shall not include in his or her tally of total signatures any signature included in the incorrect petition district.

2. Except as otherwise provided in subsection 3, if more than 500 names have been signed on the documents submitted to a county clerk, the county clerk shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a

manner that every signature which has been submitted to the county clerk is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures, whichever is greater. If documents were submitted to the county clerk for more than one petition district wholly contained within that county, a separate random sample must be performed for each petition district.

3. If a petition district comprises more than one county and the petition is for an initiative or referendum proposing a constitutional amendment or a statewide measure, and if more than 500 names have been signed on the documents submitted for that petition district, the appropriate county clerks shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerks within the petition district is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures presented in the petition district, whichever is greater. The Secretary of State shall determine the number of signatures that must be verified by each county clerk within the petition district.

4. In determining from the records of registration the number of registered voters who signed the documents, the county clerk may use the signatures contained in the file of applications to register to vote. If the county clerk uses that file, the county clerk shall ensure that every application in the file is examined, including any application in his or her possession which may not yet be entered into the county clerk's records. Except as otherwise provided in subsection 5, the county clerk shall rely only on the appearance of the signature and the address and date included with each signature in making his or her determination.

5. If:

(a) Pursuant to NRS 293.506, a county clerk establishes a system to allow persons to register to vote by computer;

(b) *A person registers to vote using the system established by the Secretary of State pursuant to section 11 of this act;*

(c) A person registers to vote pursuant to NRS 293D.230 and signs his or her application to register to vote using a digital signature or an electronic signature; or

~~[(c)]~~ *(d)* A person registers to vote pursuant to section 4 of the 2018 Ballot Question No. 5, the Automatic Voter Registration Initiative,

➥ the county clerk may rely on such other indicia as prescribed by the Secretary of State in making his or her determination.

6. In the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, when the county clerk is determining the number of registered voters who signed the documents from each petition district contained fully or partially within the county clerk's county, he or she must use the statewide voter registration list available pursuant to NRS 293.675.

7. Except as otherwise provided in subsection 9, upon completing the examination, the county clerk shall immediately attach to the documents a certificate properly dated, showing the result of the examination, including the tally of signatures by petition district, if required, and transmit the documents with the certificate to the Secretary of State. In the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, if a petition district comprises more than one county, the appropriate county clerks shall comply with the regulations adopted by the Secretary of State pursuant to this section to complete the certificate. A copy of this certificate must be filed in the clerk's office. When the county clerk transmits the certificate to the Secretary of State, the county clerk shall notify the Secretary of State of the number of requests to remove a name received by the county clerk pursuant to NRS 295.055 or 306.015.

8. A person who submits a petition to the county clerk which is required to be verified pursuant to NRS 293.128, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 must be allowed to witness the verification of the signatures. A public officer who is the subject of a recall petition must also be allowed to witness the verification of the signatures on the petition.

9. For any petition containing signatures which are required to be verified pursuant to the provisions of NRS 293.200, 306.035 or 306.110 for any county, district or municipal office within one county, the county clerk shall not transmit to the Secretary of State the documents containing the signatures of the registered voters.

10. The Secretary of State shall by regulation establish further procedures for carrying out the provisions of this section.

Sec. 19.5. NRS 293.177 is hereby amended to read as follows:

293.177 1. Except as otherwise provided in NRS 293.165 and 293.166, a name may not be printed on a ballot to be used at a primary election unless the person named has filed a declaration of candidacy or an acceptance of candidacy, and has paid the fee required by NRS 293.193 not earlier than:

(a) For a candidate for judicial office, the first Monday in January of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in January; and

(b) For all other candidates, the first Monday in March of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in March.

2. A declaration of candidacy or an acceptance of candidacy required to be filed by this section must be in substantially the following form:

(a) For partisan office:

DECLARATION OF CANDIDACY OF .... FOR THE OFFICE OF .....

State of Nevada

County of .....

For the purpose of having my name placed on the official ballot as a candidate for the ..... Party nomination for the office of ……, I, the

undersigned ……., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ……., in the City or Town of ……., County of ……., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am registered as a member of the ..... Party; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that I have not, in violation of the provisions of NRS 293.176, changed the designation of my political party or political party affiliation on an official application to register to vote in any state since December 31 before the closing filing date for this election; that I generally believe in and intend to support the concepts found in the principles and policies of that political party in the coming election; that if nominated as a candidate of the ..... Party at the ensuing election, I will accept that nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy or acceptance of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ... day of the month of ... of the year ...

.....
Notary Public or other person
authorized to administer an oath

(b) For nonpartisan office:

DECLARATION OF CANDIDACY OF .... FOR THE OFFICE OF .....

State of Nevada
County of .....

For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ……, in the City or Town of ……., County of ……, State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a nonpartisan candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy or acceptance of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ... day of the month of ... of the year ...

.....
Notary Public or other person
authorized to administer an oath

3. The address of a candidate which must be included in the declaration of candidacy or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if the candidate fails to comply with the following provisions of this subsection or, if applicable, the provisions of subsection 4:

(a) The candidate shall not list the candidate's address as a post office box unles a street address has not been assigned to his or her residence; and

(b) Except as otherwise provided in subsection 4, the candidate shall present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card . ~~[issued pursuant to NRS 293.517.]~~

4. If the candidate executes an oath or affirmation under penalty of perjury stating that the candidate is unable to present to the filing officer the proof of residency required by subsection 3 because a street address has not been assigned to the candidate's residence or because the rural or remote location of the candidate's residence makes it impracticable to present the proof of residency required by subsection 3, the candidate shall present to the filing officer:

(a) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate; and

(b) Alternative proof of the candidate's residential address that the filing officer determines is sufficient to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050. The Secretary of State may adopt regulations establishing the forms of alternative proof of the candidate's residential address that the filing officer may accept to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050.

5. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to subsection 3 or 4. Such a copy:

(a) May not be withheld from the public; and

(b) Must not contain the social security number, driver's license or identification card number or account number of the candidate.

6. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the filing officer for the office as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293.182. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the filing officer duplicate copies of the process. The filing officer shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the filing officer a different address for that purpose, in which case the filing officer shall mail the copy to the last address so designated.

7. If the filing officer receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the filing officer:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored by a court of competent jurisdiction; and

(b) Shall transmit the credible evidence and the findings from such investigation to the Attorney General, if the filing officer is the Secretary of State, or to the district attorney, if the filing officer is a person other than the Secretary of State.

8. The receipt of information by the Attorney General or district attorney pursuant to subsection 7 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293.182 to which the provisions of NRS 293.2045 apply.

9. Any person who knowingly and willfully files a declaration of candidacy or acceptance of candidacy which contains a false statement in violation of this section is guilty of a gross misdemeanor.

Sec. 20. NRS 293.203 is hereby amended to read as follows:

293.203 Immediately upon receipt by the county clerk of the certified list of candidates from the Secretary of State, the county clerk shall publish a notice of primary election or general election in a newspaper of general circulation in the county once a week for 2 successive weeks. If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest Nevada county. The notice must contain:

1. The date of the election.
2. The location of the polling places.
3. The hours during which the polling places will be open for voting.

~~[4. The names of the candidates.~~

~~5. A list of the offices to which the candidates seek nomination or election.]~~

➥The notice required for a general election pursuant to this section may be published in conjunction with the notice required for a proposed constitution or constitutional amendment pursuant to NRS 293.253. If the notices are combined in this manner, they must be published three times in accordance with subsection 3 of NRS 293.253.

Sec. 21. NRS 293.2175 is hereby amended to read as follows:

293.2175 1. The county clerk may appoint a pupil as a trainee for the position of election board officer. To qualify for such an appointment, the pupil must be:

(a) A United States citizen, a resident of Nevada and a resident of the county in which the pupil serves;

(b) Enrolled in high school; and

(c) At the time of service, at least 16 years of age.

2. The county clerk may only appoint a pupil as a trainee if:

(a) The pupil is appointed without party affiliation;

(b) The county clerk sends the pupil a certificate stating the date and hours that the pupil will act as a trainee;

(c) At least 20 days before the election in which the pupil will act as a trainee, the principal of the high school or the pupil's assigned school counselor receives the county clerk's certificate and a written request signed by the pupil's parent or guardian to be excused from school for the time specified in the certificate;

(d) The principal of the high school or the assigned school counselor of the pupil approves the pupil's request; and

(e) The pupil attends the training class required by NRS 293B.260.

3. Except as otherwise provided in this subsection, the county clerk may assign a trainee such duties as the county clerk deems appropriate. The county clerk shall not ~~[:~~

~~(a) Require]~~ *require* the trainee to perform those duties later than 10 p.m. or any applicable curfew, whichever is earlier . ~~[; or~~

~~(b) Assign more than one trainee to serve as an election board officer in any one polling place.]~~

4. The county clerk may compensate a trainee for service at the same rate fixed for election board officers generally.

Sec. 21.5. NRS 293.227 is hereby amended to read as follows:

293.227 1. Each election board must have one member designated as the chair by the county or city clerk. The election boards shall make the records of election required by this chapter.

2. The appointment of a trainee as set forth in NRS 293.2175 and 293C.222 may be used to determine the number of members on the election board, but under no circumstances may ~~[:~~

~~(a) The election board of any polling place include more than one trainee; or~~

~~(b) A]~~ *a* trainee serve as chair of the election board.

3. The county or city clerk shall conduct or cause to be conducted a school to acquaint the members of an election board with the election laws, duties of election boards, regulations of the Secretary of State and with the procedure for making the records of election and using the register for election boards.

4. The board of county commissioners of any county or the city council of any city may reimburse the members of an election board who attend the school for their travel expenses at a rate not exceeding 10 cents per mile.

Sec. 22. NRS 293.250 is hereby amended to read as follows:

293.250 1. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall, in a manner consistent with the election laws of this State, prescribe:

(a) The form of all ballots, absent ballots, diagrams, sample ballots, certificates, notices, declarations, applications to preregister and register to vote, lists, applications, registers, rosters, statements and abstracts required by the election laws of this State.

(b) The procedures to be followed and the requirements of ~~[a]~~ *:*

(1) A system established pursuant to NRS 293.506 for using a computer to register voters and to keep records of registration.

(2) The system established by the Secretary of State pursuant to section 11 of this act for using a computer to register voters.

2. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall prescribe with respect to the matter to be printed on every kind of ballot:

(a) The placement and listing of all offices, candidates and measures upon which voting is statewide, which must be uniform throughout the State.

(b) The listing of all other candidates required to file with the Secretary of State, and the order of listing all offices, candidates and measures upon which voting is not statewide, from which each county or city clerk shall prepare appropriate ballot forms for use in any election in his or her county.

3. The Secretary of State shall place the condensation of each proposed constitutional amendment or statewide measure near the spaces or devices for indicating the voter's choice.

4. The fiscal note for, explanation of, arguments for and against, and rebuttals to such arguments of each proposed constitutional amendment or statewide measure must be included on all sample ballots.

5. The condensations and explanations for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Attorney General. The arguments and rebuttals for or against constitutional amendments and statewide measures proposed by initiative or referendum must be prepared in the manner set forth in NRS 293.252. The fiscal notes for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Fiscal Analysis Division of the Legislative Counsel Bureau. The condensations, explanations, arguments, rebuttals and fiscal notes must be in easily understood language and of reasonable length, and whenever feasible must be completed by August 1 of the year in which the general election is to be held. The explanations must include a digest. The digest must include a concise and clear summary of any existing laws directly related to the constitutional amendment or statewide measure and a summary of how the constitutional amendment or statewide measure adds to, changes or repeals such existing laws. For a constitutional amendment or statewide measure that creates, generates, increases or decreases any public revenue in any form, the first paragraph of the digest must include a statement that the constitutional amendment or statewide measure creates, generates, increases or decreases, as applicable, public revenue.

6. The names of candidates for township and legislative or special district offices must be printed only on the ballots furnished to voters of that township or district.

7. A county clerk:

(a) May divide paper ballots into two sheets in a manner which provides a clear understanding and grouping of all measures and candidates.

(b) Shall prescribe the color or colors of the ballots and voting receipts used in any election which the clerk is required to conduct.

Sec. 23. NRS 293.253 is hereby amended to read as follows:

293.253 1. The Secretary of State shall provide each county clerk with copies of any proposed constitution ~~[,]~~ *or* constitutional amendment ~~[or statewide measure]~~ which will appear on the general election ballot, together with the copies of the condensations, explanations, arguments, rebuttals and fiscal notes prepared pursuant to NRS 218D.810, 293.250 and 293.252.

2. Whenever feasible, the Secretary of State shall provide those copies on or before the first Monday in August of the year in which the proposals will appear on the ballot. Copies of any additional proposals must be provided as soon after their filing as feasible.

3. Each county clerk shall cause a copy of the full text of any such constitution or amendment and its condensation, explanation, arguments, rebuttals and fiscal note to be published, in conspicuous display advertising format of not less than 10 column inches, in a newspaper of general circulation in the county three times at intervals of not less than 7 days, the first publication to be on or before the first Monday in October. If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest Nevada county.

4. If a copy of any such constitution or amendment is furnished by the Secretary of State too late to be published at 7-day intervals, it must be published three times at the longest intervals feasible in each county.

5. ~~[Each county clerk shall cause a copy of the condensation of any statewide measure and its explanation, arguments, rebuttals and fiscal note to be published on or before the first Monday in October in a newspaper of general circulation in the county. If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest Nevada county.~~

~~6.]~~ The portion of the cost of publication which is attributable to publishing the questions, explanations, arguments, rebuttals and fiscal notes of proposed constitutions ~~[,]~~ *or* constitutional amendments ~~[or statewide measures]~~ is a charge against the State and must be paid from the Reserve for Statutory Contingency Account upon recommendation by the Secretary of State and approval by the State Board of Examiners.

Sec. 24. NRS 293.2546 is hereby amended to read as follows:

293.2546 The Legislature hereby declares that each voter has the right:

1. To receive and cast a ballot that:

(a) Is written in a format that allows the clear identification of candidates; and

(b) Accurately records the voter's preference in the selection of candidates.

2. To have questions concerning voting procedures answered and to have an explanation of the procedures for voting posted in a conspicuous place at the polling place.

3. To vote without being intimidated, threatened or coerced.

4. To vote *during any period for early voting or* on election day if the voter is waiting in line *to vote or register to vote* at ~~[his or her]~~ *a* polling place *at which the voter is entitled* to vote *or register to vote* ~~[before 7 p.m.]~~ *at the time that the polls close* and the voter has not already cast a vote in that election.

5. To return a spoiled ballot and is entitled to receive another ballot in its place.

6. To request assistance in voting, if necessary.

7. To a sample ballot which is accurate, informative and delivered in a timely manner as provided by law.

8. To receive instruction in the use of the equipment for voting during early voting or on election day.

9. To have nondiscriminatory equal access to the elections system, including, without limitation, a voter who is elderly, disabled, a member of a minority group, employed by the military or a citizen who is overseas.

10. To have a uniform, statewide standard for counting and recounting all votes accurately.

11. To have complaints about elections and election contests resolved fairly, accurately and efficiently.

Sec. 25. (Deleted by amendment.)

Sec. 26. NRS 293.272 is hereby amended to read as follows:

293.272 1. Except as otherwise provided in subsection 2 and in NRS 293.2725 and 293.3083, a person who registered by mail or computer to vote shall, for the first election in which the person votes at which that registration is valid, vote in person unless he or she has previously voted in the county in which he or she is registered to vote.

2. The provisions of subsection 1 do not apply to a person who:

(a) Is entitled to vote in the manner prescribed in NRS 293.343 to 293.355, inclusive;

(b) Is entitled to vote an absent ballot pursuant to federal law , ~~[or]~~ NRS 293.316 ~~[or 293.3165]~~ or chapter 293D of NRS;

(c) Is disabled;

(d) *Is provided the right to vote otherwise than in person pursuant to the Voting Accessibility for the Elderly and Handicapped Act, 52 U.S.C. §§ 20101 et seq.;*

(e) Submits or has previously submitted a written request for an absent ballot that is signed by the registered voter before a notary public or other person authorized to administer an oath; or

~~[(e)]~~ *(f)* Requests an absent ballot in person at the office of the county clerk.

Sec. 27. NRS 293.2725 is hereby amended to read as follows:

293.2725 1. Except as otherwise provided in subsection 2, in NRS 293.3081 and 293.3083 , *in sections 5.1 to 9.8, inclusive, of this act* and

in federal law, a person who registers to vote by mail or computer or registers to vote pursuant to section 4 of the 2018 Ballot Question No. 5, the Automatic Voter Registration Initiative, or a person who preregisters to vote by mail or computer and is subsequently deemed to be registered to vote, and who has not previously voted in an election for federal office in this State:

(a) May vote at a polling place only if the person presents to the election board officer at the polling place:

(1) A current and valid photo identification of the person, which shows his or her physical address; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card *;* ~~[issued pursuant to NRS 293.517;]~~ and

(b) May vote by mail only if the person provides to the county or city clerk:

(1) A copy of a current and valid photo identification of the person, which shows his or her physical address; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card . ~~[issued pursuant to NRS 293.517.]~~

➥ If there is a question as to the physical address of the person, the election board officer or clerk may request additional information.

2. The provisions of subsection 1 do not apply to a person who:

(a) Registers to vote by mail or computer, or preregisters to vote by mail or computer and is subsequently deemed to be registered to vote, and submits with an application to preregister or register to vote:

(1) A copy of a current and valid photo identification; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card *;* ~~[issued pursuant to NRS 293.517;]~~

(b) Except as otherwise provided in subsection 3, registers to vote by mail or computer and submits with an application to register to vote a driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;

(c) Registers to vote pursuant to section 4 of the 2018 Ballot Question No. 5, the Automatic Voter Registration Initiative, and at that time presents to the Department of Motor Vehicles:

(1) A copy of a current and valid photo identification;

(2) A copy of a current utility bill, bank statement, paycheck or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card *;* ~~[issued pursuant to NRS 293.517;]~~ or

(3) A driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;

(d) Is entitled to vote an absent ballot pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq.;

(e) Is provided the right to vote otherwise than in person under the Voting Accessibility for the Elderly and Handicapped Act, 52 U.S.C. §§ 20101 et seq.; or

(f) Is entitled to vote otherwise than in person under any other federal law.

3. The provisions of subsection 1 apply to a person described in paragraph (b) of subsection 2 if the voter registration card issued to the person ~~[pursuant to subsection 6 of NRS 293.517]~~ is mailed by the county clerk to the person and returned to the county clerk by the United States Postal Service.

Sec. 28. (Deleted by amendment.)

Sec. 29. NRS 293.273 is hereby amended to read as follows:

293.273 1. Except as otherwise provided in ~~[subsection 2 and]~~ NRS 293.305, at all elections held under the provisions of this title, the polls must open at 7 a.m. and close at 7 p.m.

2. ~~[Whenever at any election all the votes of the polling place, as shown on the roster, have been cast, the election board officers shall close the polls, and the counting of votes must begin and continue without unnecessary delay until the count is completed.~~

~~— 3.]~~ Upon opening the polls, one of the election board officers shall cause a proclamation to be made that all present may be aware of the fact that applications ~~[of registered voters to vote]~~ will be received ~~[.~~

~~— 4.]~~ *from:*

(a) Registered voters who apply to vote at the polling place; and

(b) Electors who apply to register to vote or apply to vote at the polling place pursuant to sections 5.1 to 9.8, inclusive, of this act.

3. No person , other than election board officers engaged in receiving, preparing or depositing ballots *or registering electors,* may be permitted inside the guardrail during the time the polls are open, except by authority of the election board as necessary to keep order and carry out the provisions of this title.

Sec. 30. NRS 293.275 is hereby amended to read as follows:

293.275 ~~[No]~~

1. Except as otherwise provided in subsection 2, an election board may *not* perform its duty in serving registered voters at any polling place in any election provided for in this title, unless it has before it ~~[the]~~ *:*

(a) The roster *designated* for *registered voters who apply to vote at* the polling place ~~[.]~~ *; and*

(b) The roster designated for electors who apply to register to vote or apply to vote at the polling place pursuant to sections 5.1 to 9.8, inclusive, of this act.

2. For a polling place established pursuant to section 2 or 73 of this act, an election board may perform its duty in serving registered voters at the polling place in an election if the election board has before it the roster for the county or city, as applicable.

Sec. 31. (Deleted by amendment.)

Sec. 32. NRS 293.277 is hereby amended to read as follows:

293.277 1. Except as otherwise provided in NRS 293.283 and 293.541 ~~[,]~~ *and sections 5.1 to 9.8, inclusive, of this act,* if a person's name appears in the roster, or if the person provides an affirmation pursuant to NRS 293.525, the person is entitled to vote and must sign his or her name in the roster or on a signature card when he or she applies to vote. The signature must be compared by an election board officer with the signature or a facsimile thereof on the person's application to register to vote or one of the forms of identification listed in subsection 2.

2. Except as otherwise provided in NRS 293.2725, the forms of identification which may be used individually to identify a voter at the polling place are:

(a) The *voter registration* card issued to the voter *;* ~~[at the time he or she registered to vote or was deemed to be registered to vote;]~~

(b) A driver's license;

(c) An identification card issued by the Department of Motor Vehicles;

(d) A military identification card; or

(e) Any other form of identification issued by a governmental agency which contains the voter's signature and physical description or picture.

3. The county clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that county in the current election.

Sec. 32.5. NRS 293.283 is hereby amended to read as follows:

293.283 1. If, because of physical limitations, a registered voter is unable to sign his or her name in the roster or on a signature card as required by NRS 293.277, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the *voter registration* card issued to the voter . ~~[at the time he or she registered to vote or was deemed to be registered to vote.]~~

2. If the identity of the voter is verified, the election board officer shall indicate in the roster "Identified" by the voter's name.

Sec. 33. NRS 293.285 is hereby amended to read as follows:

293.285 1. Except as otherwise provided in NRS 293.283 ~~[, a]~~ *and sections 5.1 to 9.8, inclusive, of this act:*

(a) A registered voter applying to vote shall state his or her name to the election board officer in charge of the roster *;* ~~[,]~~ and ~~[the]~~

(b) The election board officer shall ~~[immediately announce]~~ *:*

(1) Announce the name ~~[, instruct]~~ *of the registered voter;*

(2) Instruct the *registered* voter to sign the roster or signature card ~~[, and verify]~~ *;*

(3) Verify the signature of the *registered* voter in the manner set forth in NRS 293.277 ~~[.]~~ *; and*

(4) Verify that the registered voter has not already voted in that county in the current election.

2. If the signature does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the *voter registration* card issued to the voter . ~~[at the time he or she registered to vote or was deemed to be registered to vote.]~~

3. If the signature of the voter has changed in comparison to the signature on the application to preregister or register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

Sec. 34. NRS 293.296 is hereby amended to read as follows:

293.296 1. Any registered voter who by reason of a physical disability or an inability to read or write English is unable to mark a ballot or use any voting device without assistance is entitled to assistance from a consenting person of his or her own choice, except:

(a) The voter's employer or an agent of the voter's employer; or

(b) An officer or agent of the voter's labor organization.

2. A person providing assistance pursuant to this section to a voter in casting a vote shall not disclose any information with respect to the casting of that ballot.

3. The right to assistance in casting a ballot may not be denied or impaired when the need for assistance is apparent or is known to the election board or any member thereof or when the registered voter requests such assistance in any manner.

4. In addition to complying with the requirements of this section, the county clerk and election board officer shall, upon the request of a registered voter with a physical disability, make reasonable accommodations to allow the voter to vote at ~~[his or her]~~ *a* polling place ~~[.]~~ *at which he or she is entitled to vote.*

Sec. 35. NRS 293.3025 is hereby amended to read as follows:

293.3025 The Secretary of State and each county and city clerk shall ensure that a copy of each of the following is posted in a conspicuous place at each polling place on election day:

1. A sample ballot;

2. Information concerning the date and hours of operation of the polling place;

3. Instructions for voting and casting a ballot, including a provisional ballot ~~[.]~~ *pursuant to sections 5.1 to 9.8, inclusive, of this act or a provisional ballot pursuant to NRS 293.3081 to 293.3086, inclusive, and sections 10.3 and 10.6 of this act;*

4. Instructions concerning the identification required for persons who registered by mail *or computer* and are first-time voters for federal office in this State;

5. Information concerning the accessibility of polling places to persons with disabilities;

6. General information concerning federal and state laws which prohibit acts of fraud and misrepresentation; and

7. Information concerning the eligibility of a candidate, a ballot question or any other matter appearing on the ballot as a result of a judicial determination or by operation of law, if any.

Sec. 35.5. NRS 293.303 is hereby amended to read as follows:

293.303 1. A person applying to vote may be challenged:

(a) Orally by any registered voter of the precinct upon the ground that he or she is not the person entitled to vote as claimed or has voted before at the same election. A registered voter who initiates a challenge pursuant to this paragraph must submit an affirmation that is signed under penalty of perjury and in the form prescribed by the Secretary of State stating that the challenge is based on the personal knowledge of the registered voter.

(b) On any ground set forth in a challenge filed with the county clerk pursuant to the provisions of NRS 293.547.

2. If a person is challenged, an election board officer shall tender the challenged person the following oath or affirmation:

(a) If the challenge is on the ground that the challenged person does not belong to the political party designated upon the roster, "I swear or affirm under penalty of perjury that I belong to the political party designated upon the roster";

(b) If the challenge is on the ground that the roster does not show that the challenged person designated the political party to which he or she claims to belong, "I swear or affirm under penalty of perjury that I designated on the application to register to vote the political party to which I claim to belong";

(c) If the challenge is on the ground that the challenged person does not reside at the residence for which the address is listed in the roster, "I swear or affirm under penalty of perjury that I reside at the residence for which the address is listed in the roster";

(d) If the challenge is on the ground that the challenged person previously voted a ballot for the election, "I swear or affirm under penalty of perjury that I have not voted for any of the candidates or questions included on this ballot for this election"; or

(e) If the challenge is on the ground that the challenged person is not the person he or she claims to be, "I swear or affirm under penalty of perjury that I am the person whose name is in this roster."

➥ The oath or affirmation must be set forth on a form prepared by the Secretary of State and signed by the challenged person under penalty of perjury.

3. Except as otherwise provided in subsection 4, if the challenged person refuses to execute the oath or affirmation so tendered, the person must not be issued a ballot, and the election board officer shall indicate in the roster "Challenged" by the person's name.

4. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (a) or (b) of subsection 2, the election board officers shall issue the person a nonpartisan ballot.

5. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (c) of subsection 2, the election board officers shall inform the person that he or she is entitled to vote only in the manner prescribed in NRS 293.304.

6. If the challenged person executes the oath or affirmation and the challenge is not based on the ground set forth in paragraph (e) of subsection 2, the election board officers shall issue the person a partisan ballot.

7. If the challenge is based on the ground set forth in paragraph (c) of subsection 2, and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot until he or she furnishes satisfactory identification which contains proof of the address at which the person actually resides. For the purposes of this subsection, a voter registration card ~~[issued pursuant to NRS 293.517]~~ does not provide proof of the address at which a person resides.

8. If the challenge is based on the ground set forth in paragraph (e) of subsection 2 and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot unless the person:

(a) Furnishes official identification which contains a photograph of the person, such as a driver's license or other official document; or

(b) Brings before the election board officers a person who is at least 18 years of age who:

(1) Furnishes official identification which contains a photograph of that person, such as a driver's license or other official document; and

(2) Executes an oath or affirmation under penalty of perjury that the challenged person is who he or she swears to be.

9. The election board officers shall:

(a) Record on the challenge list:

(1) The name of the challenged person;

(2) The name of the registered voter who initiated the challenge; and

(3) The result of the challenge; and

(b) If possible, orally notify the registered voter who initiated the challenge of the result of the challenge.

Sec. 36. NRS 293.305 is hereby amended to read as follows:

293.305 1. If at the hour of closing the polls there are any ~~[registered]~~ *:*

(a) Registered voters waiting *in line* to *apply to* vote ~~[,]~~ *at the polling place; or*

(b) Electors waiting in line to apply to register to vote or apply to vote at the polling place pursuant to sections 5.1 to 9.8, inclusive, of this act,

➥ the doors of the polling place must be closed after all ~~[such]~~ *those registered* voters *and electors* have been admitted to the polling place. ~~[Voting,]~~ *The registration of those electors and the voting by those registered voters and electors* must continue until ~~[those voters have voted.]~~ *all such registration and voting has been completed.*

2. The deputy sheriff shall allow other persons to enter the polling place after the doors have been closed *pursuant to subsection 1* for the purpose of observing or any other legitimate purpose if there is room within the polling place and ~~[such]~~ *the* admittance *of the other persons* will not interfere unduly with the *registration of the electors and the* voting ~~[.]~~ *by the registered voters and electors.*

Sec. 37. NRS 293.3081 is hereby amended to read as follows:

293.3081 A person at a polling place may cast a provisional ballot in an election ~~[to vote for a candidate for federal office]~~ *pursuant to NRS 293.3081 to 293.3086, inclusive, and sections 10.3 and 10.6 of this act* if the person complies with the applicable provisions of NRS 293.3082 and:

1. Declares that he or she has registered to vote and is eligible to vote at that election in that jurisdiction, but his or her name does not appear on a voter registration list as a voter eligible to vote in that election in that jurisdiction or an election official asserts that the person is not eligible to vote in that election in that jurisdiction;

2. Applies by mail or computer, on or after January 1, 2003, to register to vote and has not previously voted in an election for federal office in this State and fails to provide the identification required pursuant to paragraph (a) of subsection 1 of NRS 293.2725 to the election board officer at the polling place; or

3. Declares that he or she is entitled to vote after the polling place would normally close as a result of a court order or other order extending the time established for the closing of polls pursuant to a law of this State in effect 10 days before the date of the election.

Sec. 38. NRS 293.3082 is hereby amended to read as follows:

293.3082 1. Before a person may cast a provisional ballot pursuant to NRS 293.3081, the person must complete a written affirmation on a form provided by an election board officer, as prescribed by the Secretary of State, at the polling place which includes:

(a) The name of the person casting the provisional ballot;

(b) The reason for casting the provisional ballot;

(c) A statement in which the person casting the provisional ballot affirms under penalty of perjury that he or she is a registered voter in the jurisdiction and is eligible to vote in the election;

(d) The date and type of election;

(e) The signature of the person casting the provisional ballot;

(f) The signature of the election board officer;

(g) A unique affirmation identification number assigned to the person casting the provisional ballot;

(h) If the person is casting the provisional ballot pursuant to subsection 1 of NRS 293.3081:

(1) An indication by the person as to whether or not he or she provided the required identification at the time the person applied to register to vote;

(2) The address of the person as listed on the application to register to vote;

(3) Information concerning the place, manner and approximate date on which the person applied to register to vote;

(4) Any other information that the person believes may be useful in verifying that the person has registered to vote; and

(5) A statement informing the voter that if the voter does not provide identification at the time the voter casts the provisional ballot, the required identification must be provided to the county or city clerk not later than 5 p.m. on the Friday following election day and that failure to do so will result in the provisional ballot not being counted;

(i) If the person is casting the provisional ballot pursuant to subsection 2 of NRS 293.3081:

(1) The address of the person as listed on the application to register to vote;

(2) The voter registration number, if any, issued to the person; and

(3) A statement informing the voter that the required identification must be provided to the county or city clerk not later than 5 p.m. on the Friday following election day and that failure to do so will result in the provisional ballot not being counted; and

(j) If the person is casting the provisional ballot pursuant to subsection 3 of NRS 293.3081, the voter registration number, if any, issued to the person.

2. After a person completes a written affirmation pursuant to subsection 1:

(a) The election board officer shall provide the person with a receipt that includes the unique affirmation identification number described in subsection 1 and that explains how the person may use the free access system established pursuant to NRS 293.3086 to ascertain whether the person's vote was counted, and, if the vote was not counted, the reason why the vote was not counted;

(b) The voter's name and applicable information must be entered into the roster in a manner which indicates that the voter cast a provisional ballot; and

(c) The election board officer shall issue a provisional ballot to the person to vote . ~~[only for candidates for federal offices.]~~

Sec. 39. NRS 293.3083 is hereby amended to read as follows:

293.3083 A person may cast a ballot by mail , ~~[to vote for a candidate for federal office,]~~ which must be treated as a provisional ballot by the county or city clerk if the person:

1. Applies by mail or computer to register to vote and has not previously voted in an election for federal office in this State;

2. Fails to provide the identification required pursuant to paragraph (b) of subsection 1 of NRS 293.2725 to the county or city clerk at the time that the person mails the ballot; and

3. Completes the written affirmation set forth in subsection 1 of NRS 293.3082.

Sec. 40. (Deleted by amendment.)

Sec. 41. (Deleted by amendment.)

Sec. 42. NRS 293.3095 is hereby amended to read as follows:

293.3095 1. A person who, during the 6 months immediately preceding an election, distributes to more than a total of 500 registered voters a form to request an absent ballot for the election shall:

(a) Distribute the form prescribed by the Secretary of State, which must, in 14-point type or larger:

(1) Identify the person who is distributing the form; and

(2) Include a notice stating, "This is a request for an absent ballot.";

(b) Not later than ~~[14]~~ *28* days before distributing such a form, provide to the county clerk of each county to which a form will be distributed written notification of the approximate number of forms to be distributed to voters in the county and of the first date on which the forms will be distributed;

(c) Not return or offer to return to a county clerk a form that was mailed to a registered voter pursuant to this subsection; and

(d) Not mail such a form later than ~~[21]~~ *35* days before the election.

2. The provisions of this section do not authorize a person to vote by absent ballot if the person is not otherwise eligible to vote by absent ballot.

Sec. 43. NRS 293.313 is hereby amended to read as follows:

293.313 1. Except as otherwise provided in NRS 293.272 and 293.502, a registered voter may request an absent ballot if, before 5 p.m. on the ~~[seventh]~~ *14th* calendar day preceding the election, the registered voter:

(a) Provides sufficient written notice to the county clerk; and

(b) Has identified himself or herself to the satisfaction of the county clerk.

2. A registered voter may request an absent ballot for all elections held during the year he or she requests an absent ballot.

3. A county clerk shall consider a request from a voter who has given sufficient written notice on a form provided by the Federal Government as a request for an absent ballot for the primary and general elections immediately following the date on which the county clerk received the request.

4. It is unlawful for a person fraudulently to request an absent ballot in the name of another person or to induce or coerce another person fraudulently to request an absent ballot in the name of another person. A person who violates

this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 44. NRS 293.3165 is hereby amended to read as follows:

293.3165 1. A registered voter ~~[with a physical disability or]~~ who ~~[is at least 65 years of age and]~~ provides sufficient written notice to the appropriate county clerk may request that the registered voter receive an absent ballot for all elections at which the registered voter is eligible to vote.

2. Except as otherwise provided in subsection 4, upon receipt of a request submitted by a registered voter pursuant to subsection 1, the county clerk shall:

(a) Issue an absent ballot to the registered voter for each primary election, general election and special election other than a special city election that is conducted after the date the written statement is submitted to the county clerk.

(b) Inform the applicable city clerk of receipt of the written statement. Upon receipt of the notice from the county clerk, the city clerk shall issue an absent ballot for each primary city election, general city election and special city election that is conducted after the date the city clerk receives notice from the county clerk.

3. If, at the direction of the registered voter ~~[,]~~ *with a physical disability or who is at least 65 years of age,* a person:

(a) Marks and signs an absent ballot issued to the registered voter pursuant to the provisions of this section on behalf of the registered voter, the person must:

(1) Indicate next to his or her signature that the ballot has been marked and signed on behalf of the registered voter; and

(2) Submit a written statement with the absent ballot that includes the name, address and signature of the person.

(b) Assists a registered voter to mark and sign an absent ballot issued to the registered voter pursuant to the provisions of this section, the person or registered voter must submit a written statement with the absent ballot that includes the name, address and signature of the person.

4. A county clerk may not mail an absent ballot requested by a registered voter pursuant to subsection 1 if, after the request is submitted:

(a) The registered voter is designated inactive pursuant to NRS 293.530; ~~[or]~~

(b) The county clerk cancels the registration of the person pursuant NRS 293.527, 293.530, 293.535 or 293.540 ~~[.]~~ *; or*

(c) An absent ballot is returned to the county clerk as undeliverable, unless the registered voter has submitted a new request pursuant to subsection 1.

5. The procedure authorized pursuant to this section is subject to all other provisions of this chapter relating to voting by absent ballot to the extent that those provisions are not inconsistent with the provisions of this section.

Sec. 45. NRS 293.317 is hereby amended to read as follows:

293.317 ~~[Absent]~~

1. Except as otherwise provided in subsection 2, absent ballots, including special absent ballots, ~~[received]~~ *must be:*

(a) Delivered by *hand to* the county ~~[or city]~~ clerk ~~[after]~~ *before the time set for closing of* the polls ~~[are closed]~~ *pursuant to NRS 293.273; or*

(b) Mailed to the county clerk and:

(1) Postmarked on *or before* the day of election ~~[. are invalid.]~~ *; and*

(2) Received by the county clerk within the period for the counting of absent ballots pursuant to subsection 2 of NRS 293.333.

2. If an absent ballot is received not more than 3 days after the day of the election and the date of the postmark cannot be determined, the absent ballot shall be deemed to have been postmarked on or before the day of the election.

Sec. 46. NRS 293.325 is hereby amended to read as follows:

293.325 1. Except as otherwise provided in ~~[subsection 2 and]~~ NRS 293D.200, when an absent ballot is returned by a registered voter to the county clerk through the mail, by facsimile machine or other approved electronic transmission or in person, and record thereof is made in the absent ballot record book, the county clerk shall *check the signature in accordance with the following procedure:*

(a) The county clerk shall check the signature on the return envelope, facsimile or other approved electronic transmission against all signatures of the voter available in the records of the county clerk.

(b) If at least two employees in the office of the county clerk believe there is a reasonable question of fact as to whether the signature on the absent ballot matches the signature of the voter, the county clerk shall contact the voter and ask the voter to confirm whether the signature on the absent ballot belongs to the voter.

2. Except as otherwise provided in subsection 3, if the county clerk determines pursuant to subsection 1 that the absent voter is entitled to cast a ballot and:

(a) No absent ballot central counting board has been appointed, the county clerk shall neatly stack, unopened, the absent ballot with any other absent ballot received that day in a container and deliver, or cause to be delivered, that container to the appropriate election board.

~~[2. Except as otherwise provided in NRS 293D.200, if an]~~

(b) An absent ballot central counting board has been appointed, ~~[when an absent ballot is returned by a registered voter to the county clerk through the mail, by facsimile machine or other approved electronic transmission or in person, the county clerk shall check the signature on the return envelope, facsimile or other approved electronic transmission against the original signature of the voter on the county clerk's register. If the county clerk determines that the absent voter is entitled to cast a ballot,]~~ the county clerk shall deposit the ballot in the proper ballot box or place the ballot, unopened, in a container that must be securely locked or under the control of the county clerk at all times. At the end of each day before election day, the county clerk may remove the ballots from each ballot box, neatly stack the ballots in a container and seal the container with a numbered seal. Not earlier than 4 working days before the election, the county clerk shall deliver the ballots to

the absent ballot central counting board to be processed and prepared for counting pursuant to the procedures established by the Secretary of State to ensure the confidentiality of the prepared ballots until after the polls have closed pursuant to NRS 293.273 or 293.305.

3. If the county clerk determines when checking the signature of the voter pursuant to subsection 1 that the absent voter did not sign the return envelope as required pursuant to NRS 293.330 but is otherwise entitled to cast a ballot, the county clerk shall contact the absent voter and advise the voter of the procedures to provide a signature established pursuant to subsection 4. For the absent ballot to be counted, the absent voter must provide a signature within the period for the counting of absent ballots pursuant to subsection 2 of NRS 293.333.

4. Each county clerk shall prescribe procedures for a voter who did not sign the return envelope of an absent ballot in order to:

(a) Contact the voter;

(b) Allow the voter to provide a signature; and

(c) After a signature is provided, ensure the absent ballot is delivered to the appropriate election board or the absent ballot central counting board, as applicable.

Sec. 47. NRS 293.330 is hereby amended to read as follows:

293.330 1. Except as otherwise provided in subsection 2 of NRS 293.323 and chapter 293D of NRS, and any regulations adopted pursuant thereto, when an absent voter receives an absent ballot, the absent voter must mark and fold it in accordance with the instructions, deposit it in the return envelope, seal the envelope, affix his or her signature on the back of the envelope in the space provided therefor and mail *or deliver* the return envelope.

2. Except as otherwise provided in subsection 3, if an absent voter who has requested a ballot by mail applies to vote the ballot in person at:

(a) The office of the county clerk, the absent voter must mark the ballot, seal it in the return envelope and affix his or her signature in the same manner as provided in subsection 1, and deliver the envelope to the clerk.

(b) A polling place, including, without limitation, a polling place for early voting, the absent voter must surrender the absent ballot and provide satisfactory identification before being issued a ballot to vote at the polling place. A person who receives a surrendered absent ballot shall mark it "Cancelled."

3. If an absent voter who has requested a ballot by mail applies to vote in person at the office of the county clerk or a polling place, including, without limitation, a polling place for early voting, and the voter does not have the absent ballot to deliver or surrender, the voter must be issued a ballot to vote if the voter:

(a) Provides satisfactory identification;

(b) Is a registered voter who is otherwise entitled to vote; and

(c) Signs an affirmation under penalty of perjury on a form prepared by the Secretary of State declaring that the voter has not voted during the election.

4. Except as otherwise provided in NRS 293.316 and 293.3165, it is unlawful for any person to return an absent ballot other than the voter who requested the absent ballot or, at the request of the voter, a member of the voter's family. A person who returns an absent ballot and who is a member of the family of the voter who requested the absent ballot shall, under penalty of perjury, indicate on a form prescribed by the county clerk that the person is a member of the family of the voter who requested the absent ballot and that the voter requested that the person return the absent ballot. A person who violates the provisions of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 48. NRS 293.333 is hereby amended to read as follows:

293.333 *1.* Except as otherwise provided in NRS 293D.200, on the day of an election, the election boards receiving the absent voters' ballots from the county clerk shall, in the presence of a majority of the election board officers, remove the ballots from the ballot box and the containers in which the ballots were transported pursuant to NRS 293.325 and deposit the ballots in the regular ballot box in the following manner:

~~[1.]~~ *(a)* The name of the voter, as shown on the return envelope or approved electronic transmission must be called and checked as if the voter were voting in person;

~~[2.]~~ *(b)* The signature on the back of the return envelope or on the approved electronic transmission must be compared with that on the application to register to vote;

~~[3.]~~ *(c)* If the board determines that the absent voter is entitled to cast a ballot, the envelope must be opened, the numbers on the ballot and envelope or approved electronic transmission compared, the number strip or stub detached from the ballot and, if the numbers are the same, the ballot deposited in the regular ballot box; and

~~[4.]~~ *(d)* The election board officers shall indicate in the roster "Voted" by the name of the voter.

2. Counting of absent ballots must continue through the seventh day following the election.

Sec. 49. NRS 293.3568 is hereby amended to read as follows:

293.3568 1. The period for early voting by personal appearance begins the third Saturday preceding a primary or general election and extends through the Friday before election day, Sundays and federal holidays excepted.

2. The county clerk may:

(a) Include any Sunday or federal holiday that falls within the period for early voting by personal appearance.

(b) Require a permanent polling place for early voting to remain open until 8 p.m. on any Saturday that falls within the period for early voting.

3. A permanent polling place for early voting must remain open:

(a) On Monday through Friday ~~[:~~

~~(1) During the first week of early voting, from 8 a.m. until 6 p.m.~~

~~(2) During the second week of early voting, from 8 a.m. until 6 p.m., or until 8 p.m. if]~~ *during the period for early voting, for at least 8 hours during such hours as* the county clerk ~~[so requires.]~~ *may establish.*

(b) On any Saturday that falls within the period for early voting, for at least 4 hours ~~[between 10 a.m. and 6 p.m.]~~ *during such hours as the county clerk may establish.*

(c) If the county clerk includes a Sunday that falls within the period for early voting, pursuant to subsection 2, during such hours as the county clerk may establish.

Sec. 50. NRS 293.3576 is hereby amended to read as follows:

293.3576 1. The county clerk shall publish during the week before the period for early voting and at least once each week during the period for early voting in a newspaper of general circulation a schedule stating:

(a) The location of each permanent and temporary polling place for early voting.

(b) The dates and hours that early voting will be conducted at each location.

2. The county clerk shall post a copy of the schedule on the bulletin board used for posting notice of meetings of the board of county commissioners. The schedule must be posted continuously for a period beginning not later than the fifth day before the first day of the period for early voting by personal appearance and ending on the last day of that period.

3. The county clerk shall make copies of the schedule available to the public in reasonable quantities without charge during the period of posting.

4. No additional polling places for early voting may be established after the schedule is published pursuant to this section.

5. The hours that early voting will be conducted at each polling place for early voting may be extended at the discretion of the county clerk after the schedule is published pursuant to this section.

Sec. 51. NRS 293.3585 is hereby amended to read as follows:

293.3585 1. Except as otherwise provided in NRS 293.283 ~~[,]~~ *and sections 5.1 to 9.8, inclusive, of this act*, upon the appearance of a person to cast a ballot for early voting, an election board officer shall:

(a) Determine that the person is a registered voter in the county.

(b) Instruct the voter to sign the roster for early voting ~~[,]~~ or a signature card.

(c) Verify the signature of the voter in the manner set forth in NRS 293.277.

(d) Verify that the voter has not already voted *in that county* in the current election . ~~[pursuant to this section.]~~

2. If the signature of the voter does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the *voter registration* card issued to the voter . ~~[at the time he or she registered to vote or was deemed to be registered to vote.]~~

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. The county clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted *in that county* in the current election . ~~[pursuant to this section.]~~

5. The roster for early voting or a signature card, as applicable, must contain:

(a) The voter's name, the address where he or she is registered to vote, his or her voter identification number and a place for the voter's signature;

(b) The voter's precinct or voting district number, if that information is available; and

(c) The date of voting early in person.

6. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place for early voting.

7. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:

(a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district, if that information is available, and the form of ballot are indicated on the voting receipt, if the county clerk uses voting receipts; and

(c) Allow the voter to cast a vote.

8. A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293.303.

Sec. 52. NRS 293.3604 is hereby amended to read as follows:

293.3604 If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance *:* ~~[in an election other than a presidential preference primary election:]~~

1. At the close of each voting day, the election board shall:

(a) Prepare and sign a statement for the polling place. The statement must include:

(1) The title of the election;

(2) The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;

(3) The number of ballots voted on the mechanical recording device for that day;

(4) The number of signatures in the roster for early voting for that day; ~~[and]~~

(5) The number of signatures on signature cards for the day ~~[.]~~ *; and*

(6) The number of signatures in the roster designated for electors who applied to register to vote or applied to vote at the polling place pursuant to sections 5.1 to 9.8, inclusive, of this act.

(b) Secure:

(1) The ballots pursuant to the plan for security required by NRS 293.3594; and

(2) Each mechanical voting device in the manner prescribed by the Secretary of State pursuant to NRS 293.3594.

2. At the close of the last voting day, the county clerk shall deliver to the ballot board for early voting:

(a) The statements for all polling places for early voting;

(b) The voting rosters used for early voting;

(c) The signature cards used for early voting;

(d) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting; and

(e) Any other items as determined by the county clerk.

3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:

(a) Indicate the number of ballots on an official statement of ballots; and

(b) Place the storage devices in the container provided to transport those items to the central counting place and seal the container with a numbered seal. The official statement of ballots must accompany the storage devices to the central counting place.

Sec. 52.2. NRS 293.387 is hereby amended to read as follows:

293.387 1. As soon as the returns from all the precincts and districts in any county have been received by the board of county commissioners, the board shall meet and canvass the returns. The canvass must be completed on or before the ~~[sixth working]~~ *10th* day following the election.

2. In making its canvass, the board shall:

(a) Note separately any clerical errors discovered; and

(b) Take account of the changes resulting from the discovery, so that the result declared represents the true vote cast.

3. The county clerk shall, as soon as the result is declared, enter upon the records of the board an abstract of the result, which must contain the number of votes cast for each candidate. The board, after making the abstract, shall cause the county clerk to certify the abstract and, by an order made and entered in the minutes of its proceedings, to make:

(a) A copy of the certified abstract; and

(b) A mechanized report of the abstract in compliance with regulations adopted by the Secretary of State,

➥ and transmit them to the Secretary of State not more than 7 working days after the election.

4. The Secretary of State shall, immediately after any primary election, compile the returns for all candidates voted for in more than one county. The

Secretary of State shall make out and file in his or her office an abstract thereof, an shall certify to the county clerk of each county the name of each person nominated, and the name of the office for which the person is nominated.

Sec. 52.4. NRS 293.393 is hereby amended to read as follows:

293.393 1. On or before the ~~[sixth working]~~ *10th* day after any general election or any other election at which votes are cast for any United States Senator, Representative in Congress, member of the Legislature or any state officer who is elected statewide, the board of county commissioners shall open the returns of votes cast and make abstracts of the votes.

2. Abstracts of votes must be prepared in the manner prescribed by the Secretary of State by regulation.

3. The county clerk shall make out a certificate of election to each of the persons having the highest number of votes for the district, county and township offices.

4. Each certificate must be delivered to the person elected upon application at the office of the county clerk.

Sec. 52.6. NRS 293.437 is hereby amended to read as follows:

293.437 1. The county or city clerk may designate any building, public or otherwise, or any portion of a building, as the site for any polling place or any number of polling places for any of the precincts or districts in the county or city.

2. If, in the opinion of the county or city clerk, the convenience and comfort of the voters and election officers will be best served by putting two or more polling places in any such building, or if, in the opinion of the county or city clerk, the expense to the county or city for polling places can be diminished by putting two or more polling places in any such building, the county or city clerk may so provide.

3. In precincts where there are no public buildings or other appropriate locations owned by the State, county, township, city, town or precinct, privately owned locations may be rented at a rate not to exceed $35 for each election if only one precinct is involved and at a rate not to exceed $50 for each election if more than one precinct is involved.

4. The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a polling place pursuant to subsection 3, except to the extent necessary to conduct voting at that location.

Sec. 53. NRS 293.4689 is hereby amended to read as follows:

293.4689 1. If a county clerk maintains a website on the Internet for information related to elections, the website must contain public information maintained, collected or compiled by the county clerk that relates to elections, which must include, without limitation:

(a) The locations of polling places for casting a ballot on election day in such a format that a registered voter may search the list to determine the location of the polling place *or places* at which the registered voter is ~~[required]~~ *entitled* to cast a ballot; and

(b) The abstract of votes required pursuant to the provisions of NS 293.388.

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. If the information required to be maintained by a county clerk pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by the Secretary of State, another county clerk or a city clerk, the county clerk may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 54. NRS 293.469 is hereby amended to read as follows:

293.469 Each county clerk is encouraged to:

1. Not later than the earlier date of the notice provided pursuant to NRS 293.203 or the first notice provided pursuant to subsection ~~[4]~~ *3* of NRS 293.560, notify the public, through means designed to reach members of the public who are elderly or disabled, of the provisions of NRS 293.2955, 293.296, 293.313, 293.316 and 293.3165.

2. Provide in alternative audio and visual formats information concerning elections, information concerning how to preregister or register to vote and information concerning the manner of voting for use by a person who is elderly or disabled, including, without limitation, providing such information through a telecommunications device that is accessible to a person who is deaf.

3. Not later than 5 working days after receiving the request of a person who is elderly or disabled, provide to the person, in a format that can be used by the person, any requested material that is:

(a) Related to elections; and

(b) Made available by the county clerk to the public in printed form.

Sec. 54.5. NRS 293.4695 is hereby amended to read as follows:

293.4695 1. Each county clerk shall collect the following information regarding each primary and general election, on a form provided by the Secretary of State and made available at each polling place in the county, each polling place for early voting in the county, the office of the county clerk and any other location deemed appropriate by the Secretary of State:

(a) The number of ballots that have been discarded or for any reason not included in the final canvass of votes, along with an explanation for the exclusion of each such ballot from the final canvass of votes.

(b) A report on each malfunction of any mechanical voting system, including, without limitation:

(1) Any known reason for the malfunction;

(2) The length of time during which the mechanical voting system could not be used;

(3) Any remedy for the malfunction which was used at the time of the malfunction; and

(4) Any effect the malfunction had on the election process.

(c) A list of each polling place not open during the time prescribed pursuant to NRS 293.273 and an account explaining why each such polling place was not open during the time prescribed pursuant to NRS 293.273.

(d) A description of each challenge made to the eligibility of a voter pursuant to NRS 293.303 and the result of each such challenge.

(e) A description of each complaint regarding a ballot cast by mail or facsimile filed with the county clerk and the resolution, if any, of the complaint.

(f) The results of any audit of election procedures and practices conducted pursuant to regulations adopted by the Secretary of State pursuant to this chapter.

(g) *The number of provisional ballots cast pursuant to sections 5.1 to 9.8, inclusive, of this act.*

(h) The number of provisional ballots cast *pursuant to NRS 293.3081 to 293.3086, inclusive, and sections 10.3 and 10.6 of this act* and the reason for the casting of each *such* provisional ballot.

2. Each county clerk shall submit to the Secretary of State, on a form provided by the Secretary of State, the information collected pursuant to subsection 1 not more than 60 days after each primary and general election.

3. The Secretary of State may contact any political party and request information to assist in the investigation of any allegation of voter intimidation.

4. The Secretary of State shall establish and maintain an Internet website pursuant to which the Secretary of State shall solicit and collect voter comments regarding election processes.

5. The Secretary of State shall compile the information and comments collected pursuant to this section into a report and shall submit the report to the Director of the Legislative Counsel Bureau for transmission to the Legislature not sooner than 30 days before and not later than 30 days after the first day of each regular session of the Legislature.

6. The Secretary of State may make the report required pursuant to subsection 5 available on an Internet website established and maintained by the Secretary of State.

Sec. 55. (Deleted by amendment.)

Sec. 56. NRS 293.4855 is hereby amended to read as follows:

293.4855 1. Every citizen of the United States who is 17 years of age or older but less than 18 years of age and has continuously resided in this State for 30 days or longer may preregister to vote by any of the ~~[means]~~ *methods* available for a person to register to vote pursuant to this title. A person eligible to preregister to vote is deemed to be preregistered to vote upon the submission of a completed application to preregister to vote.

2. If a person preregisters to vote, he or she shall be deemed to be a registered voter on his or her 18th birthday unless:

(a) The person's preregistration has been cancelled as described in subsection 7; or

(b) Except as otherwise provided in NRS 293D.210, on the person's 18th birthday, he or she does not satisfy the voter eligibility requirements set forth in NRS 293.485.

3. The county clerk shall issue to a person who is deemed to be registered to vote pursuant to subsection 2 a voter registration card ~~[as described in subsection 6 of NRS 293.517]~~ as soon as practicable after the person is deemed to be registered to vote ~~[.]~~ *, but the issuance of a voter registration card to the person is not a prerequisite to vote in an election.*

4. On the date that a person who preregisters to vote is deemed to be registered to vote, his or her application to preregister to vote is deemed to be his or her application to register to vote.

5. If a person preregistered to vote:

(a) By mail or computer, he or she shall be deemed to have registered to vote by mail or computer, as applicable.

(b) In person, he or she shall be deemed to have registered to vote in person.

6. The preregistration information of a person may be updated by any of the ~~[means]~~ *methods* for updating the voter registration information of a person pursuant to this chapter.

7. The preregistration to vote of a person may be cancelled by any of the means and for any of the reasons for cancelling voter registration pursuant to this chapter.

8. Except as otherwise provided in this subsection, all preregistration information relating to a person is confidential and is not a public record. Once a person's application to preregister to vote is deemed to be an application to register to vote, any voter registration information related to the person must be disclosed pursuant to any law that requires voter registration information to be disclosed.

9. The Secretary of State shall adopt regulations providing for preregistration to vote. The regulations:

(a) Must include, without limitation, provisions to ensure that once a person is deemed to be a registered voter pursuant to subsection 2 , the person is ~~[immediately]~~ issued a voter registration card *as soon as practicable* and *is immediately* added to the statewide voter registration list and the registrar of voters' register; and

(b) Must not require a county clerk to provide to a person who preregisters to vote sample ballots or any other voter information provided to registered voters unless the person will be eligible to vote at the election for which the sample ballots or other information is provided.

Sec. 56.5. NRS 293.505 is hereby amended to read as follows:

293.505 1. All justices of the peace, except those located in county seats, are ex officio field registrars to carry out the provisions of this chapter.

2. The county clerk shall appoint at least one registered voter to serve as a field registrar of voters who, except as otherwise provided in NRS 293.5055, shall preregister and register voters within the county for which the field registrar is appointed. Except as otherwise provided in subsection 1, a

candidate for any office may not be appointed or serve as a field registrar. A field registrar serves at the pleasure of the county clerk and shall perform such duties as the county clerk may direct. The county clerk shall not knowingly appoint any person as a field registrar who has been convicted of a felony involving theft or fraud. The Secretary of State may bring an action against a county clerk to collect a civil penalty of not more than $5,000 for each person who is appointed as a field registrar in violation of this subsection. Any civil penalty collected pursuant to this subsection must be deposited with the State Treasurer for credit to the State General Fund.

3. A field registrar shall demand of any person who applies for preregistration or registration all information required by the application to preregister or register to vote, as applicable, and shall administer all oaths required by this chapter.

4. When a field registrar has in his or her possession five or more completed applications to preregister or register to vote, the field registrar shall forward them to the county clerk, but in no case may the field registrar hold any number of them for more than 10 days.

5. Each field registrar shall forward to the county clerk all completed applications in his or her possession immediately after the last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable. Within 5 days after the last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable, a field registrar shall return all unused applications in his or her possession to the county clerk. If all of the unused applications are not returned to the county clerk, the field registrar shall account for the unreturned applications.

6. Each field registrar shall submit to the county clerk a list of the serial numbers of the completed applications to preregister or register to vote and the names of the electors on those applications. The serial numbers must be listed in numerical order.

7. Each field registrar shall post notices sent to him or her by the county clerk for posting in accordance with the election laws of this State.

8. A field registrar, employee of a voter registration agency or person assisting a voter pursuant to ~~[subsection 13 of]~~ NRS 293.5235 shall not:

(a) Delegate any of his or her duties to another person; or

(b) Refuse to preregister or register a person on account of that person's political party affiliation.

9. A person shall not hold himself or herself out to be or attempt to exercise the duties of a field registrar unless the person has been so appointed.

10. A county clerk, field registrar, employee of a voter registration agency or person assisting another person pursuant to ~~[subsection 13 of]~~ NRS 293.5235 shall not:

(a) Solicit a vote for or against a particular question or candidate;

(b) Speak to a person on the subject of marking his or her ballot for or against a particular question or candidate; or

(c) Distribute any petition or other material concerning a candidate or question which will be on the ballot for the ensuing election,

➥ while preregistering or registering the person.

11. When the county clerk receives applications to preregister or register to vote from a field registrar, the county clerk shall issue a receipt to the field registrar. The receipt must include:

(a) The number of persons preregistered or registered; and

(b) The political party of the persons preregistered or registered.

12. A county clerk, field registrar, employee of a voter registration agency or person assisting another person pursuant to ~~[subsection 13 of]~~ NRS 293.5235 shall not:

(a) Knowingly:

(1) Register a person who is not a qualified elector or a person who has filed a false or misleading application to register to vote; or

(2) Preregister a person who does not meet the qualifications set forth in NRS 293.4855; or

(b) Preregister or register a person who fails to provide satisfactory proof of identification and the address at which the person actually resides.

13. A county clerk, field registrar, employee of a voter registration agency, person assisting another person pursuant to ~~[subsection 13 of]~~ NRS 293.5235 or any other person providing a form for the application to preregister or register to vote to an elector for the purpose of preregistering or registering to vote:

(a) If the person who assists another person with completing the form for the application to preregister or register to vote retains the form, shall enter his or her name on the duplicate copy or receipt retained by the person upon completion of the form; and

(b) Shall not alter, deface or destroy an application to preregister or register to vote that has been signed by a person except to correct information contained in the application after receiving notice from the person that a change in or addition to the information is required.

14. If a field registrar violates any of the provisions of this section, the county clerk shall immediately suspend the field registrar and notify the district attorney of the county in which the violation occurred.

15. A person who violates any of the provisions of subsection 8, 9, 10, 12 or 13 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 57. NRS 293.506 is hereby amended to read as follows:

293.506 1. A county clerk may, with approval of the board of county commissioners, establish a system for using a computer to register voters and to keep records of registration.

2. A system established pursuant to subsection 1 must:

(a) Comply with any procedures and requirements prescribed by the Secretary of State pursuant to NRS 293.250; and

(b) Allow a person to preregister to vote and the county clerk to keep records of preregistration by computer.

3. Except as otherwise provided in sections 5.1 to 9.8, inclusive, of this act, regardless of whether a county clerk establishes a system pursuant to subsection 1, the county clerk shall accept applications to preregister and register to vote submitted by computer to the Secretary of State through the system established by the Secretary of State pursuant to section 11 of this act.

Sec. 58. NRS 293.510 is hereby amended to read as follows:

293.510 1. Except as otherwise provided in subsection 3, in counties where computers are not used to register voters, the county clerk shall:

(a) Segregate original applications to register to vote according to the precinct in which the registered voters reside and arrange the applications in each precinct or district in alphabetical order. The applications for each precinct or district must be kept separately for each precinct or district. These applications must be used to prepare the rosters.

(b) Arrange the duplicate applications of registration in alphabetical order for the entire county and keep them in binders or a suitable file which constitutes the registrar of voters' register.

2. Except as otherwise provided in subsection 3, in any county where a computer is used to register voters, the county clerk shall:

(a) Arrange the original applications to register to vote for the entire county in a manner in which an original application may be quickly located. These original applications constitute the registrar of voters' register.

(b) Segregate the applications to register to vote in a computer file according to the precinct or district in which the registered voters reside, and for each precinct or district have printed a computer listing which contains the applications to register to vote in alphabetical order. These listings of applications to register to vote must be used to prepare the rosters.

3. From the applications to register to vote received by each county clerk, the county clerk shall:

(a) Segregate the applications electronically transmitted by the Department of Motor Vehicles pursuant to subsection 1 of section 5 of the 2018 Ballot Question No. 5, the Automatic Voter Registration Initiative, in a computer file according to the precinct or district in which the registered voters reside; and

(b) Arrange the applications in each precinct or district in alphabetical order.

4. Each county clerk shall keep the applications to preregister to vote separate from the applications to register to vote until such applications are deemed to be applications to register to vote pursuant to *subsection 2 of* NRS 293.4855.

Sec. 59. NRS 293.517 is hereby amended to read as follows:

293.517 1. Any person who meets the qualifications set forth in NRS 293.4855 residing within the county may preregister to vote and any elector residing within the county may register to vote:

(a) Except as otherwise provided in NRS 293.560 and 293C.527, by appearing before the county clerk, a field registrar or a voter registration agency, completing the application to preregister or register to vote, giving true and satisfactory answers to all questions relevant to his or her identity and right to preregister or register to vote, and providing proof of residence and identity;

(b) By completing and mailing or personally delivering to the county clerk an application to preregister or register to vote pursuant to the provisions of NRS 293.5235;

(c) Pursuant to the provisions of NRS 293.524 or chapter 293D of NRS or section 4 of the 2018 Ballot Question No. 5, the Automatic Voter Registration Initiative;

(d) At his or her residence with the assistance of a field registrar pursuant to NRS 293.5237; ~~[or]~~

(e) By submitting an application to preregister or register to vote by computer ~~[,]~~ *using the system:*

(1) Established by the Secretary of State pursuant to section 11 of this act; or

(2) Established by the county clerk, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters ~~[.]~~ *; or*

(f) By any other method authorized by the provisions of this title.

➥ The county clerk shall require a person to submit official identification as proof of residence and identity, such as a driver's license or other official document, before preregistering or registering the person. If the applicant preregisters or registers to vote pursuant to this subsection and fails to provide proof of residence and identity, the applicant must provide proof of residence and identity before casting a ballot in person or by mail or after casting a provisional ballot pursuant to NRS 293.3081 ~~[or 293.3083.]~~ *to 293.3086, inclusive, and sections 10.3 and 10.6 of this act.* For the purposes of this subsection, a voter registration card ~~[issued pursuant to subsection 6]~~ does not provide proof of the residence or identity of a person.

2. *In addition to the methods for registering to vote described in subsection 1, an elector may register to vote pursuant to sections 5.1 to 9.8, inclusive, of this act.*

3. Except as otherwise provided in sections 2 to 7, inclusive, of the 2018 Ballot Question No. 5, the Automatic Voter Registration Initiative, the application to preregister or register to vote must be signed and verified under penalty of perjury by the person preregistering or the elector registering.

~~[3.]~~ *4.* Each person or elector who is or has been married must be preregistered or registered under his or her own given or first name, and not under the given or first name or initials of his or her spouse.

~~[4.]~~ *5.* A person or an elector who is preregistered or registered and changes his or her name must complete a new application to preregister or register to vote, as applicable. The person or elector may obtain a new application:

(a) At the office of the county clerk or field registrar;

(b) By submitting an application to preregister or register to vote pursuant to the provisions of NRS 293.5235;

(c) By submitting a written statement to the county clerk requesting the county clerk to mail an application to preregister or register to vote;

(d) At any voter registration agency; or

(e) By submitting an application to preregister or register to vote by computer ~~[,]~~ *using the system:*

(1) Established by the Secretary of State pursuant to section 11 of this act; or

(2) Established by the county clerk, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters.

➥ If the elector fails to register under his or her new name, the elector may be challenged pursuant to the provisions of NRS 293.303 or 293C.292 and may be required to furnish proof of identity and subsequent change of name.

~~[5.]~~ *6.* Except as otherwise provided in subsection ~~[7]~~ *8, sections 5.1 to 9.8, inclusive, and 13 of this act* and sections 4 to 7, inclusive, of the 2018 Ballot Question No. 5, the Automatic Voter Registration Initiative, an elector who registers to vote pursuant to paragraph (a) of subsection 1 shall be deemed to be registered upon the completion of an application to register to vote.

~~[6.]~~ *7.* After the county clerk determines that the application to register to vote of a person is complete and that, except as otherwise provided in NRS 293D.210, the person is eligible to vote pursuant to NRS 293.485, the county clerk shall issue a voter registration card to the voter . ~~[which contains:~~

~~(a) The name, address, political affiliation and precinct number of the voter;~~

~~(b) The date of issuance; and~~

~~(c) The signature of the county clerk.~~

~~7.]~~ *8.* If a person or an elector submits an application to preregister or register to vote or an affidavit described in paragraph (c) of subsection 1 of NRS 293.507 that contains any handwritten additions, erasures or interlineations, the county clerk may object to the application if the county clerk believes that because of such handwritten additions, erasures or interlineations, the application is incomplete or that, except as otherwise provided in NRS 293D.210, the person is not eligible to preregister pursuant to NRS 293.4855 or the elector is not eligible to vote pursuant to NRS 293.485, as applicable. If the county clerk objects pursuant to this subsection, he or she shall immediately notify the person or elector, as applicable, and the district attorney of the county. Not later than 5 business days after the district attorney receives such notification, the district attorney shall advise the county clerk as to whether:

(a) The application is complete and, except as otherwise provided in NRS 293D.210, the person is eligible to preregister pursuant to NRS 293.4855 or the elector is eligible to vote pursuant to NRS 293.485; and

(b) The county clerk should proceed to process the application.

~~[9.]~~ *9.* If the district attorney advises the county clerk to process the application *pursuant to subsection 8*, the county clerk shall immediately issue a voter registration card to the applicant ~~[pursuant to subsection 6, if applicable.]~~ *, unless the applicant is preregistered to vote and does not currently meet the requirements to be issued a voter registration card pursuant to NRS 293.4855.*

Sec. 60. (Deleted by amendment.)

Sec. 61. NRS 293.5235 is hereby amended to read as follows:

293.5235 1. Except as otherwise provided in NRS 293.502 *, sections 5.1 to 9.8, inclusive, of this act* and chapter 293D of NRS, a person may preregister or register to vote by ~~[mailing]~~ *:*

(a) Mailing an application to preregister or register to vote to the county clerk of the county in which the person resides . ~~[or may preregister or register to vote by]~~

(b) A computer ~~[,]~~ *using:*

(1) The system established by the Secretary of State pursuant to section 11 of this act; or

(2) A system established by the county clerk, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to preregister or register to vote.

(c) Any other method authorized by the provisions of this title.

2. The county clerk shall, upon request, mail an application to preregister or register to vote to an applicant. The county clerk shall make the applications available at various public places in the county.

3. Except as otherwise provided in sections 5.1 to 9.8, inclusive, of this act:

(a) An application to preregister to vote may be used to correct information in a previous application.

(b) An application to register to vote may be used to correct information in the registrar of voters' register.

~~[2.]~~ *4.* An application to preregister or register to vote which is mailed to an applicant by the county clerk or made available to the public at various locations or voter registration agencies in the county may be returned to the county clerk by mail or in person. For the purposes of this section, an application which is personally delivered to the county clerk shall be deemed to have been returned by mail.

~~[3.]~~ *5.* The applicant must complete the application, including, without limitation, checking the boxes described in paragraphs (b) and (c) of subsection ~~[10]~~ *12* and signing the application.

~~[4.]~~ *6.* The county clerk shall, upon receipt of an application, determine whether the application is complete.

~~[5.]~~ *7.* If the county clerk determines that the application is complete, he or she shall, within 10 days after receiving the application, mail to the applicant:

(a) A notice that the applicant is preregistered or registered to vote, as applicable. If the applicant is registered to vote, the county clerk must also mail to the applicant a voter registration card *;* ~~[as required by subsection 6 of NRS 293.517;]~~ or

(b) A notice that the person's application to preregister to vote or the registrar of voters' register has been corrected to reflect any changes indicated on the application.

~~[6.]~~ *8.* Except as otherwise provided in subsection 5 of NRS 293.518 ~~[,]~~ *and section 13 of this act,* if the county clerk determines that the application is not complete, the county clerk shall, as soon as possible, mail a notice to the applicant that additional information is required to complete the application. If the applicant provides the information requested by the county clerk within 15 days after the county clerk mails the notice, the county clerk shall, within 10 days after receiving the information, mail to the applicant:

(a) A notice that the applicant is:

(1) Preregistered to vote; or

(2) Registered to vote and a voter registration card *;* ~~[as required by subsection 6 of NRS 293.517;]~~ or

(b) A notice that the person's application to preregister to vote or the registrar of voters' register has been corrected to reflect any changes indicated on the application.

➥ If the applicant does not provide the additional information within the prescribed period, the application is void.

~~[7.]~~ *9.* The applicant shall be deemed to be preregistered or registered or to have corrected the information in the application to preregister to vote or the registrar of voters' register on the date the application is postmarked or received by the county clerk, whichever is earlier.

~~[8.]~~ *10.* If the applicant fails to check the box described in paragraph (b) of subsection ~~[10,]~~ *12,* the application shall not be considered invalid , and the county clerk shall provide a means for the applicant to correct the omission at the time the applicant appears to vote in person at the assigned polling place.

~~[9.]~~ *11.* The Secretary of State shall prescribe the form for applications to preregister or register to vote by:

(a) Mail, which must be used to preregister or register to vote by mail in this State.

(b) Computer, which must be used to preregister or register to vote ~~[in a county]~~ *by computer using:*

(1) A system established by the county clerk, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to preregister or register to vote ~~[.]~~ *; or*

(2) The system established by the Secretary of State pursuant to section 11 of this act.

~~[10.]~~ *12.* The application to preregister or register to vote by mail must include:

(a) A notice in at least 10-point type which states:

NOTICE: You are urged to return your application to the County Clerk in person or by mail. If you choose to give your completed application to another person to return to the County Clerk on your behalf, and the person fails to deliver the application to the County Clerk, you will not be preregistered or registered to vote, as applicable. Please retain the duplicate copy or receipt from your application to preregister or register to vote.

(b) The question, "Are you a citizen of the United States?" and boxes for the applicant to check to indicate whether or not the applicant is a citizen of the United States.

(c) If the application is to:

(1) Preregister to vote, the question, "Are you at least 17 years of age and not more than 18 years of age?" and boxes to indicate whether or not the applicant is at least 17 years of age and not more than 18 years of age.

(2) Register to vote, the question, "Will you be at least 18 years of age on or before election day?" and boxes for the applicant to check to indicate whether or not the applicant will be at least 18 years of age or older on election day.

(d) A statement instructing the applicant not to complete the application if the applicant checked "no" in response to the question set forth in:

(1) If the application is to preregister to vote, paragraph (b) or subparagraph (1) of paragraph (c).

(2) If the application is to register to vote, paragraph (b) or subparagraph (2) of paragraph (c).

(e) A statement informing the applicant that if the application is submitted by mail and the applicant is preregistering or registering to vote for the first time, the applicant must submit the information set forth in paragraph (a) of subsection 2 of NRS 293.2725 to avoid the requirements of subsection 1 of NRS 293.2725 upon voting for the first time.

~~[11.]~~ *13.* Except as otherwise provided in subsection 5 of NRS 293.518, the county clerk shall not preregister or register a person to vote pursuant to this section unless that person has provided all of the information required by the application.

~~[12.]~~ *14.* The county clerk shall mail, by postcard, the notices required pursuant to subsections ~~[5.]~~ *7* and ~~[6.]~~ *8.* If the postcard is returned to the county clerk by the United States Postal Service because the address is fictitious or the person does not live at that address, the county clerk shall attempt to determine whether the person's current residence is other than that indicated on the application to preregister or register to vote in the manner set forth in NRS 293.530.

~~[13.]~~ *15.* A person who, by mail, preregisters or registers to vote pursuant to this section may be assisted in completing the application to preregister or register to vote by any other person. The application must include the mailing address and signature of the person who assisted the applicant. The failure to

provide the information required by this subsection will not result in the application being deemed incomplete.

~~[14.]~~ *16.* An application to preregister or register to vote must be made available to all persons, regardless of political party affiliation.

~~[15.]~~ *17.* An application must not be altered or otherwise defaced after the applicant has completed and signed it. An application must be mailed or delivered in person to the office of the county clerk within 10 days after it is completed.

~~[16.]~~ *18.* A person who willfully violates any of the provisions of subsection ~~[13, 14]~~ *15, 16* or ~~[15]~~ *17* is guilty of a category E felony and shall be punished as provided in NRS 193.130.

~~[17.]~~ *19.* The Secretary of State shall adopt regulations to carry out the provisions of this section.

Sec. 62. NRS 293.530 is hereby amended to read as follows:

293.530 1. Except as otherwise provided in NRS 293.541:

(a) County clerks may use any reliable and reasonable means available to correct the portions of the statewide voter registration list which are relevant to the county clerks and to determine whether a registered voter's current residence is other than that indicated on the voter's application to register to vote.

(b) A county clerk may, with the consent of the board of county commissioners, make investigations of registration in the county by census, by house-to-house canvass or by any other method.

(c) A county clerk shall cancel the registration of a voter pursuant to this subsection if:

(1) The county clerk mails a written notice to the voter which the United States Postal Service is required to forward;

(2) The county clerk mails a return postcard with the notice which has a place for the voter to write his or her new address, is addressed to the county clerk and has postage guaranteed;

(3) The voter does not respond; and

(4) The voter does not appear to vote in an election before the polls have closed in the second general election following the date of the notice.

(d) For the purposes of this subsection, the date of the notice is deemed to be 3 days after it is mailed.

(e) The county clerk shall maintain records of:

(1) Any notice mailed pursuant to paragraph (c);

(2) Any response to such notice; and

(3) Whether a person to whom a notice is mailed appears to vote in an election,

➥ for not less than 2 years after creation.

(f) The county clerk shall use any postcards which are returned to correct the portions of the statewide voter registration list which are relevant to the county clerk.

(g) If a voter fails to return the postcard mailed pursuant to paragraph (c) within 30 days, the county clerk shall designate the voter as inactive on the voter's application to register to vote.

(h) The Secretary of State shall adopt regulations to prescribe the method for maintaining a list of voters who have been designated as inactive pursuant to paragraph (g).

(i) If:

(1) The name of a voter is added to the statewide voter registration list pursuant to section 6 of the 2018 Ballot Question No. 5, the Automatic Voter Registration Initiative; or

(2) The voter registration information of a voter whose name is on the statewide voter registration list is updated pursuant to section 6 of the 2018 Ballot Question No. 5, the Automatic Voter Registration Initiative,

➥ the county clerk shall provide written notice of the addition or change to the voter not later than 5 working days after the addition or change is made. Except as otherwise provided in this paragraph, the notice must be mailed to the current residence of the voter. The county clerk may send the notice by electronic mail if the voter confirms the validity of the electronic mail address to which the notice will be sent by responding to a confirmation inquiry sent to that electronic mail address. Such a confirmation inquiry must be sent for each notice sent pursuant to this paragraph.

2. A county clerk is not required to take any action pursuant to this section in relation to a person who preregisters to vote until the person is deemed to be registered to vote pursuant to *subsection 2 of* NRS 293.4855.

Sec. 63. NRS 293.535 is hereby amended to read as follows:

293.535 1. The county clerk shall notify a registrant if any elector or other reliable person files an affidavit with the county clerk stating that:

(a) The registrant is not a citizen of the United States; or

(b) The registrant has:

(1) Moved outside the boundaries of the county where he or she is registered to another county, state, territory or foreign country, with the intention of remaining there for an indefinite time and with the intention of abandoning his or her residence in the county where registered; and

(2) Established residence in some other state, territory or foreign country, or in some other county of this state, naming the place.

➥ The affiant must state that he or she has personal knowledge of the facts set forth in the affidavit.

2. Upon the filing of an affidavit pursuant to paragraph (b) of subsection 1, the county clerk shall notify the registrant in the manner set forth in NRS 293.530 and shall enclose a copy of the affidavit. If the registrant fails to respond or appear to vote within the required time, the county clerk shall cancel the registration.

3. An affidavit filed pursuant to paragraph (a) of subsection 1 must be filed not later than 30 days before an election. Upon the filing of such an affidavit, the county clerk shall notify the registrant by registered or certified mail, return

receipt requested, of the filing of the affidavit, and shall enclose a copy of the affidavit. Unless the registrant, within 15 days after the return receipt has been filed in the office of the county clerk, presents satisfactory proof of citizenship, the county clerk shall cancel the registration.

4. The provisions of this section do not prevent the challenge provided for in NRS 293.303 or 293C.292.

5. A county clerk is not required to take any action pursuant to this section in relation to a person who is preregistered to vote until the person is deemed to be registered to vote pursuant to *subsection 2 of* NRS 293.4855.

Sec. 63.5. NRS 293.541 is hereby amended to read as follows:

293.541 1. The county clerk shall cancel the preregistration of a person or the registration of a voter if:

(a) After consultation with the district attorney, the district attorney determines that there is probable cause to believe that information in the application to preregister or register to vote concerning the identity or residence of the person or voter is fraudulent;

(b) The county clerk provides a notice as required pursuant to subsection 2 or executes an affidavit of cancellation pursuant to subsection 3; and

(c) The person or voter fails to present satisfactory proof of identity and residence pursuant to subsection 2, 4 or 5.

2. Except as otherwise provided in subsection 3, the county clerk shall notify the person or voter by registered or certified mail, return receipt requested, of a determination made pursuant to subsection 1. The notice must set forth the grounds for cancellation. Unless the person or voter, within 15 days after the return receipt has been filed in the office of the county clerk, presents satisfactory proof of identity and residence to the county clerk, the county clerk shall cancel the person's preregistration or the voter's registration, as applicable.

3. If insufficient time exists before a pending election to provide the notice required by subsection 2 to a registered voter, the county clerk shall execute an affidavit of cancellation and file the affidavit of cancellation with the registrar of voters' register and:

(a) In counties where records of registration are not kept by computer, the county clerk shall attach a copy of the affidavit of cancellation in the roster.

(b) In counties where records of registration are kept by computer, the county clerk shall have the affidavit of cancellation printed on the computer entry for the registration and add a copy of it to the roster.

4. If a voter appears to vote at the election next following the date that an affidavit of cancellation was executed for the voter pursuant to this section, the voter must be allowed to vote only if the voter furnishes:

(a) Official identification which contains a photograph of the voter, including, without limitation, a driver's license or other official document; and

(b) Satisfactory identification that contains proof of the address at which the voter actually resides and that address is consistent with the address listed on the roster.

5. If a determination is made pursuant to subsection 1 concerning information in the registration to vote of a voter and an absent ballot or a ballot voted by a voter who resides in a mailing precinct is received from the voter, the ballot must be kept separate from other ballots and must not be counted unless the voter presents satisfactory proof to the county clerk of identity and residence before such ballots are counted on election day.

6. For the purposes of this section, a voter registration card ~~[issued pursuant to NRS 293.517]~~ does not provide proof of the:

(a) Address at which a person actually resides; or

(b) Residence or identity of a person.

Sec. 64. NRS 293.560 is hereby amended to read as follows:

293.560 1. Except as otherwise provided in NRS 293.502, 293D.230 and 293D.300 ~~[:]~~ *and sections 5.1 to 9.8, inclusive, of this act:*

(a) For a primary or general election, or a recall or special election that is held on the same day as a primary or general election, the last day to register to vote:

(1) By mail is the fourth Tuesday preceding the primary or general election.

(2) By appearing in person at the office of the county clerk or, if open, a county facility designated pursuant to NRS 293.5035, is the ~~[third]~~ *fourth* Tuesday preceding the primary or general election.

(3) By computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters, is the Thursday preceding the ~~[first day of the period for early voting.]~~ *primary or general election, unless the system is used to register voters for the election pursuant to section 8 or 9 of this act.*

(4) By computer using the system established by the Secretary of State pursuant to section 11 of this act, is the Thursday preceding the primary or general election, unless the system is used to register voters for the election pursuant to section 8 or 9 of this act.

(b) If a recall or special election is not held on the same day as a primary or general election, the last day to register to vote for the recall or special election by any ~~[means]~~ *method of registration* is the third Saturday preceding the recall or special election.

2. ~~[For a primary or special election, the office of the county clerk must be open until 7 p.m. during the last 2 days on which a person may register to vote in person. In a county whose population is less than 100,000, the office of the county clerk may close at 5 p.m. during the last 2 days a person may register to vote in person if approved by the board of county commissioners.~~

~~3. For a general election:~~

~~(a) In a county whose population is less than 100,000, the office of the county clerk must be open until 7 p.m. during the last 2 days on which a person may register to vote in person. The office of the county clerk may close at 5 p.m. if approved by the board of county commissioners.~~

~~(b) In a county whose population is 100,000 or more, the office of the county clerk must be open during the last 4 days on which a person may register to vote in person, according to the following schedule:~~

~~(1) On weekdays until 9 p.m.; and~~

~~(2) A minimum of 8 hours on Saturdays, Sundays and legal holidays.~~

~~4.~~] *Except as otherwise provided in sections 5.1 to 9.8, inclusive, of this act, after the deadlines for the close of registration for a primary or general election set forth in subsection 1, no person may register to vote for the election.*

3. Except for a *recall or* special election held pursuant to chapter 306 or 350 of NRS:

(a) The county clerk of each county shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the county indicating:

(1) The day and time that *each method of* registration *for the election, as set forth in subsection 1,* will be closed; and

(2) If the county clerk has designated a county facility pursuant to NRS 293.5035, the location of that facility.

➥ If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest county in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the close of registration for any election.

~~[5.]~~ *4.* The offices of the county clerk, a county facility designated pursuant to NRS 293.5035 and other ex officio registrars may remain open on the last Friday in October in each even-numbered year.

~~[6.]~~ *5.* A county facility designated pursuant to NRS 293.5035 may be open during the periods described in this section for such hours of operation as the county clerk may determine, as set forth in subsection 3 of NRS 293.5035.

Sec. 65. (Deleted by amendment.)

Sec. 66. NRS 293.563 is hereby amended to read as follows:

293.563 1. During the interval between the closing of registration and the election, the county clerk shall prepare for ~~[each]~~ *:*

(a) Each polling place ~~[a]~~ *:*

(1) A roster containing the registered voters eligible to vote at the polling place ~~[.]~~ *; and*

(2) A roster designated for electors who apply to register to vote or apply to vote at the polling place pursuant to sections 5.1 to 9.8, inclusive, of this act; and

(b) Each polling place established pursuant to section 2 or 73 of this act a roster containing the registered voters eligible to vote in the county or city, respectively.

2. The ~~[roster]~~ *rosters* must be delivered or caused to be delivered by the county or city clerk to an election board officer of the proper polling place before the opening of the polls.

Sec. 67. (Deleted by amendment.)

Sec. 68. NRS 293.565 is hereby amended to read as follows:

293.565 1. Except as otherwise provided in subsection 3, sample ballots must include:

(a) If applicable, the statement required by NRS 293.267;

(b) The fiscal note or description of anticipated financial effect, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.015, 295.095 or 295.230 for each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(c) An explanation, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.121 or 295.230, of each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(d) Arguments for and against each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question, and rebuttals to each argument, as provided pursuant to NRS 218D.810, 293.250, 293.252 or 295.121; and

(e) The full text of each proposed constitutional amendment.

2. If, pursuant to the provisions of NRS 293.2565, the word "Incumbent" must appear on the ballot next to the name of the candidate who is the incumbent, the word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent.

3. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

4. A county clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a county clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the county clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

5. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 4, the county clerk shall distribute the sample ballot to the registered voter by mail.

6. Except as otherwise provided in subsection 7, before the period for early voting for any election begins, the county clerk shall distribute to each registered voter in the county by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place ~~[.]~~ *or places.* If the location of the polling place *or places* has changed since the last election:

(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE *OR PLACES* HAS CHANGED SINCE THE LAST ELECTION

7. If a person registers to vote less than 20 days before the date of an election, the county clerk is not required to distribute to the person the sample ballot for that election by mail or electronic means.

8. Except as otherwise provided in subsection 9, a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type; and

(b) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN LARGE TYPE, CALL (Insert appropriate telephone number)

9. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

10. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

11. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots distributed to that person from the county are in large type.

12. The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place *or places* and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the county clerk has provided pursuant to subsection 4 of NRS 293.2955 for the placement at centralized voting locations of specially equipped voting devices for use by voters who

are elderly or disabled, the county clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at his or her regularly designated polling place ~~[.]~~ *or places.*

13. The cost of distributing sample ballots for any election other than a primary or general election must be borne by the political subdivision holding the election.

Sec. 69. NRS 293.675 is hereby amended to read as follows:

293.675 1. The Secretary of State shall establish and maintain an official statewide voter registration list, which may be maintained on the Internet, in consultation with each county and city clerk.

2. The statewide voter registration list must:

(a) Be a uniform, centralized and interactive computerized list;

(b) Serve as the single method for storing and managing the official list of registered voters in this State;

(c) Serve as the official list of registered voters for the conduct of all elections in this State;

(d) Contain the name and registration information of every legally registered voter in this State;

(e) Include a unique identifier assigned by the Secretary of State to each legally registered voter in this State;

(f) Except as otherwise provided in subsection ~~[6,]~~ *7,* be coordinated with the appropriate databases of other agencies in this State;

(g) Be electronically accessible to each state and local election official in this State at all times;

(h) Except as otherwise provided in subsection ~~[7,]~~ *8,* allow for data to be shared with other states under certain circumstances; and

(i) Be regularly maintained to ensure the integrity of the registration process and the election process.

3. Each county and city clerk shall:

(a) Except for information related to the preregistration of persons to vote, electronically enter into the statewide voter registration list all information related to voter registration obtained by the county or city clerk at the time the information is provided to the county or city clerk; and

(b) Provide the Secretary of State with information concerning the voter registration of the county or city and other reasonable information requested by the Secretary of State in the form required by the Secretary of State to establish or maintain the statewide voter registration list.

4. In establishing and maintaining the statewide voter registration list, the Secretary of State shall enter into a cooperative agreement with the Department of Motor Vehicles to match information in the database of the statewide voter

registration list with information in the appropriate database of the Department of Motor Vehicles to verify the accuracy of the information in an application to register to vote.

5. The Department of Motor Vehicles shall enter into an agreement with the Social Security Administration pursuant to 52 U.S.C. § 21083, to verify the accuracy of information in an application to register to vote.

6. *The Department of Motor Vehicles shall ensure that its database:*

(a) Is capable of processing any information related to an application to register to vote, an application to update voter registration information or a request to verify the accuracy of voter registration information as quickly as is feasible; and

(b) Does not limit the number of applications to register to vote, applications to update voter registration information or requests to verify the accuracy of voter registration information that may be processed by the database in any given day.

7. Except as otherwise provided in NRS 481.063 or any provision of law providing for the confidentiality of information, the Secretary of State may enter into an agreement with an agency of this State pursuant to which the agency provides to the Secretary of State any information in the possession of the agency that the Secretary of State deems necessary to maintain the statewide voter registration list.

~~[7.]~~ *8.* The Secretary of State may:

(a) Request from the chief officer of elections of another state any information which the Secretary of State deems necessary to maintain the statewide voter registration list; and

(b) Provide to the chief officer of elections of another state any information which is requested and which the Secretary of State deems necessary for the chief officer of elections of that state to maintain a voter registration list, if the Secretary of State is satisfied that the information provided pursuant to this paragraph will be used only for the maintenance of that voter registration list.

Sec. 70. NRS 293.730 is hereby amended to read as follows:

293.730 1. A person shall not:

(a) Remain in or outside of any polling place so as to interfere with the conduct of the election.

(b) Except an election board officer, receive from any voter a ballot prepared by the voter.

(c) Remove a ballot from any polling place before the closing of the polls.

(d) Apply for or receive a ballot at any election precinct or district other than ~~[the]~~ one at which the person is entitled to vote.

(e) Show his or her ballot to any person, after voting, so as to reveal any of the names voted for.

(f) Inside a polling place, ask another person for whom he or she intends to vote.

(g) Except an election board officer, deliver a ballot to a voter.

(h) Except an election board officer in the course of the election board officer's official duties, inside a polling place, ask another person his or her name, address or political affiliation.

2. A voter shall not:

(a) Receive a ballot from any person other than an election board officer.

(b) Deliver to an election board or to any member thereof any ballot other than the one received.

(c) Place any mark upon his or her ballot by which it may afterward be identified as the one voted by the person.

3. Any person who violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 71. NRS 293.790 is hereby amended to read as follows:

293.790 If any person whose vote has been rejected offers to vote at the same election, at any polling place other than ~~[the]~~ one in which the person is ~~[registered]~~ *entitled* to vote, such person is guilty of a gross misdemeanor.

Sec. 72. Chapter 293C of NRS is hereby amended by adding thereto the provisions set forth as sections 73 to 76.5, inclusive, of this act.

Sec. 73. *1. A city clerk may establish one or more polling places in the city where any person entitled to vote in the city by personal appearance may do so on the day of the primary city election or general city election.*

2. Any person entitled to vote in the city by personal appearance may do so at any polling place established pursuant to subsection 1.

Sec. 74. *1. Except as otherwise provided in subsection 2, if a city clerk establishes one or more polling places pursuant to section 73 of this act, the city clerk must:*

(a) Publish during the week before the election in a newspaper of general circulation a notice of the location of each such polling place.

(b) Post a list of the location of each such polling place on any bulletin board used for posting notice of meetings of the governing body of the city. The list must be posted continuously for a period beginning not later than the fifth business day before the election and ending at 7 p.m. on the day of the election. The city clerk shall make copies of the list available to the public during the period of posting in reasonable quantities without charge.

2. The provisions of subsection 1 do not apply if every polling place in the city is designated as a polling place where any person entitled to vote in the city by personal appearance may do so on the day of the primary city election or general city election.

3. No additional polling place may be established pursuant to section 73 of this act after the publication pursuant to this section, except in the case of an emergency and if approved by the Secretary of State.

Sec. 75. *1. For each polling place established pursuant to section 73 of this act, if any, the city clerk shall prepare a roster that contains, for every registered voter in the city, the voter's name, the address where he or she is registered to vote, his or her voter identification number, the voter's precinct or district number and the voter's signature.*

2. The roster must be delivered or caused to be delivered by the city clerk to an election board officer of the proper polling place before the opening of the polls.

Sec. 76. *1. Except as otherwise provided in NRS 293C.272 and sections 5.1 to 9.8, inclusive, of this act, upon the appearance of a person to cast a ballot at a polling place established pursuant to section 73 of this act, if any, the election board officer shall:*

(a) Determine that the person is a registered voter in the city and has not already voted in that city in the current election;

(b) Instruct the voter to sign the roster or a signature card; and

(c) Verify the signature of the voter in the manner set forth in NRS 293C.270.

2. If the signature of the voter does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the voter registration card issued to the voter.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. The city clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that city in the current election.

5. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place where he or she applies to vote.

6. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:

(a) Prepare the mechanical voting device for the voter;

(b) Ensure that the voter's precinct or voting district and the form of the ballot are indicated on the voting receipt, if the city clerk uses voting receipts; and

(c) Allow the voter to cast a vote.

7. A voter applying to vote at a polling place established pursuant to section 73 of this act, if any, may be challenged pursuant to NRS 293C.292.

Sec. 76.5. *1. Except as otherwise provided in subsection 2, absent ballots, including special absent ballots, must be:*

(a) Delivered by hand to the city clerk before the time set for closing of the polls pursuant to NRS 293C.267; or

(b) Mailed to the city clerk and:

(1) Postmarked on or before the day of election; and

(2) Received by the city clerk within the period for the counting of absent ballots pursuant to subsection 2 of NRS 293C.332.

2. If an absent ballot is received not more than 3 days after the day of the election and the date of the postmark cannot be determined, the absent ballot shall be deemed to have been postmarked on or before the day of the election.

Sec. 77. (Deleted by amendment.)

Sec. 78. (Deleted by amendment.)

Sec. 79. (Deleted by amendment.)

Sec. 80. (Deleted by amendment.)

Sec. 81. (Deleted by amendment.)

Sec. 82. NRS 293C.110 is hereby amended to read as follows:

293C.110 1. Except as otherwise provided in subsection 2 ~~[,]~~ *and section 5.7 of this act, the* conduct of any city election is under the control of the governing body of the city, and it shall, by ordinance, provide for the holding of the election, appoint the necessary election officers and election boards and do all other things required to carry the election into effect.

2. Except as otherwise provided in NRS 293C.112, the governing body of the city shall provide for:

(a) Absent ballots to be voted in a city election pursuant to NRS 293C.304 to 293C.325, inclusive, and 293C.330 to 293C.340, inclusive; and

(b) The conduct of:

(1) Early voting by personal appearance in a city election pursuant to NRS 293C.355 to 293C.361, inclusive ~~[,]~~ *, and sections 5.1 to 9.8, inclusive, of this act;*

(2) Voting by absent ballot in person in a city election pursuant to NRS 293C.327; or

(3) Both early voting by personal appearance as described in subparagraph (1) and voting by absent ballot in person as described in subparagraph (2).

Sec. 83. NRS 293C.112 is hereby amended to read as follows:

293C.112 1. The governing body of a city may conduct a city election in which all ballots must be cast by mail if:

(a) The election is a special election; or

(b) The election is a primary city election or general city election in which the ballot includes only:

(1) Offices and ballot questions that may be voted on by the registered voters of only one ward; or

(2) One office or ballot question.

2. The provisions of *sections 5.1 to 9.8, inclusive, of this act,* NRS 293C.265 to 293C.302, inclusive, 293C.304 to 293C.340, inclusive, and 293C.355 to 293C.361, inclusive, do not apply to an election conducted pursuant to this section.

3. For the purposes of an election conducted pursuant to this section, each precinct in the city shall be deemed to have been designated a mailing precinct pursuant to NRS 293C.342.

Sec. 84. (Deleted by amendment.)

Sec. 84.5. (Deleted by amendment.)

Sec. 84.6. (Deleted by amendment.)

Sec. 84.8. NRS 293C.185 is hereby amended to read as follows:

293C.185 1. Except as otherwise provided in NRS 293C.115 and 293C.190, a name may not be printed on a ballot to be used at a primary city election unless the person named has filed a declaration of candidacy or an acceptance of candidacy and has paid the fee established by the governing body of the city not earlier than 70 days before the primary city election and not later than 5 p.m. on the 60th day before the primary city election.

2. A declaration of candidacy required to be filed by this section must be in substantially the following form:

DECLARATION OF CANDIDACY OF .... FOR THE OFFICE OF .....

State of Nevada

City of .....

For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, ..., the undersigned do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the city, township or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a candidate at the ensuing election I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy or acceptance of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)
.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ... day of the month of ... of the year ...
.....
Notary Public or other person
authorized to administer an oath

3. The address of a candidate that must be included in the declaration or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if the candidate fails to comply with the following provisions of this subsection or, if applicable, the provisions of subsection 4:

(a) The candidate shall not list the candidate's address as a post office box unless a street address has not been assigned to the residence; and

(b) Except as otherwise provided in subsection 4, the candidate shall present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card . ~~[issued pursuant to NRS 293.517.]~~

4. If the candidate executes an oath or affirmation under penalty of perjury stating that the candidate is unable to present to the filing officer the proof of residency required by subsection 3 because a street address has not been assigned to the candidate's residence or because the rural or remote location of the candidate's residence makes it impracticable to present the proof of residency required by subsection 3, the candidate shall present to the filing officer:

(a) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate; and

(b) Alternative proof of the candidate's residential address that the filing officer determines is sufficient to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050. The Secretary of State may adopt regulations establishing the forms of alternative proof of the candidate's residential address that the filing officer may accept to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050.

5. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to subsection 3 or 4. Such a copy:

(a) May not be withheld from the public; and

(b) Must not contain the social security number, driver's license or identification card number or account number of the candidate.

6. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the city clerk as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293C.186. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the city clerk duplicate copies of the process. The city clerk shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the city clerk a different address for that purpose, in which case the city clerk shall mail the copy to the last address so designated.

7. If the city clerk receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the city clerk:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored by a court of competent jurisdiction; and

(b) Shall transmit the credible evidence and the findings from such investigation to the city attorney.

8. The receipt of information by the city attorney pursuant to subsection 7 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293C.186 to which the provisions of NRS 293.2045 apply.

9. Any person who knowingly and willfully files a declaration of candidacy or acceptance of candidacy which contains a false statement in violation of this section is guilty of a gross misdemeanor.

Sec. 85. NRS 293C.187 is hereby amended to read as follows:

293C.187 Not later than 30 days before the primary city election and the general city election, the city clerk shall cause to be published a notice of the election in a newspaper of general circulation in the city once a week for 2 successive weeks. If a newspaper of general circulation is not published in the city, the publication may be made in a newspaper of general circulation published within the county in which the city is located. If a newspaper of general circulation is not published in that county, the publication may be made in a newspaper of general circulation published in the nearest Nevada county. The notice must contain:

1. The date of the election.

2. The location of the polling places.

3. The hours during which the polling places will be open for voting.

~~[4. The names of the candidates.~~

~~5. A list of the offices to which the candidates seek nomination or election.]~~

Sec. 86. NRS 293C.222 is hereby amended to read as follows:

293C.222 1. The city clerk may appoint a pupil as a trainee for the position of election board officer. To qualify for such an appointment, the pupil must be:

(a) A United States citizen, a resident of Nevada and a resident of the city in which the pupil serves;

(b) Enrolled in high school; and

(c) At the time of service, at least 16 years of age.

2. The city clerk may only appoint a pupil as a trainee if:

(a) The pupil is appointed without party affiliation;

(b) The city clerk sends the pupil a certificate stating the date and hours that the pupil will act as a trainee;

(c) At least 20 days before the election in which the pupil will act as a trainee, the principal of the high school or the assigned school counselor of the pupil receives the city clerk's certificate and a written request signed by the pupil's parent or guardian to be excused from school for the time specified in the certificate;

(d) The principal of the high school or the assigned school counselor of the pupil approves the pupil's request; and

(e) The pupil attends the training class required by NRS 293B.260.

3. Except as otherwise provided in this subsection, the city clerk may assign a trainee such duties as the city clerk deems appropriate. The city clerk shall not ~~[:~~

~~(a) Require]~~ *require* the trainee to perform those duties later than 10 p.m., or any applicable curfew, whichever is earlier . ~~[; or~~

~~(b) Assign more than one trainee to serve as an election board officer in any one polling place.]~~

4. The city clerk may compensate a trainee for service at the same rate fixed for election board officers generally.

Sec. 87. NRS 293C.265 is hereby amended to read as follows:

293C.265 1. Except as otherwise provided in subsection 2 and in NRS 293.2725 and 293.3083, a person who registered by mail or computer to vote shall, for the first city election in which the person votes at which that registration is valid, vote in person unless he or she has previously voted in the county in which he or she is registered to vote.

2. The provisions of subsection 1 do not apply to a person who:

(a) Is entitled to vote in the manner prescribed in NRS 293C.342 to 293C.352, inclusive;

(b) Is entitled to vote an absent ballot pursuant to federal law , ~~[or]~~ NRS 293C.317 ~~[or 293C.318]~~ or chapter 293D of NRS;

(c) Is disabled;

(d) *Is provided the right to vote otherwise than in person pursuant to the Voting Accessibility for the Elderly and Handicapped Act, 52 U.S.C. §§ 20101 et seq.;*

(e) Submits or has previously submitted a written request for an absent ballot that is signed by the registered voter before a notary public or other person authorized to administer an oath; or

~~[(e)]~~ *(f)* Requests an absent ballot in person at the office of the city clerk.

Sec. 88. NRS 293C.267 is hereby amended to read as follows:

293C.267 1. Except as otherwise provided in ~~[subsection 2 and]~~ NRS 293C.297, at all elections held pursuant to the provisions of this chapter, the polls must open at 7 a.m. and close at 7 p.m.

2. ~~[Whenever at any election all the votes of the polling place, as shown on the roster, have been cast, the election board officers shall close the polls and the counting of votes must begin and continue without unnecessary delay until the count is completed.~~

~~3.]~~ Upon opening the polls, one of the election board officers shall cause a proclamation to be made so that all present may be aware of the fact that applications ~~[of registered voters to vote]~~ will be received ~~[.~~

~~4.]~~ *from:*

(a) Registered voters who apply to vote at the polling place; and

(b) Electors who apply to register to vote or apply to vote at the polling place pursuant to sections 5.1 to 9.8, inclusive, of this act.

3. No person , other than election board officers engaged in receiving, preparing or depositing ballots *or registering electors,* may be permitted inside the guardrail during the time the polls are open, except by authority of the election board as necessary to keep order and carry out the provisions of this chapter.

Sec. 89. NRS 293C.270 is hereby amended to read as follows:

293C.270 1. Except as otherwise provided in NRS 293C.272 ~~[,]~~ *and sections 5.1 to 9.8, inclusive, of this act,* if a person's name appears in the roster, or if the person provides an affirmation pursuant to NRS 293C.525, the person is entitled to vote and must sign his or her name in the roster or on a signature card when he or she applies to vote. The signature must be compared by an election board officer with the signature or a facsimile thereof on the person's application to register to vote or one of the forms of identification listed in subsection 2.

2. The forms of identification that may be used to identify a voter at the polling place are:

(a) The *voter registration* card issued to the voter *;* ~~[at the time he or she registered to vote or was deemed to be registered to vote;]~~

(b) A driver's license;

(c) An identification card issued by the Department of Motor Vehicles;

(d) A military identification card; or

(e) Any other form of identification issued by a governmental agency that contains the voter's signature and physical description or picture.

3. The city clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that city in the current election.

Sec. 89.5. NRS 293C.272 is hereby amended to read as follows:

293C.272 1. If, because of physical limitations, a registered voter is unable to sign his or her name in the roster or on a signature card as required by NRS 293C.270, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the *voter registration* card issued to the voter . ~~[at the time he or she registered to vote or was deemed to be registered to vote.]~~

2. If the identity of the voter is verified, the election board officer shall indicate in the roster "Identified" by the voter's name.

Sec. 90. NRS 293C.275 is hereby amended to read as follows:

293C.275 1. Except as otherwise provided in NRS 293C.272 ~~[, a]~~ *and sections 5.1 to 9.8, inclusive, of this act:*

(a) A registered voter who applies to vote must state his or her name to the election board officer in charge of the roster *;* ~~[,]~~ and ~~[the]~~

(b) The election board officer shall ~~[immediately announce]~~ *:*

(1) Announce the name ~~[, instruct]~~ *of the registered voter;*

(2) Instruct the *registered* voter to sign the roster or signature card ~~[, and verify]~~ *;*

(3) Verify the signature of the *registered* voter in the manner set forth in NRS 293C.270 ~~[.]~~ *; and*

(4) Verify that the registered voter has not already voted in that city in the current election.

2. If the signature does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the *voter registration* card issued to the voter . ~~[at the time he or she registered to vote or was deemed to be registered to vote.]~~

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

Sec. 91. NRS 293C.282 is hereby amended to read as follows:

293C.282 1. Any registered voter who, because of a physical disability or an inability to read or write English, is unable to mark a ballot or use any voting device without assistance is entitled to assistance from a consenting person of his or her own choice, except:

(a) The voter's employer or an agent of the voter's employer; or

(b) An officer or agent of the voter's labor organization.

2. A person providing assistance pursuant to this section to a voter in casting a vote shall not disclose any information with respect to the casting of that ballot.

3. The right to assistance in casting a ballot may not be denied or impaired when the need for assistance is apparent or is known to the election board or any member thereof or when the registered voter requests such assistance in any manner.

4. In addition to complying with the requirements of this section, the city clerk and election board officer shall, upon the request of a registered voter with a physical disability, make reasonable accommodations to allow the voter to vote at ~~[his or her]~~ *a* polling place ~~[.]~~ *at which he or she is entitled to vote.*

Sec. 91.5. NRS 293C.292 is hereby amended to read as follows:

293C.292 1. A person applying to vote may be challenged:

(a) Orally by any registered voter of the precinct or district upon the ground that he or she is not the person entitled to vote as claimed or has voted before at the same election; or

(b) On any ground set forth in a challenge filed with the county clerk pursuant to the provisions of NRS 293.547.

2. If a person is challenged, an election board officer shall tender the challenged person the following oath or affirmation:

(a) If the challenge is on the ground that the challenged person does not reside at the residence for which the address is listed in the roster, "I swear or affirm under penalty of perjury that I reside at the residence for which the address is listed in the roster";

(b) If the challenge is on the ground that the challenged person previously voted a ballot for the election, "I swear or affirm under penalty of perjury that I have not voted for any of the candidates or questions included on this ballot for this election"; or

(c) If the challenge is on the ground that the challenged person is not the person he or she claims to be, "I swear or affirm under penalty of perjury that I am the person whose name is in this roster."

➥ The oath or affirmation must be set forth on a form prepared by the Secretary of State and signed by the challenged person under penalty of perjury.

3. If the challenged person refuses to execute the oath or affirmation so tendered, the person must not be issued a ballot, and the election board officer shall indicate in the roster "Challenged" by the person's name.

4. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (a) of subsection 2, the election board officers shall inform the person that he or she is entitled to vote only in the manner prescribed in NRS 293C.295.

5. If the challenged person executes the oath or affirmation and the challenge is not based on the ground set forth in paragraph (c) of subsection 2, the election board officers shall issue him or her a ballot.

6. If the challenge is based on the ground set forth in paragraph (a) of subsection 2, and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot until he or she furnishes satisfactory identification that contains proof of the address at which the person actually resides. For the purposes of this subsection, a voter registration card ~~[issued pursuant to NRS 293.517]~~ does not provide proof of the address at which a person resides.

7. If the challenge is based on the ground set forth in paragraph (c) of subsection 2 and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot unless the person:

(a) Furnishes official identification which contains a photograph of the person, such as a driver's license or other official document; or

(b) Brings before the election board officers a person who is at least 18 years of age who:

(1) Furnishes official identification which contains a photograph of the person, such as a driver's license or other official document; and

(2) Executes an oath or affirmation under penalty of perjury that the challenged person is who he or she swears to be.

8. The election board officers shall:

(a) Record on the challenge list:

(1) The name of the challenged person;

(2) The name of the registered voter who initiated the challenge; and

(3) The result of the challenge; and

(b) If possible, orally notify the registered voter who initiated the challenge of the result of the challenge.

Sec. 92. NRS 293C.297 is hereby amended to read as follows:

293C.297 1. If at the hour of closing the polls there are any ~~[registered]~~ *:*

(a) Registered voters waiting *in line* to *apply to* vote ~~[,]~~ *at the polling place; or*

(b) Electors waiting in line to apply to register to vote or apply to vote at the polling place pursuant to sections 5.1 to 9.8, inclusive, of this act,

➥ the doors of the polling place must be closed after all those *registered* voters *and electors* have been admitted to the polling place. ~~[Voting,]~~ *The registration of those electors and the voting by those registered voters and electors* must continue until ~~[those voters have voted.]~~ *all such registration and voting has been completed.*

2. The officer appointed by the chief law enforcement officer of the city shall allow other persons to enter the polling place after the doors have been closed ~~[to observe or]~~ *pursuant to subsection 1* for *the purpose of observing or* any other ~~[lawful]~~ *legitimate* purpose if there is room within the polling place and ~~[their]~~ *the* admittance *of those other persons* will not interfere *unduly* with the *registration of the electors and the* voting ~~[.]~~ *by the registered voters and electors.*

Sec. 93. NRS 293C.306 is hereby amended to read as follows:

293C.306 1. A person who, during the 6 months immediately preceding an election, distributes to more than a total of 500 registered voters a form to request an absent ballot for the election shall:

(a) Distribute the form prescribed by the Secretary of State, which must, in 14-point type or larger:

(1) Identify the person who is distributing the form; and

(2) Include a notice stating, "This is a request for an absent ballot.";

(b) Not later than ~~[14]~~ *28* days before distributing such a form, provide to the city clerk of each city to which a form will be distributed written notification of the approximate number of forms to be distributed to voters in the city and of the first date on which the forms will be distributed;

(c) Not return or offer to return to the city clerk a form that was mailed to a registered voter pursuant to this subsection; and

(d) Not mail such a form later than ~~[21]~~ *35* days before the election.

2. The provisions of this section do not authorize a person to vote by absent ballot if the person is not otherwise eligible to vote by absent ballot.

Sec. 94. NRS 293C.310 is hereby amended to read as follows:

293C.310 1. Except as otherwise provided in NRS 293.502 and 293C.265, a registered voter may request an absent ballot if, before 5 p.m. on the ~~[seventh]~~ *14th* calendar day preceding the election, the registered voter:

(a) Provides sufficient written notice to the city clerk; and

(b) Has identified himself or herself to the satisfaction of the city clerk.

2. A city clerk shall consider a request from a voter who has given sufficient written notice on a form provided by the Federal Government as:

(a) A request for the primary city election and the general city election unless otherwise specified in the request; and

(b) A request for an absent ballot for the primary and general elections immediately following the date on which the city clerk received the request.

3. It is unlawful for a person fraudulently to request an absent ballot in the name of another person or to induce or coerce another person fraudulently to request an absent ballot in the name of another person. A person who violates any provision of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 95. NRS 293C.318 is hereby amended to read as follows:

293C.318 1. A registered voter ~~[with a physical disability or]~~ who ~~[is at least 65 years of age and]~~ provides sufficient written notice to the appropriate city clerk may request that the registered voter receive an absent ballot for all elections at which the registered voter is eligible to vote.

2. Except as otherwise provided in subsection 4, upon receipt of a request submitted by a registered voter pursuant to subsection 1, the city clerk shall:

(a) Issue an absent ballot to the registered voter for each primary city election, general city election and special city election that is conducted after the date the written statement is submitted to the city clerk.

(b) Inform the county clerk of receipt of the written statement. Upon receipt of the notice from the city clerk, the county clerk shall issue an absent ballot

for each primary election, general election and special election that is not a city election that is conducted after the date the county clerk receives notice from the city clerk.

3. If, at the direction of the registered voter ~~[,]~~ *with a physical disability or who is at least 65 years of age,* a person:

(a) Marks and signs an absent ballot issued to a registered voter pursuant to the provisions of this section on behalf of the registered voter, the person must:

(1) Indicate next to his or her signature that the ballot has been marked and signed on behalf of the registered voter; and

(2) Submit a written statement with the absent ballot that includes the name, address and signature of the person.

(b) Assists a registered voter to mark and sign an absent ballot issued to the registered voter pursuant to this section, the person or registered voter must submit a written statement with the absent ballot that includes the name, address and signature of the person.

4. A city clerk may not mail an absent ballot requested by a registered voter pursuant to subsection 1 if, after the request is submitted:

(a) The registered voter is designated inactive pursuant to NRS 293.530; ~~[or]~~

(b) The county clerk cancels the registration of the person pursuant to NRS 293.527, 293.530, 293.535 or 293.540 ~~[.]~~ *; or*

(c) An absent ballot is returned to the county clerk as undeliverable, unless the registered voter has submitted a new request pursuant to subsection 1.

5. The procedure authorized pursuant to this section is subject to all other provisions of this chapter relating to voting by absent ballot to the extent that those provisions are not inconsistent with the provisions of this section.

Sec. 96. NRS 293C.325 is hereby amended to read as follows:

293C.325 1. Except as otherwise provided in ~~[subsection 2 and]~~ NRS 293D.200, when an absent ballot is returned by a registered voter to the city clerk through the mail, by facsimile machine or other approved electronic transmission or in person, and record thereof is made in the absent ballot record book, the city clerk shall *check the signature in accordance with the following procedure:*

(a) The city clerk shall check the signature on the return envelope, facsimile or other approved electronic transmission against all signatures of the voter available in the records of the city clerk.

(b) If at least two employees in the office of the city clerk believe there is a reasonable question of fact as to whether the signature on the absent ballot matches the signature of the voter, the city clerk shall contact the voter and ask the voter to confirm whether the signature on the absent ballot belongs to the voter.

2. Except as otherwise provided in subsection 3, if the city clerk determines pursuant to subsection 1 that the absent voter is entitled to cast a ballot and:

(a) No absent ballot central counting board has been appointed, the city clerk shall neatly stack, unopened, the absent ballot with any other absent ballot received that day in a container and deliver, or cause to be delivered, that container to the appropriate election board.

~~[2. Except as otherwise provided in NRS 293D.200, if an]~~

(b) An absent ballot central counting board has been appointed, ~~[when an absent ballot is returned by a registered voter to the city clerk through the mail, by facsimile machine or other approved electronic transmission or in person, the city clerk shall check the signature on the return envelope, facsimile or other approved electronic transmission against the original signature of the voter on the city clerk's register. If the city clerk determines that the absent voter is entitled to cast a ballot,]~~ the city clerk shall deposit the ballot in the proper ballot box or place the ballot, unopened, in a container that must be securely locked or under the control of the city clerk at all times. At the end of each day before election day, the city clerk may remove the ballots from each ballot box, neatly stack the ballots in a container and seal the container with a numbered seal. Not earlier than 4 working days before the election, the city clerk shall deliver the ballots to the absent ballot central counting board to be processed and prepared for counting pursuant to the procedures established by the Secretary of State to ensure the confidentiality of the prepared ballots until after the polls have closed pursuant to NRS 293C.267 or 293C.297.

3. If the city clerk determines when checking the signature of the absent voter pursuant to subsection 1 that the absent voter did not sign the return envelope as required pursuant to NRS 293.330 but is otherwise entitled to cast a ballot, the city clerk shall contact the absent voter and advise the absent voter of the procedures to provide a signature established pursuant to subsection 4. For the absent ballot to be counted, the absent voter must provide a signature within the period for the counting of absent ballots pursuant to subsection 2 of NRS 293C.332.

4. Each city clerk shall prescribe procedures for a voter who did not sign the return envelope of an absent ballot in order to:

(a) Contact the voter;

(b) Allow the voter to provide a signature; and

(c) After a signature is provided, ensure the absent ballot is delivered to the appropriate election board or the absent ballot central counting board, as applicable.

Sec. 97. NRS 293C.330 is hereby amended to read as follows:

293C.330 1. Except as otherwise provided in subsection 2 of NRS 293C.322 and chapter 293D of NRS, and any regulations adopted pursuant thereto, when an absent voter receives an absent ballot, the absent voter must mark and fold it in accordance with the instructions, deposit it in the return envelope, seal the envelope, affix his or her signature on the back of the envelope in the space provided therefor and mail *or deliver* the return envelope.

2. Except as otherwise provided in subsection 3, if an absent voter who has requested a ballot by mail applies to vote the ballot in person at:

(a) The office of the city clerk, the absent voter must mark the ballot, seal it in the return envelope and affix his or her signature in the same manner as provided in subsection 1, and deliver the envelope to the city clerk.

(b) A polling place, including, without limitation, a polling place for early voting, the absent voter must surrender the absent ballot and provide satisfactory identification before being issued a ballot to vote at the polling place. A person who receives a surrendered absent ballot shall mark it "Cancelled."

3. If an absent voter who has requested a ballot by mail applies to vote in person at the office of the city clerk or a polling place, including, without limitation, a polling place for early voting, and the voter does not have the absent ballot to deliver or surrender, the voter must be issued a ballot to vote if the voter:

(a) Provides satisfactory identification;

(b) Is a registered voter who is otherwise entitled to vote; and

(c) Signs an affirmation under penalty of perjury on a form prepared by the Secretary of State declaring that the voter has not voted during the election.

4. Except as otherwise provided in NRS 293C.317 and 293C.318, it is unlawful for any person to return an absent ballot other than the voter who requested the absent ballot or, at the request of the voter, a member of the voter's family. A person who returns an absent ballot and who is a member of the family of the voter who requested the absent ballot shall, under penalty of perjury, indicate on a form prescribed by the city clerk that the person is a member of the family of the voter who requested the absent ballot and that the voter requested that the person return the absent ballot. A person who violates the provisions of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 98. NRS 293C.332 is hereby amended to read as follows:

293C.332 *1.* Except as otherwise provided in NRS 293D.200, on the day of an election, the election boards receiving the absent voters' ballots from the city clerk shall, in the presence of a majority of the election board officers, remove the ballots from the ballot box and the containers in which the ballots were transported pursuant to NRS 293C.325 and deposit the ballots in the regular ballot box in the following manner:

~~[1.]~~ *(a)* The name of the voter, as shown on the return envelope or approved electronic transmission must be called and checked as if the voter were voting in person;

~~[2.]~~ *(b)* The signature on the back of the return envelope or on the approved electronic transmission must be compared with that on the application to register to vote;

~~[3.]~~ *(c)* If the board determines that the absent voter is entitled to cast a ballot, the envelope must be opened, the numbers on the ballot and envelope or approved electronic transmission compared, the number strip or stub

detached from the ballot and, if the numbers are the same, the ballot deposited in the regular ballot box; and

~~[4.]~~ *(d)* The election board officers shall indicate in the roster "Voted" by the name of the voter.

2. Counting of absent ballots must continue through the seventh day following the election.

Sec. 99. NRS 293C.355 is hereby amended to read as follows:

293C.355 The provisions of NRS 293C.355 to 293C.361, inclusive, *and sections 5.1 to 9.8, inclusive, of this act relating to early voting* apply to a city only if the governing body of the city has provided for early voting by personal appearance pursuant to paragraph (b) of subsection 2 of NRS 293C.110.

Sec. 100. (Deleted by amendment.)

Sec. 101. NRS 293C.3568 is hereby amended to read as follows:

293C.3568 1. The period for early voting by personal appearance begins the third Saturday preceding a primary city election or general city election, and extends through the Friday before election day, Sundays and federal holidays excepted.

2. The city clerk may:

(a) Include any Sunday or federal holiday that falls within the period for early voting by personal appearance.

(b) Require a permanent polling place for early voting to remain open until 8 p.m. on any Saturday that falls within the period for early voting.

3. A permanent polling place for early voting must remain open:

(a) On Monday through Friday ~~[:~~

~~(1) During the first week of early voting, from 8 a.m. until 6 p.m.~~

~~(2) During]~~ *during* the ~~[second week]~~ *period* of early voting ~~[, from 8 a.m. until 6 p.m., or until 8 p.m. if,]~~ *for at least 8 hours during such hours as* the city clerk ~~[so requires.]~~ *may establish.*

(b) On any Saturday that falls within the period for early voting, for at least 4 hours ~~[between 10 a.m. and 6 p.m.]~~ *during such hours as the city clerk may establish.*

(c) If the city clerk includes a Sunday that falls within the period for early voting pursuant to subsection 2, during such hours as the city clerk may establish.

Sec. 102. NRS 293C.3576 is hereby amended to read as follows:

293C.3576 1. The city clerk shall publish during the week before the period for early voting and at least once each week during the period for early voting in a newspaper of general circulation a schedule stating:

(a) The location of each permanent and temporary polling place for early voting.

(b) The dates and hours that early voting will be conducted at each location.

2. The city clerk shall post a copy of the schedule on the bulletin board used for posting notice of the meetings of the city council. The schedule must be posted continuously for a period beginning not later than the fifth day before

the first day of the period for early voting by personal appearance and ending on the last day of that period.

3. The city clerk shall make copies of the schedule available to the public in reasonable quantities without charge during the period of posting.

4. No additional polling places for early voting may be established after the schedule is published pursuant to this section.

5. The hours that early voting will be conducted at each polling place for early voting may be extended at the discretion of the city clerk after the schedule is published pursuant to this section.

Sec. 103. NRS 293C.3585 is hereby amended to read as follows:

293C.3585 1. Except as otherwise provided in NRS 293C.272 ~~[,]~~ *and sections 5.1 to 9.8, inclusive, of this act,* upon the appearance of a person to cast a ballot for early voting, an election board officer shall:

(a) Determine that the person is a registered voter in the county.

(b) Instruct the voter to sign the roster for early voting or a signature card.

(c) Verify the signature of the voter in the manner set forth in NRS 293C.270.

(d) Verify that the voter has not already voted *in that city* in the current election . ~~[pursuant to this section.]~~

2. If the signature does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the *voter registration* card issued to the voter . ~~[at the time he or she registered to vote or was deemed to be registered to vote.]~~

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. The city clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that city in the current election . ~~[pursuant to this section.]~~

5. The roster for early voting or signature card, as applicable, must contain:

(a) The voter's name, the address where he or she is registered to vote, his or her voter identification number and a place for the voter's signature;

(b) The voter's precinct or voting district number, if that information is available; and

(c) The date of voting early in person.

6. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place for early voting.

7. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:

(a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district, if that information is available, and the form of ballot are indicated on the voting receipt, if the city clerk uses voting receipts; and

(c) Allow the voter to cast a vote.

8. A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293C.292.

Sec. 104. NRS 293C.3604 is hereby amended to read as follows:

293C.3604 If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance *:* ~~[in an election other than a presidential preference primary election:]~~

1. At the close of each voting day, the election board shall:

(a) Prepare and sign a statement for the polling place. The statement must include:

(1) The title of the election;

(2) The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;

(3) The number of ballots voted on the mechanical recording device for that day;

(4) The number of signatures in the roster for early voting for that day; ~~[and]~~

(5) The number of signatures on signature cards for that day ~~[.]~~ *; and*

(6) The number of signatures in the roster designated for electors who applied to register to vote or applied to vote at the polling place pursuant to sections 5.1 to 9.8, inclusive, of this act.

(b) Secure:

(1) The ballots pursuant to the plan for security required by NRS 293C.3594; and

(2) Each mechanical voting device in the manner prescribed by the Secretary of State pursuant to NRS 293C.3594.

2. At the close of the last voting day, the city clerk shall deliver to the ballot board for early voting:

(a) The statements for all polling places for early voting;

(b) The voting rosters used for early voting;

(c) The signature cards used for early voting;

(d) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting; and

(e) Any other items as determined by the city clerk.

3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:

(a) Indicate the number of ballots on an official statement of ballots; and

(b) Place the storage devices in the container provided to transport those items to the central counting place and seal the container with a number seal. The official statement of ballots must accompany the storage devices to the central counting place.

Sec. 104.5. NRS 293C.387 is hereby amended to read as follows:

293C.387 1. The election returns from a special election, primary city election or general city election must be filed with the city clerk, who shall immediately place the returns in a safe or vault designated by the city clerk. No person may handle, inspect or in any manner interfere with the returns until they are canvassed by the mayor and the governing body of the city.

2. After the governing body of a city receives the returns from all the precincts and districts in the city, it shall meet with the mayor to canvass the returns. The canvass must be completed on or before the ~~[sixth working]~~ *10th* day following the election.

3. In completing the canvass of the returns, the governing body of the city and the mayor shall:

(a) Note separately any clerical errors discovered; and

(b) Take account of the changes resulting from the discovery, so that the result declared represents the true vote cast.

4. After the canvass is completed, the governing body of the city and mayor shall declare the result of the canvass.

5. The city clerk shall enter upon the records of the governing body of the city an abstract of the result. The abstract must be prepared in the manner prescribed by regulations adopted by the Secretary of State and must contain the number of votes cast for each candidate.

6. After the abstract is entered, the:

(a) City clerk shall seal the election returns, maintain them in a vault for at least 22 months and give no person access to them during that period, unless access is ordered by a court of competent jurisdiction or by the governing body of the city.

(b) Governing body of the city shall, by an order made and entered in the minutes of its proceedings, cause the city clerk to:

(1) Certify the abstract;

(2) Make a copy of the certified abstract;

(3) Make a mechanized report of the abstract in compliance with regulations adopted by the Secretary of State;

(4) Transmit a copy of the certified abstract and the mechanized report of the abstract to the Secretary of State within 7 working days after the election; and

(5) Transmit on paper or by electronic means to each public library in the city, or post on a website maintained by the city or the city clerk on the Internet or its successor, if any, a copy of the certified abstract within 30 days after the election.

7. After the abstract of the results from a:

(a) Primary city election has been certified, the city clerk shall certify the name of each person nominated and the name of the office for which the person is nominated.

(b) General city election has been certified, the city clerk shall:

(1) Issue under his or her hand and official seal to each person elected a certificate of election; and

(2) Deliver the certificate to the persons elected upon their application at the office of the city clerk.

8. The officers elected to the governing body of the city qualify and enter upon the discharge of their respective duties on the first regular meeting of that body next succeeding that in which the canvass of returns was made pursuant to subsection 2.

Sec. 105. NRS 293C.527 is hereby amended to read as follows:

293C.527 1. Except as otherwise provided in NRS 293.502, 293D.230 and 293D.300 ~~[.]~~ *and sections 5.1 to 9.8, inclusive, of this act:*

(a) For a primary city election or general city election, or a recall or special *city* election that is held on the same day as a primary city election or general city election, the last day to register to vote:

(1) By mail is the fourth Tuesday preceding the primary city election or general city election.

(2) By appearing in person at the office of the city clerk or, if open, a municipal facility designated pursuant to NRS 293C.520, is the ~~[third]~~ *fourth* Tuesday preceding the primary city election or general city election.

(3) By computer, if the county clerk of the county in which the city is located has established a system pursuant to NRS 293.506 for using a computer to register voters ~~[and:~~

~~(I) The governing body of the city has provided for early voting by personal appearance pursuant to paragraph (b) of subsection 2 of NRS 293C.110,]~~ , is the Thursday preceding the ~~[first day of the period for early voting.~~

~~(II) The governing body of the city has not provided for early voting by personal appearance pursuant to paragraph (b) of subsection 2 of NRS 293C.110, is the third Tuesday preceding any]~~ primary city election or general city election ~~[.]~~ *, unless the system is used to register voters for the election pursuant to section 8 or 9 of this act.*

(4) By computer using the system established by the Secretary of State pursuant to section 11 of this act, is the Thursday preceding the primary city election or general city election, unless the system is used to register voters for the election pursuant to section 8 or 9 of this act.

(b) If a recall or special *city* election is not held on the same day as a primary city election or general city election, the last day to register to vote for the recall or special *city* election by any ~~[means]~~ *method of registration* is the third Saturday preceding the recall or special *city* election.

2. ~~[For a primary city election or special city election, the office of the city clerk must be open until 7 p.m. during the last 2 days on which a person may~~

~~register to vote in person. In a city whose population is less than 25,000, the office of the city clerk may close at 5 p.m. if approved by the governing body of the city.~~

~~3. For a general election:~~

~~(a) In a city whose population is less than 25,000, the office of the city clerk must be open until 7 p.m. during the last 2 days on which a person may register to vote in person. The office of the city clerk may close at 5 p.m. if approved by the governing body of the city.~~

~~(b) In a city whose population is 25,000 or more, the office of the city clerk must be open during the last 4 days on which a person may register to vote in person, according to the following schedule:~~

~~(1) On weekdays until 9 p.m.; and~~

~~(2) A minimum of 8 hours on Saturdays, Sundays and legal holidays.~~

~~4.~~] *Except as otherwise provided in sections 5.1 to 9.8, inclusive, of this act, after the deadline for the close of registration for a primary city election or general city election set forth in subsection 1, no person may register to vote for the election.*

3. Except for a *recall or* special *city* election held pursuant to chapter 306 or 350 of NRS:

(a) The city clerk of each city shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the city indicating:

(1) The day and time that *each method of* registration *for the election, as set forth in subsection 1,* will be closed; and

(2) If the city clerk has designated a municipal facility pursuant to NRS 293C.520, the location of that facility.

➥ If no newspaper is of general circulation in that city, the publication may be made in a newspaper of general circulation in the nearest city in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the close of registration for any election.

~~[5.]~~ *4.* A municipal facility designated pursuant to NRS 293C.520 may be open during the periods described in this section for such hours of operation as the city clerk may determine, as set forth in subsection 3 of NRS 293C.520.

Sec. 106. (Deleted by amendment.)

Sec. 107. NRS 293C.530 is hereby amended to read as follows:

293C.530 1. A city clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a city clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the city clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

2. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 1, the city clerk shall distribute the sample ballot to the registered voter by mail.

3. Except as otherwise provided in subsection 4, before the period for early voting for any election begins, the city clerk shall distribute to each registered voter in the city by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place ~~[.]~~ *or places.* If the location of the polling place *or places* has changed since the last election:

(a) The city clerk shall mail a notice of the change to each registered voter in the city not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE *OR PLACES* HAS CHANGED SINCE THE LAST ELECTION

4. If a person registers to vote less than 20 days before the date of an election, the city clerk is not required to distribute to the person the sample ballot for that election by mail or electronic means.

5. Except as otherwise provided in subsection 7, a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type;

(b) Include the description of the anticipated financial effect and explanation of each citywide measure and advisory question, including arguments for and against the measure or question, as required pursuant to NRS 295.205 or 295.217; and

(c) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN LARGE TYPE, CALL (Insert appropriate telephone number)

6. The word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent, if required pursuant to NRS 293.2565.

7. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

8. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

9. If a person requests a sample ballot in large type, the city clerk shall ensure that all future sample ballots distributed to that person from the city are in large type.

10. The city clerk shall include in each sample ballot a statement indicating that the city clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place *or places* and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the city clerk has provided pursuant

to subsection 4 of NRS 293C.281 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the city clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at the voter's regularly designated polling place ~~[.]~~ *or places.*

11. The cost of distributing sample ballots for a city election must be borne by the city holding the election.

Sec. 108. NRS 293C.535 is hereby amended to read as follows:

293C.535 1. Except as otherwise provided *in sections 5.1 to 9.8, inclusive, of this act or* by special charter, registration of electors in incorporated cities must be accomplished in the manner provided in this chapter.

2. The county clerk shall use the statewide voter registration list to prepare for the city clerk of each incorporated city within the county the roster of all ~~[electors]~~ *registered voters* eligible to vote at a regular or special city election.

3. The ~~[rosters]~~ *county clerk shall prepare for each polling place a roster designated for electors who apply to register to vote or apply to vote at the polling place pursuant to sections 5.1 to 9.8, inclusive, of this act.*

4. Except at otherwise provided in section 73 of this act, the roster required pursuant to subsection 2 must be prepared, one for each ward or other voting district within each incorporated city. The entries in the roster must be arranged alphabetically with the surnames first.

~~[4.]~~ *5.* The county clerk shall keep duplicate originals or copies of the applications to register to vote in the county clerk's office.

Sec. 109. (Deleted by amendment.)

Sec. 110. NRS 293C.715 is hereby amended to read as follows:

293C.715 1. If a city clerk maintains a website on the Internet for information relating to elections, the website must contain public information maintained, collected or compiled by the city clerk that relates to elections, which must include, without limitation:

(a) The locations of polling places *or places* for casting a ballot on election day in such a form that a registered voter may search the list to determine the location of the polling place *or places* at which the registered voter is ~~[required]~~ *entitled* to cast a ballot; ~~[and]~~

(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293C.387.

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. If the information required to be maintained by a city clerk pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by the Secretary of State, a county clerk or another city clerk, the city clerk may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 111. NRS 293C.720 is hereby amended to read as follows:

293C.720 Each city clerk is encouraged to:

1. Not later than the earlier date of the first notice provided pursuant to subsection ~~[4]~~ *3* of NRS 293.560 or NRS 293C.187, notify the public, through means designed to reach members of the public who are elderly or disabled, of the provisions of NRS 293C.281, 293C.282, 293C.310, 293C.317 and 293C.318.

2. Provide in alternative audio and visual formats information concerning elections, information concerning how to preregister or register to vote and information concerning the manner of voting for use by a person who is elderly or disabled, including, without limitation, providing such information through a telecommunications device that is accessible to a person who is deaf.

3. Not later than 5 working days after receiving the request of a person who is elderly or disabled, provide to the person, in a format that can be used by the person, any requested material that is:

(a) Related to elections; and

(b) Made available by the city clerk to the public in printed form.

Sec. 112. NRS 295.045 is hereby amended to read as follows:

295.045 1. A petition for referendum must be filed with the Secretary of State not less than 120 days before the date of the next succeeding general election.

2. The Secretary of State shall certify the questions to the county clerks . ~~[, and they shall publish them in accordance with the provisions of law requiring county clerks to publish statewide measures pursuant to NRS 293.253.]~~

3. The title of the statute or resolution must be set out on the ballot, and the question printed upon the ballot for the information of the voters must be as follows: "Shall the statute (setting out its title) be approved?"

4. Where a mechanical voting system is used, the title of the statute must appear on the list of offices and candidates and the statements of measures to be voted on and may be condensed to no more than 25 words.

5. The votes cast upon the question must be counted and canvassed as the votes for state officers are counted and canvassed.

Sec. 112.2. NRS 295.056 is hereby amended to read as follows:

295.056 1. Before a petition for initiative or referendum is filed with the Secretary of State, the petitioners must submit to each county clerk for verification pursuant to NRS 293.1276 to 293.1279, inclusive, the document or documents which were circulated for signature within the clerk's county. The clerks shall give the person submitting a document or documents a receipt

stating the number of documents and pages and the person's statement of the number of signatures contained therein.

2. If a petition for initiative proposes a statute or an amendment to a statute, the document or documents must be submitted not later than ~~[:~~

~~(a) Except as otherwise provided in paragraph (b), the second Tuesday in November of an even-numbered year.~~

~~(b) If the second Tuesday in November of an even-numbered year is the day of the general election, the next working day after]~~ *the 15th day following* the general election.

3. If a petition for initiative proposes an amendment to the Constitution, the document or documents must be submitted not later than the ~~[third Tuesday in June of an even-numbered year.]~~ *15th day following the primary election.*

4. If the petition is for referendum, the document or documents must be submitted not later than the ~~[third Tuesday in June of an even-numbered year.]~~ *15th day following the primary election.*

5. All documents which are submitted to a county clerk for verification must be submitted at the same time. If documents concerning the same petition are submitted for verification to more than one county clerk, the documents must be submitted to each county clerk on the same day. At the time that the petition is submitted to a county clerk for verification, the petitioners may designate a contact person who is authorized by the petitioners to address questions or issues relating to the petition.

Sec. 112.5. NRS 306.040 is hereby amended to read as follows:

306.040 1. Upon determining that the number of signatures on a petition to recall is sufficient pursuant to NRS 293.1276 to 293.1279, inclusive, the Secretary of State shall notify the county clerk, the officer with whom the petition is to be filed pursuant to subsection 4 of NRS 306.015 and the public officer who is the subject of the petition.

2. After the verification of signatures is complete, but not later than the date a complaint is filed pursuant to subsection 5 or the date the call for a special election is issued, whichever is earlier, a person who signs a petition to recall may request the Secretary of State to strike the person's name from the petition. If the person demonstrates good cause therefor and the number of such requests received by the Secretary of State could affect the sufficiency of the petition, the Secretary of State shall strike the name of the person from the petition.

3. Not sooner than 10 days nor more than 20 days after the Secretary of State completes the notification required by subsection 1, if a complaint is not filed pursuant to subsection 5, the officer with whom the petition is filed shall issue a call for a special election in the jurisdiction in which the public officer who is the subject of the petition was elected to determine whether the people will recall the public officer.

4. The call for a special election pursuant to subsection 3 or 6 must include, without limitation:

(a) The last day on which a person may register to vote *in order* to qualify to vote in the special election ~~[,]~~ *pursuant to NRS 293.560 or 293C.527;*

(b) The last day on which a petition to nominate other candidates for the office may be filed; and

(c) Whether any person is entitled to vote in the special election *in a mailing precinct or an absent ballot mailing precinct* pursuant to NRS 293.343 to 293.355, inclusive ~~[.]~~ *, or 293C.345 to 293C.352, inclusive.*

5. The legal sufficiency of the petition may be challenged by filing a complaint in district court not later than 5 days, Saturdays, Sundays and holidays excluded, after the Secretary of State completes the notification required by subsection 1. All affidavits and documents in support of the challenge must be filed with the complaint. The court shall set the matter for hearing not later than 30 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.

6. Upon the conclusion of the hearing, if the court determines that the petition is sufficient, it shall order the officer with whom the petition is filed to issue a call for a special election in the jurisdiction in which the public officer who is the subject of the petition was elected to determine whether the people will recall the public officer. If the court determines that the petition is not sufficient, it shall order the officer with whom the petition is filed to cease any further proceedings regarding the petition.

Sec. 113. NRS 225.083 is hereby amended to read as follows:

225.083 1. ~~[The]~~ *Except as otherwise provided in section 11 of this act, the* Secretary of State shall prominently post the following notice at each office and each location on his or her Internet website at which documents are accepted for filing:

> The Secretary of State is not responsible for the content, completeness or accuracy of any document filed in this office. Customers should periodically review the documents on file in this office to ensure that the documents pertaining to them are complete and accurate.
>
> Pursuant to NRS 239.330, any person who knowingly offers any false or forged instrument for filing in this office is guilty of a category C felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years and may be further punished by a fine of not more than $10,000. Additionally, any person who knowingly offers any false or forged instrument for filing in this office may also be subject to civil liability.
>
> Pursuant to NRS 205.397, any person who presents for filing in this office a lien against the real or personal property of a public officer, candidate for public office, public employee or participant in an official proceeding, or a member of the immediate family of a public officer, candidate for public office, public employee or participant, which is

based on the performance of or failure to perform a duty relating to the office, employment or participation by the public officer, candidate for public office, public employee or participant if the person knows or has reason to know that the lien is forged or fraudulently altered, contains a false statement of material fact or is being filed in bad faith or for the purpose of harassing or defrauding any person is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and may be further punished by a fine of not more than $150,000. The person may also be subject to civil liability.

2. The Secretary of State may adopt regulations prescribing procedures to prevent the filing in his or her office of:

(a) False, fraudulent, fraudulently altered or forged documents.

(b) Documents that contain a false statement of material fact.

(c) Documents that are filed in bad faith or for the purpose of harassing or defrauding a person.

Sec. 114. NRS 239.330 is hereby amended to read as follows:

239.330 ~~[A]~~

1. Except as otherwise provided in subsection 2, a person who knowingly procures or offers any false or forged instrument to be filed, registered or recorded in any public office, which instrument, if genuine, might be filed, registered or recorded in a public office under any law of this State or of the United States, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. The provisions of subsection 1 do not apply to a person who is punishable pursuant to NRS 293.800.

Sec. 114.5. NRS 281.050 is hereby amended to read as follows:

281.050 1. The residence of a person with reference to his or her eligibility to any office is the person's actual residence within the State, county, district, ward, subdistrict or any other unit prescribed by law, as the case may be, during all the period for which residence is claimed by the person.

2. Except as otherwise provided in subsections 3 and 4, if any person absents himself or herself from the jurisdiction of that person's actual residence with the intention in good faith to return without delay and continue such actual residence, the period of absence must not be considered in determining the question of residence.

3. If a person who has filed a declaration of candidacy or acceptance of candidacy for any elective office moves the person's actual residence out of the State, county, district, ward, subdistrict or any other unit prescribed by law, as the case may be, in which the person is required actually, as opposed to constructively, to reside in order for the person to be eligible to the office, a vacancy is created thereby and the appropriate action for filling the vacancy must be taken.

4. Once a person's actual residence is fixed, the person shall be deemed to have moved the person's actual residence for the purposes of this section if:

(a) The person has acted affirmatively and has actually removed himself or herself from the place of permanent habitation where the person actually resided and was legally domiciled;

(b) The person has an intention to abandon the place of permanent habitation where the person actually resided and was legally domiciled; and

(c) The person has an intention to remain in another place of permanent habitation where the person actually resides and is legally domiciled.

5. Except as otherwise provided in this subsection and NRS 293.1265, the district court has jurisdiction to determine the question of residence in any preelection action for declaratory judgment brought against a person who has filed a declaration of candidacy or acceptance of candidacy for any elective office. If the question of residence relates to whether an incumbent meets any qualification concerning residence required for the term of office in which the incumbent is presently serving, the district court does not have jurisdiction to determine the question of residence in an action for declaratory judgment brought by a person pursuant to this section but has jurisdiction to determine the question of residence only in an action to declare the office vacant that is authorized by NRS 283.040 and brought by the Attorney General or the appropriate district attorney pursuant to that section.

6. Except as otherwise provided in NRS 293.1265, if in any preelection action for declaratory judgment, the district court finds that a person who has filed a declaration of candidacy or acceptance of candidacy for any elective office fails to meet any qualification concerning residence required for the office pursuant to the Constitution or laws of this State, the person is subject to the provisions of NRS 293.2045.

7. For the purposes of this section, in determining whether a place of permanent habitation is the place where a person actually resides and is legally domiciled:

(a) It is the public policy of this State to avoid sham residences and to ensure that the person actually, as opposed to constructively, resides in the area prescribed by law for the office so the person has an actual connection with the constituents who reside in the area and has particular knowledge of their concerns.

(b) The person may have more than one residence but only one legal domicile, and the person's legal domicile requires both the fact of actual living in the place and the intention to remain there as a permanent residence. If the person temporarily leaves the person's legal domicile, or leaves for a particular purpose, and does not take up a permanent residence in another place, then the person's legal domicile has not changed. Once the person's legal domicile is fixed, the fact of actual living in another place, the intention to remain in the other place and the intention to abandon the former legal domicile must all exist before the person's legal domicile can change.

(c) Evidence of the person's legal domicile includes, without limitation:

(1) The place where the person lives the majority of the time and the length of time the person has lived in that place.

(2) The place where the person lives with the person's spouse or domestic partner, if any.

(3) The place where the person lives with the person's children, dependents or relatives, if any.

(4) The place where the person lives with any other individual whose relationship with the person is substantially similar to a relationship with a spouse, domestic partner, child, dependent or relative.

(5) The place where the person's dogs, cats or other pets, if any, live.

(6) The place listed as the person's residential address on the voter registration card *, as defined in section 1.5 of this act,* issued to the person . ~~[pursuant to NRS 293.517.]~~

(7) The place listed as the person's residential address on any driver's license or identification card issued to the person by the Department of Motor Vehicles, any passport or military identification card issued to the person by the United States or any other form of identification issued to the person by a governmental agency.

(8) The place listed as the person's residential address on any registration for a motor vehicle issued to the person by the Department of Motor Vehicles or any registration for another type of vehicle or mode of transportation, including, without limitation, any aircraft, vessels or watercraft, issued to the person by a governmental agency.

(9) The place listed as the person's residential address on any applications for issuance or renewal of any license, certificate, registration, permit or similar type of authorization issued to the person by a governmental agency which has the authority to regulate an occupation or profession.

(10) The place listed as the person's residential address on any document which the person is authorized or required by law to file or record with a governmental agency, including, without limitation, any deed, declaration of homestead or other record of real or personal property, any applications for services, privileges or benefits or any tax documents, forms or returns, but excluding the person's declaration of candidacy or acceptance of candidacy.

(11) The place listed as the person's residential address on any type of check, payment, benefit or reimbursement issued to the person by a governmental agency or by any type of company that provides insurance, workers' compensation, health care or medical benefits or any self-insured employer or third-party administrator.

(12) The place listed as the person's residential address on the person's paycheck, paystub or employment records.

(13) The place listed as the person's residential address on the person's bank statements, insurance statements, mortgage statements, loan statements, financial accounts, credit card accounts, utility accounts or other billing statements or accounts.

(14) The place where the person receives mail or deliveries from the United States Postal Service or commercial carriers.

(d) The evidence listed in paragraph (c) is intended to be illustrative and is not intended to be exhaustive or exclusive. The presence or absence of any particular type of evidence listed in paragraph (c) is not, by itself, determinative of the person's legal domicile, but such a determination must be based upon all the facts and circumstances of the person's particular case.

8. As used in this section:

(a) "Actual residence" means the place of permanent habitation where a person actually resides and is legally domiciled. If the person maintains more than one place of permanent habitation, the place the person declares to be the person's principal permanent habitation when filing a declaration of candidacy or acceptance of candidacy for any elective office must be the place where the person actually resides and is legally domiciled in order for the person to be eligible to the office.

(b) "Declaration of candidacy or acceptance of candidacy" means a declaration of candidacy or acceptance of candidacy filed pursuant to chapter 293 or 293C of NRS.

Sec. 115. NRS 349.017 is hereby amended to read as follows:

349.017 1. If the bond question is submitted at a general election, no notice of registration of electors is required other than that required by the laws for a general election.

2. If the bond question is submitted at a special election, the clerk of each county shall cause to be published, at least once a week for 2 consecutive weeks by two weekly insertions a week apart, the first publication to be not more than 50 days nor less than 42 days next preceding the election, in a newspaper published within the county, if any is so published, and having a general circulation therein, a notice signed by him or her to the effect that registration for the special election will be closed on a date and time designated therein, as provided in this section.

3. ~~[Except as otherwise provided in subsection 4, the]~~ *The* office of the county clerk in each county of this State must be open for such a special election, from 9 a.m. to 12 m. and 1 p.m. to 5 p.m. on Mondays through Fridays, with Saturdays, Sundays and legal holidays excepted, for the registration of any qualified elector.

4. ~~[The office of the county clerk must be open during the last days of registration as provided in subsection 2 of NRS 293.560.~~

~~5.]~~ The office of the county clerk must be open for registration of voters for such a special election up to but excluding the 30th day next preceding that election and during regular office hours.

Sec. 116. Section 16 of the Charter of Boulder City is hereby amended to read as follows:

Section 16. Induction of Council into office; meetings of Council.

1. The City Council shall meet within ~~[ten days]~~ *the time set forth in NRS 293C.387* after each city primary election and each city general election specified in Article IX ~~[, to]~~ *and* canvass the returns and ~~[to]~~ declare the results. All newly elected or reelected Mayor or Council

Members shall be inducted into office at the next regular Council meeting following certification of the applicable city general election results. Immediately following such induction, the Mayor pro tem shall be designated as provided in section 7. Thereafter, the Council shall meet regularly at such times as it shall set by resolution from time to time, but not less frequently than once each month. (Add. 13; Amd. 1; 6-2-1987; Amd. 2; 6-4-1991; Add. 17; Amd. 1; 11-5-1996; Add. 24; Amd. 1; 6-3-2003)

A. (Add. 3; Amd. 2; 5-2-1967; Repealed by Add. 15; Amd. 1; 6-4-1991)

2. It is the intent of this Charter that deliberations and actions of the Council be conducted openly. All meetings of the City Council shall be in accordance with chapter 241 of the Nevada Revised Statutes. (Add. 10; Amd. 1; 6-2-1981)

3. Any emergency meeting of the City Council, as defined by chapter 241, shall be as provided therein, and in addition:

(a) An emergency meeting may be called by the Mayor or upon written notice issued by a majority of the Council.

(b) Prior notice of such an emergency meeting shall be given to all members of the City Council. (Add. 10; Amd. 1; 6-2-1981)

Sec. 117. Section 96 of the Charter of Boulder City is hereby amended to read as follows:

Section 96. Conduct of municipal elections.

1. All municipal elections must be nonpartisan in character and must be conducted in accordance with ~~[the]~~ *:*

(a) The provisions of sections 5.1 to 9.8, inclusive, of this act, which supersede and preempt any conflicting provisions of this Charter;

(b) All other provisions of the general election laws of ~~[the]~~ *this* State ~~[of Nevada]~~ *, so far as those laws can be made applicable and are not inconsistent with the provisions of this Charter;* and ~~[any]~~

(c) Any ordinance regulations as adopted by the City Council which are consistent with law and this Charter. (1959 Charter)

2. All full terms of office in the City Council are 4 years, and Council Members must be elected at large without regard to precinct residency. Except as otherwise provided in subsection 8, two full-term Council Members and the Mayor are to be elected in each year immediately preceding a federal presidential election, and two full-term Council Members are to be elected in each year immediately following a federal presidential election. In each election, the candidates receiving the greatest number of votes must be declared elected to the vacant full-term positions. (Add. 17; Amd. 1; 11-5-1996)

3. In the event one or more 2-year term positions on the Council will be available at the time of a municipal election as provided in section 12, candidates must file specifically for such position(s).

Candidates receiving the greatest respective number of votes must be declared elected to the respective available 2-year positions. (Add. 15; Amd. 2; 6-4-1991)

4. Except as otherwise provided in subsection 8, a primary municipal election must be held on the first Tuesday after the first Monday in April of each odd-numbered year and a general municipal election must be held on the second Tuesday after the first Monday in June of each odd-numbered year.

5. A primary municipal election must not be held if no more than double the number of Council Members to be elected file as candidates. A primary municipal election must not be held for the office of Mayor if no more than two candidates file for that position. The primary municipal election must be held for the purpose of eliminating candidates in excess of a figure double the number of Council Members to be elected. (Add. 17; Amd. 1; 11-5-1996)

6. If, in the primary municipal election, a candidate receives votes equal to a majority of voters casting ballots in that election, he or she shall be considered elected to one of the vacancies and his or her name shall not be placed on the ballot for the general municipal election. (Add. 10; Amd. 7; 6-2-1981)

7. In each primary and general municipal election, voters are entitled to cast ballots for candidates in a number equal to the number of seats to be filled in the municipal elections. (Add. 11; Amd. 5; 6-7-1983)

8. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

9. If the City Council adopts an ordinance pursuant to subsection , the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165 and in NRS 293.175, 293.177, 293.345 and 293.368 apply for the purposes of conducting the primary municipal elections and general municipal elections.

10. If the City Council adopts an ordinance pursuant to subsection 8, the ordinance must not affect the term of office of any elected official of the City serving in office on the effective date of the ordinance. The next succeeding term for that office may be shortened but may not be lengthened as a result of the ordinance.

11. The conduct of all municipal elections must be under the control of the City Council, which shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter. Nothing in this Charter shall be construed as to deny or abridge the power of the City Council to provide for supplemental regulations for the prevention of fraud in such elections and for the recount of ballots in cases of doubt or fraud. (Add. 24; Amd. 1; 6-3-2003)

Sec. 118. Section 5.020 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, at page 66, is hereby amended to read as follows:

Sec. 5.020 Applicability of state election laws; elections under City Council control.

1. All elections held under this Charter ~~[shall]~~ *must* be governed by ~~[the]~~ *:*

(a) The provisions of sections 5.1 to 9.8, inclusive, of this act, which supersede and preempt any conflicting provisions of this Charter; and

(b) All other provisions of the election laws of this State, so far as ~~[such]~~ *those* laws can be made applicable and are not inconsistent with the provisions of this Charter.

2. The conduct of all municipal elections shall be under the control of the City Council. For the conduct of municipal elections, for the prevention of fraud in such elections, and for the recount of ballots in cases of doubt or fraud, the City Council shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter.

Sec. 119. Section 5.100 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, as amended by chapter 185, Statutes of Nevada 2007, at page 627, is hereby amended to read as follows:

Sec. 5.100 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any municipal election shall be filed with the City Clerk, who shall immediately place such returns in a safe or vault, and no person shall be permitted to handle, inspect or in any manner interfere with such returns until canvassed by the City Council.

2. The City Council shall meet within ~~[6 working days]~~ *the time set forth in NRS 293C.387* after any election and canvass the returns and declare the result. The election returns shall then be sealed and kept by the City Clerk for 6 months, and no person shall have access thereto except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers so elected shall qualify and enter upon the discharge of their respective duties on the first Monday in July next following their election.

4. If any election should result in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The Clerk shall then issue to the winner a certificate of election.

Sec. 120. Section 5.020 of the Charter of the City of Carlin, being chapter 344, Statutes of Nevada 1971, at page 615, is hereby amended to read as follows:

Sec. 5.020 Applicability of state election laws; elections under Board of Council Members' control; voting precincts.

1. All elections held under this Charter ~~[shall]~~ *must* be governed by ~~[the]~~ *:*

(a) The provisions of sections 5.1 to 9.8, inclusive, of this act, which supersede and preempt any conflicting provisions of this Charter; and

(b) All other provisions of the election laws of this State, so far as ~~[such]~~ *those* laws can be made applicable and are not inconsistent ~~[herewith.]~~ *with the provisions of this Charter.*

2. The conduct of all municipal elections shall be under the control of the Board of Council Members. For the conduct of municipal elections, for the prevention of fraud in such elections, and for the recount of ballots in cases of doubt or fraud, the Board of Council Members shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter.

3. There shall be but one voting precinct in the City. All elective officers shall be elected by the voters of the City at large.

Sec. 121. Section 5.090 of the Charter of the City of Carlin, being chapter 344, Statutes of Nevada 1971, as last amended by chapter 185, Statutes of Nevada 2007, at page 628, is hereby amended to read as follows:

Sec. 5.090 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any municipal election shall be filed with the City Clerk, who shall immediately place such returns in a safe or vault, and no person is permitted to handle, inspect or in any manner interfere with such returns until canvassed by the Board of Council Members.

2. The Board of Council Members shall meet ~~[on or before the sixth working day]~~ *within the time set forth in NRS 293C.387* after any election and canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 6 months, and no person shall have access thereto except on order of a court of competent jurisdiction or by order of the Board of Council Members.

3. The City Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers so elected shall qualify and enter upon the discharge of their respective duties on the first Monday in:

(a) July next following their election for those officers elected in June 2007.

(b) January next following their election for those officers elected in November 2008 and November of every even-numbered year thereafter.

4. If any election should result in a tie, the Board of Council Members shall summon the candidates who received the tie vote and

determine the tie by lot. The Clerk shall then issue to the winner a certificate of election.

Sec. 122. (Deleted by amendment.)

Sec. 123. Section 5.030 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, as amended by chapter 118, Statutes of Nevada 1985, at page 478, is hereby amended to read as follows:

Sec. 5.030 Applicability of state election laws; elections under control of Clerk; Board regulations.

1. All elections ~~[which are]~~ held under this Charter ~~[are]~~ *must be* governed by ~~[the]~~ *:*

(a) The provisions of sections 5.1 to 9.8, inclusive, of this act, which supersede and preempt any conflicting provisions of this Charter; and

(b) All other provisions of the election laws of this State, ~~[as]~~ *so* far as those laws can be made applicable and are not inconsistent with *the provisions of* this Charter.

2. The conduct of all municipal elections is under the control of the Clerk. For the conduct of municipal elections, for the prevention of fraud in those elections and for the recount of ballots in cases of doubt or fraud, the Board shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter.

Sec. 124. Section 5.100 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, as amended by chapter 189, Statutes of Nevada 1977, at page 354, is hereby amended to read as follows:

Sec. 5.100 Election returns; canvass; certificates of election; entry of officers upon duties.

1. The election returns from any special, primary or general municipal election shall be filed with the Clerk, who shall immediately place such returns in a safe or vault, and no person shall be permitted to handle, inspect or in any manner interfere with such returns until canvassed by the Board.

2. The Board shall meet within ~~[10 days]~~ *the time set forth in NRS 293C.387* after any election and canvass the returns and declare the result. The election returns shall then be sealed and kept by the Clerk for 6 months and no person shall have access thereto except on order of a court of competent jurisdiction or by order of the Board.

3. The Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers so elected shall qualify and enter upon the discharge of their respective duties on the 1st Monday in January next following their election.

Sec. 125. Section 5.020 of the Charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as amended by chapter 51, Statutes of Nevada 2001, at page 463, is hereby amended to read as follows:

Sec. 5.020 Applicability of state election laws; elections under control of City Council.

1. All elections held under this Charter ~~[are]~~ *must be* governed by ~~[the]~~ *:*

(a) The provisions of sections 5.1 to 9.8, inclusive, of this act, which supersede and preempt any conflicting provisions of this Charter; and

(b) All other provisions of the election laws of this State, so far as ~~[such]~~ *those* laws can be made applicable and are not inconsistent ~~[herewith.]~~ *with the provisions of this Charter.*

2. The conduct of all municipal elections is under the control of the City Council. For the conduct of municipal elections, for the prevention of fraud in such elections, and for the recount of ballots in cases of doubt or fraud, the City Council shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter.

Sec. 126. Section 5.090 of the Charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as last amended by chapter 231, Statutes of Nevada 2011, at page 1003, is hereby amended to read as follows:

Sec. 5.090 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from a municipal election must be filed with the City Clerk, who shall immediately place the returns in a safe or vault. No person may handle, inspect or in any manner interfere with the returns until the returns are canvassed by the City Council.

2. The City Council shall meet within ~~[6 working days]~~ *the time set forth in NRS 293C.387* after an election and canvass the returns and declare the result. The election returns must be sealed and kept by the City Clerk for 2 years, and no person may have access thereto except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers so elected shall qualify and enter upon the discharge of their respective duties on the first Monday in:

(a) If the officer is elected pursuant to subsection 1 or 2 of section 5.010, July next following his or her election.

(b) If the officer is elected pursuant to subsection 3 or 4 of section 5.010, January next following his or her election.

4. If any election should result in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The Clerk shall then issue to the winner a certificate of election.

Sec. 127. (Deleted by amendment.)

Sec. 128. Section 5.030 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as amended by chapter 596, Statutes of Nevada 1995, at page 2215, is hereby amended to read as follows:

Sec. 5.030 Applicability of state election laws; elections under City Council control.

1. All elections held under this Charter ~~[are]~~ *must be* governed by ~~[the]~~ *:*

(a) The provisions of sections 5.1 to 9.8, inclusive, of this act, which supersede and preempt any conflicting provisions of this Charter; and

(b) All other provisions of the election laws of this State, so far as those laws can be made applicable and are not inconsistent ~~[herewith.]~~ *with the provisions of this Charter*.

2. The conduct of all municipal elections is under the control of the City Council. The City Council shall by ordinance provide for the holding of the election, appoint the necessary officers thereof and do all the things required to carry the election into effect as it considers desirable and consistent with law and this Charter.

Sec. 129. Section 5.100 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 266, Statutes of Nevada 2013, at page 1216, is hereby amended to read as follows:

Sec. 5.100 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any special, primary or general municipal election must be filed with the City Clerk, who shall immediately place the returns in a safe or vault, and no person may handle, inspect or in any manner interfere with the returns until canvassed by the City Council.

2. The City Council shall meet ~~[at any time]~~ within ~~[10 days]~~ *the time set forth in NRS 293C.387* after any election and canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 6 months. No person may have access to the returns except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue to each person elected a certificate of election. Except as otherwise provided in section 1.070, the officers so elected shall qualify and enter upon the discharge of their respective duties at the second regular meeting of the City Council held in June of the year of the general municipal election.

4. If any election results in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The City Clerk shall then issue to the winner a certificate of election.

Sec. 130. (Deleted by amendment.)

Sec. 131. Section 5.030 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1415, is hereby amended to read as follows:

Sec. 5.030 Applicability of state election laws; elections under City Council's control.

1. All elections ~~[which are]~~ held under this Charter ~~[are]~~ *must be* governed by ~~[the]~~ *:*

(a) The provisions of sections 5.1 to 9.8, inclusive, of this act, which supersede and preempt any conflicting provisions of this Charter; and

(b) All other provisions of the election laws of ~~[the]~~ *this* State, ~~[as]~~ *so* far as those laws can be made applicable and are not inconsistent with *the provisions of* this Charter.

2. The conduct of all municipal elections is under the control of the City Council. The City Council shall prescribe by ordinance all of the regulations which it considers are desirable and consistent with law and this Charter for the conduct of municipal elections, for the prevention of fraud in those elections and for the recount of ballots in cases of doubt or fraud.

Sec. 132. Section 5.100 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as amended by chapter 193, Statutes of Nevada 1991, at page 364, is hereby amended to read as follows:

Sec. 5.100 Election returns; canvass; declaration of results; certificates of election; entry of officers upon duties; procedure for tied vote.

1. The returns of any special, primary or general municipal election must be filed with the City Clerk, who shall immediately place those returns in a safe or vault, and no person may be permitted to handle, inspect or in any manner interfere with those returns until they have been canvassed by the City Council.

2. The City Council shall meet within ~~[10 days]~~ *the time set forth in NRS 293C.387* after any election ~~[,]~~ *and* canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 6 months, and no person may have access to the returns except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue to each person who is declared to be elected a certificate of election. The officers who have been elected shall qualify and enter upon the discharge of their respective duties on the day of the first regular meeting of the City Council next succeeding the meeting at which the canvass of the returns is made.

4. If the election for any office results in a tie, the City Council shall summon the candidates who received the equal number of votes and determine the tie by lot. The Clerk shall then issue to the winner a certificate of election.

Sec. 133. (Deleted by amendment.)

Sec. 134. Section 5.040 of the Charter of the City of Mesquite, being chapter 325, Statutes of Nevada 2017, at page 1886, is hereby amended to read as follows:

Sec. 5.040 Applicability of state election laws; elections under City Council control.

1. All elections held under this Charter ~~[are]~~ *must be* governed by ~~[the]~~ *:*

(a) The provisions of sections 5.1 to 9.8, inclusive, of this act, which supersede and preempt any conflicting provisions of this Charter; and

(b) All other provisions of the election laws of this State, so far as those laws can be made applicable and are not inconsistent ~~[herewith.]~~ *with the provisions of this Charter.*

2. The conduct of all municipal elections is under the control of the City Council.

3. The City Council shall by ordinance provide for the holding of a municipal election, appoint the necessary officers thereof and do all the things required to carry the election into effect as it considers desirable and consistent with law and this Charter.

4. Notwithstanding any other provision of this Charter, the City Council may enter into an interlocal agreement with another public entity to conduct municipal elections or any portion thereof.

Sec. 135. Section 5.100 of the Charter of the City of Mesquite, being chapter 325, Statutes of Nevada 2017, at page 1887, is hereby amended to read as follows:

Sec. 5.100 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any special, primary or general municipal election must be filed with the City Clerk, who shall immediately place the returns in a safe or vault, and no person may handle, inspect or in any manner interfere with the returns until canvassed by the City Council.

2. The City Council shall meet ~~[at any time]~~ within ~~[10 days]~~ *the time set forth in NRS 293C.387* after any election and canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 6 months. No person may have access to the returns except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue to each person elected a certificate of election. Except as otherwise provided in section 1.060, the officers so elected shall qualify and enter upon the discharge of their respective duties at the first meeting of the City Council held in December of the year of the general municipal election.

4. If any election results in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The City Clerk shall then issue to the winner a certificate of election.

Sec. 136. (Deleted by amendment.)

Sec. 137. Section 5.030 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, at page 1224, is hereby amended to read as follows:

Sec. 5.030 Applicability of state election laws; elections under City Council control.

1. All elections held under this Charter ~~[shall]~~ *must* be governed by ~~[the]~~ *:*

(a) The provisions of sections 5.1 to 9.8, inclusive, of this act, which supersede and preempt any conflicting provisions of this Charter; and

(b) All other provisions of the election laws of this State, so far as ~~[such]~~ *those* laws can be made applicable and are not inconsistent ~~[herewith.]~~ *with the provisions of this Charter.*

2. The conduct of all municipal elections shall be prescribed by ordinance. For the conduct of municipal elections, for the prevention of fraud in such elections, and for the recount of ballots in cases of doubt or fraud, the City Council shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter.

Sec. 138. Section 5.080 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 465, Statutes of Nevada 1985, at page 1440, is hereby amended to read as follows:

Sec. 5.080 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any special, primary or general municipal election shall be filed with the City Clerk, who shall immediately place the returns in a safe or vault, and no person may be permitted to handle, inspect or in any manner interfere with the returns until canvassed by the City Council.

2. The City Council shall meet ~~[at any time]~~ within ~~[16 days]~~ *the time set forth in NRS 293C.387* after any election and ~~[shall]~~ canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 6 months, and no person may have access thereto except on order of a court of competent jurisdiction or by order the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers so elected shall qualify and enter upon the discharge of their respective duties on the 1st day of July next following their election.

4. If any election should result in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The Clerk shall then issue to the winner a certificate of election.

Sec. 139. (Deleted by amendment.)

Sec. 140. Section 5.030 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 9, Statutes of Nevada 1993, at page 23, is hereby amended to read as follows:

Sec. 5.030 Applicability of state election laws; elections under City Council control.

1. All elections held ~~[pursuant to]~~ *under* this Charter must be governed by ~~[the]~~ *:*

(a) The provisions of sections 5.1 to 9.8, inclusive, of this act, which supersede and preempt any conflicting provisions of this Charter; and

(b) All other provisions of the election laws of this State, so far as those laws can be made applicable and are not inconsistent ~~[herewith.]~~ *with the provisions of this Charter.*

2. The conduct of all elections must be under the control of the City Council. For the conduct of elections, for the prevention of fraud in those elections, and for the recount of ballots in cases of doubt or fraud, the City Council shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter.

Sec. 141. Section 5.100 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 349, Statutes of Nevada 2013, at page 1830, is hereby amended to read as follows:

Sec. 5.100 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any special, primary or general election must be filed with the City Clerk, who shall immediately place those returns in a safe or vault, and no person may handle, inspect or in any manner interfere with those returns until canvassed by the City Council.

2. The City Council and City Manager shall meet within ~~[10 days]~~ *the time set forth in NRS 293C.387* after any election and canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 6 months, and no person may have access thereto except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers elected shall qualify and enter upon the discharge of their respective duties at the first regular City Council meeting following their election.

4. If any election results in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie as provided in this subsection. The City Clerk shall provide and open in the presence of the candidates who received the tie vote an unused 52-card deck of playing cards, removing any jokers and blank cards. The City Clerk shall shuffle the cards thoroughly and present the shuffled deck to the City Manager, or to the person designated by the City Manager for this purpose. One of the candidates who received the tie vote shall then draw one card from the deck, and the City Clerk shall record the suit and number of the card. The card then must be returned to the deck, and the

City Clerk shall shuffle the cards thoroughly and present the shuffled deck to the City Manager, or to the person designated by the City Manager for this purpose, and another of the candidates who received the tie vote shall draw one card from the deck. This process must be repeated until each of the candidates who received the tie vote has drawn one card from the deck and the result of each draw has been recorded. The candidate who draws the high card shall be deemed the winner of the election. For the purposes of this subsection, aces are high and twos are low. If the candidates draw cards of otherwise equal value, the card of the higher suit is the high card. Spades are highest, followed in descending order by hearts, clubs and diamonds. The City Clerk shall issue to the winner a certificate of election.

Sec. 142. (Deleted by amendment.)

Sec. 143. Section 5.030 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as amended by chapter 41, Statutes of Nevada 2001, at page 398, is hereby amended to read as follows:

Sec. 5.030 Applicability of state election laws: Elections under City Council control.

1. All elections held ~~[pursuant to]~~ *under* this Charter must be governed by ~~[the]~~ *:*

(a) The provisions of sections 5.1 to 9.8, inclusive, of this act, which supersede and preempt any conflicting provisions of this Charter; and

(b) All other provisions of the election laws of this State , so far as ~~[such]~~ *those* laws can be made applicable and are not inconsistent ~~[herewith.]~~ *with the provisions of this Charter*.

2. The conduct of all elections must be under the control of the City Council. For the conduct of elections, for the prevention of fraud in elections, and for the recount of ballots in cases of doubt or fraud, the City Council shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter.

Sec. 144. Section 5.100 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 113, Statutes of Nevada 2017, at page 488, is hereby amended to read as follows:

Sec. 5.100 Election returns: Canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any election must be filed with the City Clerk, who shall immediately place the returns in a safe or vault. No person may handle, inspect or in any manner interfere with the returns until canvassed by the City Council.

2. The City Council shall meet within ~~[10 days]~~ *the time set forth in NRS 293C.387* after any election and canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 22 months, and no person may have access to them except on

order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue a certificate of election to each person elected. Except as otherwise provided in subsection 3 of section 5.020, the officers elected shall qualify and enter upon the discharge of their respective duties at the first regular City Council meeting following their election.

4. If any election results in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The City Clerk shall then issue to the winner a certificate of election.

Sec. 145. Section 5.020 of the Charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, at page 469, is hereby amended to read as follows:

Sec. 5.020 Applicability of state election laws; elections under Board of Council Members' control; voting precincts.

1. All elections held under this Charter ~~[shall]~~ *must* be governed by ~~[the]~~ *:*

(a) The provisions of sections 5.1 to 9.8, inclusive, of this act, which supersede and preempt any conflicting provisions of this Charter; and

(b) All other provisions of the election laws of this State, so far as ~~[such]~~ *those* laws can be made applicable and are not inconsistent ~~[herewith.]~~ *with the provisions of this Charter.*

2. The conduct of all municipal elections shall be under the control of the Board of Council Members. For the conduct of municipal elections, for the prevention of fraud in such elections, and for the recount of ballots in cases of doubt or fraud, the Board of Council Members shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter.

3. There shall be but one voting precinct in the City. All elective officers shall be elected by the voters of the City at large.

Sec. 146. Section 5.090 of the Charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, as last amended by chapter 185, Statutes of Nevada 2007, at page 629, is hereby amended to read as follows:

Sec. 5.090 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any municipal election must be filed with the City Clerk, who shall immediately place such returns in a safe or vault, and no person is permitted to handle, inspect or in any manner interfere with such returns until canvassed by the Board of Council Members.

2. The Board of Council Members shall meet ~~[on or before the sixth working day]~~ *within the time set forth in NRS 293C.387* after any election and canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 6 months,

and no person shall have access thereto except on order of a court of competent jurisdiction or by order of the Board of Council Members.

3. The City Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers so elected shall qualify and enter upon the discharge of their respective duties on the first Monday in:

(a) July next following their election for those officers elected in June 2007 or 2009.

(b) January next following their election for those officers elected in November 2010 and every even-numbered year thereafter.

4. If any election should result in a tie, the Board of Council Members shall summon the candidates who received the tie vote and determine the tie by lot. The Clerk shall then issue to the winner a certificate of election.

Sec. 147. Section 5.020 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, at page 912, is hereby amended to read as follows:

Sec. 5.020 Applicability of state election laws, elections under City Council control.

1. All elections held under this Charter ~~[shall]~~ *must* be governed by ~~[the]~~ *:*

(a) The provisions of sections 5.1 to 9.8, inclusive, of this act, which supersede and preempt any conflicting provisions of this Charter; and

(b) All other provisions of the election laws of this State, so far as ~~[such]~~ *those* laws can be made applicable and are not inconsistent ~~[herewith.]~~ *with the provisions of this Charter*.

2. The conduct of all municipal elections shall be under the control of the City Council. For the conduct of municipal elections, for the prevention of fraud in such elections, and for the recount of ballots in cases of doubt or fraud, the City Council shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter.

Sec. 148. Section 5.090 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, at page 913, is hereby amended to read as follows:

Sec. 5.090 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any municipal election shall be filed with the City Clerk, who shall immediately place such returns in a safe or vault, and no person shall be permitted to handle, inspect or in any manner interfere with such returns until canvassed by the City Council.

2. The City Council shall meet within ~~[10 days]~~ *the time set forth in NRS 293C.387* after any election and canvass the returns and declare the results. The election returns shall then be sealed and kept by the City

Clerk for 6 months, and no person shall have access thereto except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers so elected shall qualify and enter upon the discharge of their respective duties on the 1st Monday in July next following their election.

4. If any election should result in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The Clerk shall then issue to the winner a certificate of election.

Sec. 148.4. 1. There is hereby appropriated from the State General Fund to the Department of Motor Vehicles the sum of $125,700 for computer programming for the online voter registration system.

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

Sec. 148.5. 1. There is hereby appropriated from the State General Fund to the Department of Motor Vehicles the sum of $11,300 for secured containers to store voter registration forms.

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

Sec. 148.6. 1. There is hereby appropriated from the State General Fund to the Secretary of State for programming, development and maintenance of the online voter registration system and for developing a technical solution for same-day voter registration verification the following sums:

For the Fiscal Year 2019-2020..... $275,000

For the Fiscal Year 2020-2021..... $275,000

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

and September 17, 2021, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2020, and September 17, 2021, respectively.

Sec. 148.8. 1. There is hereby appropriated from the State General Fund the sum of $3,342,651.92 for the purpose of carrying out the provisions of this act. The money appropriated must be allocated as follows:

Carson City	$90,000.00
Churchill County	$18,000.00
Clark County	$2,400,637.32
Douglas County	$93,712.00
Washoe County	$740,302.60

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

Sec. 149. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 150. The amendatory provisions of this act do not apply to or abrogate, alter or affect the results of any election conducted before January 1, 2020.

Sec. 151. NRS 293.082 is hereby repealed.

Sec. 152. 1. This section ~~[becomes]~~ and section 148.8 of this act become effective upon passage and approval.

2. Sections 1 to 148, inclusive, 149, 150 and 151 of this act become effective:

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

(b) On January 1, 2020, for all other purposes.

3. Sections 148.4, 148.5 and 148.6 of this act become effective on July 1, 2019.

TEXT OF REPEALED SECTION

293.082 "Provisional ballot" defined. "Provisional ballot" means a ballot voted by a person pursuant to NRS 293.3081 to 293.3086, inclusive.

Senator Ohrenschall moved the adoption of the amendment.

Remarks by Senator Ohrenschall.

Amendment No. 1080 to Assembly Bill No. 345 adds appropriations to certain counties totaling approximately $3.34 million for the purpose of implementing the various provisions of the bill relating to elections.

Amendment adopted.

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

Motion carried.

Assembly Bill No. 524.

Bill read third time.

Remarks by Senator Woodhouse.

Assembly Bill No. 524 appropriates General Funds of $5,169,127 for an unanticipated shortfall in utility costs, inmate-driven costs, food costs and medical costs.

Roll call on Assembly Bill No. 524:

YEAS—21.

NAYS—None.

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

Bill ordered transmitted to the Assembly.

Assembly Bill No. 534.

Bill read third time.

Remarks by Senator Woodhouse.

Assembly Bill No. 534 transfers administration of the eligibility determination process relating to the Fund for the Compensation of Victims of Crime from the Department of Administration and the State Board of Examiners to DHSS. Assembly Bill No. 534 requires professional licensing boards to maintain and provide in the case of an emergency information relating to licensees to a governmental entity. The measure also includes provisions for development of a State plan for services for victims of crime, appeals and confidentiality.

Roll call on Assembly Bill No. 534:

YEAS—21.

NAYS—None.

Assembly Bill No. 534 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 536.

Bill read third time.

Remarks by Senator Woodhouse.

Assembly Bill No. 536 makes a General Fund supplemental appropriation of $49,897 in Fiscal Year 2019 to the Commission on Judicial Discipline to fund unanticipated operating expenses.

Roll call on Assembly Bill No. 536:

YEAS—21.

NAYS—None.

Assembly Bill No. 536 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 Nos. 344, 467, 483, 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*

Madam President:

Your Committee on Judiciary, to which was referred Assembly Bill No. 267, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

NICOLE J. CANNIZZARO, *Chair*

Madam President:

Your Committee on Natural Resources, to which was referred Assembly Bill No. 96, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MELANIE SCHEIBLE, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, June 1, 2019

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 313, 378; Assembly Bill No. 543.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bill No. 519.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 166, Amendment No. 860, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 9.

Also, I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate Amendment No. 1027 to Assembly Bill No. 291; Senate Amendment No. 1019 to Assembly Bill No. 449.

Also, I have the honor to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate Amendment No. 961 to Assembly Bill No. 139.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Frierson, Monroe-Moreno, Assefa, Backus, Benitez-Thompson, Bilbray-Axelrod, Carlton, Carrillo, Cohen, Daly, Duran, Edwards, Ellison, Flores, Fumo, Gorelow, Hafen, Hambrick, Hansen, Hardy, Jauregui, Kramer, Krasner, Leavitt, Martinez, McCurdy, Miller, Munk, Neal, Nguyen, Peters, Roberts, Smith, Spiegel, Swank, Titus, Tolles, Torres, Watts, Wheeler and Yeager; Senators Spearman, Cannizzaro, Brooks, Cancela, Denis, Dondero Loop, Goicoechea, Hammond, Hansen Hardy, Harris, Kieckhefer, Ohrenschall, Parks, Pickard, Ratti, Scheible, Seevers Gansert, Settelmeyer, Washington and Woodhouse:

Assembly Concurrent Resolution No. 9—Celebrating the life of Assemblyman Odis "Tyrone" Thompson.

WHEREAS, The members of the Nevada Legislature on this day remember and celebrate the life of an esteemed colleague and dedicated public servant, State Assemblyman Odis "Tyrone" Thompson; and

WHEREAS, Assemblyman Thompson was born on September 30, 1967, in Las Vegas, Nevada, to Odis and Vertis Thompson; and

WHEREAS, After graduating from Valley High School in Las Vegas in 1985, and graduating from Northern Arizona University in 1989, Assemblyman Thompson began a career in Nevada spanning three decades dedicated to public service, serving in various capacities in local and state government and volunteering for many important causes, including working on behalf of abused and neglected children in the foster care system as a court-appointed special advocate for more than 17 years; and

WHEREAS, When Assemblyman Thompson was appointed to the Nevada Assembly to fill a vacancy during the 2013 Legislative Session, he took the opportunity to study the issues and discovered a passion for representing his constituents, especially underrepresented persons, including homeless and vulnerable persons; and

WHEREAS, Assemblyman Thompson's hard work was rewarded when subsequently, he was elected to serve three more terms representing Assembly District 17; and

WHEREAS, During his tenure at the Nevada Legislature, Assemblyman Thompson championed many significant legislative measures, including legislation strengthening and expanding mentoring programs; seeking educational opportunities for pupils; addressing issues faced by homeless youth; dealing with important health care issues; addressing the reintegration of criminal offenders and much more; and

WHEREAS, Assemblyman Thompson served on various committees and held many positions at the Legislature, including being selected to serve during the 2019 Legislative Session as Assembly Majority Whip and Chair of the Assembly Committee on Education; and

WHEREAS, Assemblyman Thompson was a leader in his community, a role model and a selfless, hardworking public servant; and

WHEREAS, Above all else, Assemblyman Thompson loved his family and made certain his mother knew he held her dear, sending her flowers every Monday that he could not be with her while he was serving at the Legislature; and

WHEREAS, Assemblyman Thompson's famous heartwarming smile will be long remembered as the embodiment of his character, and his tireless advocacy, compassion for others, leadership, dedication and work ethic will continue to serve as an inspiration; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the 80th Session of the Nevada Legislature remember and celebrate the life of Assemblyman Tyrone Thompson on this day and extend their deepest condolences to Tyrone's cherished mother, Vertis, his sister Sonja, and his extended family; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Assemblyman Thompson's mother and sister.

Senator Spearman moved the adoption of the resolution.

Remarks by Senator Spearman:

The members of the Nevada Legislature on this day remember and celebrate the life of an esteemed colleague and dedicated public servant, State Assemblyman Odis "Tyrone" Thompson. Assemblyman Thompson was born on September 30, 1967, in Las Vegas, Nevada, to Odis and Vertis Thompson. After graduating from Valley High School in Las Vegas in 1985 and graduating from Northern Arizona University in 1989, Assemblyman Thompson began a career in Nevada. He spanned three decades dedicated to public service serving in various capacities in local and State government and volunteering for many important causes, including working on behalf of abused and neglected children in the foster-care system as a court-appointed special advocate for more than 17 years. When Assemblyman Thompson was appointed to the Nevada Assembly to fill a vacancy during the 2013 Legislative Session, he took the opportunity to study the issues and discovered a passion for representing his constituents, especially underrepresented persons, including homeless and vulnerable persons. Assemblyman Thompson served on various Committees and held many positions at the Legislature, including being selected to serve during the 2019 Legislative Session as Assembly Majority Whip and Chair of the Assembly Committee on Education. Assemblyman Thompson was a leader in his community, a role model and a selfless, hardworking public servant. Assemblyman Thompson's famous heartwarming smile will be long remembered as the embodiment of his character. His tireless advocacy, compassion for

others, leadership, dedication and work ethic will continue to serve as an inspiration. The Nevada Legislature remembers and celebrates the life of Assemblyman Tyrone Thompson.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 519.

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

Motion carried.

Assembly Bill No. 543.

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

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 211.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1052.

SUMMARY— ~~[Revises provisions relating to]~~ Makes an appropriation for operating expenses of the Nevada Commission on Minority Affairs. (BDR ~~[31-587)]~~ S-587)

AN ACT ~~[relating]~~ making an appropriation to the Nevada Commission on Minority Affairs ~~[; revising provisions relating to the budget of the Commission; making an appropriation;]~~ for operating expenses of the Commission; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law creates the Nevada Commission on Minority Affairs, consisting of nine members appointed by the Legislative Commission, within the Department of Business and Industry. The Commission is required to perform various duties relating to minorities in Nevada. (NRS 232.852, 232.860)~~

~~The State Budget Act prescribes the procedures for the proposal of the budget for the Executive Department of the State Government. (NRS 353.150-353.246) The Legislative and Judicial Departments of the State Government, the Public Employees' Retirement System and the Tahoe Regional Planning Agency are required to submit their budgets to the Legislature for approval and to the Chief of the Budget Division of the Office of Finance in the Office of the Governor for informational purposes, but are otherwise exempt from the requirements of the State Budget Act. (NRS 353.210, 353.246) In the same manner, sections 1 and 2 of this bill exempt the Nevada Commission on Minority Affairs from the requirements of the State Budget Act, except for the requirements of submitting its biennial agency budget to the Legislature for approval and to the Chief of the Budget Division for informational purposes.~~

~~The members of the Commission are not entitled under existing law to compensation for their services, but are entitled to be reimbursed for travel and other expenses incurred in the performance of their duties, within the limits of money available to the Commission. (NRS 232.856) The Director of the Department of Business and Industry is required under existing law to employ a Minority Affairs Management Analyst to perform investigations, data collection and statistical analysis to support the Commission. (NRS 232.525) Section 3 of this bill appropriates money to the Commission to pay for operating expenses of the Commission, including expenses for outreach efforts and travel of the members of the Commission and the Minority Affairs Management Analyst.]~~

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

Section 1. ~~[NRS 353.210 is hereby amended to read as follows:~~

~~353.210 1. Except as otherwise provided in subsections 6 and 7, on or before September 1 of each even-numbered year, all departments, institutions and other agencies of the Executive Department of the State Government, and all agencies of the Executive Department of the State Government receiving state money, fees or other money under the authority of the State, including those operating on money designated for specific purposes by the Nevada Constitution or otherwise, shall prepare, on blanks furnished them by the Chief, and submit to the Chief:~~

~~(a) The number of full-time equivalent positions within the department, institution or agency.~~

~~(b) The number of full-time equivalent positions within the department, institution or agency that have been vacant for at least 12 months, the number of months each such position has been vacant and the reasons for each such vacancy.~~

~~(c) Any existing contracts for services the department, institution or agency has with temporary employment services or other persons, the proposed expenditures for such contracts in the next 2 fiscal years and the reasons for the use of such services. If such contracts include any privatization contracts, a copy of each of those privatization contracts together with:~~

~~(1) A statement specifying the duration of the privatization contracts;~~

~~(2) The number of privatization contracts proposed for the next 2 fiscal years and the estimated expenditures for the privatization contracts; and~~

~~(3) An analysis of each of the privatization contracts, which includes, without limitation:~~

~~(I) For the preceding, current and next fiscal years, the annual amount required to perform each of the privatization contracts; and~~

~~(II) For the preceding and current fiscal years, the number of persons the department, institution or agency employed pursuant to the privatization contracts, reflected as the equivalent full-time position if the persons were regularly employed by the department, institution or agency, including the equivalent hourly wage and the cost of benefits for each job classification.~~

~~(d) Estimates of expenditure requirements of the department, institution or agency, together with all anticipated income from fees and all other sources, for the next 2 fiscal years compared with the corresponding figures of the last completed fiscal year and the estimated figures for the current fiscal year.~~

~~2. The Chief shall direct that one copy of the forms submitted pursuant to subsection 1, accompanied by every supporting schedule and any other related material, be delivered directly to the Fiscal Analysis Division of the Legislative Counsel Bureau on or before September 1 of each even-numbered year.~~

~~3. The Budget Division of the Office of Finance shall give advance notice to the Fiscal Analysis Division of the Legislative Counsel Bureau of any conference between the Budget Division of the Office of Finance and personnel of other state agencies regarding budget estimates. A Fiscal Analyst of the Legislative Counsel Bureau or his or her designated representative may attend any such conference.~~

~~4. The estimates of expenditure requirements submitted pursuant to subsection 1 must be classified to set forth the data of funds, organizational units, and the character and objects of expenditures by program or budgetary account and by category of expense, and must include a mission statement and measurement indicators in adequate detail to comply with the requirements of subparagraph (3) of paragraph (b) of subsection 1 of NRS 353.205. The organizational units may be subclassified by functions and by agencies, bureaus or commissions, or in any other manner at the discretion of the Chief.~~

~~5. If any department, institution or other agency of the Executive Department of the State Government, whether its money is derived from state money or from other money collected under the authority of the State, fails or neglects to submit estimates of its expenditure requirements as provided in this section, the Chief may, from any data at hand in the Chief's office or which the Chief may examine or obtain elsewhere, make and enter a proposed budget for the department, institution or agency in accordance with the data.~~

~~6. Agencies, bureaus, commissions and officers of the Legislative Department *of the State Government*, the Public Employees' Retirement System , [and] the Judicial Department of the State Government *and the Nevada Commission on Minority Affairs created by NRS 232.852* shall submit to the Chief for his or her information in preparing the proposed executive budget the budgets which they propose to submit to the Legislature.~~

~~7. On or before September 1 of each even-numbered year, the Tahoe Regional Planning Agency shall submit the budget which the Agency proposes to submit to the Legislature to:~~

~~(a) The Chief for his or her information in preparing the proposed executive budget.~~

~~(b) The Fiscal Analysis Division of the Legislative Counsel Bureau.~~

~~8. The information provided by a department, institution or agency pursuant to paragraph (c) of subsection 1 is a public record and must be open to public inspection.~~

~~— 9. As used in this section, "privatization contract" means a contract executed by or on behalf of a department, institution or agency which authorizes a private entity to provide public services which are:~~

~~— (a) Substantially similar to the services performed by the public employees of the department, institution or agency; and~~

~~— (b) In lieu of the services otherwise authorized or required to be provided by the department, institution or agency.]~~ (Deleted by amendment.)

Sec. 2. ~~[NRS 353.246 is hereby amended to read as follows:~~

~~— 353.246 1. Except as otherwise provided in subsection 2 of this section and subsections 6 and 7 of NRS 353.210, the provisions of NRS 353.150 to 353.245, inclusive, do not apply to agencies, bureaus, commissions and officers of the Legislative Department *of the State Government*, the Public Employees' Retirement System, the Judicial Department of the State Government , [and] the Tahoe Regional Planning Agency [.] *and the Nevada Commission on Minority Affairs created by NRS 232.852.*~~

~~— 2. The Legislative Department *of the State Government*, the Public Employees' Retirement System, the Judicial Department of the State Government , [and] the Tahoe Regional Planning Agency *and the Nevada Commission on Minority Affairs created by NRS 232.852* shall submit their budgets to the Legislature in the same format as the proposed executive budget unless otherwise provided by the Legislative Commission. All projections of revenue and any other information concerning future state revenue contained in those budgets must be based upon the projections and estimates prepared by the Economic Forum pursuant to NRS 353.228.]~~ (Deleted by amendment.)

Sec. 3. 1. There is hereby appropriated from the State General Fund to the Nevada Commission on Minority Affairs created by NRS 232.852 for operating expenses of the Commission, including, without limitation, expenses for outreach efforts and travel of the members of the Commission and the Minority Affairs Management Analyst employed pursuant to NRS 232.525, the following sums:

For the Fiscal Year 2019-2020..... $15,126

For the Fiscal Year 2020-2021..... $9,109

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

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

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 1052 to Senate Bill No. 211 deletes sections 1 and 2 in their entirety, which would have exempted the Nevada Commission on Minority Affairs from the State Budget Act.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 547.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 1070.

SUMMARY—Revises provisions relating to providers of new electric resources. (BDR 58-913)

AN ACT relating to energy; excluding from regulation as a public utility certain plants or equipment used by a data center; revising provisions governing the applicability of certain assessments imposed by the Public Utilities Commission of Nevada; revising the information required to be included in the integrated resource plan filed by an electric utility with the Commission; revising the criteria to be eligible to apply to the Commission to purchase energy, capacity or ancillary services from a provider of new electric resources; revising the requirements a provider of new electric resources must satisfy to be eligible to sell energy, capacity or ancillary services to eligible customers; revising the requirements an eligible customer must satisfy to be authorized to purchase energy, capacity or ancillary services from a provider of new electric resources; revising the terms and conditions for the purchase of energy, capacity or ancillary services by eligible customers who have been approved to make such purchases from a provider of new electric resources; repealing provisions governing certain agreements relating to generation assets of an electric utility; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill excludes from regulation as a public utility certain plants or equipment used by a data center but only with respect to operations of the data center which consist of providing electric service.

Existing law authorizes certain customers of an electric utility to apply to the Public Utilities Commission of Nevada for approval to purchase energy, capacity and ancillary services from a provider of new electric resources. If the Commission approves such an application, the Commission is required to order such terms, conditions and payments as the Commission deems necessary and appropriate to ensure that the transaction will not be contrary to the public interest and the eligible customer is authorized to begin purchasing energy, capacity and ancillary services from the provider of new electric resources in accordance with the order of the Commission. (NRS 704B.310)

Existing law requires the Commission to levy and collect an annual mill tax on public utilities that are subject to the jurisdiction of the Commission. (NRS 704.033) Under existing law, if the Commission authorizes a customer

of an electric utility to purchase energy, capacity and ancillary services from a provider of new electric resources, the Commission is required to order the customer to pay its share of the annual mill tax levied by the Commission and to pay any other tax, fee or assessment that would be due to a governmental entity had the customer continued to purchase energy, capacity or ancillary services from the electric utility. (NRS 704B.360) Sections 3 and 21 of this bill revise this requirement by removing the requirement for an order of the Commission and, instead, imposing the requirement to pay the annual mill tax and any other taxes, fees or assessments on the customer or the provider of new electric resources, as applicable. ~~[Section 21 further requires the customer or the provider of new electric resources, as applicable, to pay any costs, fees or rates which are imposed by the electric utility, associated with the implementation of certain public policies and determined by the Commission to be appropriate for collection from customers who purchase energy, capacity or ancillary services from a provider of new electric resources.]~~

Existing law requires each electric utility to submit to the Commission every 3 years an integrated resource plan to increase the utility's supply of electricity or decrease the demands made on its system by its customers. (NRS 704.741) Section 5 of this bill requires the integrated resource plan to include a proposal for annual limits on the energy and capacity that certain eligible customers are authorized to purchase from providers of new electric resources through transactions approved by the Commission ~~[.]~~ pursuant to an application submitted on or after May 16, 2019. Section 5 further requires the proposal to include certain information, including, without limitation, impact fees applicable to each megawatt or megawatt hour to account for certain costs. Section 6 of this bill requires the Commission, in considering whether to approve or modify the annual limits, to consider whether the proposed limits promote safe, economic, efficient and reliable electric service , align an economically viable utility model with state public policy goals and encourage the development and use of renewable energy resources.

Section 16 of this bill prohibits a provider of new electric resources from selling energy, capacity or ancillary services to any person or governmental entity in this State unless the provider holds a license to do so issued by the Commission. Section 9 of this bill establishes the requirements a provider of new electric resources is required to satisfy to qualify for a license and authorizes the Commission to adopt regulations requiring a provider of new electric resources to provide certain information. Section 26 of this bill authorizes a provider of new electric resources who sold energy, capacity or ancillary services to a customer before the effective date of this bill to continue to sell energy, capacity or ancillary services to that customer without obtaining a license if the provider submits an application for a license to the Commission not later than 30 days after a date established by the Commission by regulation and the Commission issues the license. Sections 8 and 11 of this bill make conforming changes.

Section 10 of this bill: (1) requires the Commission to adopt regulations to establish a procedure by which a customer who has been approved to purchase energy, capacity or ancillary services from a provider of new electric resources may apply to the Commission to return to purchasing bundled electric service from an electric utility; (2) authorizes the Commission to establish such terms and conditions on such a return as the Commission deems necessary and appropriate to ~~[protect the existing]~~ prevent harm to customers of the electric utility; ~~[and]~~ (3) authorizes the Commission to limit the number of times a customer is authorized to be approved to purchase energy, capacity or ancillary services from a provider of new electric resources ~~[.]~~ ; and (4) authorizes the Commission to establish limitations on the use of certain tariffs approved by the Commission.

Section 12 of this bill provides that a nongovernmental commercial or industrial end-use customer or a governmental entity that was not a customer of an electric utility at any time before the effective date of this bill is eligible to apply to the Commission for approval to purchase energy, capacity or ancillary services from a provider of new electric resources ~~[only if the average annual load of the customer will be 1 megawatt or more and the customer is expected to commence purchasing energy, capacity or ancillary services from a provider of new electric resources within 2 years after filing the application with the Commission.]~~ if certain requirements are met, including a requirement that the average annual load of such a customer will be 1 megawatt or more. Section 25 of this bill provides that this provision does not apply to a person who, before the effective date of this bill, was approved to purchase energy, capacity and ancillary services from a provider of new electric resources.

Under existing law, a provider of new electric resources is qualified to sell energy, capacity or ancillary services to an eligible customer if, among other criteria, the provider makes the energy, capacity or ancillary services available from certain generation assets. (NRS 704B.110, 704B.130) Section 13 of this bill authorizes a provider of new electric resources to make energy, capacity and ancillary services available by market purchases made through the provider.

Existing law provides that the provisions of existing law governing the purchase of energy, capacity or ancillary services from a provider of new electric resources do not affect any rights or obligations arising under certain contracts which were in existence on July 17, 2001. (NRS 704B.170) Section 14 of this bill removes the date from this provision and, thus, provides that the existing law governing the purchase of energy, capacity or ancillary services from a provider of new electric resources does not affect any contract.

Existing law requires the Public Utilities Commission of Nevada to submit to the Legislative Commission, not later than 2 business days after receiving a request from the Legislative Commission, a written report summarizing certain information related to transactions between providers of new electric resources and customers approved by the Commission to purchase energy, capacity or ancillary services from such providers. (NRS 704B.210) Section 15 of this bill

requires this report to include only the public information that the customer included in the application filed with the Commission rather than all information that the customer included in the application.

Section 17 of this bill revises the procedure to apply for and obtain the approval of the Commission to purchase energy, capacity and ancillary services from a provider of new electric resources by: (1) authorizing an eligible customer to file an application with the Commission only between January 2 and February 1 of each calendar year; (2) requiring the application to be filed with the Commission not later than 280 days, rather than not later than 180 days, before the date on which the customer intends to begin purchasing energy, capacity or ancillary services from a provider of new electric resources; (3) requiring the information included with the application to be specific information about the customer, the proposed provider and the terms and conditions of the proposed transaction; (4) requiring the specific information included with the application to include information identifying transmission requirements and the extent to which transmission import capacity is needed; (5) prohibiting the Commission from approving the application unless the Commission determines the application is in the public interest rather than requiring approval of the application unless the Commission finds the application contrary to the public interest; (6) revising the factorsthe Commission is required to consider in determining whether the proposed transaction is in the public interest; (7) revising the terms and conditions which the Commission is required to order if it approves the application; and (8) prohibiting the approval of an application if the approval of the application would cause the energy and capacity that certain eligible customers are authorized to purchase from providers of new electric resources to exceed the annual limit included in the resource plan of the electric utility that has been accepted by the Commission.

Existing law authorizes a customer that is purchasing energy, capacity or ancillary services from a provider of new electric resources to purchase energy, capacity or ancillary services from an alternative provider without obtaining the approval of the Commission if the terms and conditions of that transaction, other than the price of the energy, capacity or ancillary services, conform to the transaction originally approved by the Commission. (NRS 704B.325) Section 18 of this bill prohibits the purchase of energy, capacity or ancillary services from an alternative provider unless the alternative provider is licensed as a provider of new electric resources by the Commission pursuant to section 9.

~~[Existing law authorizes a customer that is purchasing energy, capacity or ancillary services from a provider of new electric resources to replace some or all of that energy, capacity or ancillary services with energy, capacity or ancillary services purchased from an electric utility pursuant to a tariff approved by the Commission. (NRS 704B.330) Section 19 of this bill provides that if the customer receives such service from an electric utility for more than 30 days in a calendar year, the customer is no longer authorized to purchase~~

~~energy, capacity or ancillary services from a provider of new electric resources and is required to reapply for authorization to purchase energy, capacity or ancillary services from such a provider if the customer wishes to make such purchases.]~~

Existing law prohibits a provider of new electric resources from selling energy, capacity or ancillary services to a customer unless the customer has a time-of-use meter installed at the point of delivery of energy to the customer. Under existing law, an electric utility is required to install a time-of-use meter at each point of delivery of energy to the customer if the customer does not have a time-of-use meter at that point of delivery. (NRS 704B.340) Section 20 of this bill requires the Commission to determine the date by which the electric utility is required to ensure that metering equipment is operational for each customer who has been approved by the Commission to purchase energy, capacity or ancillary services from a provider of new electric resources.

Existing law requires each utility to: (1) conduct a vulnerability assessment in accordance with the requirements of certain federal and regional agencies; (2) prepare and maintain an emergency response plan in accordance with the requirements of certain federal and regional agencies; and (3) at least once each year, review its vulnerability assessment and emergency response plan and submit to the Division of Emergency Management of the Department of Public Safety the results of that review and any additions or modifications to its emergency response plan. (NRS 239C.270) Section 23 of this bill imposes these requirements on providers of new electric resources.

Section 24 of this bill provides that any application to purchase energy, capacity or ancillary services from a provider of new electric resources that was submitted to the Commission before the passage and approval of this bill is deemed to be denied unless the ~~[Commission issues a final order approving the]~~ application was filed before ~~[July 1, 2019.]~~ May 16, 2019. Section 24 further provides that the provisions of existing law governing the consideration and disposition of an application apply to an application filed before May 16, 2019.

Sections 25 and 26 of this bill enact provisions governing eligible customers who were approved by the Commissions to purchase energy, capacity or ancillary services before the effective date of this bill.

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

Section 1. NRS 703.330 is hereby amended to read as follows:

703.330 1. A complete record must be kept of all hearings before the Commission. All testimony at such hearings must be taken down by the stenographer appointed by the Commission or, under the direction of any competent person appointed by the Commission, must be reported by sound recording equipment in the manner authorized for reporting testimony in district courts. The testimony reported by a stenographer must be transcribed, and the transcript filed with the record in the matter. The Commission may by regulation provide for the transcription or safekeeping of sound recordings.

The costs of recording and transcribing testimony at any hearing, except those hearings ordered pursuant to NRS 703.310, must be paid by the applicant. If a complaint is made pursuant to NRS 703.310 by a customer or by a political subdivision of the State or municipal organization, the complainant is not liable for any costs. Otherwise, if there are several applicants or parties to any hearing, the Commission may apportion the costs among them in its discretion.

2. A copy of the proceedings and testimony must be furnished to any party, on payment of a reasonable amount to be fixed by the Commission, and the amount must be the same for all parties.

3. The provisions of this section do not prohibit the Commission from:

(a) Restricting access to the records and transcripts of a hearing pursuant to paragraph (a) of subsection 3 of NRS 703.196.

(b) Protecting the confidentiality of information pursuant to NRS 704B.310 ~~[, 704B.320]~~ or 704B.325.

Sec. 2. NRS 704.021 is hereby amended to read as follows:

704.021 "Public utility" or "utility" does not include:

1. Persons engaged in the production and sale of natural gas, other than sales to the public, or engaged in the transmission of natural gas other than as a common carrier transmission or distribution line or system.

2. Persons engaged in the business of furnishing, for compensation, water or services for the disposal of sewage, or both, to persons within this State if:

(a) They serve 25 persons or less; and

(b) Their gross sales for water or services for the disposal of sewage, or both, amounted to $25,000 or less during the immediately preceding 12 months.

3. Persons not otherwise engaged in the business of furnishing, producing or selling water or services for the disposal of sewage, or both, but who sell or furnish water or services for the disposal of sewage, or both, as an accommodation in an area where water or services for the disposal of sewage, or both, are not available from a public utility, cooperative corporations and associations or political subdivisions engaged in the business of furnishing water or services for the disposal of sewage, or both, for compensation, to persons within the political subdivision.

4. Persons who are engaged in the production and sale of energy, including electricity, to public utilities, cities, counties or other entities which are reselling the energy to the public.

5. Persons who are subject to the provisions of NRS 590.465 to 590.645, inclusive.

6. Persons who are engaged in the sale or use of special fuel as defined in NRS 366.060.

7. Persons who provide water from water storage, transmission and treatment facilities if those facilities are for the storage, transmission or treatment of water from mining operations.

8. Persons who are video service providers, as defined in NRS 711.151, except for those operations of the video service provider which consist of

providing a telecommunication service to the public, in which case the video service provider is a public utility only with regard to those operations of the video service provider which consist of providing a telecommunication service to the public.

9. Persons who own or operate a net metering system described in paragraph (c) of subsection 1 of NRS 704.771.

10. Persons who for compensation own or operate individual systems which use renewable energy to generate electricity and sell the electricity generated from those systems to not more than one customer of the public utility per individual system if each individual system is:

(a) Located on the premises of another person;

(b) Used to produce not more than 150 percent of that other person's requirements for electricity on an annual basis for the premises on which the individual system is located; and

(c) Not part of a larger system that aggregates electricity generated from renewable energy for resale or use on premises other than the premises on which the individual system is located.

➥ As used in this subsection, "renewable energy" has the meaning ascribed to it in NRS 704.7811.

11. Persons who own, control, operate or manage a facility that supplies electricity only for use to charge electric vehicles.

12. Any plant or equipment that is used by a data center to produce, deliver or furnish electricity at agreed-upon prices for or to persons on the premises of the data center for the sole purpose of those persons storing, processing or distributing data, but only with regard to those operations which consist of providing electric service. As used in this subsection, "data center" has the meaning ascribed to it in NRS 360.754.

Sec. 3. NRS 704.033 is hereby amended to read as follows:

704.033 1. Except as otherwise provided in subsection 6, the Commission shall levy and collect an annual assessment from all public utilities, *providers of new electric resources,* providers of discretionary natural gas service and alternative sellers subject to the jurisdiction of the Commission.

2. Except as otherwise provided in subsections 3 and 4, the annual assessment must be:

(a) For the use of the Commission, not more than 3.50 mills; and

(b) For the use of the Consumer's Advocate, not more than 0.75 mills,

➥ on each dollar of gross operating revenue derived from the intrastate operations of such utilities, *providers of new electric resources,* providers of discretionary natural gas service and alternative sellers in the State of Nevada. The total annual assessment must be not more than 4.25 mills.

3. The levy for the use of the Consumer's Advocate must not be assessed against railroads.

4. The minimum assessment in any 1 year must be $100.

5. The gross operating revenue of the utilities must be determined for the preceding calendar year. In the case of:

(a) Telecommunication providers, except as provided in paragraph (c), the revenue shall be deemed to be all intrastate revenues.

(b) Railroads, the revenue shall be deemed to be the revenue received only from freight and passenger intrastate movements.

(c) All public utilities, *providers of new electric resources,* providers of discretionary natural gas service and alternative sellers, the revenue does not include the proceeds of any commodity, energy or service furnished to another public utility, *provider of new electric resources,* provider of discretionary natural gas service or alternative seller for resale.

6. Providers of commercial mobile radio service are not subject to the annual assessment and, in lieu thereof, shall pay to the Commission an annual licensing fee of $200.

7. "Provider of new electric resources" has the meaning ascribed to it in NRS 704B.130.

Sec. 4. NRS 704.035 is hereby amended to read as follows:

704.035 1. On or before June 15 of each year, the Commission shall mail revenue report forms to all public utilities, *providers of new electric resources,* providers of discretionary natural gas service and alternative sellers under its jurisdiction, to the address of those utilities, *providers of new electric resources,* providers of discretionary natural gas service and alternative sellers on file with the Commission. The revenue report form serves as notice of the Commission's intent to assess such entities, but failure to notify any such entity does not invalidate the assessment with respect thereto.

2. Each public utility, *provider of new electric resources,* provider of discretionary natural gas service and alternative seller subject to the provisions of NRS 704.033 shall complete the revenue report referred to in subsection 1, compute the assessment and return the completed revenue report to the Commission accompanied by payment of the assessment and any fee due, pursuant to the provisions of subsection 5.

3. The assessment is due on July 1 of each year, but may, at the option of the public utility, *provider of new electric resources,* provider of discretionary natural gas service and alternative seller, be paid quarterly on July 1, October 1, January 1 and April 1.

4. The assessment computed by the public utility, *provider of new electric resources,* provider of discretionary natural gas service or alternative seller is subject to review and audit by the Commission, and the amount of the assessment may be adjusted by the Commission as a result of the audit and review.

5. Any public utility, *provider of new electric resources,* provider of discretionary natural gas service or alternative seller failing to pay the assessment provided for in NRS 704.033 on or before August 1, or if paying quarterly, on or before August 1, October 1, January 1 or April 1, shall pay, in addition to such assessment, a fee of 1 percent of the total unpaid balance for

each month or portion thereof that the assessment is delinquent, or $10, whichever is greater, but no fee may exceed $1,000 for each delinquent payment.

6. When a public utility, *provider of new electric resources,* provider of discretionary natural gas service or alternative seller sells, transfers or conveys substantially all of its assets or, if applicable, its certificate of public convenience and necessity ~~[,]~~ *or license,* the Commission shall determine, levy and collect the accrued assessment for the current year not later than 30 days after the sale, transfer or conveyance, unless the transferee has assumed liability for the assessment. For purposes of this subsection, the jurisdiction of the Commission over the selling, transferring or conveying public utility, *provider of new electric resources,* provider of discretionary natural gas service or alternative seller continues until it has paid the assessment.

7. The Commission may bring an appropriate action in its own name for the collection of any assessment and fee which is not paid as provided in this section.

8. The Commission shall, upon collection, transfer to the Account for the Consumer's Advocate that portion of the assessments collected which belongs to the Consumer's Advocate.

9. "Provider of new electric resources" has the meaning ascribed to it in NRS 704B.130.

Sec. 5. NRS 704.741 is hereby amended to read as follows:

704.741 1. A utility which supplies electricity in this State shall, on or before June 1 of every third year, in the manner specified by the Commission, submit a plan to increase its supply of electricity or decrease the demands made on its system by its customers to the Commission. Two or more utilities that are affiliated through common ownership and that have an interconnected system for the transmission of electricity shall submit a joint plan.

2. The Commission shall, by regulation:

(a) Prescribe the contents of such a plan, including, but not limited to, the methods or formulas which are used by the utility or utilities to:

(1) Forecast the future demands ~~[;]~~ *, except that a forecast of the future retail electric demands of the utility or utilities must not include the amount of energy and capacity proposed pursuant to subsection 6 as annual limits on the total amount of energy and capacity that eligible customers may be authorized to purchase from providers of new electric resources through transactions approved by the Commission pursuant to an application submitted pursuant to NRS 704B.310 ~~[;]~~ on or after May 16, 2019;* and

(2) Determine the best combination of sources of supply to meet the demands or the best method to reduce them; and

(b) Designate renewable energy zones and revise the designated renewable energy zones as the Commission deems necessary.

3. The Commission shall require the utility or utilities to include in the plan:

(a) An energy efficiency program for residential customers which reduces the consumption of electricity or any fossil fuel and which includes, without limitation, the use of new solar thermal energy sources.

(b) A proposal for the expenditure of not less than 5 percent of the total expenditures related to energy efficiency and conservation programs on energy efficiency and conservation programs directed to low-income customers of the electric utility.

(c) A comparison of a diverse set of scenarios of the best combination of sources of supply to meet the demands or the best methods to reduce the demands, which must include at least one scenario of low carbon intensity that includes the deployment of distributed generation.

(d) An analysis of the effects of the requirements of NRS 704.766 to 704.777, inclusive, on the reliability of the distribution system of the utility or utilities and the costs to the utility or utilities to provide electric service to all customers. The analysis must include an evaluation of the costs and benefits of addressing issues of reliability through investment in the distribution system.

(e) A list of the utility's or utilities' assets described in NRS 704.7338.

(f) A surplus asset retirement plan as required by NRS 704.734.

4. The Commission shall require the utility or utilities to include in the plan a plan for construction or expansion of transmission facilities to serve renewable energy zones and to facilitate the utility or utilities in meeting the portfolio standard established by NRS 704.7821.

5. The Commission shall require the utility or utilities to include in the plan a distributed resources plan. The distributed resources plan must:

(a) Evaluate the locational benefits and costs of distributed resources. This evaluation must be based on reductions or increases in local generation capacity needs, avoided or increased investments in distribution infrastructure, safety benefits, reliability benefits and any other savings the distributed resources provide to the electricity grid for this State or costs to customers of the electric utility or utilities.

(b) Propose or identify standard tariffs, contracts or other mechanisms for the deployment of cost-effective distributed resources that satisfy the objectives for distribution planning.

(c) Propose cost-effective methods of effectively coordinating existing programs approved by the Commission, incentives and tariffs to maximize the locational benefits and minimize the incremental costs of distributed resources.

(d) Identify any additional spending necessary to integrate cost-effective distributed resources into distribution planning consistent with the goal of yielding a net benefit to the customers of the electric utility or utilities.

(e) Identify barriers to the deployment of distributed resources, including, without limitation, safety standards related to technology or operation of the distribution system in a manner that ensures reliable service.

6. *The Commission shall require the utility or utilities to include in the plan a proposal for annual limits on the total amount of energy and capacity*

that eligible customers may be authorized to purchase from providers of new electric resources through transactions approved by the Commission pursuant to an application submitted pursuant to NRS 704B.310 [,] on or after May 16, 2019. In developing the proposal and the forecasts in the plan, the utility or utilities must use a sensitivity analysis that, at a minimum, addresses load growth, import capacity, system constraints and the effect of eligible customers purchasing less energy and capacity than authorized by the proposed annual limit. The proposal in the plan must include, without limitation:

(a) A forecast of the load growth of the utility or utilities;

(b) The number of eligible customers that are currently being served by or anticipated to be served by the utility or utilities;

(c) Information concerning the infrastructure of the utility or utilities that is available to accommodate market-based new electric resources;

(d) Proposals to ensure the stability of rates and the availability and reliability of electric service; and

(e) For each year of the plan, impact fees applicable to each megawatt or each megawatt hour to account for costs reflected in the base tariff general rate and base tariff energy rate paid by end-use customers of the electric utility.

7. The annual limits proposed pursuant to subsection 6 shall not apply to energy and capacity sales to an eligible customer if the eligible customer:

(a) Was not an end-use customer of the electric utility at any time before the effective date of this act; and

(b) Would have a peak load of 10 megawatts or more in the service territory of an electric utility within 2 years of initially taking electric service.

8. As used in this section:

(a) "Carbon intensity" means the amount of carbon by weight emitted per unit of energy consumed.

(b) "Distributed generation system" has the meaning ascribed to it in NRS 701.380.

(c) "Distributed resources" means distributed generation systems, energy efficiency, energy storage, electric vehicles and demand-response technologies.

(d) *"Eligible customer" has the meaning ascribed to it in NRS 704B.080.*

(e) "Energy" has the meaning ascribed to it in NRS 704B.090.

(f) ~~*["Generation asset" has the meaning ascribed to it in NRS 704B.100.*~~

~~*(g)]*~~ *"New electric resource" has the meaning ascribed to it in NRS 704B.110.*

~~*[(h)]*~~ *(g) "Provider of new electric resources" has the meaning ascribed to it in NRS 704B.130.*

~~*[(i)]*~~ *(h)* "Renewable energy zones" means specific geographic zones where renewable energy resources are sufficient to develop generation capacity and where transmission constrains the delivery of electricity from those resources to customers.

~~[(j)]~~ *(i) "Sensitivity analysis" means a set of methods or procedures which results in a determination or estimation of the sensitivity of a result to a change in given data or a given assumption.*

Sec. 6. NRS 704.746 is hereby amended to read as follows:

704.746 1. After a utility has filed its plan pursuant to NRS 704.741, the Commission shall convene a public hearing on the adequacy of the plan.

2. The Commission shall determine the parties to the public hearing on the adequacy of the plan. A person or governmental entity may petition the Commission for leave to intervene as a party. The Commission must grant a petition to intervene as a party in the hearing if the person or entity has relevant material evidence to provide concerning the adequacy of the plan. The Commission may limit participation of an intervener in the hearing to avoid duplication and may prohibit continued participation in the hearing by an intervener if the Commission determines that continued participation will unduly broaden the issues, will not provide additional relevant material evidence or is not necessary to further the public interest.

3. In addition to any party to the hearing, any interested person may make comments to the Commission regarding the contents and adequacy of the plan.

4. After the hearing, the Commission shall determine whether:

(a) The forecast requirements of the utility or utilities are based on substantially accurate data and an adequate method of forecasting.

(b) The plan identifies and takes into account any present and projected reductions in the demand for energy that may result from measures to improve energy efficiency in the industrial, commercial, residential and energy producing sectors of the area being served.

(c) The plan adequately demonstrates the economic, environmental and other benefits to this State and to the customers of the utility or utilities associated with the following possible measures and sources of supply:

(1) Improvements in energy efficiency;

(2) Pooling of power;

(3) Purchases of power from neighboring states or countries;

(4) Facilities that operate on solar or geothermal energy or wind;

(5) Facilities that operate on the principle of cogeneration or hydrogeneration;

(6) Other generation facilities; and

(7) Other transmission facilities.

5. The Commission shall give preference to the measures and sources of supply set forth in paragraph (c) of subsection 4 that:

(a) Provide the greatest economic and environmental benefits to the State;

(b) Are consistent with the provisions of this section;

(c) Provide levels of service that are adequate and reliable;

(d) Provide the greatest opportunity for the creation of new jobs in this State; and

(e) Provide for diverse electricity supply portfolios and which reduce customer exposure to the price volatility of fossil fuels and the potential costs of carbon.

➥ In considering the measures and sources of supply set forth in paragraph (c) of subsection 4 and determining the preference given to such measures and sources of supply, the Commission shall consider the cost of those measures and sources of supply to the customers of the electric utility or utilities.

6. The Commission shall:

(a) Adopt regulations which determine the level of preference to be given to those measures and sources of supply; and

(b) Consider the value to the public of using water efficiently when it is determining those preferences.

7. The Commission shall:

(a) Consider the level of financial commitment from developers of renewable energy projects in each renewable energy zone, as designated pursuant to subsection 2 of NRS 704.741; and

(b) Adopt regulations establishing a process for considering such commitments including, without limitation, contracts for the sale of energy, leases of land and mineral rights, cash deposits and letters of credit.

8. The Commission shall, after a hearing, review and accept or modify an emissions reduction and capacity replacement plan which includes each element required by NRS 704.7316. In considering whether to accept or modify an emissions reduction and capacity replacement plan, the Commission shall consider:

(a) The cost to the customers of the electric utility or utilities to implement the plan;

(b) Whether the plan provides the greatest economic benefit to this State;

(c) Whether the plan provides the greatest opportunities for the creation of new jobs in this State; and

(d) Whether the plan represents the best value to the customers of the electric utility or utilities.

9. In considering whether to accept or modify a proposal for annual limits on the total amount of energy and capacity that eligible customers may <u>*be authorized to*</u> *purchase from providers of new electric resources through transactions approved by the Commission pursuant to* <u>*an application submitted pursuant to*</u> *NRS 704B.310* ~~*[,]*~~ <u>*after May 16, 2019,*</u> *which is included in the plan pursuant to subsection 6 of NRS 704.741, the Commission shall consider whether the proposed annual limits:*

(a) Further the public interest, including, without limitation, whether the proposed annual limits promote safe, economic, efficient and reliable electric service to all customers of electric service in this State; ~~*[and]*~~

(b) <u>*Align an economically viable utility model with state public policy goals; and*</u>

(c) Encourage the development and use of renewable energy resources ~~[.]~~ *located in this State and, in particular, renewable energy resources that are coupled with energy storage.*

Sec. 7. Chapter 704B of NRS is hereby amended by adding thereto the provisions set forth as sections 8, 9 and 10 of this act.

Sec. 8. *"License" means a license to sell energy, capacity and ancillary services to an eligible customer issued by the Commission pursuant to section 9 of this act.*

Sec. 9. *1. To qualify for a license, a provider of new electric resources must do all of the following:*

(a) Submit an application for the license to the Commission that includes all information deemed necessary by the Commission to determine whether the provider of new electric resources is qualified to obtain a license pursuant to this section.

(b) Demonstrate to the satisfaction of the Commission that the provider of new electric resources is authorized to conduct business pursuant to the laws of this State and the ordinances of the county, city or town in which the provider sells or will sell to sell energy, capacity and ancillary services to eligible customers.

(c) Demonstrate to the satisfaction of the Commission that the provider of new electric resources has the technical competence necessary to sell energy, capacity and ancillary services to eligible customers.

(d) Demonstrate to the satisfaction of the Commission that the provider of new electric resources has the managerial competence necessary to sell energy, capacity and ancillary services to eligible customers.

(e) Demonstrate to the satisfaction of the Commission that the provider of new electric resources has the financial capability to sell energy, capacity and ancillary services to eligible customers.

(f) Demonstrate to the satisfaction of the Commission financial responsibility.

(g) Demonstrate to the satisfaction of the Commission fitness to sell energy, capacity and ancillary services to eligible customers. In determining whether a provider of new electric resources is fit to sell energy, capacity and ancillary services to eligible customers, the Commission may consider:

(1) Whether legal action has been taken against the provider or any of its affiliates in another jurisdiction;

(2) Whether customer complaints have been made concerning the provider or any of its affiliates in another jurisdiction; and

(3) The nature of any legal action or customer complaint against the provider or any of its affiliates in another jurisdiction.

(h) Demonstrate to the satisfaction of the Commission that the provider of new electric resources is in compliance with or will comply with NRS 704.78213.

2. The Commission may issue a license to a provider of new electric resources that is qualified for a license pursuant to subsection 1. The

Commission, after notice and a hearing in the manner set forth in chapter 703 of NRS, may deny the application of a provider of new electric resources for a license or limit, suspend or revoke a license issued to a provider of new electric resources if such action is necessary to protect the public interest or to enforce a provision of the laws of this State or a regulation adopted by the Commission that is applicable to the provider of new electric resources.

3. The Commission may adopt regulations requiring each provider of new electric resources to submit to the Commission such information as the Commission determines is necessary to ensure that:

(a) Each provider of new electric resources has sufficient energy, capacity and ancillary services, or the ability to obtain energy, capacity and ancillary services, to satisfy the demand of each eligible customer purchasing energy, capacity or ancillary services from the provider;

(b) Eligible customers served by a provider of new electric resources will receive safe and reliable service from the provider; and

(c) Each provider of new electric resources complies with this chapter and any other laws of this State applicable to each provider.

Sec. 10. *1. The Commission shall by regulation establish a procedure for an eligible customer who is purchasing energy, capacity or ancillary services from a provider of new electric resources to apply to the Commission to purchase bundled electric service from an electric utility. The Commission may* ~~*[establish]*~~ *, as it deems necessary and appropriate to prevent harm to the customers of an electric utility:*

(a) Establish a limit on the number of times an eligible customer may be approved to purchase energy, capacity or ancillary services from a provider of new electric resources ~~*[as the Commission deems necessary and appropriate to prevent harm to the customers of an electric utility.]*~~ *; and*

(b) Establish limitations on the use of the tariffs approved by the Commission pursuant to NRS 704B.330.

2. If the Commission approves an application submitted pursuant to the regulations required to be adopted by subsection 1, the Commission shall order such terms and conditions as the Commission deems necessary and appropriate to ensure that the purchase of bundled electric service from an electric utility does not harm the existing customers of the electric utility.

Sec. 11. NRS 704B.010 is hereby amended to read as follows:

704B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 704B.020 to 704B.140, inclusive, *and section 8 of this act* have the meanings ascribed to them in those sections.

Sec. 12. NRS 704B.080 is hereby amended to read as follows:

704B.080 "Eligible customer" means an end-use customer which is:

1. A nongovernmental commercial or industrial end-use customer that ~~[has]~~ *:*

(a) Was an end-use customer of an electric utility at any time before the effective date of this act; and

(b) Has an average annual load of 1 megawatt or more in the service territory of an electric utility.

2. A governmental entity, including, without limitation, a governmental entity providing educational or health care services, that:

(a) *Was an end-use customer of an electric utility at any time before the effective date of this act;*

(b) Performs its functions using one or more facilities which are operated under a common budget and common control; and

~~[(b)]~~ *(c)* Has an average annual load of 1 megawatt or more in the service territory of an electric utility.

3. A governmental entity, including, without limitation, a governmental entity providing educational or health care services, that:

(a) Was not an end-use customer of an electric utility at any time before the effective date of this act;

(b) Performs its functions using one or more facilities which are operated under a common budget and common control; and

(c) Would have an average annual load of 1 megawatt or more in the service territory of an electric utility.

4. A nongovernmental commercial or industrial end-use customer that:

(a) Was not an end-use customer of an electric utility at any time before the effective date of this act; and

(b) Would have an average annual load of 1 megawatt or more in the service territory of an electric utility.

Sec. 13. NRS 704B.110 is hereby amended to read as follows:

704B.110 "New electric resource" means ~~[:~~

~~1. The]~~ *the* energy, capacity or ancillary services and any increased or additional energy, capacity or ancillary services which are ~~[:]~~ *able to be delivered to an eligible customer and are made available:*

~~[(a) Made available from a]~~

1. From an identifiable generation asset that is not owned by an electric utility or is not subject to contractual commitments to an electric utility that make the energy, capacity or ancillary services from the generation asset unavailable for purchase by an eligible customer; ~~[and~~

~~(b) Able to be delivered to an eligible customer.]~~ *or*

2. ~~[Any increased energy, capacity or ancillary services made available from a generation asset pursuant to an agreement described in NRS 704B.260.]~~ *By way of market purchases through a provider of new electric resources.*

Sec. 14. NRS 704B.170 is hereby amended to read as follows:

704B.170 1. The provisions of this chapter do not alter, diminish or otherwise affect any rights or obligations arising under any contract which requires an electric utility to purchase energy, capacity or ancillary services from another party . ~~[and which exists on July 17, 2001.]~~

2. Each electric utility or its assignee shall comply with the terms of any contract which requires the electric utility or its assignee to purchase energy,

capacity or ancillary services from another party . ~~[and which exists on July 17, 2001.]~~

Sec. 15. NRS 704B.210 is hereby amended to read as follows:

704B.210 The Commission shall, not later than 2 business days after receiving a request in writing from the Legislative Commission, submit to the Legislative Commission a written report which summarizes for the period requested by the Legislative Commission:

1. Each application which was filed with the Commission pursuant to the provisions of this chapter and which requested approval of a proposed transaction between an eligible customer and a provider of new electric resources;

2. The *public* information that the eligible customer included with the application;

3. The findings of the Commission concerning the effect of the proposed transaction on the public interest; and

4. Whether the Commission approved the application and, if so, the effective date of the proposed transaction, the terms and conditions of the proposed transaction, and the terms, conditions and payments ordered by the Commission.

Sec. 16. NRS 704B.300 is hereby amended to read as follows:

704B.300 1. Except as otherwise provided in this section, a provider of new electric resources may sell energy, capacity or ancillary services to one or more eligible customers if ~~[:]~~ *the provider holds a valid license and:*

(a) The eligible customers have been approved to purchase energy, capacity and ancillary services from the provider pursuant to the provisions of NRS 704B.310 *;* ~~[and 704B.320;]~~ or

(b) The transaction complies with the provisions of NRS 704B.325.

2. A provider of new electric resources shall not sell energy, capacity or ancillary services to an eligible customer if the transaction violates the provisions of this chapter.

3. A provider of new electric resources that sells energy, capacity or ancillary services to an eligible customer pursuant to the provisions of this chapter:

(a) Does not become and shall not be deemed to be a public utility solely because of that transaction; and

(b) ~~[Does not become and shall not be deemed to be]~~ *Becomes* subject to the jurisdiction of the Commission ~~[except as otherwise provided in this chapter or by specific statute.]~~ *only for the purposes of this chapter and NRS ~~[703.033, 703.035]~~ 704.033, 704.035 and 704.7801 to 704.7828, inclusive.*

4. If a provider of new electric resources is not a public utility in this state and is not otherwise authorized by the provisions of a specific statute to sell energy, capacity or ancillary services at retail in this state, the provider shall not sell energy, capacity or ancillary services at retail in this state to a person or entity that is not an eligible customer.

Sec. 17. NRS 704B.310 is hereby amended to read as follows:

704B.310 1. An eligible customer ~~[that is purchasing bundled electric service for all or any part of its load from an electric utility]~~ shall not purchase energy, capacity or ancillary services from a provider of new electric resources unless:

(a) The eligible customer files an application with the Commission *between January 2 and February 1 of any year and* not later than ~~[180]~~ *280* days before the date on which the eligible customer intends to begin purchasing energy, capacity or ancillary services from the provider *;* ~~[, except that the Commission may allow the eligible customer to file the application within any shorter period that the Commission deems appropriate; and]~~

(b) The Commission approves the application by a written order issued in accordance with the provisions of this section ~~[and NRS 704B.320.]~~ *; and*

(c) The provider holds a valid license.

2. Except as otherwise provided in subsection 3, each application filed pursuant to this section must include:

(a) ~~[Information]~~ *Specific information* demonstrating that the person filing the application is an eligible customer;

(b) Information demonstrating that the proposed provider will provide energy, capacity or ancillary services from a new electric resource;

(c) ~~[Information]~~ *Specific information* concerning the terms and conditions of the proposed transaction that is necessary for the Commission to evaluate the impact of the proposed transaction on customers and the public interest, including, without limitation, information concerning the duration of the proposed transaction *, the point of receipt of the energy, capacity or ancillary services* and the amount of energy, capacity or ancillary services to be purchased from the provider; ~~[and]~~

(d) *Specific information identifying transmission requirements associated with the proposed transaction and the extent to which the proposed transaction requires transmission import capacity; and*

(e) Any other information required pursuant to the regulations adopted by the Commission.

3. ~~[Except as otherwise provided in NRS 704B.320, the]~~ *The* Commission shall not require the eligible customer or provider to disclose:

(a) The price that is being paid by the eligible customer to purchase energy, capacity or ancillary services from the provider; or

(b) Any other terms or conditions of the proposed transaction that the Commission determines are commercially sensitive.

4. The Commission shall provide public notice of the application of the eligible customer and an opportunity for a hearing on the application in a manner that is consistent with the provisions of NRS 703.320 and the regulations adopted by the Commission.

5. The Commission shall *not* approve the application of the eligible customer unless the Commission finds that the proposed transaction:

(a) Will be ~~[contrary to]~~ *in* the public interest; ~~[or~~

~~(b) Does not comply with the provisions of NRS 704B.320, if those provisions apply to the proposed transaction.]~~ *and*

(b) Will not cause the total amount of energy and capacity that eligible customers purchase from providers of new electric resources through transactions approved by the Commission pursuant to *an application submitted pursuant to* *this section* *on or after May 16, 2019,* *to exceed an annual limit set forth in a plan filed with the Commission pursuant to NRS 704.741 and accepted by the Commission pursuant to NRS 704.751.*

6. In determining whether the proposed transaction will be ~~[contrary to]~~ *in* the public interest, the Commission shall consider, without limitation:

(a) Whether the electric utility that has been providing electric service to the eligible customer will ~~[be burdened by]~~ *experience* increased costs as a result of the proposed transaction ~~[or whether]~~ *;*

(b) Whether any remaining customer of the electric utility will pay increased costs for electric service *or forgo the benefit of a reduction of costs for electric service* as a result of the proposed transaction; *and*

~~[(b)]~~ *(c)* Whether the proposed transaction will impair system reliability or the ability of the electric utility to provide electric service to its remaining customers . ~~[; and~~

~~(c) Whether the proposed transaction will add energy, capacity or ancillary services to the supply in this State.]~~

7. If the Commission approves the application of the eligible customer:

(a) The eligible customer shall not begin purchasing energy, capacity or ancillary services from the provider pursuant to the proposed transaction sooner than ~~[180]~~ *280* days after the date on which the application was filed, unless the Commission allows the eligible customer to begin purchasing energy, capacity or ancillary services from the provider at an earlier date; and

(b) The Commission shall order such terms, conditions and payments as the Commission deems necessary and appropriate to ensure that the proposed transaction will ~~[not]~~ be ~~[contrary to]~~ *in* the public interest. ~~[Such]~~ *Except as otherwise provided in subsection 8, such* terms, conditions and payments:

(1) Must be fair and nondiscriminatory as between the eligible customer and the remaining customes of the electric utility ~~[; and]~~ *, except that the terms, conditions and payments must assign all identifiable but unquantifiable risk to the eligible customer;*

(2) Must include, without limitation:

(I) Payment by the eligible customer to the electric utility of the eligible customer's load-share portion of any unrecovered balance in the deferred accounts of the electric utility; and

(II) Payment by the eligible customer *, or the provider of new electric resources, as applicable,* of the annual assessment and any other tax, fee or assessment required by NRS 704B.360 ~~[.]~~ *;*

(3) Must establish payments calculated in a manner that provides the eligible customer with only its load-ratio share of the benefits associated with

forecasted load growth if load growth is utilized to mitigate the impact of the eligible customer's proposed transaction; and

(4) Must ensure that the eligible customer pays its load-ratio share of the costs associated with the electric utility's obligations that were incurred as deviations from least-cost resource planning pursuant to the laws of this State ~~[.]~~ *including, without limitation, costs incurred to satisfy the requirements of NRS 704.7821 and implement the provisions of NRS 701B.240, 701B.336, 701B.580, 701B.670, 701B.820, 702.160, 704.773, 704.7827, 704.7836, 704.785, and Senate Bill No. 329 and Assembly Bill No. 465 of the 2019 Legislative Session.*

8. *Eligible customers identified in subsection 3 or 4 of NRS 704B.080 are required to pay only those costs, fees, charges or rates which apply to current and ongoing legislatively mandated public policy programs, as determined by the Commission.*

9. If the Commission does not enter a final order on the application of the eligible customer within ~~[150]~~ *210* days after the date on which the application was filed with the Commission ~~[:~~

~~(a) The]~~ , *the* application shall be deemed to be ~~[approved]~~ *denied* by the Commission . ~~[; and~~

~~(b) The eligible customer may begin purchasing energy, capacity or ancillary services from the provider pursuant to the proposed transaction.]~~

Sec. 18. NRS 704B.325 is hereby amended to read as follows:

704B.325 1. An eligible customer that is purchasing energy, capacity or ancillary services from a provider of new electric resources may purchase energy, capacity or ancillary services from an alternative provider without obtaining the approval of the Commission if ~~[the]~~ *:*

(a) The terms and conditions of the transaction with the alternative provider, other than the price of the energy, capacity or ancillary services, conform to the terms and conditions of the transaction that was originally approved by the Commission with respect to the eligible customer ~~[.]~~ , *including, without limitation, any terms and conditions, other than the price of the energy, capacity or ancillary services, that were approved by the Commission to address the factors considered by the Commission pursuant to subsection 6 of NRS 704B.310; and*

(b) The alternative provider holds a license.

2. If any terms and conditions of the transaction with the alternative provider, other than the price of the energy, capacity or ancillary services, do not conform to the terms and conditions of the transaction that was originally approved by the Commission with respect to the eligible customer, the eligible customer must obtain approval from the Commission before those nonconforming terms and conditions are enforceable.

3. If the eligible customer files a request with the Commission for approval of any nonconforming terms and conditions, the Commission shall review and make a determination concerning the request on an expedited basis.

4. Notwithstanding any specific statute to the contrary, information concerning any terms and conditions of the transaction with the alternative provider that the Commission determines are commercially sensitive:

(a) Must not be disclosed by the Commission except to the Regulatory Operations Staff of the Commission, the Consumer's Advocate, the staff of the Consumer's Advocate and the affected electric utility for the purposes of carrying out the provisions of this section; and

(b) Except as otherwise provided in NRS 239.0115, shall be deemed to be confidential for all other purposes, and the Commission shall take such actions as are necessary to protect the confidentiality of such information.

Sec. 19. ~~[NRS 704B.330 is hereby amended to read as follows:~~

~~704B.330 1. If an eligible customer is purchasing energy, capacity or ancillary services from a provider of new electric resources, the eligible customer may, pursuant to tariffs approved by the Commission, replace some or all, but not less than all at a single time-of-use meter, of the energy, capacity or ancillary services purchased from the provider of new electric resources with energy, capacity or ancillary services purchased from an electric utility.~~

~~2. The tariffs approved by the Commission pursuant to this section must include, without limitation:~~

~~(a) Provisions requiring the eligible customer to pay any incremental costs that are incurred by the electric utility to provide energy to the eligible customer;~~

~~(b) Provisions requiring the eligible customer to provide reasonable and adequate notice to the electric utility;~~

~~(c) Provisions establishing minimum terms during which the eligible customer must continue to purchase energy from the electric utility; and~~

~~(d) Any other provisions that the Commission determines are necessary and reasonable to carry out and enforce the provisions of this section.~~

~~*3. If, pursuant to the tariffs approved by the Commission pursuant to this section, an eligible customer purchases energy, capacity or ancillary services from an electric utility for more than 30 calendar days:*~~

~~*(a) The authority of the eligible customer to purchase energy, capacity and ancillary services from a provider of new electric resources is void; and*~~

~~*(b) The eligible customer may not purchase energy, capacity or ancillary services from a provider of new electric resources unless the eligible customer obtains another approval to purchase energy, capacity and ancillary services from the provider pursuant to the provisions of NRS 704B.310.]~~* (Deleted by amendment.)

Sec. 20. NRS 704B.340 is hereby amended to read as follows:

704B.340 1. A provider of new electric resources shall not sell energy, capacity or ancillary services to an eligible customer unless the customer has a time-of-use meter installed at the point of delivery of energy to the eligible customer.

2. *The Commission shall establish the date by which an electric utility must ensure that metering equipment is installed and operational at the point of delivery of energy to the eligible customer.*

3. An electric utility shall install a time-of-use meter at each point of delivery of energy to the eligible customer if the eligible customer does not have a time-of-use meter at that point of delivery. If the eligible customer is:

(a) A nongovernmental commercial or industrial end-use customer, the eligible customer or the provider shall pay all costs for the time-of-use meter and for installation of the time-of-use meter by the electric utility.

(b) A governmental entity, the provider shall pay all costs for the time-of-use meter and for installation of the time-of-use meter by the electric utility.

~~[3.]~~ *4.* Not more than one person or entity may sell the energy that is delivered to an eligible customer through any one time-of-use meter.

~~[4.]~~ *5.* The provisions of this section do not prohibit:

(a) An eligible customer from having more than one time-of-use meter installed for the same service location; or

(b) An eligible customer from installing any other meter or equipment that is necessary or appropriate to the transaction with the provider, if such a meter or equipment is otherwise consistent with system reliability.

Sec. 21. NRS 704B.360 is hereby amended to read as follows:

704B.360 1. If the Commission approves an application that is filed pursuant to NRS 704B.310 or a request that is filed pursuant to NRS 704B.325, ~~[the Commission shall order]~~ the eligible customer ~~[to:]~~ *or the provider of new electric resources, as applicable, shall:*

(a) Pay its share of the annual assessment levied pursuant to NRS 704.033 to the Commission and the Bureau of Consumer Protection in the Office of the Attorney General;

(b) Pay any other tax, fee or assessment that would be due a governmental entity had the eligible customer continued to purchase energy, capacity or ancillary services from the electric utility; and

(c) Remit any tax, fee or assessment collected pursuant to paragraph (b) to the applicable governmental entity . ~~*[; and*~~

~~*(d) Pay any cost, fee or rate which:*~~

~~*(1) Would be due to the electric utility for the service territory of the eligible customer had the eligible customer continued to purchase energy, capacity or ancillary services from the electric utility;*~~

~~*(2) Is associated with the implementation of any provision of chapter 701B, 702 or 704 of NRS; and*~~

~~*(3) Is determined by the Commission to be appropriate for payment by an eligible customer or provider of new electric resources, as applicable. The Commission shall annually determine the costs, fees and rates described in this paragraph which are appropriate for payment by an eligible customer or provides of new electric resources, as applicable.]*~~

2. Each person or entity that is responsible for billing an eligible customer shall ensure that the amount which the eligible customer must pay pursuant to paragraph (b) of subsection 1 is set forth as a separate item or entry on each bill submitted to the eligible customer.

3. If an eligible customer to whom an order is issued pursuant to subsection 1 thereafter purchases energy, capacity or ancillary services from an alternative provider pursuant to NRS 704B.325 without obtaining the approval of the Commission, the order issued pursuant to subsection 1 continues to apply to the eligible customer.

4. Upon petition by a governmental entity to which a tax, fee or assessment must be remitted pursuant to this section ~~[,]~~ *or the Regulatory Operations Staff of the Commission*, the Commission may limit, suspend or revoke any order issued to an eligible customer by the Commission pursuant to NRS 704B.310 ~~[and 704B.320]~~ *, limit, suspend or revoke any license issued to a provider of new electric resources pursuant to section 9 of this act, or impose an administrative fine pursuant to NRS 703.380, or both limit, suspend or revoke any order or license and impose an administrative fine pursuant to NRS 703.380*, if the Commission, after providing an appropriate notice and hearing, determines that the eligible customer *or provider of new electric resources, as applicable,* has failed to pay ~~[the]~~ *any* tax, fee , ~~[or]~~ assessment ~~[.]~~ *cost or rate required to be paid or remitted pursuant to subsection 1.*

Sec. 22. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.906,

293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, ~~[704B.320,]~~ 704B.325, 706.1725, 706A.230, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours

to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 23. NRS 239C.270 is hereby amended to read as follows:

239C.270 1. Each utility *and each provider of new electric resources* shall:

(a) Conduct a vulnerability assessment in accordance with the requirements of the federal and regional agencies that regulate the utility ~~[.]~~ *or provider;* and

(b) Prepare and maintain an emergency response plan in accordance with the requirements of the federal and regional agencies that regulate the utility ~~[.]~~ *or provider.*

2. Each utility shall:

(a) As soon as practicable but not later than December 31, 2003, submit its vulnerability assessment and emergency response plan to the Division; and

(b) At least once each year thereafter, review its vulnerability assessment and emergency response plan and, as soon as practicable after its review is completed but not later than December 31 of each year, submit the results of its review and any additions or modifications to its emergency response plan to the Division.

3. *Each provider of new electric resources shall:*

(a) As soon as practicable but not later than December 31, 2019, submit its vulnerability assessment and emergency response plan to the Division; and

(b) At least once each year thereafter, review its vulnerability assessment and emergency response plan and, as soon as practicable after its review is completed but not later than December 31 of each year, submit the results of its review and any additions or modifications to its emergency response plan to the Division.

4. Except as otherwise provided in NRS 239.0115, each vulnerability assessment and emergency response plan of a utility *or provider of new electric resources* and any other information concerning a utility *or provider* that is necessary to carry out the provisions of this section is confidential and must be securely maintained by each person or entity that has possession, custody or control of the information.

~~[4.]~~ *5.* Except as otherwise provided in NRS 239C.210, a person shall not disclose such information, except:

(a) Upon the lawful order of a court of competent jurisdiction;

(b) As is reasonably necessary to carry out the provisions of this section or the operations of the utility ~~[,]~~ *or provider of new electric resources,* as determined by the Division;

(c) As is reasonably necessary in the case of an emergency involving public health or safety, as determined by the Division; or

(d) Pursuant to the provisions of NRS 239.0115.

~~[5.]~~ *6.* If a person knowingly and unlawfully discloses such information or assists, solicits or conspires with another person to disclose such information, the person is guilty of:

(a) A gross misdemeanor; or

(b) A category C felony and shall be punished as provided in NRS 193.130 if the person acted with the intent to:

(1) Commit, cause, aid, further or conceal, or attempt to commit, cause, aid, further or conceal, any unlawful act involving terrorism or sabotage; or

(2) Assist, solicit or conspire with another person to commit, cause, aid, further or conceal any unlawful act involving terrorism or sabotage.

7. As used in this section, "provider of new electric resources" has the meaning ascribed to it in NRS 704B.130.

Sec. 24. 1. Notwithstanding any other provision of law, an application filed before the effective date of this act pursuant to NRS 704B.310, as that section existed before the effective date of this act, shall be deemed to be denied by the Public Utilities Commission of Nevada unless the ~~[Commission has issued a final order approving the]~~ application was filed before ~~[July 1, 2019. A person whose application is deemed to be denied pursuant to this section may file an application with the Commission pursuant to NRS 704B.310, as amended by section 17 of this act. If a person whose application is deemed to be denied pursuant to this section files an application with the Commission pursuant to NRS 704B.310, as amended by section 17 of this act, the Commission shall give priority to the person when determining~~

~~whether the annual limit on the total amount of energy and capacity that eligible customers may purchase from providers of new electric resources, which is included in a plan submitted to the Commission pursuant to subsection 6 of NRS 704.741, as amended by section 5 of this act, and accepted by the Commission pursuant to NRS 704.746, as amended by section 6 of this act, has been exceeded.~~

~~2. As used in this section:~~

~~(a) "Eligible customer" has the meaning ascribed to it in NRS 704B.080, as amended by section 12 of this act.~~

~~(b) "Provider of new electric resources" has the meaning ascribed to it in NRS 704B.130.]~~ May 16, 2019.

2. The amendatory provisions of this act governing the consideration and disposition by the Public Utilities Commission of Nevada of an application filed pursuant to NRS 704B.310 do not apply to an application filed before May 16, 2019, and the disposition of such an application must be controlled by the applicable statutes as they existed before the effective date of this act.

Sec. 25. Notwithstanding the provisions of NRS 704B.080, as amended by section 12 of this act, an eligible customer who, before the effective date of this act, was approved to purchase energy, capacity or ancillary services from a provider of new electric resources pursuant to the provisions of NRS 704B.310, as that section existed before the effective date of this act, shall be deemed to be an eligible customer on and after the effective date of this act.

Sec. 26. 1. Notwithstanding the provisions of NRS 704B.300, as amended by section 16 of this act, a provider of new electric resources who, before the effective date of this act, sold energy, capacity or ancillary services to one or more eligible customers that were approved to purchase energy, capacity or ancillary services from the provider pursuant to NRS 704B.310, as that section existed before the effective date of this act, ~~[may, on and after the effective date of this act,]~~ must be issued a license by the Commission authorizing the provider of new electric resources to sell energy, capacity or ancillary services to that eligible customer ~~[without obtaining a license from the Public Utilities Commission of Nevada pursuant to section 9 of this act if:~~

~~(a) Not]~~ if, not later than 30 days after a date established by the Commission by regulation, the provider submits to the Commission an application for a license pursuant to section 9 of this act. ~~[; and~~

~~(b) The Commission approves the application and issues a license to the provider.]~~

2. Notwithstanding the provisions of NRS 704B.310, as amended by section 17 of this act, an eligible customer who, before the effective date of this act, was approved to purchase energy, capacity or ancillary services from a provider of new electric resources pursuant to the provisions of NRS 704B.310, as that section existed before the effective date of this act, may, on and after the effective date of this act, purchase energy, capacity and ancillary services from that provider if ~~[:~~

~~— (a) Not~~] , not later than 30 days after a date established by the Commission by regulation, the provider submits to the Commission an application for a license pursuant to section 9 of this act . ~~[~~; ~~and~~

~~— (b) The Commission approves the application and issues a license to the provider.~~

~~— 3. Notwithstanding the provisions of NRS 704B.325, as amended by section 18 of this act, an eligible customer who, before the effective date of this act, was approved to purchase energy, capacity or ancillary services from a provider of new electric resources pursuant to the provisions of NRS 704B.310, as that section existed before the effective date of this act, may, on and after the effective date of this act, purchase energy, capacity or ancillary services from an alternative provider pursuant to NRS 704B.325, as amended by section 18 of this act, if:~~

~~— (a) Before the effective date of this act, the alternative provider sold energy, capacity or ancillary services to any eligible customer pursuant to a transaction approved pursuant to NRS 704B.310 or 704B.325, as those sections existed before the effective date of this act;~~

~~— (b) Not later than 30 days after a date established by the Commission by regulation, the provider submits to the Commission an application for a license pursuant to section 9 of this act; and~~

~~— (c) The Commission approves the application and issues a license to the provider.~~]

3. Notwithstanding the provisions of NRS 704B.310, as amended by section 17 of this act, an eligible customer who submitted an application pursuant to NRS 704B.310 before May 16, 2019, and was approved to purchase energy, capacity or ancillary services from a provider of new electric resources pursuant to the provisions of NRS 704B.310, as that section existed before the effective date of this act, may, on or after the date of the order authorizing the eligible customer to purchase energy, capacity or ancillary services from a provider of new electric resources, purchase such services from that provider if, not later than 30 days after a date established by the commission by regulation, the provider submits to the Commission an application for a license pursuant to section 9 of this act.

Sec. 27. NRS 704B.060, 704B.070, 704B.260 and 704B.320 are hereby repealed.

Sec. 28. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTIONS

704B.060 "Electric utility that primarily serves densely populated counties" defined. "Electric utility that primarily serves densely populated counties" means an electric utility that, with regard to the provision of electric service, derives more of its annual gross operating revenue in this state from customers located in counties whose population is 700,000 or more than it does from customers located in counties whose population is less than 700,000.

704B.070 "Electric utility that primarily serves less densely populated counties" defined. "Electric utility that primarily serves less densely

populated counties" means an electric utility that, with regard to the provision of electric service, derives more of its annual gross operating revenue in this state from customers located in counties whose population is less than 700,000 than it does from customers located in counties whose population is 700,000 or more.

704B.260 Electric utilities may enter into certain agreements relating to generation assets; increased energy, capacity or ancillary services deemed new electric resource; ownership and use of new electric resource; limitations; duties and restrictions imposed on Commission.

1. Except as otherwise provided in this section, an electric utility may, at its discretion, enter into agreements relating to its generation assets and the energy, capacity or ancillary services provided by its generation assets with one or more other persons who are not electric utilities. Such agreements, without limitation:

(a) May include agreements to construct or install a new generation asset on real property that is adjacent to an existing generation asset owned by the electric utility; and

(b) May provide for the sharing of available common facilities with the existing generation asset or the reengineering, repowering or expansion of the existing generation asset to generate energy more efficiently and at a lower cost and to make more energy available to customers in this state.

2. Any increased energy, capacity or ancillary services made available from a new generation asset or an existing generation asset pursuant to an agreement described in subsection 1 shall be deemed to be a new electric resource that may be:

(a) Owned by the parties to the agreement who are not electric utilities; and

(b) Used or consumed by such parties for their own purposes, sold at wholesale by such parties or sold by such parties to one or more eligible customers pursuant to the provisions of this chapter.

3. A transaction undertaken pursuant to an agreement described in subsection 1:

(a) Must not impair system reliability or the ability of the electric utility to provide electric service to its customers; and

(b) Must not violate the provisions of NRS 704.7561 to 704.7595, inclusive.

4. The provisions of this section do not exempt any party to an agreement described in subsection 1 from any applicable statutory or regulatory requirements relating to siting, construction and operation of a generation asset.

5. The Commission shall encourage the development of new electric resources and shall not exercise its regulatory authority in a manner that unnecessarily or unreasonably restricts, conditions or discourages any agreement described in subsection 1 that is likely to result in increased energy, capacity or ancillary services from a generation asset or improved or more efficient operation or management of a generation asset.

704B.320 Conditions and limitations for certain proposed transactions; requirements for certain eligible customers; limited disclosure of certain information; duties of Commission; compliance with portfolio standard.

1. For eligible customers whose loads are in the service territory of an electric utility that primarily serves densely populated counties, the aggregate amount of energy that all such eligible customers purchase from providers of new electric resources before July 1, 2003, must not exceed 50 percent of the difference between the existing supply of energy generated in this State that is available to the electric utility and the existing demand for energy in this State that is consumed by the customers of the electric utility, as determined by the Commission.

2. An eligible customer that is a nongovernmental commercial or industrial end-use customer whose load is in the service territory of an electric utility that primarily serves densely populated counties shall not purchase energy, capacity or ancillary services from a provider of new electric resources unless, as part of the proposed transaction, the eligible customer agrees to:

(a) Contract with the provider to purchase:

(1) An additional amount of energy which is equal to 10 percent of the total amount of energy that the eligible customer is purchasing for its own use under the proposed transaction and which is purchased at the same price, terms and conditions as the energy purchased by the eligible customer for its own use; and

(2) The capacity and ancillary services associated with the additional amount of energy at the same price, terms and conditions as the capacity and ancillary services purchased by the eligible customer for its own use; and

(b) Offers to assign the rights to the contract to the electric utility for use by the remaining customers of the electric utility.

3. If an eligible customer is subject to the provisions of subsection 2, the eligible customer shall include with its application filed pursuant to NRS 704B.310 all information concerning the contract offered to the electric utility that is necessary for the Commission to determine whether it is in the best interest of the remaining customers of the electric utility for the electric utility to accept the rights to the contract. Such information must include, without limitation, the amount of the energy and capacity to be purchased under the contract, the price of the energy, capacity and ancillary services and the duration of the contract.

4. Notwithstanding any specific statute to the contrary, information concerning the price of the energy, capacity and ancillary services and any other terms or conditions of the contract that the Commission determines are commercially sensitive:

(a) Must not be disclosed by the Commission except to the Regulatory Operations Staff of the Commission, the Consumer's Advocate, the staff of the Consumer's Advocate and the electric utility for the purposes of carrying out the provisions of this section; and

(b) Except as otherwise provided in NRS 239.0115, shall be deemed to be confidential for all other purposes, and the Commission shall take such actions as are necessary to protect the confidentiality of such information.

5. If the Commission determines that the contract:

(a) Is not in the best interest of the remaining customers of the electric utility, the electric utility shall not accept the rights to the contract, and the eligible customer is entitled to all rights to the contract.

(b) Is in the best interest of the remaining customers of the electric utility, the electric utility shall accept the rights to the contract and the eligible customer shall assign all rights to the contract to the electric utility. A contract that is assigned to the electric utility pursuant to this paragraph shall be deemed to be an approved part of the resource plan of the electric utility and a prudent investment, and the electric utility may recover all costs for the energy, capacity and ancillary services acquired pursuant to the contract. To the extent practicable, the Commission shall take actions to ensure that the electric utility uses the energy, capacity and ancillary services acquired pursuant to each such contract only for the benefit of the remaining customers of the electric utility that are not eligible customers, with a preference for the remaining customers of the electric utility that are residential customers with small loads.

6. The provisions of this section do not exempt the electric utility, in whole or in part, from the requirements imposed on the electric utility pursuant to NRS 704.7801 to 704.7828, inclusive, to comply with its portfolio standard. The Commission shall not take any actions pursuant to this section that conflict with or diminish those requirements.

Senator Cancela moved the adoption of the amendment.

Remarks by Senator Cancela.

Amendment No. 1070 makes eight changes to Senate Bill No. 547. The amendment clarifies that forecast is focused on retail electric service and on an application submitted on or after May 16, 2019, to exit pursuant to NRS chapter 704B. It clarifies that an electric utility integrated resource plan must include a proposal for annual limits on the energy and capacity that certain eligible customers are authorized to purchase from providers of new electric resources through the Commission pursuant to an application submitted on or after May 16, 2019. It provides that the limitations on how much energy and capacity can be purchased from a provider of new electric resources are implemented with the public interest in mind, and it aligns the Public Utilities Commission of Nevada's consideration of a plan regarding how many customers may exit the systems with existing public-policy goals. It allows the Commission to establish by regulation how and when an eligible customer may use the incremental pricing tariff adopted pursuant to NRS 704B.330 to intermittently use the bundled electric service of an electric utility. It defines an eligible customer as a governmental entity who was not previously an end-use customer of an electric utility at any time before the effective date of this bill to apply to the Commission for approval to purchase energy, capacity or ancillary services from a provider of new electric resources if certain requirements are met. It clarifies the obligations of an eligible customer who files an application for the purchase of electricity from providers of new electric resources. It clarifies the provisions of existing law governing the consideration and disposition of an application apply to an application before May 16, 2019. And, finally, it enacts provisions governing eligible customers who were approved by the Commission to purchase energy, capacity or ancillary services before the effective date of the bill.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 553.

Bill read second time and ordered to third reading.

Senate Bill No. 555.

Bill read second time and ordered to third reading.

Assembly Bill No. 168.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 1072.

SUMMARY—Revises provisions governing the discipline of pupils. (BDR 34-539)

AN ACT relating to education; requiring a school to provide a plan of action based on restorative justice before expelling a pupil; prohibiting certain pupils from being suspended or expelled in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a pupil is required to be expelled or suspended from a public school if he or she commits a battery which results in the bodily injury of an employee of the school or sells or distributes any controlled substance in certain circumstances. (NRS 392.466) Existing law authorizes the expulsion or suspension of a pupil who: (1) is deemed a habitual disciplinary problem; or (2) participates in a program of special education in certain circumstances upon review of the board of trustees of the school district in which the pupil is enrolled. (NRS 392.466, 392.467) Existing law also authorizes the board of trustees of a school district to expel or suspend a pupil from a public school in the school district, but prohibits the board of trustees from expelling, suspending or removing a pupil solely because the pupil is deemed a truant. (NRS 392.467)

Section 3.3 of this bill, with certain exceptions, requires a school to provide a plan of action based on restorative justice to a pupil before expelling the pupil. Section 3.3 requires the Department of Education to develop examples of such a plan of action and post certain information on its Internet website. Sections 7 and 8 of this bill prohibit the permanent expulsion of a pupil who is not more than 10 years of age except in certain limited circumstances. Section 7 authorizes the suspension or permanent expulsion of a pupil who is at least 11 years of age only after the board of trustees of the school district has reviewed the circumstances and approved the action in accordance with its policy. Section 7 requires a public school to provide a plan of action based on restorative justice to a pupil who engages in certain actions and is at least 11 years of age before expelling or suspending the pupil. Section 7 also requires a public school that removes a pupil from school and places the pupil in another school to explain what services will be provided to address the

specific needs and behaviors of the pupil at the new school that the current school is unable to provide. Section 7 requires the school district of the current school of the pupil to coordinate with the new school or the school district of the new school to ensure the new school has the resources necessary to accommodate the pupil. Section 8 prohibits the board of trustees of a school district from expelling, suspending or removing a pupil solely for offenses related to attendance. Section 8 also requires a school to conduct an investigation before taking certain disciplinary actions in certain circumstances. Sections 4 and 5 of this bill make conforming changes.

Existing law requires the principal of each public school to establish a plan for the discipline of pupils. (NRS 392.4644) Section 5.5 of this bill instead requires the board of trustees of each school district to establish such a plan. Existing law authorizes the school in which a pupil who is suspended is enrolled to develop a plan of behavior for the pupil. (NRS 392.4655) Section 6 of this bill instead requires such a school to develop a plan of behavior and allows the parent or guardian of a pupil to choose for the pupil not to participate in the plan of behavior.

Existing law prohibits a pupil who is participating in a program of special education from being suspended from school for more than 10 days or permanently expelled unless the board of trustees of the school district in which the pupil is enrolled has reviewed the circumstances and determined that the action complies with federal law relating to pupils with disabilities. (NRS 392.466, 392.467) Sections 7 and 8 reduce the number of days that such a pupil can be suspended from 10 to 5.

Existing law authorizes the expulsion, suspension or removal of a pupil of a charter school or university school for profoundly gifted pupils in certain circumstances. (NRS 388A.495, 388C.150) Sections 1 and 2 of this bill apply similar provisions relating to the discipline of such pupils as are applied to pupils in other public schools by sections 3, 7 and 8.

Section 3.7 of this bill requires public schools to collect data on the suspension, expulsion and removal of pupils from a school and report such data to the board of trustees of the school district each quarter.

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

Section 1. NRS 388A.495 is hereby amended to read as follows:

388A.495 1. A governing body of a charter school shall adopt:

(a) Written rules of behavior required of and prohibited for pupils attending the charter school; and

(b) Appropriate punishments for violations of the rules.

2. ~~[Except as otherwise provided in subsection 3, if]~~ *If* suspension or expulsion of a pupil is used as a punishment for a violation of the rules, the charter school shall ensure that, before the suspension or expulsion, the pupil and, if the pupil is under 18 years of age, the parent or guardian of the pupil, has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing. The provisions of chapter 241 of

NRS do not apply to any hearing conducted pursuant to this section. Such a hearing must be closed to the public.

3. A pupil *who is at least 11 years of age and* who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process , ~~[or]~~ who is selling or distributing any controlled substance or who is found to be in possession of a dangerous weapon as provided in NRS 392.466 may be removed from the charter school ~~[immediately upon being given an explanation of the reasons for his or her removal and pending proceedings, which must be conducted as soon as practicable after removal, for suspension or expulsion of the pupil.]~~ *only after the charter school has made a reasonable effort to complete a plan of action based on restorative justice with the pupil in accordance with the provisions of NRS 392.466 and 392.467.*

4. A pupil *who is at least 11 years of age and* who is enrolled in a charter school and participating in a program of special education pursuant to NRS 388.419 ~~[, other than a pupil who receives early intervening services,]~~ may, in accordance with the procedural policy adopted by the governing body of the charter school for such matters ~~[,]~~ *and only after the governing body has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.,* be:

(a) Suspended from the charter school pursuant to this section for not more than ~~[10]~~ *5* days ~~[.]~~ *for each occurrence.*

(b) ~~[Suspended from the charter school for more than 10 days or permanently]~~ *Permanently* expelled from school pursuant to this section . ~~[only after the governing body has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.]~~

5. A copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments must be:

(a) Distributed to each pupil at the beginning of the school year and to each new pupil who enters school during the year.

(b) Available for public inspection at the charter school.

6. The governing body of a charter school may adopt rules relating to the truancy of pupils who are enrolled in the charter school if the rules are at least as restrictive as the provisions governing truancy set forth in NRS 392.130 to 392.220, inclusive. If a governing body adopts rules governing truancy, it shall include the rules in the written rules adopted by the governing body pursuant to subsection 1.

Sec. 2. NRS 388C.150 is hereby amended to read as follows:

388C.150 1. The governing body of a university school for profoundly gifted pupils shall adopt:

(a) Written rules of behavior for pupils enrolled in the university school, including, without limitation, prohibited acts; and

(b) Appropriate punishments for violations of the rules.

2. ~~[Except as otherwise provided in subsection 3, if]~~ *If* suspension or expulsion of a pupil is used as a punishment for a violation of the rules, the university school for profoundly gifted pupils shall ensure that, before the suspension or expulsion, the pupil has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing. The provisions of chapter 241 of NRS do not apply to any hearing conducted pursuant to this section. Such a hearing must be closed to the public.

3. A pupil *who is at least 11 years of age and* who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process , ~~[or]~~ who is selling or distributing any controlled substance or who is found to be in possession of a dangerous weapon as provided in NRS 392.466 may be removed ~~[from the university school for profoundly gifted pupils immediately upon being given an explanation of the reasons for the removal of the pupil and pending proceedings, which must be conducted as soon as practicable after removal, for his or her suspension or expulsion.]~~ *only after the university school for profoundly gifted pupils has made a reasonable effort to complete a plan of action based on restorative justice with the pupil in accordance with the provisions of NRS 392.466 and 392.467.*

4. A pupil *who is at least 11 years of age and* who is enrolled in a university school for profoundly gifted pupils and participating in a program of special education pursuant to NRS 388.419 ~~[, other than a pupil who receives early intervening services,]~~ may, in accordance with the procedural policy adopted by the governing body of the university school for such matters ~~[,]~~ *and only after the governing body has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.,* be:

(a) Suspended from the university school pursuant to this section for not more than ~~[10]~~ *5* days ~~[.]~~ *for each occurrence.*

(b) ~~[Suspended from the university school for more than 10 days or permanently]~~ *Permanently* expelled from school pursuant to this section . ~~[only after the governing body has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.]~~

5. A copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments must be:

(a) Distributed to each pupil at the beginning of the school year and to each new pupil who enters the university school for profoundly gifted pupils during the year.

(b) Available for public inspection at the university school.

6. The governing body of a university school for profoundly gifted pupils may adopt rules relating to the truancy of pupils who are enrolled in the university school if the rules are at least as restrictive as the provisions governing truancy set forth in NRS 392.130 to 392.220, inclusive. If the governing body adopts rules governing truancy, it shall include the rules in the written rules adopted by the governing body pursuant to subsection 1.

Sec. 3. Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections 3.3 and 3.7 of this act.

Sec. 3.3. *1. Except as otherwise provided in NRS 392.466 and to the extent practicable, a public school shall provide a plan of action based on restorative justice before expelling a pupil from school.* ~~*[Such]*~~

2. The Department shall develop one or more examples of a plan of action which may include, without limitation:

(a) Positive behavioral interventions and support;

(b) A plan for behavioral intervention;

(c) A referral to a team of student support;

(d) A referral to an individualized education program team;

(e) A referral to appropriate community-based services; and

(f) A conference with the principal of the school or his or her designee and any other appropriate personnel.

~~*[2.]*~~ *3. The Department may approve a plan of action based on restorative justice that meets the requirements of this section submitted by a public school.*

4. The Department shall post on its Internet website a guidance document that includes, without limitation:

(a) A description of the requirements of this section and section 3.7 of this act;

(b) A timeline for implementation of the requirements of this section and section 3.7 of this act by a public school;

(c) One or more models of restorative justice and best practices relating to restorative justice;

(d) A curriculum for professional development relating to restorative justice and references for one or more consultants or presenters qualified to provide additional information or training relating to restorative justice; and

(e) One or more examples of a plan of action based on restorative justice developed pursuant to subsection 2.

5. The Department shall adopt regulations necessary to carry out the provisions of this section.

~~*[3.]*~~ *6. As used in this section:*

(a) "Individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

(b) "Restorative justice" means nonpunitive intervention and support provided by the school to a pupil to improve the behavior of the pupil and remedy any harm caused by the pupil.

Sec. 3.7. *Each public school shall collect data on the discipline of pupils. Such data must include, without limitation, the number of expulsions and suspensions of pupils and the number of placements of pupils in another school. Such data must be disaggregated into subgroups of pupils and the types of offense. The principal of each public school shall:*

1. Review the data and take appropriate action; and

2. Report the data to the board of trustees of the school district each quarter.

Sec. 4. NRS 392.4634 is hereby amended to read as follows:

392.4634 1. Except as otherwise provided in subsection 3, a pupil enrolled in kindergarten or grades 1 to 8, inclusive, may not be disciplined, including, without limitation, pursuant to NRS 392.466, for:

(a) Simulating a firearm or dangerous weapon while playing; or

(b) Wearing clothing or accessories that depict a firearm or dangerous weapon or express an opinion regarding a constitutional right to keep and bear arms, unless it substantially disrupts the educational environment.

2. Simulating a firearm or dangerous weapon includes, without limitation:

(a) Brandishing a partially consumed pastry or other food item to simulate a firearm or dangerous weapon;

(b) Possessing a toy firearm or toy dangerous weapon that is 2 inches or less in length;

(c) Possessing a toy firearm or toy dangerous weapon made of plastic building blocks which snap together;

(d) Using a finger or hand to simulate a firearm or dangerous weapon;

(e) Drawing a picture or possessing an image of a firearm or dangerous weapon; and

(f) Using a pencil, pen or other writing or drawing implement to simulate a firearm or dangerous weapon.

3. A pupil who simulates a firearm or dangerous weapon may be disciplined when disciplinary action is consistent with a policy adopted by the board of trustees of the school district and such simulation:

(a) Substantially disrupts learning by pupils or substantially disrupts the educational environment at the school;

(b) Causes bodily harm to another person; or

(c) Places another person in reasonable fear of bodily harm.

4. Except as otherwise provided in subsection 5, a school, school district, board of trustees of a school district or other entity shall not adopt any policy, ordinance or regulation which conflicts with this section.

5. The provisions of this section shall not be construed to prohibit a school from establishing and enforcing a policy requiring pupils to wear a school uniform as authorized pursuant to NRS 386.855.

6. As used in this section:

(a) "Dangerous weapon" has the meaning ascribed to it in paragraph (b) of subsection ~~[9]~~ *11* of NRS 392.466.

(b) "Firearm" has the meaning ascribed to it in paragraph (c) of subsection ~~[9]~~ *11* of NRS 392.466.

Sec. 5. NRS 392.4635 is hereby amended to read as follows:

392.4635 1. The board of trustees of each school district shall establish a policy that prohibits the activities of criminal gangs on school property.

2. The policy established pursuant to subsection 1 may include, without limitation:

(a) The provision of training for the prevention of the activities of criminal gangs on school property.

(b) If the policy includes training:

(1) A designation of the grade levels of the pupils who must receive the training.

(2) A designation of the personnel who must receive the training, including, without limitation, personnel who are employed in schools at the grade levels designated pursuant to subparagraph (1).

➥ The board of trustees of each school district shall ensure that the training is provided to the pupils and personnel designated in the policy.

(c) Provisions which prohibit:

(1) A pupil from wearing any clothing or carrying any symbol on school property that denotes membership in or an affiliation with a criminal gang; and

(2) Any activity that encourages participation in a criminal gang or facilitates illegal acts of a criminal gang.

(d) Provisions which provide for the suspension or expulsion *pursuant to NRS 392.466 and 392.467* of pupils who violate the policy.

3. The board of trustees of each school district may develop the policy required pursuant to subsection 1 in consultation with:

(a) Local law enforcement agencies;

(b) School police officers, if any;

(c) Persons who have experience regarding the actions and activities of criminal gangs;

(d) Organizations which are dedicated to alleviating criminal gangs or assisting members of criminal gangs who wish to disassociate from the gang; and

(e) Any other person deemed necessary by the board of trustees.

4. As used in this section, "criminal gang" has the meaning ascribed to it in NRS 213.1263.

Sec. 5.5. NRS 392.4644 is hereby amended to read as follows:

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

(a) Be developed with the input and participation of teachers , *school administrators* and other educational personnel and support personnel who are employed ~~[at]~~ *by* the school ~~[,]~~ *district,* and the parents and guardians of pupils who are enrolled in ~~[the school.]~~ *schools within the school district.*

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

(c) Include, without limitation, provisions designed to address the specific disciplinary needs and concerns of ~~[the]~~ *each* school ~~[.]~~ *within the school district.*

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

(e) *Provide for the placement of a pupil in a different school within the school district in accordance with NRS 392.466.*

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

(g) Be posted on the Internet website maintained by the school district.

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

(a) Review the plan *established by subsection 1* in consultation with the teachers , *school administrators* and other educational personnel and support personnel who are employed at the school ~~[;]~~ *and the parents and guardians of pupils and the pupils who are enrolled in the school;*

(b) Based upon the review, ~~[make]~~ *recommend to the board of trustees of the school district* revisions to the plan, as recommended by the teachers , *school administrators* and other educational personnel and support personnel ~~[,]~~ *and the parents and guardians of pupils and the pupils who are enrolled in the school*, if necessary;

(c) Post a copy of the plan or the revised plan, ~~[as applicable,]~~ *as provided by the school district*, on the Internet website maintained by the school ~~[or school district;]~~ *; and*

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

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

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

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

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

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

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

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

Sec. 6. NRS 392.4655 is hereby amended to read as follows:

392.4655 1. Except as otherwise provided in this section, a principal of a school shall deem a pupil enrolled in the school a habitual disciplinary problem if the school has written evidence which documents that in 1 school year:

(a) The pupil has threatened or extorted, or attempted to threaten or extort, another pupil or a teacher or other personnel employed by the school two or

more times or the pupil has a record of five suspensions from the school for any reason; and

(b) The pupil has not entered into and participated in a plan of behavior pursuant to subsection 5.

2. At least one teacher of a pupil who is enrolled in elementary school and at least two teachers of a pupil who is enrolled in junior high, middle school or high school may request that the principal of the school deem a pupil a habitual disciplinary problem. Upon such a request, the principal of the school shall meet with each teacher who made the request to review the pupil's record of discipline. If, after the review, the principal of the school determines that the provisions of subsection 1 do not apply to the pupil, a teacher who submitted a request pursuant to this subsection may appeal that determination to the board of trustees of the school district. Upon receipt of such a request, the board of trustees shall review the initial request and determination pursuant to the procedure established by the board of trustees for such matters.

3. If a pupil is suspended, the school in which the pupil is enrolled shall provide written notice to the parent or legal guardian of the pupil that contains:

(a) A description of the act committed by the pupil and the date on which the act was committed;

(b) An explanation that if the pupil receives five suspensions on his or her record during the current school year and has not entered into and participated in a plan of behavior pursuant to subsection 5, the pupil will be deemed a habitual disciplinary problem;

(c) An explanation that, pursuant to subsection ~~[3]~~ *5* of NRS 392.466, a pupil who is deemed a habitual disciplinary problem may be:

(1) Suspended from school for a period not to exceed one school semester as determined by the seriousness of the acts which were the basis for the discipline; or

(2) Expelled from school under extraordinary circumstances as determined by the principal of the school;

(d) If the pupil has a disability and is participating in a program of special education pursuant to NRS 388.419, an explanation of the effect of subsection ~~[8]~~ *10* of NRS 392.466, including, without limitation, that if it is determined in accordance with 20 U.S.C. § 1415 that the pupil's behavior is not a manifestation of the pupil's disability, he or she may be suspended or expelled from school in the same manner as a pupil without a disability; and

(e) A summary of the provisions of subsection 5.

4. A school shall provide the notice required by subsection 3 for each suspension on the record of a pupil during a school year. Such notice must be provided at least 7 days before the school deems the pupil a habitual disciplinary problem.

5. If a pupil is suspended, the school in which the pupil is enrolled ~~[may]~~ *shall* develop, in consultation with the pupil and the parent or legal guardian of the pupil, a plan of behavior for the pupil. *The parent or legal guardian of the pupil may choose for the pupil not to participate in the plan of behavior. If*

the parent or legal guardian of the pupil chooses for the pupil not to participate, the school shall inform the parent or legal guardian of the consequences of not participating in the plan of behavior. Such a plan must be designed to prevent the pupil from being deemed a habitual disciplinary problem and may include, without limitation:

(a) A plan for graduating if the pupil is deficient in credits and not likely to graduate according to schedule.

(b) Information regarding schools with a mission to serve pupils who have been:

(1) Expelled or suspended from a public school, including, without limitation, a charter school; or

(2) Deemed to be a habitual disciplinary problem pursuant to this section.

(c) A voluntary agreement by the parent or legal guardian to attend school with his or her child.

(d) A voluntary agreement by the pupil and the pupil's parent or legal guardian to attend counseling, programs or services available in the school district or community.

(e) A voluntary agreement by the pupil and the pupil's parent or legal guardian that the pupil will attend summer school, intersession school or school on Saturday, if any of those alternatives are offered by the school district.

6. If a pupil commits the same act for which notice was provided pursuant to subsection 3 after he or she enters into a plan of behavior pursuant to subsection 5, the pupil shall be deemed to have not successfully completed the plan of behavior and may be deemed a habitual disciplinary problem.

7. A pupil may, pursuant to the provisions of this section, enter into one plan of behavior per school year.

8. The parent or legal guardian of a pupil who has entered into a plan of behavior with a school pursuant to this section may appeal to the board of trustees of the school district a determination made by the school concerning the contents of the plan of behavior or action taken by the school pursuant to the plan of behavior. Upon receipt of such a request, the board of trustees of the school district shall review the determination in accordance with the procedure established by the board of trustees for such matters.

Sec. 7. NRS 392.466 is hereby amended to read as follows:

392.466 1. Except as otherwise provided in this section, any pupil who commits a battery which results in the bodily injury of an employee of the school or who sells or distributes any controlled substance while on the premises of any public school, at an activity sponsored by a public school or on any school bus ~~[must, for the first occurrence, be suspended or expelled from that school, although the pupil may be placed in another kind of school, for at least a period equal to one semester for that school. For a second occurrence, the pupil must be permanently expelled from that school and:]~~ *and who is at least 11 years of age shall meet with the school and his or her parent or legal guardian. The school shall provide a plan of action based*

on restorative justice to the parent or legal guardian of the pupil. The pupil may be expelled from the school, in which case the pupil shall:

(a) Enroll in a private school pursuant to chapter 394 of NRS, become an opt-in child or be homeschooled; or

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

2. *An employee who is a victim of a battery which results in the bodily injury of an employee of the school may appeal to the school the plan of action provided pursuant to subsection 1 if:*

(a) The employee feels any actions taken pursuant to such plan are inappropriate; and

(b) For a pupil who committed the battery and is participating in a program of special education pursuant to NRS 388.419, the board of trustees of the school district has reviewed the circumstances and determined that such an appeal is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

3. Except as otherwise provided in this section, any pupil who is found in possession of a firearm or a dangerous weapon while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be expelled from the school for a period of not less than 1 year, although the pupil may be placed in another kind of school for a period not to exceed the period of the expulsion. For a second occurrence, the pupil must be permanently expelled from the school and:

(a) Enroll in a private school pursuant to chapter 394 of NRS, become an opt-in child or be homeschooled; or

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

~~[3.]~~ *4. If a school is unable to retain a pupil in the school pursuant to subsection 1 for the safety of any person or because doing so would not be in the best interest of the pupil, the pupil may be suspended, expelled or placed in another school. If a pupil is placed in another school, the current school of the pupil shall explain what services will be provided to the pupil at the new school that the current school is unable to provide to address the specific needs and behaviors of the pupil. The school district of the current school of the pupil shall coordinate with the new school or the board of trustees of the school district of the new school to create a plan of action based on restorative justice for the pupil and to ensure that any resources required to execute the plan of action based on restorative justice are available at the new school.*

5. Except as otherwise provided in this section, if a pupil is deemed a habitual disciplinary problem pursuant to NRS 392.4655, *the pupil is at least 11 years of age and the school has made a reasonable effort to complete a plan of action based on restorative justice with the pupil,* the pupil may be:

(a) Suspended from the school for a period not to exceed one school semester as determined by the seriousness of the acts which were the basis for the discipline; or

(b) Expelled from the school under extraordinary circumstances as determined by the principal of the school.

~~[4.]~~ *6.* If the pupil is expelled, or the period of the pupil's suspension is for one school semester, the pupil must:

(a) Enroll in a private school pursuant to chapter 394 of NRS, become an opt-in child or be homeschooled; or

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

~~[5.]~~ *7.* The superintendent of schools of a school district may, for good cause shown in a particular case in that school district, allow a modification to ~~[the]~~ *a* suspension or expulsion ~~[requirement, as applicable, of subsection 1, 2 or 3]~~ *pursuant to subsections 1 to 5, inclusive,* if such modification is set forth in writing. *The superintendent shall allow such a modification if the superintendent determines that a plan of action based on restorative justice may be used successfully.*

~~[6.]~~ *8.* This section does not prohibit a pupil from having in his or her possession a knife or firearm with the approval of the principal of the school. A principal may grant such approval only in accordance with the policies or regulations adopted by the board of trustees of the school district.

~~[7. Any pupil in grades 1 to 6, inclusive, except a pupil who has been found to have possessed a firearm in violation of subsection 2,]~~

9. Except as otherwise provided in this section, a pupil who is not more than 10 years of age must not be permanently expelled from school. In extraordinary circumstances, a school may request an exception to this subsection from the board of trustees of the school district. A pupil who is at least 11 years of age may be suspended from school or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and approved this action in accordance with the procedural policy adopted by the board for such issues.

~~[8.]~~ *10.* A pupil *who is at least 11 years of age and* who is participating in a program of special education pursuant to NRS 388.419 ~~[, other than a pupil who receives early intervening services,]~~ may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters ~~[,]~~ *and only after the board of trustees of the school district has reviewed the circumstances and determined that the action is in compliance*

with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

(a) Suspended from school pursuant to this section for not more than ~~[10]~~ *5* days. Such a suspension may be imposed pursuant to this paragraph for each occurrence of conduct proscribed by subsection 1.

(b) ~~[Suspended from school for more than 10 days or permanently]~~ *Permanently* expelled from school pursuant to this section . ~~[only after the board of trustees of the school district has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.~~

~~9.]~~ *11.* As used in this section:

(a) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(b) "Dangerous weapon" includes, without limitation, a blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku or trefoil, as defined in NRS 202.350, a butterfly knife or any other knife described in NRS 202.350, a switchblade knife as defined in NRS 202.265, or any other object which is used, or threatened to be used, in such a manner and under such circumstances as to pose a threat of, or cause, bodily injury to a person.

(c) "Firearm" includes, without limitation, any pistol, revolver, shotgun, explosive substance or device, and any other item included within the definition of a "firearm" in 18 U.S.C. § 921, as that section existed on July 1, 1995.

(d) "Restorative justice" has the meaning ascribed to it in subsection ~~[3]~~ 6 of section 3.3 of this act.

~~[10.]~~ *12.* The provisions of this section do not prohibit a pupil who is suspended or expelled from enrolling in a charter school that is designed exclusively for the enrollment of pupils with disciplinary problems if the pupil is accepted for enrollment by the charter school pursuant to NRS 388A.453 or 388A.456. Upon request, the governing body of a charter school must be provided with access to the records of the pupil relating to the pupil's suspension or expulsion in accordance with applicable federal and state law before the governing body makes a decision concerning the enrollment of the pupil.

Sec. 8. NRS 392.467 is hereby amended to read as follows:

392.467 1. Except as otherwise provided in subsections ~~[4]~~ *5* and ~~[,]~~ *6 and NRS 392.466,* the board of trustees of a school district may authorize the suspension or expulsion of any pupil *who is at least 11 years of age* from any public school within the school district. *Except as otherwise provided in NRS 392.466, a pupil who is not more than 10 years of age must not be permanently expelled from school.*

2. Except as otherwise provided in subsection ~~[5,]~~ *6,* no pupil may be suspended or expelled until the pupil has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a

hearing, except that a pupil who ~~[poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process or who is selling or distributing any controlled substance or]~~ is found to be in possession of a *firearm or a* dangerous weapon as provided in NRS 392.466 may be removed from the school immediately upon being given an explanation of the reasons for his or her removal and pending proceedings, to be conducted as soon as practicable after removal, for the pupil's suspension or expulsion.

3. *The board of trustees of a school district may authorize the expulsion, suspension or removal of a pupil who has been charged with a crime from the school at which the pupil is enrolled regardless of the outcome of any criminal or delinquency proceedings brought against the pupil only if the school:*

(a) Conducts an independent investigation of the conduct of the pupil; and

(b) Gives notice of the charges brought against the pupil by the school to the pupil.

4. The provisions of chapter 241 of NRS do not apply to any hearing conducted pursuant to this section. Such hearings must be closed to the public.

~~[4.]~~ *5.* The board of trustees of a school district shall not authorize the expulsion, suspension or removal of any pupil from the public school system solely *for offenses related to attendance or* because the pupil is declared a truant or habitual truant in accordance with NRS 392.130 or 392.140.

~~[5.]~~ *6.* A pupil who is participating in a program of special education pursuant to NRS 388.419, other than a pupil who receives early intervening services, may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters ~~[,]~~ *and only after the board of trustees of the school district has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.,* be:

(a) Suspended from school pursuant to this section for not more than ~~[10]~~ *5* days ~~[.]~~ *for each occurrence.*

(b) ~~[Suspended from school for more than 10 days or permanently]~~ *Permanently* expelled from school pursuant to this section . ~~[only after the board of trustees of the school district has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.]~~

Sec. 9. This act becomes effective on July 1, 2019.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 1072 to Assembly Bill No. 168 requires Nevada's Department of Education (NDE) to develop at least one example of a plan of action and post related information and discipline data on its Internet website, and it authorizes NDE to approve plans of action based on restorative justice principles.

Amendment adopted.

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

Assembly Bill No. 289.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 1071.

SUMMARY—Revises provisions relating to the subject area of reading. (BDR 34-93)

AN ACT relating to education; revising provisions relating to the retention of certain pupils enrolled in grade 3 to require the provision of certain services and instruction; revising provisions relating to plans to improve the literacy of pupils; revising provisions relating to teachers who teach in a public elementary school; revising provisions relating to reports concerning pupil performance in the subject area of reading; revising provisions relating to notices concerning pupils who exhibit a deficiency in the subject area of reading; requiring certain interventions and services for pupils who exhibit a deficiency in the subject area of reading and for the parent or legal guardian of such a pupil; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law to become effective on July 1, 2019, provides that, unless a pupil receives a good-cause exemption, a pupil enrolled in grade 3 must be retained in grade 3 rather than promoted to grade 4 if the pupil does not obtain the score prescribed by the State Board of Education on the criterion-referenced examination in reading. (NRS 388A.487, 392.760) Section 7 of this bill removes this requirement and instead provides that ~~[a pupil]~~ an elementary school must ~~[be provided]~~ provide intervention services and intensive instruction to a pupil during the time the pupil attends the school if the pupil does not obtain the score prescribed by the State Board on the criterion-referenced examination in reading. Section 7 also authorizes the principal to retain a pupil rather than allow the pupil to move to the next grade in certain circumstances in consultation with the literacy specialist and certain other persons. Sections 4, 5 and 8 of this bill make conforming changes. Section 5 also revises requirements concerning the notice that must be provided to the parent or legal guardian of a pupil who exhibits a deficiency in the subject area of reading.

Existing law requires the board of trustees of each school district or the governing body of a charter school to prepare a plan to improve the literacy of pupils enrolled in kindergarten and grades 1, 2 and 3. (NRS 388.157) Section 1 of this bill instead requires this plan to address pupils enrolled in all grades of an elementary school.

Existing law requires that a plan to improve the literacy of pupils include a program to provide intensive instruction to pupils who have been identified as deficient in the subject area of reading to ensure that those pupils achieve adequate proficiency in that subject area. (NRS 388.157) Section 1 provides that in order to achieve adequate proficiency in reading, a pupil must perform at a level determined by a statewide assessment to be within the level

established by the State Board for a pupil enrolled in the same grade in which the pupil is enrolled.

Under existing law, the principal of a public elementary school, including, without limitation, a charter school, is required to designate a licensed teacher employed by the school who has demonstrated leadership abilities to serve as a learning strategist to train and assist teachers in providing intensive instruction to pupils who have been identified as deficient in the subject area of reading. (NRS 388.159) Section 2 of this bill instead requires the principal to designate a licensed teacher to serve as a literacy specialist and prescribes the qualifications and duties of the literary specialist. Existing law authorizes a school district or charter school to provide additional compensation to: (1) a licensed teacher designated as a learning strategist or to a teacher who teaches kindergarten; or (2) a licensed teacher who teaches grade 1, 2, 3 or 4 whose overall performance is determined to be highly effective. (NRS 388.159) Section 2 revises the list of licensed teachers who are eligible for additional compensation to include any teacher who teaches in an elementary school who provides instruction in reading.

Existing law, which becomes effective on July 1, 2019, requires the board of trustees of each school district and the governing body of a charter school to prepare a report concerning the number and percentage of pupils who are retained in grade 3 for deficiency in reading. (NRS 388A.487, 392.775) Sections 4 and 10 of this bill additionally require the board of trustees of each school district and the governing body of a charter school to include in a report certain information concerning pupils who received educational programs or services in the subject area of reading.

Section 6 of this bill requires ~~[that]~~ the plan to assess the proficiency of a pupil who is deficient in the subject area of reading to be established by a licensed teacher. Section 6 also removes the requirement that a school assess the proficiency of a pupil who is receiving services to correct a deficiency in the subject area of reading at the beginning of the school year and instead requires the school regularly assess the growth of the pupil in any areas of deficiency in the subject area of reading.

Existing law requires the principal of a school to offer the parent or legal guardian of a pupil who is retained in grade 3 certain additional instructional options. (NRS 392.770) Section 9 of this bill instead requires the principal of a school to offer these options to the parent or legal guardian of a pupil who exhibits a deficiency in the subject area of reading.

Existing law requires the Department of Education to distribute money that is appropriated to the Other State Education Programs Account through a competitive grants program. (Section 15 of chapter 334, Statutes of Nevada 2015, p. 1867) Section 11 of this bill revises the program to: (1) distribute the money through a noncompetitive grants program using a weighted formula; and (2) authorize schools that receive a grant of money to use the money for literacy programs, additional staff or both, to support school-based efforts to ensure that all pupils are proficient in reading by the end of elementary school.

Section 11 also prohibits schools that receive a grant of money from using the money to supplant other budgets of the school.

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

Section 1. NRS 388.157 is hereby amended to read as follows:

388.157 1. The board of trustees of each school district and the governing body of each charter school shall prepare a plan to improve the literacy of pupils enrolled in ~~[kindergarten and grades 1, 2 and 3.]~~ *an elementary school.* Such a plan must include, without limitation:

(a) A program to provide *intervention services and* intensive instruction to pupils who have been identified as deficient in the subject area of reading to ensure that those pupils achieve adequate proficiency in ~~[that subject area.]~~ *the requisite reading skills and reading comprehension skills necessary to perform at a level determined by a statewide assessment to be within a level determined by the State Board for a pupil enrolled in the same grade in which the pupil is enrolled.* Such a program must include, without limitation, regularly scheduled reading sessions in small groups and specific instruction ~~[on]~~ *designed to target any area of reading in which the pupil demonstrates a deficiency, including, without limitation,* phonological and phonemic awareness, decoding skills , ~~[and]~~ reading fluency ~~[;]~~ *and vocabulary and reading comprehension strategies;*

(b) Procedures for assessing a pupil's proficiency in the subject area of reading using valid and reliable ~~*[curriculum-based]*~~ *standards-based* assessments that have been approved by the State Board by regulation:

(1) Within the first 30 days of school after the pupil enters kindergarten or upon enrollment in ~~[kindergarten]~~ *the elementary school* if the pupil enrolls after that period ~~[,]~~ *and has not previously been assessed;* and

(2) During ~~[grades 1, 2 and 3;]~~ *each grade level ~~[in]~~ of the elementary school ~~[,]~~ at which the pupil is enrolled as determined necessary;*

(c) A program to improve the proficiency in reading of pupils who are English learners; and

(d) Procedures for facilitating collaboration between ~~[learning strategists]~~ *licensed teachers designated as literacy specialists* and classroom teachers.

2. The board of trustees of each school district or the governing body of a charter school, as applicable, shall:

(a) Submit its plan to the Department for approval on or before the date prescribed by the Department on a form prescribed by the Department; and

(b) Make such revisions to the plan as the Department determines are necessary.

Sec. 2. NRS 388.159 is hereby amended to read as follows:

388.159 1. The principal of a public elementary school, including, without limitation, a charter school, shall designate a licensed teacher employed by the school ~~[who has demonstrated leadership abilities]~~ to serve as a ~~[learning strategist]~~ *literacy specialist.* ~~[to train]~~ *The licensed teacher so designated must:*

(a) Demonstrate the ability to improve the literacy of pupils;

(b) Demonstrate competency in effective instruction in literacy and the administration of assessments;

(c) Demonstrate an understanding of building relationships with teachers and other adults;

(d) Collaborate with the principal of the public elementary school to develop a schedule of professional development and assist *in providing such professional development; and*

(e) Assist teachers at the school ~~[to]~~ *by implementing a system of support which includes various methods to* provide *intervention services and* intensive instruction ~~[to]~~ *for* pupils who have been identified as deficient in the subject area of reading.

2. A school district or charter school may provide additional compensation to:

(a) A licensed teacher designated as a ~~[learning strategist]~~ *literacy specialist* pursuant to this section; or

(b) A *licensed* teacher who is employed by a school district or charter school ~~[to teach kindergarten or grade 1, 2, 3 or 4 *in]*~~ *to teach at an elementary school* ~~[whose overall performance is determined to be highly effective under the statewide performance evaluation system established by the State Board pursuant to NRS 391.465.]~~ *and provides instruction in reading.*

3. Each *licensed* teacher employed by a school district or charter school to teach ~~[kindergarten or grade 1, 2, 3 or 4 *in]*~~ *at an elementary school and who is responsible for providing instruction in reading* shall complete professional development ~~[provided]~~ *developed* by a ~~[learning strategist designated]~~ *licensed teacher designated as a literacy specialist* pursuant to subsection 1 in the subject area of reading.

4. The State Board shall prescribe by regulation:

(a) Any training or professional development that a ~~[learning strategist]~~ *licensed teacher designated as a literacy specialist* is required to successfully complete;

(b) Any professional development that a teacher employed by a school district or charter school to teach ~~[kindergarten or grade 1, 2, 3 or 4 *in]*~~ *at an elementary school* is required to receive ~~[from]~~ *as developed by* a ~~[learning strategist]~~ *licensed teacher designated as a literacy specialist* in the subject area of reading; and

(c) The duties and responsibilities of a ~~[learning strategist.]~~ *licensed teacher designated as a literacy specialist.*

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 388A.487 is hereby amended to read as follows:

388A.487 1. The governing body of a charter school *that operates as an elementary school* shall adopt rules for ~~[the academic retention of]~~ *the provision of intervention services and intensive instruction to* pupils who are enrolled in the charter school that are consistent with NRS 392.750, 392.760 and 392.765. The rules must:

(a) Prescribe the ~~[conditions under]~~ *programs and instruction* which *will be provided to* a pupil ~~*[*. may be retained in the same grade rather than promoted to the next higher grade for the immediately succeeding school year.]~~ *who has been identified as deficient in the subject area of reading in accordance with the plan established pursuant to NRS 388.157.*

(b) Require *the school to provide to* a pupil ~~[enrolled in grade 3 to be retained in the same grade rather than promoted to grade 4 when required provided]~~ *who has been identified as deficient in the subject area of reading with intervention services and intensive instruction* ~~*[while the pupil is enrolled in an elementary school*~~ pursuant to NRS 392.760.~~]~~ *in accordance with the plan established pursuant to NRS 388.157.*

2. On or before ~~[September 1]~~ *October 15* of each year, the governing body of each charter school *that operates as an elementary school* shall:

(a) Prepare a report concerning the number and percentage of pupils at the charter school who were:

(1) ~~[Retained]~~ *Designated* in grade 3 *to be provided intervention services and intensive instruction while enrolled in an elementary school of a charter school* pursuant to NRS 392.760 for a deficiency in the subject area of reading, including whether or not any such pupils were previously ~~[retained in kindergarten or grade 1 or 2;]~~ *provided intervention services and intensive instruction while enrolled in an elementary school of a charter school;* and

(2) ~~[Not retained in grade 3 because a good cause exemption was approved pursuant to NRS 392.760 but who were previously retained in kindergarten or grade 1 or 2 for a total of 2 years;]~~ *Received educational programs or services identified pursuant to subsection 1 of NRS 392.750 at each grade level and whose proficiency in the subject area of reading:*

(I) Did not improve at a rate prescribed by the governing body of a charter school, indicating a need for more intensive or different interventions;

(II) Improved at a rate prescribed by the governing body of a charter school, indicating growth toward performing at a level determined by a statewide assessment to be within the level established by the State Board for pupils enrolled in the same grade in which the pupils are enrolled; and

(b) Submit a copy of the report to the Department ~~[;]~~ *, the Legislature and the sponsor of the charter school;* and

(c) Post the report on the Internet website maintained by the charter school and otherwise make the report available to the parents and legal guardians of pupils enrolled in the charter school and the general public.

Sec. 5. NRS 392.750 is hereby amended to read as follows:

392.750 If a pupil enrolled at a public elementary school in kindergarten or grade 1, 2 or 3 *or who newly enrolls in a public elementary school* exhibits a deficiency in the subject area of reading based upon state or local assessments and the observations of the pupil's teacher, the principal of the school must provide written notice of the deficiency to the parent or legal guardian of the pupil within 30 days after the date on which the deficiency is discovered. The written notice must, without limitation:

1. Identify the educational programs and services that the pupil will receive to improve the pupil's proficiency in the subject area of reading, including, without limitation, the programs and services included in the plan to improve the literacy of pupils enrolled in ~~[kindergarten and grades 1, 2 and 3]~~ *elementary school* that has been approved by the Department pursuant to NRS 388.157;

2. Explain that if the pupil does not achieve adequate proficiency in the subject area of reading before the completion of grade 3, the *school will provide the* pupil ~~[will be retained in grade 3 rather than promoted to grade 4, unless the pupil receives a good cause exemption pursuant to NRS 392.760; provided]~~ *with intervention services and intensive instruction ~~[while]~~ each year that the pupil is enrolled in ~~[an]~~ the elementary school ~~[,]~~ , unless it is determined that such services and instruction are no longer necessary;*

3. Describe, explain and, if appropriate, demonstrate the strategies which the parent or legal guardian may use at home to help improve the proficiency of the pupil in the subject area of reading;

4. Explain that the criterion-referenced examination in *only* the subject area of reading administered pursuant to NRS 390.105 is not the only factor used to determine whether the pupil will be ~~[retained in grade 3 and that other options are available for the pupil to demonstrate proficiency if the pupil is eligible for a good cause exemption pursuant to NRS 392.760;]~~ *provided intervention services and intensive instruction while the pupil is enrolled in an elementary school;*

5. Describe the policy and specific criteria adopted by the board of trustees of the school district or governing body of a charter school, as applicable, pursuant to NRS 392.765 regarding the ~~[promotion]~~ *provision* of *intervention services and intensive instruction to* a pupil ~~[to grade 4 at any time during the school year if the pupil is retained in grade 3 pursuant to NRS 392.760;]~~ *enrolled in an elementary school;*

6. Include information regarding the English literacy development of a pupil who is an English learner; ~~[and]~~

7. Describe, explain and, if appropriate, demonstrate the strategies which the parent or legal guardian may use at home to help improve the English literacy of a pupil who is an English learner ~~[.]~~ *;*

8. To the extent practicable, be provided in a language that the parent or legal guardian can understand;

9. Explain that a plan to monitor the growth of the pupil in the subject area of reading will regularly assess the pupil and the elementary school will provide notice to the parent or legal guardian the status of the growth of the pupil; and

10. Explain that services and the programs provided to the pupil will be adjusted to improve the deficiency in the subject area of reading.

Sec. 6. NRS 392.755 is hereby amended to read as follows:

392.755 1. A public elementary school that has notified the parent or legal guardian of a pupil that, based upon the results of state or local

assessments, it has been determined that the pupil has a deficiency in the subject area of reading pursuant to NRS 392.750 shall, within 30 days after providing such notice, establish a plan to monitor the ~~[progress]~~ *growth* of the pupil in the subject area of reading.

2. A plan to monitor the ~~[progress]~~ *growth* of a pupil in the subject area of reading must be established by ~~[the]~~ *a licensed* teacher ~~[of the pupil]~~ and any other relevant *licensed* school personnel and approved by the principal of the school and the parent or legal guardian of the pupil. The plan must include a description of any intervention services *and intensive instruction* that will be provided to the pupil to correct the *area of* deficiency and must include that the pupil will receive intensive instruction in reading ~~[to ensure]~~ *until* the pupil achieves adequate proficiency in *the requisite* reading ~~[.]~~ *skills and reading comprehension skills necessary to perform at a level determined by a statewide assessment to be within a level established by the State Board of Education for a pupil enrolled in the same grade in which the pupil is enrolled*. Such instruction must include, without limitation, the programs and services included in the plan to improve the literacy of pupils enrolled in ~~[kindergarten and grades 1, 2 and 3]~~ *elementary school* approved by the Department pursuant to NRS 388.157.

3. A school that establishes a plan to monitor the ~~[progress]~~ *growth* of a pupil in the subject area of reading shall *regularly* assess the ~~[proficiency]~~ *growth* of the pupil in ~~[the subject]~~ *any* area of *deficiency in the subject area of* reading ~~[at the beginning of the next school year after the plan is established pursuant to this section.]~~ *to ensure that the programs and services provided to the pupil pursuant to subsection 1 of NRS 392.750 continue to increase the proficiency of the pupil in the subject area of reading until the pupil performs at a level determined by a statewide assessment to be within a level established by the State Board for a pupil enrolled in the same grade in which the pupil is enrolled.*

Sec. 7. NRS 392.760 is hereby amended to read as follows:

392.760 1. Except as otherwise provided in this section, *an elementary school must provide to* a pupil enrolled in ~~[grade 3 must be retained in grade 3 rather than promoted to grade 4 if the pupil *be provided]*~~ *the school intervention services and intensive instruction if the pupil* does not obtain a score in *only* the subject area of reading on the criterion-referenced examination administered pursuant to NRS 390.105 that meets the passing score prescribed by the State Board . ~~[pursuant to subsection 7.]~~

2. ~~[The superintendent of schools of a school district or the governing body of a charter school, as applicable, may authorize the promotion of a pupil to grade 4 who would otherwise be retained in grade 3 only if the superintendent or governing body, as applicable, approves a good cause exemption for the pupil upon a determination by the principal of the school pursuant to subsection 4 that the pupil is eligible for such an exemption.~~

~~3. A good cause exemption must be approved for a pupil who previously was retained in grade 3. Any other pupil is eligible for a good cause exemption if the pupil:~~

~~(a) Demonstrates an acceptable level of proficiency in reading on an alternative standardized reading assessment approved by the State Board;~~

~~(b) Demonstrates, through a portfolio of the pupil's work, proficiency in reading at grade level, as evidenced by demonstration of mastery of the academic standards in reading beyond the retention level;~~

~~(c) Is an English learner and has received less than 2 years of instruction in a program of instruction that teaches English as a second language;~~

~~(d) Received intensive remediation in the subject area of reading for 2 or more years but still demonstrates a deficiency in reading and was previously retained in kindergarten or grade 1 or 2 for a total of 2 years;~~

~~(e) Is a pupil with a disability and his or her individualized education program indicates that the pupil's participation in the criterion-referenced examinations administered pursuant to NRS 390.105 is not appropriate; or~~

~~(f) Is a pupil with a disability and:~~

~~(1) He or she participates in the criterion-referenced examinations administered pursuant to NRS 390.105;~~

~~(2) His or her individualized education program or plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, documents that the pupil has received intensive remediation in reading for more than 2 years, but he or she still demonstrates a deficiency in reading; and~~

~~(3) He or she was previously retained in kindergarten or grade 1, 2 or 3.~~

~~4. The principal of a school in which a pupil who may be retained in grade 3 pursuant to subsection 1 is enrolled shall consider the factors set forth in subsection 3 and determine whether the pupil is eligible for a good cause exemption. In making the determination, the principal must consider documentation provided by the pupil's teacher indicating whether the promotion of the pupil is appropriate based upon the record of the pupil. Such documentation must only consist of the existing plan for monitoring the progress of the pupil, the pupil's individualized education program, if applicable, and the pupil's plan in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, if applicable. If the principal determines that promotion of the pupil to grade 4 is appropriate, the principal must submit a written recommendation to the superintendent of schools of the school district or to the governing body of the charter school, as applicable. The superintendent of schools or the governing body of the charter school, as applicable, shall approve or deny the recommendation of the principal and provide written notice of the approval or denial to the principal.~~

~~5. A principal who determines that a pupil is eligible for a good cause exemption shall notify the parent or legal guardian of the pupil whether the superintendent of schools of the school district or the governing body of the charter school, as applicable, approves the good cause exemption.~~

~~6.~~ The principal of a school ~~[in which a pupil for whom a good cause exemption is approved and who is promoted to grade 4 must]~~ *, in consultation with the literacy specialist designated pursuant to NRS 388.159 and any teacher or other person with knowledge and expertise related to providing intervention services and intensive instruction to the pupil:*

(a) Shall ensure that the pupil continues to ~~[receive]~~ *be provided intervention services and* intensive instruction in the subject area of reading ~~[.]~~ *for as long as it is determined to be necessary while the pupil is enrolled ~~[in an]~~ at the elementary school.* Such instruction must include, without limitation, strategies based upon evidence-based research that will improve proficiency in the subject area of reading.

~~[7. The State Board shall prescribe by regulation:~~

~~(a) The score which a pupil enrolled in grade 3 must obtain in the subject area of reading on the criterion-referenced examination administered pursuant to NRS 390.105 to be promoted to grade 4 without a good cause exemption; and~~

~~(b) An alternate examination for administration to pupils enrolled in grade 3 who do not obtain the passing score in the subject area of reading on the criterion-referenced examination administered pursuant to NRS 390.105 and the passing score such a pupil must obtain on the alternate examination to be promoted to grade 4 without a good cause exemption.~~

~~8. As used in this section, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).]~~

(b) May retain the pupil in grade 3 rather than promote the pupil to grade 4 when authorized pursuant to NRS 392.125.

Sec. 8. NRS 392.765 is hereby amended to read as follows:

392.765 1. If a pupil will be ~~[retained in grade 3]~~ *provided intervention services and intensive instruction* pursuant to NRS 392.760, the principal of the school must:

(a) Provide written notice to the parent or legal guardian of the pupil *confirming* that the pupil will be ~~[retained in grade 3.]~~ *provided intervention services and intensive instruction while the pupil is enrolled in an elementary school.* The written notice must include, without limitation, a description of the *intervention services and* intensive ~~[instructional services]~~ *instruction* in the subject area of reading that the pupil will ~~[receive]~~ *be provided* to improve the proficiency of the pupil in that subject area.

(b) Develop a plan to monitor the ~~[progress]~~ *growth* of the pupil in the subject area of reading.

(c) Require the teacher of the pupil to develop a portfolio of the pupil's work in the subject area of reading, which must be updated as necessary to reflect ~~[progress]~~ *growth* made by the pupil.

(d) Ensure that the pupil receives *intervention services and* intensive ~~[instructional services]~~ *instruction* in the subject area of reading that are designed to improve the pupil's proficiency in the subject area of reading, including, without limitation:

(1) Programs and services included in the plan to improve the literacy of pupils enrolled in ~~[kindergarten and grades 1, 2 and 3]~~ *elementary school* approved by the Department pursuant to NRS 388.157;

(2) Instruction for at least 90 minutes each school day based upon evidence-based research concerning reading instruction; and

(3) Intensive instructional services prescribed by the board of trustees of the school district pursuant to subsection 2, as determined appropriate for the pupil.

2. The board of trustees of each school district or the governing body of a charter school, as applicable, shall:

(a) Review and evaluate the plans for monitoring the ~~[progress]~~ *growth* of pupils developed pursuant to subsection 1.

(b) Prescribe the intensive instructional services in the subject area of reading which the principal of a school must implement as determined appropriate for a pupil who ~~[is retained in grade 3]~~ *will be provided intervention services and intensive instruction* pursuant to NRS 392.760, which may include, without limitation:

(1) Instruction that is provided in small groups;

(2) Instruction provided in classes with reduced pupil-teacher ratios;

(3) A timeline for frequently monitoring the progress of the pupil;

(4) Tutoring and mentoring;

(5) Classes which are designed to increase the ability of pupils to transition from grade 3 to grade 4 ~~[.]~~ *and to each subsequent grade level at the school;*

(6) Instruction provided through an extended school day, school week or school year;

(7) Programs to improve a pupil's proficiency in reading which are offered during the summer; or

(8) Any combination of the services set forth in subparagraphs (1) to (7), inclusive.

3. Except as otherwise provided in subsection 4, the intensive instructional services in the subject area of reading required by this section must be provided to the pupil by a teacher:

(a) Who is different than the teacher who provided instructional services to the pupil during the immediately preceding school year; and

(b) Who has been determined to be highly effective, as demonstrated by pupil performance data and performance evaluations.

4. The intensive instructional services in the subject area of reading required by this section may be provided to the pupil by the same teacher who provided instructional services to the pupil during the immediately preceding school year if a different teacher who meets the requirements of paragraph (b) of subsection 3 is not reasonably available and the pupil:

(a) Has an individualized education program; or

(b) Is enrolled in a school district in a county whose population is less than 100,000.

5. ~~[The board of trustees of each school district and the governing body of a charter school, as applicable, shall develop a policy by which the principal of a school may promote a pupil who is retained in grade 3 pursuant to NRS 392.760 to grade 4 at any time during the school year if the pupil demonstrates adequate proficiency in the subject area of reading. The policy must include the specific criteria a pupil must satisfy to be eligible for promotion, including, without limitation, a reasonable expectation that the pupil's progress will allow him or her to sufficiently master the requirements for a fourth grade reading level. If a pupil is promoted after November 1 of a school year, he or she must demonstrate proficiency in reading at a level prescribed by the State Board.~~

~~6. If a principal of a school determines that a pupil is not academically ready for promotion to grade 4 after being retained in grade 3 and the pupil received intensive instructional services pursuant to this section, the school district in which the pupil is enrolled must allow the parent or legal guardian of the pupil to decide, in consultation with the principal of the school, whether to place the pupil in a transitional instructional setting which is designed to produce learning gains sufficient for the pupil to meet the performance standards required for grade 4 while continuing to receive remediation in the subject area of reading.~~

~~7.]~~ As used in this section, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

Sec. 9. NRS 392.770 is hereby amended to read as follows:

392.770 In addition to the *intervention services and* intensive ~~[instructional services]~~ *instruction* provided to a pupil who *demonstrates a deficiency in the subject area of reading identified pursuant to subsection 1 of NRS 392.750 or a pupil who* ~~[is retained in grade 3]~~ *will be provided intervention services and intensive instruction while the pupil is enrolled in an elementary school* pursuant to NRS 392.760, the principal of the school must offer the parent or legal guardian of the pupil, *to the extent practicable, in a language that the parent or legal guardian can understand,* at least one of the following instructional options:

1. Supplemental tutoring which is based upon evidence-based research concerning reading instruction;

2. Providing the parent or legal guardian with a plan for reading with the pupil at home and participating in any workshops that may be available in the school district to assist the parent or legal guardian with reading with his or her child at home, as set forth in an agreement with the parent or legal guardian; or

3. Providing the pupil with a mentor or tutor who has received specialized training in teaching pupils how to read.

Sec. 10. NRS 392.775 is hereby amended to read as follows:

392.775 On or before ~~[September 1]~~ *October 15* of each year, the board of trustees of each school district shall:

1. Prepare a report concerning the number and percentage of pupils at each public *elementary* school within the school district who *:* ~~[were:]~~

(a) ~~[Retained]~~ *Were designated* in grade 3 *to be provided intervention services and intensive instruction while enrolled in an elementary school* pursuant to NRS 392.760 for a deficiency in the subject area of reading, including whether or not any such pupils were previously ~~[retained in kindergarten or grade 1 or 2;]~~ *provided intervention services and intensive instruction;* and

(b) ~~[Not retained in grade 3 because a good cause exemption was approved pursuant to NRS 392.760 but who were previously retained in kindergarten or grade 1 or 2 for a total of 2 years.]~~ *Received educational programs or services identified pursuant to subsection 1 of NRS 392.750 at each grade level and whose proficiency in the subject area of reading:*

(1) Did not improve at a rate prescribed by the board of trustees of the school district, indicating a need for more intensive or different interventions; and

(2) Improved at a rate prescribed by the board of trustees of the school district, indicating progress toward performing at a level determined by a statewide assessment to be within the level established by the State Board for pupils enrolled in the same grade in which the pupils are enrolled.

2. Submit a copy of the report to the Department ~~[.]~~ *, the Legislature and sponsor of the charter school.*

3. Post the report on the Internet website maintained by the school district and otherwise make the report available to the parents and legal guardians of pupils enrolled in the school district and the general public.

Sec. 11. Section 15 of chapter 334, Statutes of Nevada 2015, at page 1867, is hereby amended to read as follows:

Sec. 15. 1. The Department of Education shall distribute the money that is appropriated to the Other State Education Programs Account in the State General Fund to carry out the purposes of sections 1 to 14, inclusive, of this act through a ~~[competitive]~~ *noncompetitive* grants program. Grants must be awarded by the Department based ~~[on the demonstrated needs of]~~ *upon a weighted formula which will allocate funds based on need and the pupil population of the school district, and improving the literacy of pupils enrolled in elementary schools in* the school districts and charter schools and will be awarded to school districts *, to school districts approved to sponsor charter schools* and to charter schools that have been approved by the State Public Charter School Authority. Grants must be used for literacy programs for pupils enrolled in ~~[kindergarten and grades 1, 2 and 3]~~ *elementary school* established pursuant to ~~[section 5 of this act]~~ *NRS 388.157* and to support other school-based efforts to ensure that all pupils are ~~[proficient in the subject area of reading by the end of the third grade.]~~ *performing at a level considered by the school district or charter school to be within the average range*

for pupils enrolled in each grade level. Such school-based efforts may include, without limitation:

(a) Hiring ~~[or training learning strategists;]~~ *literacy specialists;*

(b) *Training literacy specialists;*

(c) Entering into contracts with vendors for the purchase of *evidence-based* reading assessments, textbooks, computer software or other materials;

~~[(c)]~~ *(d)* Providing professional development for school personnel;

~~[(d)]~~ *(e)* Providing *evidence-based* programs to pupils before and after school and during intercessions or summer school; and

~~[(e)]~~ *(f)* Providing other evidence-based literacy initiatives for pupils enrolled in ~~[kindergarten and grades 1, 2 and 3.]~~ *elementary school.*

2. The board of trustees of a school district or the governing body of a charter school that receives a grant of money pursuant to subsection 1 shall:

(a) Set measurable performance objectives based on aggregated pupil achievement data; ~~[and]~~

(b) Prepare and submit to the Department of Education, on or before July 1, ~~[2016,]~~ *2020,* a report that includes, without limitation:

(1) A description of the programs or services for which the money was used by each school; and

(2) The number of pupils who participated in a program or received services ~~[.]~~ *; and*

(c) Not use the money to supplant other budgets in the school.

3. The Department of Education shall, to the extent that money is available for that purpose, hire an independent consultant to evaluate the programs or services paid for by a grant of money received by a school district or charter school pursuant to subsection 1.

4. The Department of Education shall prepare a report that includes, without limitation:

(a) Identification of the schools that received an allocation of money by the school district or grant of money from the Department, as applicable;

(b) The amount of money received by each school;

(c) A description of the programs or services for which the money was used by each school;

(d) The number of pupils who participated in a program or received services;

(e) The average expenditure per pupil for each program or service;

(f) An evaluation of the effectiveness of the program or service, including, without limitation, data regarding the academic and linguistic achievement and proficiency of pupils who participated in such a program or received such services; and

(g) Any recommendations for legislation, including, without limitation, legislation to continue or expand programs or services that are identified as effective in improving the reading proficiency of pupils in kindergarten through grade ~~[3.]~~ *5.*

5. On or before August 31, ~~[2016,]~~ *2020,* the Department of Education shall submit a preliminary report prepared pursuant to subsection 4 to the State Board of Education and the Legislative Committee on Education. On or before November 15, ~~[2016,]~~ *2020,* the Department shall submit the final report prepared pursuant to subsection 4 and any recommendations made by the State Board or the Legislative Committee on Education to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the ~~[79th]~~ *81st* Session of the Nevada Legislature.

6. Any money awarded to a school district or charter school from the money appropriated to the Other State Education Programs Account in the State General Fund pursuant to subsection 1:

(a) Must be accounted for separately from any other money received by the school districts or charter school, as applicable, and used only for the purposes specified in this section.

(b) May not be used to settle or arbitrate disputes between a recognized organization representing employees of a school district and the school district, or to settle any negotiations.

(c) May not be used to adjust the district-wide schedules of salaries and benefits of the employees of a school district.

Sec. 12. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 13. This act becomes effective:

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

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

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 1071 to Assembly Bill No. 289 makes the following changes: provides that a school district or charter school must develop, as part of its plan to improve student literacy, procedures to assess student literacy within the first 30 days of school after a student enters kindergarten or upon enrollment in the elementary school if the student has not previously been assessed and during each grade level of the elementary school at which the student is enrolled as determined necessary; makes provisions in section 4 apply to a charter school that operates an elementary school, not all charter schools, and specifies that intervention services and intensive instruction will be provided to students who have been identified as deficient in reading under the improvement plan; expands the requirement that a parent be notified of a student's deficiency in reading to any student; who newly enrolls in a public elementary school rather than those enrolling in grades 1 through 3, and requires the notification to include an explanation of the services the student will receive requires an elementary school to provide intervention services and intensive instruction if the student does not obtain a passing score in the subject area of reading on certain

exams and it further requires a principal to ensure the student receives the services and instruction as long as deemed necessary while the student is enrolled, and changes "curriculum-based" to "standards-based" assessments in paragraph b of subsection 1 of section 1.

Amendment adopted.

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

Assembly Bill No. 489.

Bill read second time.

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

Amendment No. 1069.

SUMMARY—Revises provisions relating to grants. (BDR 18-1109)

AN ACT relating to grants; revising the powers of the Administrator of the Office of Grant Procurement, Coordination and Management of the Department of Administration; establishing a fund to provide money for matching federal and nongovernmental organization grants; authorizing this State to seek and obtain federal and nongovernmental organization money for certain community projects; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Office of Grant Procurement, Coordination and Management of the Department of Administration to assist state agencies with identifying and obtaining federal grants. (NRS 232.213, 232.224) Section 1 of this bill authorizes the Administrator of the Office to provide: (1) grant training to state agencies; (2) grant training and technical assistance to local governments, tribal governments and nonprofit organizations; and (3) administrative support to the Nevada Advisory Council on Federal Assistance. Section 1.5 of this bill creates the Grant Matching Fund as part of a pilot program to provide funds to state agencies, local governments, tribal governments and nonprofit organizations as matching funds for federal and nongovernmental organization grants. Section 2 of this bill requires the Administrator of the Office to create and administer a pilot program that allows state agencies, local governments, tribal governments and nonprofit organizations to request grants from the Grant Matching Fund for the purpose of satisfying the matching requirement for a federal or nongovernmental organization grant, to the extent money is available. Section 3 of this bill establishes certain criteria for prioritizing grants. Section 4 of this bill establishes standards of eligibility for receiving a grant. Section 5 of this bill requires that on or before January 31, 2021, the Administrator must provide a summary report on the pilot program to the Legislature. Section 7.5 of this bill makes an appropriation to the Office to provide training and assistance relating to grant procurement, coordination and management to state agencies, local governments, tribal governments and nonprofit organizations.

WHEREAS, Nevada has long received a disproportionately low rate of federal and nongovernmental organization grant funding per capita and as a

result, has less money to pay for programs, projects and services that increase the quality of life and opportunities for Nevadans and facilitate growth; and

WHEREAS, Federal and nongovernmental organization grant funds are critical to helping pay for community assets, such as infrastructure, affordable housing, health care centers and workforce development programs; and

WHEREAS, Many federal and nongovernmental organization grants require the recipient to share in the cost of delivering a program or project by matching a share of federal or nongovernmental organization grant dollars with cash or in-kind services; and

WHEREAS, The inability to meet such matching requirements is often cited by State staff as a key reason for not pursuing or securing federal and nongovernmental organization grant opportunities; now, therefore,

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

Section 1. NRS 232.224 is hereby amended to read as follows:

232.224 1. The Administrator of the Office of Grant Procurement, Coordination and Management shall:

(a) Research and identify federal grants which may be available to state agencies.

(b) Write grants for federal funds for state agencies.

(c) Coordinate with the members of Congress representing this State to combine efforts relating to identifying and managing available federal grants and related programs.

(d) If requested by a state agency, research the availability of grants and write grant proposals and applications for the state agency.

(e) To the greatest extent practicable, ensure that state agencies are aware of any grant opportunities for which they are or may be eligible.

(f) If requested by the director of a state agency, advise the director and the state agency concerning the requirements for receiving and managing grants.

(g) To the greatest extent practicable, coordinate with state and local agencies that have received grants for similar projects to ensure that the efforts and services of those state and local agencies are not duplicated.

(h) Serve as a clearinghouse for disseminating information relating to unexpended grant money of state agencies by compiling and updating periodically a list of the grants and unexpended amounts thereof for which the Office received notification from state agencies pursuant to subsection 3 of NRS 232.225 and making the list available on the Internet website maintained by the Department.

(i) On or before January 1 of each odd-numbered year, submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report regarding all activity relating to the application for, receipt of and use of grants in this State.

2. The Administrator may ~~[adopt]~~ *:*

(a) Adopt regulations to carry out the provisions of this section and NRS 232.225 and 232.226.

(b) Provide training on grant procurement, coordination and management to state agencies.

(c) Provide training and technical assistance regarding grant procurement, coordination and management to local governments, tribal governments and nonprofit organizations.

(d) Provide administrative support to the Nevada Advisory Council on Federal Assistance created by NRS 358.020.

Sec. 1.5. There is hereby created in the State Treasury a special fund which shall be designated as the Grant Matching Fund.

1. The Grant Matching Fund shall hold appropriated money in trust for the exclusive purpose of providing grants to state agencies, local governments, tribal governments and nonprofit organizations to satisfy federal and nongovernmental organization grant matching requirements.

2. The Interim Finance Committee must authorize the transfer of money from the Grant Matching Fund before the acceptance of a federal grant award greater than $150,000 or a nongovernmental organization grant award greater than $20,000.

Sec. 2. To the extent money is available, the Administrator of the Office of Grant Procurement, Coordination and Management of the Department of Administration shall:

1. Consult with grant professionals employed by the State and other grant experts to create and administer a pilot program that allows state agencies, local governments, tribal governments and nonprofit organizations to request grants from the Grant Matching Fund for the purpose of satisfying the matching funds requirement for a federal or nongovernmental organization grant.

2. Develop a process:

(a) For state agencies, local governments, tribal governments and nonprofit organizations to make a request for a grant for matching funds;

(b) And criteria for the review, award and notification of grant requests;

(c) For the payment or transfer of grant money; and

(d) For reporting on the use and implementation of grant awards.

3. Administer all applicable aspects of the process set forth in subsection 2.

Sec. 3. Any pilot program created pursuant to section 2 of this act must:

1. Provide a clear, streamlined and timely process for state agencies, local governments, tribal governments and nonprofit organizations to apply for matching funds for a specific federal or nongovernmental organization grant and receive a prompt decision from the Administrator of the Office of Grant Procurement, Coordination and Management of the Department of Administration.

2. Prioritize grants that:

(a) Add services to constituents;

(b) Align with the documented priorities of the state agency, local government, tribal government or nonprofit organization;

(c) Address the needs of underserved or frontier communities;

(d) Help state agencies, local governments, tribal governments and nonprofit organizations build capacity for future grant opportunities; and

(e) Enable a state agency, local government, tribal government or nonprofit organization to sustain the grant in its next budget.

Sec. 4. To be eligible for a grant from the Grant Matching Fund created by section 1.5 of this act, a state agency, local government, tribal government or nonprofit organization must:

1. Demonstrate that:

(a) It is pursuing a bona fide federal or nongovernmental organization grant for which it is eligible;

(b) It attempted but was unable to secure match funding through its own budget or in-kind resources;

(c) The grant is within its scope;

(d) The grant is a competitive grant; and

(e) The grant will provide not less than $2 for each $1 received from the Grant Matching Fund.

2. Apply for a grant in the form and process prescribed by the Administrator of the Office of Grant Procurement, Coordination and Management of the Department of Administration.

3. Adhere to other requirements deemed appropriate for the pilot program created pursuant to section 2 of this act by the Administrator.

Sec. 5. On or before January 31, 2021, the Administrator of the Office of Grant Procurement, Coordination and Management of the Department of Administration shall submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a summary report for the preceding 18 months detailing:

1. The number and purpose of grant requests received from state agencies, local governments, tribal governments and nonprofit organizations;

2. The number and purpose of grant requests approved and the amount of money awarded from the Grant Matching Fund created by section 1.5 of this act to each approved grant request applicant; and

3. The amount of federal and nongovernmental organization grant funding received by each grant applicant as a result of receiving money from the Grant Matching Fund.

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 7.5. 1. There is hereby appropriated from the State General Fund to the Office of Grant Procurement, Coordination and Management of the Department of Administration for the use prescribed in subsection 2 the following sums:

For the Fiscal Year 2019-2020..... $92,067

For the Fiscal Year 2020-2021..... $87,797

2. The Office of Grant Procurement, Coordination and Management of the Department of Administration shall use the money appropriated by

subsection 1 to provide training and technical assistance relating to grant procurement, coordination and management to state agencies, local governments, tribal governments and nonprofit organizations.

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

Sec. 8. 1. This ~~[section and sections 1 and 7.5 of this]~~ act ~~[become]~~ becomes effective on July 1, 2019.

2. Sections 1.5 to 5, inclusive, of this act expire by limitation on June 30, 2021.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Amendment No. 1069 to Assembly Bill No. 489 authorizes the administrators of the offices of Grant Procurement and Coordination and Management to provide grant training and technical assistance and to State agencies, local governments, tribal governments and nonprofit organizations as well as administrative support to the Nevada Advisory Council on Federal Assistance.

Amendment adopted.

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

GENERAL FILE AND THIRD READING

Senate Bill No. 90.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1057.

SUMMARY—Makes various changes relating to the health of children. (BDR 40-448)

AN ACT relating to the health of children; revising requirements relating to the testing of children for lead; establishing the Diapering Resources Account and providing for the distribution of money from the Account to provide diapers and diapering supplies to low-income families; ~~[providing for grants to certain entities to promote healthy diet and exercise for children; making appropriations;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services to encourage certain providers of health care or other services to perform a test to determine the amount of lead in the blood of each child receiving services from the provider at certain times. Existing law also requires: (1) certain tests that indicate an elevated amount of lead in the blood to be confirmed by a

second test; and (2) each qualified laboratory that conducts a blood test for the presence of lead in a child to report the results to the appropriate health authority. (NRS 442.700) Section 23 of this bill revises the conditions under which the results of a test are considered to indicate an elevated amount of lead in the blood. Section 23 also requires offices of providers of health care or other services and medical facilities to report the results of tests of children for lead to the health authority and prescribes the required contents of such a report.

Existing law requires the Director of the Department of Health and Human Services to appoint a committee to research opportunities to increase the availability of diapers and diapering supplies to recipients of public assistance and other low-income families in this State. (NRS 422A.660) Section 29.5 of this bill creates the Diapering Resources Account and requires the money in the Account to be expended to provide diapers and diapering supplies to such persons. Section 29.5 requires the State Board of Health, upon the recommendation of the committee, to adopt regulations prescribing: (1) the criteria for determining whether a person qualifies for assistance from the Account; and (2) the procedure for distributing money from the Account. Section 29.5 also requires the Division of Public and Behavioral Health of the Department to submit to the Legislature an annual report concerning the use of the money in the Account. ~~[Section 30 of this bill appropriates money into the Account.~~

~~Section 31 of this bill appropriates money to the Division to award grants to nonprofit organizations to fund training and technical assistance concerning proper nutrition and physical activity for providers of child care. Section 32 of this bill appropriates money to the Nevada Silver State Stars Quality Rating and Improvement System established by the Department of Education to award grants to providers of child care to improve facilities to facilitate a healthy diet and exercise for children.]~~

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (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. NRS 442.700 is hereby amended to read as follows:

442.700 1. The Department shall encourage each provider of health care or other services who:

(a) Is qualified to conduct blood tests during the course of his or her practice to perform, or cause to be performed, a test to determine the amount of lead in the blood of each child receiving services from the provider of health care or other services when the child:

(1) Reaches 12 and 24 months of age, respectively; or

(2) At least once before the child reaches 6 years of age.

(b) Provides early and periodic screening, diagnostic and treatment services to a child in accordance with 42 U.S.C. §§ 1396 et seq. to conduct, or cause to be conducted, a screening for the amount of lead in the blood of the child in accordance with the guidelines of the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services.

2. Any result of a blood test specified in subsection 1 which is obtained by using a capillary specimen and which indicates an amount of lead in the blood that is greater than ~~[10 ug/dL]~~ *the amount designated by the Council of State and Territorial Epidemiologists or, if that organization ceases to exist, an organization designated by regulation of the State Board of Health, as indicating an elevated amount of lead* must, as soon as practicable after the result is obtained, be confirmed by a second test using a sample of blood from a vein of the child.

3. Each qualified laboratory *, office of a provider of health care or other services or medical facility* that conducts a blood test for the presence of lead in a child who is under 18 years of age shall, as soon as practicable after conducting the test, submit a report of the results of the test to the appropriate health authority in accordance with regulations adopted by the State Board of Health. *The report must include, without limitation:*

(a) The name, sex, race, ethnicity and date of birth of the child;

(b) The address of the child, including, without limitation, the county and zip code in which the child resides;

(c) The date on which the sample was collected;

(d) The type of sample that was collected; and

(e) The name and contact information of the provider of health care who ordered the test.

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

(a) "Health authority" has the meaning ascribed to it in NRS 441A.050.

(b) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

Sec. 24. (Deleted by amendment.)

Sec. 25. (Deleted by amendment.)

Sec. 26. (Deleted by amendment.)

Sec. 27. (Deleted by amendment.)

Sec. 28. (Deleted by amendment.)

Sec. 29. (Deleted by amendment.)

Sec. 29.5. Chapter 422A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Diapering Resources Account is hereby created in the State General Fund. The Administrator of the Division of Public and Behavioral Health of the Department shall administer the Account.

2. Except as otherwise provided in subsection 3, the money in the Account must be expended to provide diapers and diapering supplies to recipients of public assistance and other low-income families in this State. The State Board of Health shall, upon the recommendation of the committee established pursuant to NRS 422A.660, adopt regulations prescribing:

(a) The criteria for determining whether a person qualifies for assistance from the Account; and

(b) The procedure for distributing money from the Account.

3. The Administrator may apply for and accept any gift, donation, bequest, grant or other source of money for the purpose prescribed by subsection 2. Any money so received must be deposited in the Account.

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

5. Money in the Account at the end of the fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

6. On or before December 31 of each year, the Division shall:

(a) Develop a report concerning the manner in which the money in the Account was distributed during the immediately preceding year, the persons to whom such money was distributed and the manner in which such money was used; and

(b) Submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

(1) In odd-numbered years, the Interim Finance Committee; and

(2) In even-numbered years, the next regular session of the Legislature.

Sec. 30. ~~[1. There is hereby appropriated from the State General Fund to the Diapering Resources Account created by section 29.5 of this act for expenditure in accordance with the provisions of that section the following sums:~~

~~For the Fiscal Year 2019-2020..... $500,000~~

~~For the Fiscal Year 2020-2021..... $500,000~~

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

Sec. 31. ~~[1. There is hereby appropriated from the State General Fund to the Division of Public and Behavioral Health of the Department of Health and Human Services to award grants to nonprofit organizations to pay for training and technical assistance concerning proper nutrition and physical activity for providers of child care the following sums:~~

~~For the Fiscal Year 2019-2020..... $50,000~~

~~For the Fiscal Year 2020-2021..... $50,000~~

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

Sec. 32. ~~[1. There is hereby appropriated from the State General Fund to the Nevada Silver State Stars Quality Rating and Improvement System established by the Department of Education to award grants to providers of child care that participate in the System for the purposes described in subsection 2 the following sums:~~

~~For the Fiscal Year 2019-2020..... $200,000~~

~~For the Fiscal Year 2020-2021..... $200,000~~

~~2. A provider of child care that receives a grant pursuant to subsection 1 shall use the grant to improve facilities to facilitate the provision of high-quality, nutritious food and ample physical activity for children.~~

~~3. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2020,~~

~~and September 17, 2021, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2020, and September 17, 2021, respectively.]~~ (Deleted by amendment.)

Sec. 33. 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. 34. (Deleted by amendment.)

Sec. 35. This act becomes effective on July 1, 2019.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 1057 to Senate Bill No. 90 deletes sections 30 through 32 removing all appropriations from the measure.

Amendment adopted.

Bill read third time.

Remarks by Senator Spearman.

Senate Bill No. 90 includes provisions relating to the testing and reporting of lead blood levels within children. The bill creates the Diapering Resources Account and requires funds in the account be expended to provide diapers and related supplies to recipients of public assistance and other low-income families in the State, as specified. Senate Bill No. 90 also includes provisions requiring annual reports detailing how funds in the Account were expended. I urge your support.

Roll call on Senate Bill No. 90:

YEAS—21.

NAYS—None.

Senate Bill No. 90 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 174.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1056.

SUMMARY—~~[Makes various changes relating to]~~ Provides for an audit of certain services provided to persons with autism spectrum disorders. (BDR S-680)

AN ACT relating to disability services; ~~[requiring the Department of Health and Human Services to seek an increase in certain reimbursement rates under the Medicaid program and the Autism Treatment Assistance Program for a registered behavior technician;]~~ requiring the Legislative Auditor to conduct an audit of the Medicaid program concerning the delivery of certain services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services to administer Medicaid. (NRS 422.270) ~~[Section 1 of this bill requires the~~

~~Department to submit to the United States Secretary of Health and Human Services a request to amend the State Plan for Medicaid to increase the rate of reimbursement which is provided on a fee-for-service basis for services provided by a registered behavior technician to at least $48 per hour. If that request is approved, section 1 requires the Autism Treatment Assistance Program, which is established within the Aging and Disability Services Division to serve as the primary autism program within the Department, to pay a rate of reimbursement for such services that is equal to or greater than the rate of reimbursement provided under Medicaid. (See NRS 427A.875)]~~ Section 2 of this bill requires the Legislative Auditor to conduct an audit of the Department of Health and Human Services concerning the delivery of evidence-based services for persons with autism spectrum disorders during the 2019-2020 biennium.

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

Section 1. ~~[1. On or before October 1, 2019, the Department of Health and Human Services shall submit to the United States Secretary of Health and Human Services a request to amend the State Plan for Medicaid to increase the rate of reimbursement which is provided on a fee-for-service basis pursuant to the State Plan for services provided by a registered behavior technician to at least $48 per hour that such services are provided. The request must be supported using methods for determining reimbursement rates accepted by the Secretary.~~

~~2. If the amendment to the State Plan for Medicaid requested pursuant to subsection 1 is approved, the Autism Treatment Assistance Program established by NRS 427A.875 must provide a rate of reimbursement for services provided by a registered behavior technician equal or greater to the rate of reimbursement provided for such services pursuant to the State Plan beginning January 1, 2020, or when approved if after that date.]~~ (Deleted by amendment.)

Sec. 2. 1. The Legislative Auditor shall conduct an audit during the 2019-2021 biennium of the Medicaid program, including, without limitation, Medicaid managed care programs, the Autism Treatment Assistance Program and any other program or services provided through the Department of Health and Human Services concerning the delivery of evidence-based services for children with autism spectrum disorders. The audit must include, without limitation:

(a) An analysis of the capacity of persons who provide such services and the wait times to receive such services;

(b) An identification and assessment of factors, including, without limitation, rates of reimbursement, lack of providers of services, procedures for authorization of services and delays in obtaining assessments and diagnoses, that inhibit access to and delivery of such services; and

(c) An analysis of revenues and expenditures relating to such services and any unspent money that has been appropriated for such services since July 1, 2015.

2. The Legislative Auditor shall present a final written report of the audit to the Audit Subcommittee of the Legislative Commission by not later than January 31, 2021.

Sec. 3. This act becomes effective upon passage and approval.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 1056 eliminates section 1 of Senate Bill No. 174 in its entirety and makes no other changes to the bill.

Amendment adopted.

Bill read third time.

Remarks by Senator Ohrenschall.

Amendment No. 1056 to Senate Bill No. 174 requires the Legislative Auditor to conduct an audit of DHHS concerning the delivery of evidence-based services for persons with autism spectrum disorders during the 2019-2020 Biennium. The audit must include, without limitation, an analysis of the capacity of persons who provide such services and the wait times to receive such services; an identification and assessment of factors, including, without limitation, rates of reimbursement, lack of providers of services, procedures for authorization of services and delays in obtaining assessments and diagnoses, that inhibit access to and 30 delivery of such services and an analysis of revenues and expenditures relating to such services and any unspent money that has been appropriated for such services since July 1, 2015.

Senate Bill No. 174 requires the Legislative Auditor to present a final written report of the audit to the Audit Subcommittee of the Legislative Commission by not later than January 31, 2021.

Roll call on Senate Bill No. 174:

YEAS—21.

NAYS—None.

Senate Bill No. 174 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 215.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1040.

SUMMARY—Revises provisions relating to occupational diseases. (BDR 53-317)

AN ACT relating to occupational diseases; revising provisions governing compensation for certain employees who develop cancer as an occupational disease; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, cancer which results in temporary disability, permanent disability or death is an occupational disease and compensable as such under the provisions governing occupational diseases if the cancer develops or manifests itself out of and in the course of employment of a person who: (1) for

5 years or more, has been employed as a full-time firefighter or has been acting as a volunteer firefighter; and (2) during the course of the employment, was exposed to a known carcinogen that is reasonably associated with the disabling cancer. Existing law also sets forth: (1) a list of substances that are deemed to be known carcinogens that are reasonably associated with specific disabling cancers; and (2) conditions which, when met, create a rebuttable presumption that the cancer developed or manifested itself out of and in the course of employment. (NRS 617.453) This bill provides that such disabling cancer is an occupational disease and compensable as such under the provisions governing occupational diseases if: (1) the cancer develops or manifests itself out of and in the course of employment of a person who, for 5 years or more, has been employed as a full-time firefighter, investigator of fires or arson, or instructor or officer who provides training concerning fire or hazardous materials or has been acting as a volunteer firefighter ; ~~[or, for any period of time, has been employed as a full-time police officer;]~~ and (2) in the course of that employment or the performance of his or her duties, has been exposed to a known carcinogen that is reasonably associated with the disabling cancer. This bill also: (1) revises the list of substances which are deemed to be known carcinogens; (2) provides that disabling cancer is ~~[conclusively]~~ rebuttably presumed to be occupationally related ~~[if a firefighter, investigator of fires or arson, or instructor or officer who provides training concerning fire or hazardous materials has served a certain number of years in the profession before contracting the disease; (3) creates a rebuttable presumption that the disabling cancer of a volunteer firefighter or police officer is occupationally related]~~ under certain circumstances; and ~~[(4)]~~ (3) provides that a person who files a claim for a disabling cancer after retirement from employment as a firefighter, investigator of fires or arson, or instructor or officer who provides training concerning fire or hazardous materials is not entitled to compensation for that disease other than medical benefits ~~[.]~~ under certain circumstances.

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

Section 1. NRS 617.453 is hereby amended to read as follows:

617.453 1. Notwithstanding any other provision of this chapter, cancer, resulting in either temporary or permanent disability, or death, is an occupational disease and compensable as such under the provisions of this chapter if:

(a) The cancer develops or manifests itself out of and in the course of the employment of a person who, for 5 years or more, has been:

(1) Employed in this State in a full-time salaried occupation ~~[of fire fighting]~~ *as:*

(I) A firefighter for the benefit or safety of the public;

(II) An investigator of fires or arson; or

(III) An instructor or officer for the provision of training concerning fire or hazardous materials; or

(2) Acting as a volunteer firefighter in this State and is entitled to the benefits of chapters 616A to 616D, inclusive, of NRS pursuant to the provisions of NRS 616A.145; and

(b) It is demonstrated that:

(1) The person was exposed, while in the course of the employment, to a known carcinogen *, or a substance reasonably anticipated to be a human carcinogen,* as defined by the International Agency for Research on Cancer or the National Toxicology Program; and

(2) The carcinogen *or substance, as applicable,* is reasonably associated with the disabling cancer.

2. ~~*[Notwithstanding any other provision of this chapter, cancer, resulting in either temporary or permanent disability, or death, is an occupational disease and compensable as such under the provisions of this chapter if:*~~

~~*(a) The cancer develops or manifests itself out of and in the course of the employment of a Category I peace officer or a Category II peace officer who has been employed in a full-time, continuous, uninterrupted and salaried occupation as a police officer; and*~~

~~*(b) While in the performance of his or her duties, the peace officer has a documented exposure to an atmosphere that contains a concentration of a chemical that is immediately dangerous to life or health, a known carcinogen or a substance reasonably anticipated to be a human carcinogen.*~~

~~*3.]*~~ With respect to a person who, for 5 years or more, has been employed in this State ~~[in a full-time salaried occupation of fire fighting for the benefit or safety of the public,]~~ *as a firefighter, investigator, instructor or officer described in subparagraph (1) of paragraph (a) of subsection 1, or has acted as a volunteer firefighter in this State as described in subparagraph (2) of paragraph (a) of subsection 1,* the following substances shall be deemed, for the purposes of paragraph (b) of subsection 1, to be known carcinogens that are reasonably associated with the following disabling cancers:

(a) Diesel exhaust, formaldehyde and polycyclic aromatic hydrocarbon shall be deemed to be known carcinogens that are reasonably associated with bladder cancer.

(b) Acrylonitrile, formaldehyde and vinyl chloride shall be deemed to be known carcinogens that are reasonably associated with brain cancer.

(c) *Asbestos, benzene, diesel exhaust and soot, digoxin, ethylene oxide, polychlorinated biphenyls* ~~*[,]*~~ *and polycyclic aromatic hydrocarbon* ~~*[and talc]*~~ *shall be deemed to be known carcinogens that are reasonably associated with breast cancer.*

(d) Diesel exhaust and formaldehyde shall be deemed to be known carcinogens that are reasonably associated with colon cancer.

(e) Diesel exhaust and soot, formaldehyde and polycyclic aromatic hydrocarbon shall be deemed to be known carcinogens that are reasonably associated with esophageal cancer.

~~[(d)]~~ *(f)* Formaldehyde shall be deemed to be a known carcinogen that is reasonably associated with Hodgkin's lymphoma.

~~[(e)]~~ *(g)* Formaldehyde and polycyclic aromatic hydrocarbon shall be deemed to be known carcinogens that are reasonably associated with kidney cancer.

(h) Benzene, diesel exhaust and soot, formaldehyde, 1,3-butadiene and polycyclic aromatic hydrocarbon shall be deemed to be known carcinogens that are reasonably associated with leukemia.

~~[(f)]~~ *(i)* Chloroform, soot and vinyl chloride shall be deemed to be known carcinogens that are reasonably associated with liver cancer.

(j) Arsenic, asbestos, cadmium, chromium compounds, oils, polycyclic aromatic hydrocarbon, radon, silica, soot and tars shall be deemed to be known carcinogens that are reasonably associated with lung cancer.

~~[(g)]~~ *(k)* Acrylonitrile, benzene, formaldehyde, polycyclic aromatic hydrocarbon, soot and vinyl chloride shall be deemed to be known carcinogens that are reasonably associated with lymphatic or hematopoietic cancer.

~~[(h)]~~ *(l)* Diesel exhaust, soot, aldehydes and polycyclic aromatic hydrocarbon shall be deemed to be known carcinogens that are reasonably associated with basal cell carcinoma, squamous cell carcinoma and malignant melanoma.

(m) Benzene, dioxins and glyphosate shall be deemed to be known carcinogens that are reasonably associated with multiple myeloma.

(n) Arsenic, asbestos, benzene, diesel exhaust and soot, formaldehyde and hydrogen chloride shall be deemed to be known carcinogens that are reasonably associated with nasopharygeal cancer, including laryngeal cancer and pharyngeal cancer.

(o) Benzene, chronic hepatitis B and C viruses, formaldehyde and polychlorinated biphenyls shall be deemed to be known carcinogens that are reasonably associated with non-Hodgkin's lymphoma.

(p) Asbestos, benzene and formaldehyde shall be deemed to be known carcinogens that are reasonably associated with ovarian cancer.

(q) Polycyclic aromatic hydrocarbon shall be deemed to be a known carcinogen that is reasonably associated with pancreatic cancer.

~~[(i)]~~ *(r)* Acrylonitrile, benzene and formaldehyde shall be deemed to be known carcinogens that are reasonably associated with prostate cancer.

(s) Diesel exhaust and soot, formaldehyde and polycyclic aromatic hydrocarbon shall be deemed to be known carcinogens that are reasonably associated with rectal cancer.

(t) Chlorophenols, chlorophenoxy herbicides and polychlorinated biphenyls shall be deemed to be known carcinogens that are reasonably associated with soft tissue sarcoma.

(u) Diesel exhaust and soot, formaldehyde and polycyclic aromatic hydrocarbon shall be deemed to be known carcinogens that are reasonably associated with stomach cancer.

~~[(j)]~~ *(v)* Diesel exhaust, soot and polychlorinated biphenyls shall be deemed to be known carcinogens that are reasonably associated with testicular cancer.

~~[(k)]~~ *(w)* Diesel exhaust, benzene and X-ray radiation shall be deemed to be known carcinogens that are reasonably associated with thyroid cancer.

(x) Diesel exhaust and soot, formaldehyde and polycyclic aromatic hydrocarbon shall be deemed to be known carcinogens that are reasonably associated with urinary tract cancer and ureteral cancer.

(y) Benzene and polycyclic aromatic hydrocarbon shall be deemed to be known carcinogens that are reasonably associated with uterine cancer.

3. ~~*[4.]*~~ The provisions of subsection 2 ~~*[3]*~~ do not create an exclusive list and do not preclude any person from demonstrating, on a case-by-case basis for the purposes of paragraph (b) of subsection 1 , ~~*[or paragraph (b) of subsection 2,]*~~ that a substance is a known carcinogen *or is reasonably anticipated to be a human carcinogen, including an agent classified by the International Agency for Research on Cancer in Group 1 or Group 2A,* that is reasonably associated with a disabling cancer.

~~[4. Compensation~~

~~*5.]*~~ *4. Except as otherwise provided in subsection ~~[8,]~~ 10, compensation* awarded to the employee or his or her dependents for disabling cancer pursuant to this section must include:

(a) Full reimbursement for related expenses incurred for medical treatments, surgery and hospitalization in accordance with the schedule of fees and charges established pursuant to NRS 616C.260 or, if the insurer has contracted with an organization for managed care or with providers of health care pursuant to NRS 616B.527, the amount that is allowed for the treatment or other services under that contract; and

(b) The compensation provided in chapters 616A to 616D, inclusive, of NRS for the disability or death.

5. ~~*[6. Disabling]*~~ *For a person who has been employed in this State as a firefighter, investigator, instructor or officer described in subparagraph (1) of paragraph (a) of subsection 1, or has acted as a volunteer firefighter in this State as described in subparagraph (2) of paragraph (a) of subsection 1, disabling cancer is rebuttably presumed to have arisen out of and in the course of the employment of the person if the disease is diagnosed during the course of the person's employment described in paragraph (a) of subsection 1.*

6. For a person who has been employed in this State as a firefighter, investigator, instructor or officer described in subparagraph (1) of paragraph (a) of subsection 1 and who retires before July 1, 2019, or has acted as a volunteer firefighter in this State as described in subparagraph (2) of paragraph (a) of subsection 1, regardless of the date on which the volunteer firefighter retires, disabling cancer is ~~*[conclusively]*~~ *rebuttably* presumed to have ~~[developed or manifested itself]~~ *arisen* out of and in the course of the *person's* employment ~~[of any firefighter described in this section.]~~ *pursuant to this subsection.* This rebuttable presumption applies to disabling cancer diagnosed after the termination of the person's employment if the diagnosis occurs within a period, not to exceed 60 months, which begins with the last date the employee actually worked in the qualifying capacity and extends for

a period calculated by multiplying 3 months by the number of full years of his or her employment. [~~This rebuttable presumption must control the awarding of benefits pursuant to this section unless evidence to rebut the presumption is presented.~~

~~6. The provisions of this section do not create a conclusive presumption.~~ ~~*a person if:*~~

~~*(a) The person has been employed in a full-time, continuous, uninterrupted and salaried occupation as:*~~

~~*(1) A firefighter for the benefit or safety of the public;*~~

~~*(2) An investigator of fires or arson; or*~~

~~*(3) An instructor or officer for the provision of training concerning fire or hazardous materials; and*~~

~~*(b) The disease is diagnosed and causes the disablement or death:*~~

~~*(1) During the course of the person's employment described in paragraph (a);*~~

~~*(2)]*~~

7. For a person who has been employed in this State as a firefighter, investigator, instructor or officer described in subparagraph (1) of paragraph (a) of subsection 1 and who retires on or after July 1, 2019, disabling cancer is rebuttably presumed to have arisen out of and in the course of the person's employment pursuant to this subsection. This rebuttable presumption applies to disabling cancer diagnosed:

(a) If the person ceases employment before completing 20 years of service as a firefighter, investigator, ~~[of fires or arson, or]~~ instructor or officer, ~~[for the provision of training concerning fire or hazardous materials,]~~ during the period after separation from employment which is equal to the number of years worked; or

~~[(3)]~~ (b) If the person ceases employment after completing 20 years or more of service as a firefighter, investigator, ~~[of fires or arson, or]~~ instructor or officer, ~~[for the provision of training concerning fire or hazardous materials,]~~ at any time during the person's life.

~~*[*~~*]*~~

8. Service credit which is purchased in a retirement system must not be used to calculate the number of years of service or employment of a person for the purposes of this section.

~~*[7. Disabling cancer is presumed to have developed or manifested itself out of and in the course of the employment of any volunteer firefighter, Category I peace officer or Category II peace officer described in this section. This rebuttable presumption applies to disabling cancer diagnosed after the termination of the person's employment if the diagnosis occurs within a period, not to exceed 60 months, which begins with the last date the employee actually worked in the qualifying capacity and extends for a period calculated by multiplying 3 months by the number of full years of his or her employment. This]*~~

9. A rebuttable presumption created by subsection 5, 6 or 7 must control the awarding of benefits pursuant to this section unless evidence to rebut the presumption is presented. The provisions of ~~[this subsection]~~ subsections 5, 6 and 7 do not create a conclusive presumption.

~~[8.]~~ 10. A person who files a claim for a disabling cancer pursuant to ~~[this section]~~ subsection 7 after he or she retires from employment as a firefighter, investigator of fires or arson, or instructor or officer for the provision of training concerning fire or hazardous materials is not entitled to receive any compensation for that disease other than medical benefits.

~~*[9. As used in this section:*~~

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

~~*(b) "Category II peace officer" has the meaning ascribed to it in NRS 289.470.*~~

~~*(c) "Concentration of a chemical that is immediately dangerous to life or health" means the value for toxicity resulting from exposure to that chemical as set forth in the most recent edition of the NIOSH Pocket Guide to Chemical Hazards, published by the National Institute for Occupational Safety and Health of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services.]*~~

Sec. 2. The amendatory provisions of this act apply only to claims filed on or after July 1, 2019.

Sec. 3. This act becomes effective on July 1, 2019.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 1040 to Senate Bill No. 215 revises provisions governing compensation for certain employees who develop cancer as an occupational disease. Amendment No. 1040 also removes category I and category II peace officers from the provisions of this bill and provides that disabling cancer is rebuttably presumed to be occupationally related under certain circumstances.

Amendment adopted.

Bill read third time.

Remarks by Senators Cannizzaro, Settelmeyer and Goicoechea.

SENATOR CANNIZZARO:

Senate Bill No. 215 revises provisions governing compensation for certain employees who develop cancer as an occupational disease including adding an investigator of fires or arson or an instructor or officer for the provisions of training concerning fire or hazardous materials and amending the list of types of cancers covered and known carcinogens that are reasonably associated with a disabling cancer. It provides that disabling cancer is rebuttably presumed to be occupationally related under certain circumstances and provides that a person who files a claim for a disabling cancer after retirement is not entitled to compensation for that disease other than medical benefits under certain circumstances.

SENATOR SETTELMEYER:

I rise in support of Senate Bill No. 215. When the bill first came out in the Committee on Commerce and Labor, it had problems, but it received many modifications and amendments. When it got to the Committee on Finance, that process continued. I applaud the Majority Leader in working with interested parties on the amendments and finding similar language on things we wrote in previous years to ensure there was a one-to-one ratio; if you work for ten years, you will

be able to get benefits for ten years; if you work for 20 years and get retirement and a full time benefit, you will get it for life. I applaud those changes. I am worried we have extended it pretty far to individuals, but we will need to wait and see the fiscal effects. I appreciate the work.

SENATOR GOICOECHEA:

I still rise in opposition to Senate Bill No. 215; I still am concerned about the long-range fiscal impacts of the bill. I will oppose.

Roll call on Senate Bill No. 215:

YEAS—19.

NAYS—Goicoechea, Hansen—2.

Senate Bill No. 215 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 319.

Bill read third time.

The following amendment was proposed by Senator Spearman:

Amendment No. 1050.

SUMMARY—Revises provisions governing professional licensing. (BDR 54-314)

AN ACT relating to professional licensing; authorizing a person to petition a professional or occupational licensing board for a determination of whether the person's criminal history will disqualify him or her from obtaining a license; requiring a professional or occupational licensing board to implement a process for such a petition; establishing certain requirements for such process; requiring a professional or occupational licensing board to make a quarterly report to the Legislative Counsel Bureau with certain information; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law allows a person to apply for various professional and occupational licenses if a person meets the requirements established in statute and by the professional or occupational licensing board which grants the license. (Title 54 of NRS; Chapters 1, 7, 90, 232B, 240A, 244, 289, 361, 379, 394, 433, 435, 445B, 453A, 455C, 457, 477, 482, 487, 489, 490, 502-505, 534, 544, 555, 557, 576, 581, 582, 584, 587, 599A, 599B, 618 and 706 of NRS, NRS 391.060, 458.0255, 458.0256) Existing law requires certain boards to submit a quarterly report to the Director of the Legislative Counsel Bureau containing certain information. (NRS 622.100) Section 1 of this bill requires a regulatory body to develop and implement a process by which a person can petition the regulatory body for a determination of whether the person's criminal history will disqualify the person from obtaining a license from the regulatory body. Section 1 requires the regulatory body to inform the person of the regulatory body's determination within 90 days after the petition is submitted and allows the regulatory body to rescind the determination at any time. Section 1 authorizes a regulatory body to provide instructions to a person who receives a determination of disqualification to remedy the determination

and resubmit his or her petition after remedying the determination. Section 1 authorizes a person to petition the regulatory body at any time, including before obtaining any education necessary to obtain a license. Section 1 authorizes the regulatory body to charge a fee of up to $50 for the costs of considering a petition. Section 1 authorizes a regulatory body to post information on its Internet website concerning the requirements for obtaining a license and a list of crimes that would disqualify a person for a license. Section 1 also authorizes a regulatory body to request the criminal history record of a person who petitions the regulatory body for a determination of disqualification or qualification. Section 1 prohibits a person who petitions a regulatory body from submitting false or misleading information to the regulatory body. Section 2 of this bill requires a regulatory body to include certain information concerning the determinations of qualification or disqualification in its quarterly report to the Director of the Legislative Counsel Bureau. Sections 3, 9-13, 15, 16, 19, 25, 26, 28, 29, 32, 36, 38, 43-45, 47-51, 53, 57, 63, 67-70 and 72-76 of this bill replicate the requirements of section 1 for other professional or occupational licensing boards, in addition to requiring the respective professional or occupational licensing board to submit a quarterly report to the Director of the Legislative Counsel Bureau containing certain information.

Assembly Bill No. 131, enacted during the current legislative session, makes various changes concerning community-based living arrangement services, including repealing the provisions governing community-based living arrangement services in chapter 433 of NRS and moving them instead to chapter 449 of NRS. Instead of requiring providers of such services to obtain a certificate, Assembly Bill No. 131 requires the providers to obtain a license from the Division pursuant to chapter 449 of NRS. (Chapter 51, Statutes of Nevada 2019) For that reason, section 19.1 of this bill was added to chapter 449 of NRS.

Existing law establishes the Sunset Subcommittee of the Legislative Commission. (NRS 232B.210-232B.250) Existing law requires the Sunset Subcommittee to conduct reviews of the professional and occupational licensing boards in this State and make recommendations on the continued existence or efficiency of the board. (NRS 232B.220, 232B.250) Section 6 of this bill requires the Sunset Subcommittee to conduct a review of each professional or occupational licensing board and regulatory body in this State to determine whether the restrictions on the criminal history of an applicant for an occupational or professional license are appropriate. Section 8 of this bill requires the Sunset Subcommittee to include in any recommendation made on the appropriateness of a restriction on the criminal history of an applicant suggestions for legislative action.

Sections 7, 14, 17, 18, ~~[20]~~ 19.2- 24, 27, 30, 31, 37, 46, 52, 54-56, 58-62, 64-66, 71 and 77-85 of this bill make conforming changes.

WHEREAS, The right of a natural person to pursue an occupation or profession is a fundamental right; and

WHEREAS, Regulations of occupations and professions shall be construed and applied to increase economic opportunities, promote competition and encourage innovation; and

WHEREAS, Where the State of Nevada finds it is necessary to displace competition, it will use the least restrictive regulation necessary to protect consumers from present, significant and substantiated harms that threaten public health and safety; and

WHEREAS, A regulation of an occupation or profession may be enforced against a natural person only to the extent the natural person sells goods or provides services that are explicitly included in the statute that defines the scope of practice of the occupation; and

WHEREAS, The fundamental right of a natural person to pursue an occupation includes the right of a natural person with a criminal history to obtain an occupational or professional license; now, therefore,

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

Section 1. Chapter 622 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in chapters 624 and 648 of NRS, a regulatory body shall develop and implement a process by which a person with a criminal history may petition the regulatory body to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license from the regulatory body.

2. Not later than 90 days after a petition is submitted to a regulatory body pursuant to subsection 1, a regulatory body shall inform the person of the determination of the regulatory body of whether the person's criminal history will disqualify the person from obtaining a license. A regulatory body is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. A regulatory body may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the regulatory body at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the regulatory body.

5. A person may submit a new petition to the regulatory body not earlier than 2 years after the final determination of the initial petition submitted to the regulatory body.

6. A regulatory body may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. A regulatory body may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. A regulatory body may post on its Internet website:

(a) The requirements to obtain a license from the regulatory body; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license from the regulatory body.

8. A regulatory body may request the criminal history record of a person who petitions the regulatory body for a determination pursuant to subsection 1. To the extent consistent with federal law, if the regulatory body makes such a request of a person, the regulatory body shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions a regulatory body for a determination pursuant to subsection 1 shall not submit false or misleading information to the regulatory body.

Sec. 2. NRS 622.100 is hereby amended to read as follows:

622.100 1. Each regulatory body shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director:

(a) A summary of each disciplinary action taken by the regulatory body during the immediately preceding calendar quarter against any licensee of the regulatory body; and

(b) A report that includes:

(1) For the immediately preceding calendar quarter:

(I) The number of licenses issued by the regulatory body;

(II) The total number of applications for licensure received by the regulatory body;

(III) The number of applications rejected by the regulatory body as incomplete;

(IV) The average number of days between the date of rejection of an application as incomplete and the resubmission by the applicant of a complete application;

(V) A list of each reason given by the regulatory body for the denial of an application and the number of applications denied by the regulatory body for each such reason; ~~[and]~~

(VI) The number of applications reviewed on an individual basis by the regulatory body or the executive head of the regulatory body; ~~[and]~~

(VII) The number of petitions submitted to the regulatory body pursuant to section 1 of this act;

(VIII) The number of determinations of disqualification made by the regulatory body pursuant to section 1 of this act; and

(IX) The reasons for such determinations; and

(2) Any other information that is requested by the Director or which the regulatory body determines would be helpful to the Legislature in evaluating whether the continued existence of the regulatory body is necessary.

2. The Director shall:

(a) Provide any information received pursuant to subsection 1 to a member of the public upon request;

(b) Cause a notice of the availability of such information to be posted on the public website of the Nevada Legislature on the Internet; and

(c) Transmit a compilation of the information received pursuant to subsection 1 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

3. The Director, on or before the first day of each regular session of the Legislature and at such other times as directed, shall compile the reports received pursuant to paragraph (b) of subsection 1 and distribute copies of the compilation to the Senate Standing Committee on Commerce, Labor and Energy and the Assembly Standing Committee on Commerce and Labor, each of which shall review the compilation to determine whether the continued existence of each regulatory body is necessary.

Sec. 3. Chapter 1 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Court Administrator shall develop and implement a process by which a person with a criminal history may petition the Court Administrator to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a certificate or registration as a court interpreter pursuant to NRS 1.510.

2. Not later than 90 days after a petition is submitted to the Court Administrator pursuant to subsection 1, the Court Administrator shall inform the person of the determination of the Court Administrator of whether the person's criminal history will disqualify the person from obtaining a certificate or registration. The Court Administrator is not bound by his or her determination of disqualification or qualification and may rescind such a determination at any time.

3. The Court Administrator may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Court Administrator at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a certificate or registration.

5. A person may submit a new petition to the Court Administrator not earlier than 2 years after the final determination of the initial petition submitted to the Court Administrator.

6. The Court Administrator may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Court Administrator may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Court Administrator may post on its Internet website:

(a) The requirements to obtain a certification or registration as a court interpreter; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a certification or registration as a court interpreter from the Court Administrator.

8. The Court Administrator may request the criminal history record of a person who petitions the Court Administrator for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Court Administrator makes such a request of a person, the Court Administrator shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Court Administrator for a determination pursuant to subsection 1 shall not submit false or misleading information to the Court Administrator.

10. The Court Administrator shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Court Administrator pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Court Administrator pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Court Administrator determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. Chapter 232B of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Sunset Subcommittee of the Legislative Commission shall conduct a review of each professional or occupational licensing board and regulatory body in this State to determine whether the restrictions on the criminal history of an applicant for an occupational or professional license are appropriate.

2. Each professional or occupational licensing board and regulatory body subject to review pursuant to subsection 1 must submit information to the Sunset Subcommittee on a form prescribed by the Sunset Subcommittee. The information must include, without limitation:

(a) The number of petitions submitted to a professional or occupational licensing board and regulatory body pursuant to sections 1, 3, 9-13, 15, 16,

19, 19.1, 25, 26, 28, 29, 32, 36, 38, 43-45, 47-51, 53, 57, 63, 67-70 and 72-76 of this act;

(b) The number of determinations of disqualification made by the professional or occupational licensing board and regulatory body pursuant to sections 1, 3, 9-13, 15, 16, 19, 19.1, 25, 26, 28, 29, 32, 36, 38, 43-45, 47-51, 53, 57, 63, 67-70 and 72-76 of this act; and

(c) The reasons for such determinations of disqualification.

3. As used in this section, "regulatory body" has the meaning ascribed to it in NRS 622.060.

Sec. 7. NRS 232B.220 is hereby amended to read as follows:

232B.220 1. The Sunset Subcommittee of the Legislative Commission shall conduct a review of each board and commission in this State which is not provided for in the Nevada Constitution or established by an executive order of the Governor to determine whether the board or commission should be terminated, modified, consolidated with another board or commission or continued. Such a review must include, without limitation:

(a) An evaluation of the major policies and programs of the board or commission, including, without limitation, an examination of other programs or services offered in this State to determine if any other provided programs or services duplicate those offered by the board or commission;

(b) Any recommendations for improvements in the policies and programs offered by the board or commission; and

(c) A determination of whether any statutory tax exemptions, abatements or money set aside to be provided to the board or commission should be terminated, modified or continued.

2. The Sunset Subcommittee shall review not less than 10 boards and commissions specified in subsection 1 each legislative interim.

3. Any action taken by the Sunset Subcommittee concerning a board or commission pursuant to NRS 232B.210 to 232B.250, inclusive, *and section 6 of this act* is in addition or supplemental to any action taken by the Legislative Commission pursuant to NRS 232B.010 to 232B.100, inclusive.

Sec. 8. NRS 232B.250 is hereby amended to read as follows:

232B.250 1. If the Sunset Subcommittee of the Legislative Commission determines to recommend the termination of a board or commission, its recommendation must include suggestions for appropriate direct legislative action, if any, which is made necessary or desirable by the termination of the board or commission.

2. If the Sunset Subcommittee determines to recommend the consolidation, modification or continuation of a board or commission, its recommendation must include suggestions for appropriate direct legislative action, if any, which would make the operation of the board or commission or its successor more efficient or effective.

3. *If the Sunset Subcommittee determines to recommend the modification, continuation or removal of the restrictions on the criminal history of an applicant for an occupational or professional license, its recommendation*

must include suggestions for appropriate direct legislative action, if any, which is made necessary or desirable by any modification, continuation or removal of such restrictions.

4. On or before June 30, 2012, the Sunset Subcommittee shall make all of its initial recommendations pursuant to this section, if any. The Sunset Subcommittee shall make all subsequent recommendations pursuant to this section, if any, on or before June 30 of each even-numbered year occurring thereafter.

Sec. 9. Chapter 240A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Secretary of State shall develop and implement a process by which a person with a criminal history may petition the Secretary of State to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a registration pursuant to NRS 240A.100.

2. Not later than 90 days after a petition is submitted to the Secretary of State pursuant to subsection 1, the Secretary of State shall inform the person of the determination of the Secretary of State of whether the person's criminal history will disqualify the person from obtaining a registration. The Secretary of State is not bound by his or her determination of disqualification or qualification and may rescind such a determination at any time.

3. The Secretary of State may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Secretary of State at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a registration from the Secretary of State.

5. A person may submit a new petition to the Secretary of State not earlier than 2 years after the final determination of the initial petition submitted to the Secretary of State.

6. The Secretary of State may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Secretary of State may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Secretary of State may post on its Internet website:

(a) The requirements to obtain a registration pursuant to NRS 240A.100 from the Secretary of State; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a registration from the Secretary of State.

8. The Secretary of State may request the criminal history record of a person who petitions the Secretary of State for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Secretary of State makes such a request of a person, the Secretary of State shall require the

person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Secretary of State for a determination pursuant to subsection 1 shall not submit false or misleading information to the Secretary of State.

10. The Secretary of State shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Secretary of State pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Secretary of State pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Secretary of State determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 10. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A board of county commissioners or county license board shall develop and implement a process by which a person with a criminal history may petition the board of county commissioners or county license board to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license.

2. Not later than 90 days after a petition is submitted to a board of county commissioners or county license board pursuant to subsection 1, a board of county commissioners or county license board shall inform the person of the determination of the board of county commissioners or county license board of whether the person's criminal history will disqualify the person from obtaining a license. The board of county commissioners or county license board is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. A board of county commissioners or county license board may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the board of county commissioners or county license board at any time, including, without

limitation, before obtaining any education or paying any fee required to obtain a license from the board of county commissioners or county license board.

5. A person may submit a new petition to the board of county commissioners or county license board not earlier than 2 years after the final determination of the initial petition submitted to the board of county commissioners or county license board.

6. A board of county commissioners or county license board may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. A board of county commissioners or county license board may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. A board of county commissioners or county license board may post on its Internet website:

(a) The requirements to obtain a license from the board of county commissioners or county license board, as applicable; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license from a board of county commissioners or county license board.

8. A board of county commissioners or county license board may request the criminal history record of a person who petitions the board of county commissioners or county license board for a determination pursuant to subsection 1. To the extent consistent with federal law, if the board of county commissioners or county license board makes such a request of a person, the board of county commissioners or county license board shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the board of county commissioners or county license board for a determination pursuant to subsection 1 shall not submit false or misleading information to the board of county commissioners or county license board.

10. A board of county commissioners or county license board shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to a board of county commissioners or county license board pursuant to subsection 1;

(b) The number of determinations of disqualification made by a board of county commissioners or county license board pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which a board of county commissioners or county license board determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 11. Chapter 361 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall develop and implement a process by which a person with a criminal history may petition the Department to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining an appraiser's certificate pursuant to NRS 361.221.

2. Not later than 90 days after a petition is submitted to the Department pursuant to subsection 1, the Department shall inform the person of the determination of the Department of whether the person's criminal history will disqualify the person from obtaining a certificate. The Department is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Department may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Department at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a certificate from the Department.

5. A person may submit a new petition to the Department not earlier than 2 years after the final determination of the initial petition submitted to the Department.

6. The Department may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Department may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Department may post on its Internet website:

(a) The requirements to obtain an appraiser's certificate from the Department; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a certificate from the Department.

8. The Department may request the criminal history record of a person who petitions the Department for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Department makes such a request of a person, the Department shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Department for a determination pursuant to subsection 1 shall not submit false or misleading information to the Department.

10. The Department shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Department pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Department pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Department determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 12. Chapter 379 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The State Library, Archives and Public Records Administrator shall develop and implement a process by which a person with a criminal history may petition the State Library, Archives and Public Records Administrator to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a certification pursuant to NRS 379.0073.

2. Not later than 90 days after a petition is submitted to the State Library, Archives and Public Records Administrator pursuant to subsection 1, the State Library, Archives and Public Records Administrator shall inform the person of the determination of the State Library, Archives and Public Records Administrator of whether the person's criminal history will disqualify the person from obtaining a certification. The State Library, Archives and Public Records Administrator is not bound by his or her determination of disqualification or qualification and may rescind such a determination at any time.

3. The State Library, Archives and Public Records Administrator may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the State Library, Archives and Public Records Administrator at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a certification from the State Library, Archives and Public Records Administrator.

5. A person may submit a new petition to the State Library, Archives and Public Records Administrator not earlier than 2 years after the final determination of the initial petition submitted to the State Library, Archives and Public Records Administrator.

6. The State Library, Archives and Public Records Administrator may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The State Library, Archives and Public Records Administrator may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The State Library, Archives and Public Records Administrator may post on its Internet website:

(a) The requirements to obtain a certification from the State Library, Archives and Public Records Administrator; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a certification from the State Library, Archives and Public Records Administrator.

8. The State Library, Archives and Public Records Administrator may request the criminal history record of a person who petitions the State Library, Archives and Public Records Administrator for a determination pursuant to subsection 1. To the extent consistent with federal law, if the State Library, Archives and Public Records Administrator makes such a request of a person, the State Library, Archives and Public Records Administrator shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the State Library, Archives and Public Records Administrator for a determination pursuant to subsection 1 shall not submit false or misleading information to the State Library, Archives and Public Records Administrator.

10. The State Library, Archives and Public Records Administrator shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the State Library, Archives and Public Records Administrator pursuant to subsection 1;

(b) The number of determinations of disqualification made by the State Library, Archives and Public Records Administrator pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the State Library, Archives and Public Records Administrator determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 13. Chapter 433 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division shall develop and implement a process by which a person with a criminal history may petition the Division to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a certificate pursuant to NRS 433.601 to 433.621, inclusive.

2. Not later than 90 days after a petition is submitted to the Division pursuant to subsection 1, the Division shall inform the person of the determination of the Division of whether the person's criminal history will disqualify the person from obtaining a certificate. The Division is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Division may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Division at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a certificate from the Division.

5. A person may submit a new petition to the Division not earlier than 2 years after the final determination of the initial petition submitted to the Division.

6. The Division may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Division may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Division may post on its Internet website:

(a) The requirements to obtain a certification pursuant to NRS 433.601 to 433.621, inclusive, from the Division; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a certification from the Division.

8. The Division may request the criminal history record of a person who petitions the Division for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Division makes such a request of a person, the Division shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Division for a determination pursuant to subsection 1 shall not submit false or misleading information to the Division.

10. The Division shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Division pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Division pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Division determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 14. NRS 433.601 is hereby amended to read as follows:

433.601 As used in NRS 433.601 to 433.621, inclusive, *and section 13 of this act,* unless the context otherwise requires, the words and terms defined in NRS 433.603 and 433.605 have the meanings ascribed to them in those sections.

Sec. 15. Chapter 435 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division shall develop and implement a process by which a person with a criminal history may petition the Division to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a certificate pursuant to this chapter.

2. Not later than 90 days after a petition is submitted to the Division pursuant to subsection 1, the Division shall inform the person of the determination of the Division of whether the person's criminal history will disqualify the person from obtaining a certificate. The Division is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Division may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Division at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a certificate from the Division.

5. A person may submit a new petition to the Division not earlier than 2 years after the final determination of the initial petition submitted to the Division.

6. The Division may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Division may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Division may post on its Internet website:

(a) The requirements to obtain a certificate from the Division; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a certificate from the Division.

8. The Division may request the criminal history record of a person who petitions the Division for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Division makes such a request of a person, the Division shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Division for a determination pursuant to subsection 1 shall not submit false or misleading information to the Division.

10. The Division shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Division pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Division pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Division determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 16. Chapter 445B of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department of Motor Vehicles shall develop and implement a process by which a person with a criminal history may petition the Department to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a qualification to inspect devices for the control of emissions for motor vehicles pursuant to NRS 445B.775.

2. Not later than 90 days after a petition is submitted to the Department of Motor Vehicles pursuant to subsection 1, the Department shall inform the person of the determination of the Department of whether the person's criminal history will disqualify the person from obtaining a qualification. The Department is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Department of Motor Vehicles may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Department of Motor Vehicles at any time, including, without limitation, before obtaining any

education or paying any fee required to obtain a qualification from the Department.

5. A person may submit a new petition to the Department of Motor Vehicles not earlier than 2 years after the final determination of the initial petition submitted to the Department.

6. The Department of Motor Vehicles may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Department may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Department of Motor Vehicles may post on its Internet website:

(a) The requirements to obtain a qualification from the Department; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a qualification from the Department.

8. The Department of Motor Vehicles may request the criminal history record of a person who petitions the Department for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Department makes such a request of a person, the Department shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Department of Motor Vehicles for a determination pursuant to subsection 1 shall not submit false or misleading information to the Department.

10. The Department of Motor Vehicles shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Department pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Department pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Department determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 17. NRS 445B.790 is hereby amended to read as follows:

445B.790 1. The Department of Motor Vehicles shall, by regulation, establish procedures for inspecting authorized inspection stations, authorized stations and fleet stations, and may require the holder of a license for an authorized inspection station, authorized station or fleet station to submit any material or document which is used in the program to control emissions from motor vehicles.

2. The Department may deny, suspend or revoke the license of an approved inspector, authorized inspection station, authorized station or fleet station if:

(a) The approved inspector or the holder of a license for an authorized inspection station, authorized station or fleet station is not complying with the provisions of NRS 445B.700 to 445B.815, inclusive ~~[.]~~ *, and section 16 of this act*.

(b) The holder of a license for an authorized inspection station, authorized station or fleet station refuses to furnish the Department with the requested material or document.

(c) The approved inspector has issued a fraudulent certificate of compliance, whether intentionally or negligently. A "fraudulent certificate" includes, but is not limited to:

(1) A backdated certificate;

(2) A postdated certificate; and

(3) A certificate issued without an inspection.

(d) The approved inspector does not follow the prescribed test procedure.

Sec. 18. NRS 445B.845 is hereby amended to read as follows:

445B.845 1. A violation of any provision of NRS 445B.700 to 445B.845, inclusive, *and section 16 of this act* relating to motor vehicles, or any regulation adopted pursuant thereto relating to motor vehicles, is a misdemeanor. The provisions of NRS 445B.700 to 445B.845, inclusive, *and section 16 of this act*, or any regulation adopted pursuant thereto, must be enforced by any peace officer.

2. Satisfactory evidence that the motor vehicle or its equipment conforms to those provisions or regulations, when supplied by the owner of the motor vehicle to the Department of Motor Vehicles within 10 days after the issuance of a citation pursuant to subsection 1, may be accepted by the court as a complete or partial mitigation of the offense.

Sec. 18.5. Chapter 449 of NRS is hereby amended by adding thereto the provisions set forth as sections 19 and 19.1 of this act.

Sec. 19. ~~[Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:]~~

1. The Division shall develop and implement a process by which a person with a criminal history may petition the Division to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a certificate to operate an intermediary service organization pursuant to NRS 449.431.

2. Not later than 90 days after a petition is submitted to the Division pursuant to subsection 1, the Division shall inform the person of the determination of the Division of whether the person's criminal history will disqualify the person from obtaining a certificate. The Division is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Division may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Division at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a certificate from the Division.

5. A person may submit a new petition to the Division not earlier than 2 years after the final determination of the initial petition submitted to the Division.

6. The Division may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Division may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Division may post on its Internet website:

(a) The requirements to obtain a certificate from the Division; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a certificate from the Division.

8. The Division may request the criminal history record of a person who petitions the Division for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Division makes such a request of a person, the Division shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Division for a determination pursuant to subsection 1 shall not submit false or misleading information to the Division.

10. The Division shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Division pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Division pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Division determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 19.1. *1. The Division shall develop and implement a process by which a person with a criminal history may petition the Division to review the criminal history of the person to determine if the person's criminal history will*

disqualify the person from obtaining a license pursuant to NRS 449.029 to 449.2428, inclusive.

2. Not later than 90 days after a petition is submitted to the Division pursuant to subsection 1, the Division shall inform the person of the determination of the Division of whether the person's criminal history will disqualify the person from obtaining a license. The Division is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Division may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Division at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the Division.

5. A person may submit a new petition to the Division not earlier than 2 years after the final determination of the initial petition submitted to the Division.

6. The Division may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Division may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Division may post on its Internet website:

(a) The requirements to obtain a license pursuant to NRS 449.029 to 449.2428, inclusive, from the Division; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license from the Division.

8. The Division may request the criminal history record of a person who petitions the Division for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Division makes such a request of a person, the Division shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Division for a determination pursuant to subsection 1 shall not submit false or misleading information to the Division.

10. The Division shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Division pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Division pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Division determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 19.2. NRS 449.029 is hereby amended to read as follows:

449.029 As used in NRS 449.029 to 449.240, inclusive, *and section 19.1 of this act,* unless the context otherwise requires, "medical facility" has the meaning ascribed to it in NRS 449.0151 and includes a program of hospice care described in NRS 449.196.

Sec. 19.3. NRS 449.0301 is hereby amended to read as follows:

449.0301 The provisions of NRS 449.029 to 449.2428, inclusive, *and section 19.1 of this act,* do not apply to:

1. Any facility conducted by and for the adherents of any church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing in the practice of the religion of the church or denomination, except that such a facility shall comply with all regulations relative to sanitation and safety applicable to other facilities of a similar category.

2. Foster homes as defined in NRS 424.014.

3. Any medical facility, facility for the dependent or facility which is otherwise required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed that is operated and maintained by the United States Government or an agency thereof.

Sec. 19.4. NRS 449.0302 is hereby amended to read as follows:

449.0302 1. The Board shall adopt:

(a) Licensing standards for each class of medical facility or facility for the dependent covered by NRS 449.029 to 449.2428, inclusive, *and section 19.1 of this act* and for programs of hospice care.

(b) Regulations governing the licensing of such facilities and programs.

(c) Regulations governing the procedure and standards for granting an extension of the time for which a natural person may provide certain care in his or her home without being considered a residential facility for groups pursuant to NRS 449.017. The regulations must require that such grants are effective only if made in writing.

(d) Regulations establishing a procedure for the indemnification by the Division, from the amount of any surety bond or other obligation filed or deposited by a facility for refractive surgery pursuant to NRS 449.068 or 449.069, of a patient of the facility who has sustained any damages as a result of the bankruptcy of or any breach of contract by the facility.

(e) Any other regulations as it deems necessary or convenient to carry out the provisions of NRS 449.029 to 449.2428, inclusive ~~[.]~~ *, and section 19.1 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. 19.5. NRS 449.080 is hereby amended to read as follows:

449.080 1. If, after investigation, the Division finds that the:

(a) Applicant is in full compliance with the provisions of NRS 449.029 to 449.2428, inclusive ~~[,]~~ *, and section 19.1 of this act;*

(b) Applicant is in substantial compliance with the standards and regulations adopted by the Board;

(c) Applicant, if he or she has undertaken a project for which approval is required pursuant to NRS 439A.100, has obtained the approval of the Director of the Department of Health and Human Services; and

(d) Facility conforms to the applicable zoning regulations,

➥ the Division shall issue the license to the applicant.

2. A license applies only to the person to whom it is issued, is valid only for the premises described in the license and is not transferable.

Sec. 19.6. NRS 449.089 is hereby amended to read as follows:

449.089 1. Each license issued pursuant to NRS 449.029 to 449.2428, inclusive, *and section 19.1 of this act* expires on December 31 following its issuance and is renewable for 1 year upon reapplication and payment of all fees required pursuant to NRS 449.050 unless the Division finds, after an investigation, that the facility has not:

(a) Satisfactorily complied with the provisions of NRS 449.029 to 449.2428, inclusive, *and section 19.1 of this act* or the standards and regulations adopted by the Board;

(b) Obtained the approval of the Director of the Department of Health and Human Services before undertaking a project, if such approval is required by NRS 439A.100; or

(c) Conformed to all applicable local zoning regulations.

2. Each reapplication for an agency to provide personal care services in the home, an agency to provide nursing in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a hospital described in 42 U.S.C. § 1395ww(d)(1)(B)(iv) which accepts payment through Medicare, a psychiatric hospital that provides inpatient services to children, a psychiatric residential treatment facility, a residential facility for groups, a program of hospice care, a home for individual residential care, a facility for the care of adults during the day, a facility for hospice care, a nursing pool, a peer support recovery organization, the distinct part of a hospital which meets the requirements of a skilled nursing facility or nursing facility pursuant to 42 C.F.R. § 483.5, a hospital that provides swing-bed services as described in 42 C.F.R. § 482.58 or, if residential services are provided to children, a medical facility or facility for the treatment of abuse of alcohol or drugs must include, without limitation, a statement that the facility, hospital, agency, program, pool, organization or home is in compliance with the provisions of NRS 449.115 to 449.125, inclusive, and 449.174.

3. Each reapplication for an agency to provide personal care services in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a facility for the care of adults during the day, a peer support recovery organization, a residential facility for groups or a home for individual residential care must include, without limitation, a statement that the holder of the license to operate, and the administrator or other person in charge and employees of, the facility, agency, pool, organization or home are in compliance with the provisions of NRS 449.093.

Sec. 19.7. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.029 to 449.2428, inclusive, *and section 19.1 of this act* upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.029 to 449.245, inclusive, *and section 19.1 of this act* or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, *and section 19.1 of this act,* and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required.

(f) Failure to comply with the provisions of NRS 449.2486.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

➥ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Division pursuant to subsection 2.

Sec. 19.8. NRS 449.163 is hereby amended to read as follows:

449.163 1. In addition to the payment of the amount required by NRS 449.0308, if a medical facility, facility for the dependent or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, *and section 19.1 of this act* or any condition, standard or regulation adopted by

the Board, the Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

(a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;

(b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;

(c) If the license of the facility limits the occupancy of the facility and the facility has exceeded the approved occupancy, require the facility, at its own expense, to move patients to another facility that is licensed;

(d) Impose an administrative penalty of not more than $5,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(e) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:

(1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (d) of subsection 1, the Division may:

(a) Suspend the license of the facility until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

3. The Division may require any facility that violates any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, *and section 19.1 of this act* or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

4. Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 must be accounted for separately and used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, *and section 19.1 of this act*, 449.435 to 449.531, inclusive, and chapter 449A of NRS to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards or for any other purpose authorized by the Legislature.

Sec. 19.9. 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 section 19.1 of this act.*

Sec. 20. NRS 449.4304 is hereby amended to read as follows:

449.4304 As used in NRS 449.4304 to 449.4339, inclusive, *and section 19 of this act,* unless the context otherwise requires, "intermediary service organization" means a nongovernmental entity that provides services

authorized pursuant to NRS 449.4308 for a person with a disability or other responsible person.

Sec. 21. NRS 449.431 is hereby amended to read as follows:

449.431 1. Except as otherwise provided in subsection 2, a person shall not operate or maintain in this State an intermediary service organization without first obtaining a certificate to operate an intermediary service organization as provided in NRS 449.4304 to 449.4339, inclusive ~~.~~ , *and section 19 of this act.*

2. A person who is licensed to operate an agency to provide personal care services in the home pursuant to this chapter is not required to obtain a certificate to operate an intermediary service organization as described in this section.

3. A person who violates the provisions of this section is guilty of a misdemeanor.

Sec. 22. NRS 449.4321 is hereby amended to read as follows:

449.4321 The Division may deny an application for a certificate to operate an intermediary service organization or may suspend or revoke any certificate issued under the provisions of NRS 449.4304 to 449.4339, inclusive, *and section 19 of this act* upon any of the following grounds:

1. Violation by the applicant or the holder of a certificate of any of the provisions of NRS 449.4304 to 449.4339, inclusive, *and section 19 of this act* or of any other law of this State or of the standards, rules and regulations adopted thereunder.

2. Aiding, abetting or permitting the commission of any illegal act.

3. Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the operation of an intermediary service organization.

4. Conduct or practice detrimental to the health or safety of a person under contract with or employees of the intermediary service organization.

Sec. 23. NRS 449.4335 is hereby amended to read as follows:

449.4335 1. If an intermediary service organization violates any provision related to its certification, including, without limitation, any provision of NRS 449.4304 to 449.4339, inclusive, *and section 19 of this act,* or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to NRS 449.4336, may, as it deems appropriate:

(a) Prohibit the intermediary service organization from providing services pursuant to NRS 449.4308 until it determines that the intermediary service organization has corrected the violation;

(b) Impose an administrative penalty of not more than $1,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(c) Appoint temporary management to oversee the operation of the intermediary service organization and to ensure the health and safety of the

persons for whom the intermediary service organization performs services, until:

(1) It determines that the intermediary service organization has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. If the intermediary service organization fails to pay any administrative penalty imposed pursuant to paragraph (b) of subsection 1, the Division may:

(a) Suspend the certificate to operate an intermediary service organization which is held by the intermediary service organization until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

3. The Division may require any intermediary service organization that violates any provision of NRS 449.4304 to 449.4339, inclusive, *and section 19 of this act,* or any condition, standard or regulation adopted by the Board, to make any improvements necessary to correct the violation.

4. Any money collected as administrative penalties pursuant to this section must be accounted for separately and used to protect the health or property of the persons for whom the intermediary service organization performs services in accordance with applicable federal standards.

Sec. 24. NRS 449.4338 is hereby amended to read as follows:

449.4338 1. Except as otherwise provided in subsection 2 of NRS 449.431, the Division may bring an action in the name of the State to enjoin any person from operating or maintaining an intermediary service organization within the meaning of NRS 449.4304 to 449.4339, inclusive ~~[.]~~ *, and section 19 of this act:*

(a) Without first obtaining a certificate to operate an intermediary service organization; or

(b) After the person's certificate has been revoked or suspended by the Division.

2. It is sufficient in such action to allege that the defendant did, on a certain date and in a certain place, operate and maintain the intermediary service organization without a certificate.

Sec. 25. Chapter 450B of NRS is hereby amended by adding thereto a new section to read as follows:

1. The health authority shall develop and implement a process by which a person with a criminal history may petition the health authority to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license as an attendant or firefighter or a certificate pursuant to NRS 450B.160.

2. Not later than 90 days after a petition is submitted to the health authority pursuant to subsection 1, the health authority shall inform the person of the determination of the health authority of whether the person's criminal

history will disqualify the person from obtaining a license or certificate. The health authority is not bound by his or her determination of disqualification or qualification and may rescind such a determination at any time.

3. The health authority may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the health authority at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license or certificate from the health authority.

5. A person may submit a new petition to the health authority not earlier than 2 years after the final determination of the initial petition submitted to the health authority.

6. The health authority may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The health authority may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The health authority may post on its Internet website:

(a) The requirements to obtain a license or certificate from the health authority; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license or certificate from the health authority.

8. The health authority may request the criminal history record of a person who petitions the health authority for a determination pursuant to subsection 1. To the extent consistent with federal law, if the health authority makes such a request of a person, the health authority shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the health authority for a determination pursuant to subsection 1 shall not submit false or misleading information to the health authority.

10. The health authority shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the health authority pursuant to subsection 1;

(b) The number of determinations of disqualification made by the health authority pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the health authority determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 26. Chapter 453A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall develop and implement a process by which a person with a criminal history may petition the Department to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a medical marijuana establishment agent registration card or medical marijuana establishment registration certificate pursuant to this chapter.

2. Not later than 90 days after a petition is submitted to the Department pursuant to subsection 1, the Department shall inform the person of the determination of the Department of whether the person's criminal history will disqualify the person from obtaining a medical marijuana establishment agent registration card or medical marijuana establishment registration certificate. The Department is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Department may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Department at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a medical marijuana establishment agent registration card or medical marijuana establishment registration certificate from the Department.

5. A person may submit a new petition to the Department not earlier than 2 years after the final determination of the initial petition submitted to the Department.

6. The Department may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Department may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Department may post on its Internet website:

(a) The requirements to obtain a medical marijuana establishment agent registration card and a medical marijuana establishment registration certificate from the Department; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a medical marijuana establishment agent registration card or a medical marijuana establishment registration certificate from the Department.

8. The Department may request the criminal history record of a person who petitions the Department for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Department makes such a request

of a person, the Department shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Department for a determination pursuant to subsection 1 shall not submit false or misleading information to the Department.

10. The Department shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Department pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Department pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Department determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 27. NRS 453A.344 is hereby amended to read as follows:

453A.344 1. Except as otherwise provided in subsection 2, the Department shall collect not more than the following maximum fees:

For the initial issuance of a medical marijuana establishment registration certificate for a medical marijuana dispensary	$30,000
For the renewal of a medical marijuana establishment registration certificate for a medical marijuana dispensary	5,000
For the initial issuance of a medical marijuana establishment registration certificate for a cultivation facility	3,000
For the renewal of a medical marijuana establishment registration certificate for a cultivation facility	1,000
For the initial issuance of a medical marijuana establishment registration certificate for a facility for the production of edible marijuana products or marijuana-infused products	3,000
For the renewal of a medical marijuana establishment registration certificate for a facility for the production of edible marijuana products or marijuana-infused products	1,000
For each person identified in an application for the initial issuance of a medical marijuana establishment agent registration card	75
For each person identified in an application for the renewal of a medical marijuana establishment agent registration card	75
For the initial issuance of a medical marijuana establishment registration certificate for an independent testing laboratory	5,000

For the renewal of a medical marijuana establishment registration certificate for an independent testing laboratory 3,000

2. In addition to the fees described in subsection 1, each applicant for a medical marijuana establishment registration certificate must pay to the Department:

(a) A one-time, nonrefundable application fee of $5,000; and

(b) The actual costs incurred by the Department in processing the application, including, without limitation, conducting background checks.

3. Any revenue generated from the fees imposed pursuant to this section:

(a) Must be expended first to pay the costs of the Department in carrying out the provisions of NRS 453A.320 to 453A.370, inclusive ~~[.]~~ *, and section 26 of this act;* and

(b) If any excess revenue remains after paying the costs described in paragraph (a), such excess revenue must be paid over to the State Treasurer to be deposited to the credit of the State Distributive School Account in the State General Fund.

Sec. 28. Chapter 455C of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division shall develop and implement a process by which a person with a criminal history may petition the Division to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a certificate as a boiler inspector or elevator mechanic pursuant to NRS 455C.110.

2. Not later than 90 days after a petition is submitted to the Division pursuant to subsection 1, the Division shall inform the person of the determination of the Division of whether the person's criminal history will disqualify the person from obtaining a certificate. The Division is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Division may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Division at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a certificate from the Division.

5. A person may submit a new petition to the Division not earlier than 2 years after the final determination of the initial petition submitted to the Division.

6. The Division may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Division may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Division may post on its Internet website:

(a) The requirements to obtain a certificate from the Division; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a certificate from the Division.

8. The Division may request the criminal history record of a person who petitions the Division for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Division makes such a request of a person, the Division shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Division for a determination pursuant to subsection 1 shall not submit false or misleading information to the Division.

10. The Division shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Division pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Division pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Division determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 29. Chapter 457 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division shall develop and implement a process by which a person with a criminal history may petition the Division to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a certificate of authorization to operate a radiation machine for mammography pursuant to NRS 457.183.

2. Not later than 90 days after a petition is submitted to the Division pursuant to subsection 1, the Division shall inform the person of the determination of the Division of whether the person's criminal history will disqualify the person from obtaining a certificate. The Division is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Division may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Division at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a certificate from the Division.

5. A person may submit a new petition to the Division not earlier than 2 years after the final determination of the initial petition submitted to the Division.

6. The Division may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Division may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Division may post on its Internet website:

(a) The requirements to obtain a certificate from the Division; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a certificate from the Division.

8. The Division may request the criminal history record of a person who petitions the Division for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Division makes such a request of a person, the Division shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Division for a determination pursuant to subsection 1 shall not submit false or misleading information to the Division.

10. The Division shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Division pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Division pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Division determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 30. NRS 457.182 is hereby amended to read as follows:

457.182 As used in NRS 457.182 to 457.187, inclusive, *and section 29 of this act,* unless the context otherwise requires:

1. "Mammography" means radiography of the breast to enable a physician to determine the presence, size, location and extent of cancerous or potentially cancerous tissue in the breast.

2. "Radiation" means radiant energy which exceeds normal background levels and which is used in radiography.

3. "Radiography" means the making of a film or other record of an internal structure of the body by passing X-rays or gamma rays through the body to act on film or other receptor of images.

Sec. 31. NRS 457.187 is hereby amended to read as follows:

457.187 1. The Division may impose an administrative fine, not to exceed $5,000, against the owner, lessee or other person responsible for a radiation machine for mammography for a violation of the provisions of NRS 457.182 to 457.186, inclusive, *and section 29 of this act,* or for a violation of a regulation adopted pursuant thereto.

2. Any money collected as a result of an administrative fine imposed pursuant to subsection 1 must be deposited in the State General Fund.

Sec. 32. Chapter 458 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division shall develop and implement a process by which a person with a criminal history may petition the Division to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a certificate as a detoxification technician pursuant to NRS 458.025.

2. Not later than 90 days after a petition is submitted to the Division pursuant to subsection 1, the Division shall inform the person of the determination of the Division of whether the person's criminal history will disqualify the person from obtaining a certificate. The Division is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Division may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Division at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a certificate from the Division.

5. A person may submit a new petition to the Division not earlier than 2 years after the final determination of the initial petition submitted to the Division.

6. The Division may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Division may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Division may post on its Internet website:

(a) The requirements to obtain a certification from the Division; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a certification from the Division.

8. The Division may request the criminal history record of a person who petitions the Division for a determination pursuant to subsection 1. To the

extent consistent with federal law, if the Division makes such a request of a person, the Division shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Division for a determination pursuant to subsection 1 shall not submit false or misleading information to the Division.

10. The Division shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Division pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Division pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Division determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 33. (Deleted by amendment.)

Sec. 34. (Deleted by amendment.)

Sec. 35. (Deleted by amendment.)

Sec. 36. Chapter 477 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The State Fire Marshal shall develop and implement a process by which a person with a criminal history may petition the State Fire Marshal to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a certificate of registration as a fire performer or apprentice fire performer pursuant to NRS 477.223.

2. Not later than 90 days after a petition is submitted to the State Fire Marshal pursuant to subsection 1, the State Fire Marshal shall inform the person of the determination of the State Fire Marshal of whether the person's criminal history will disqualify the person from obtaining a certificate of registration. The State Fire Marshal is not bound by his or her determination of disqualification or qualification and may rescind such a determination at any time.

3. The State Fire Marshal may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the State Fire Marshal at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a certificate from the State Fire Marshal.

5. A person may submit a new petition to the State Fire Marshal not earlier than 2 years after the final determination of the initial petition submitted to the State Fire Marshal.

6. The State Fire Marshal may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The State Fire Marshal may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The State Fire Marshal may post on its Internet website:

(a) The requirements to obtain a certificate from the State Fire Marshal; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a certificate from the State Fire Marshal.

8. The State Fire Marshal may request the criminal history record of a person who petitions the State Fire Marshal for a determination pursuant to subsection 1. To the extent consistent with federal law, if the State Fire Marshal makes such a request of a person, the State Fire Marshal shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the State Fire Marshal for a determination pursuant to subsection 1 shall not submit false or misleading information to the State Fire Marshal.

10. The State Fire Marshal shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the State Fire Marshal pursuant to subsection 1;

(b) The number of determinations of disqualification made by the State Fire Marshal pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the State Fire Marshal determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 37. NRS 477.220 is hereby amended to read as follows:

477.220 As used in NRS 477.220 to 477.226, inclusive, *and section 36 of this act,* unless the context otherwise requires, the words and terms defined in NRS 477.221 and 477.222 have the meanings ascribed to them in those sections.

Sec. 38. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall develop and implement a process by which a person with a criminal history may petition the Department to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license pursuant to this chapter.

2. Not later than 90 days after a petition is submitted to the Department pursuant to subsection 1, the Department shall inform the person of the determination of the Department of whether the person's criminal history will disqualify the person from obtaining a license. The Department is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Department may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Department at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the Department.

5. A person may submit a new petition to the Department not earlier than 2 years after the final determination of the initial petition submitted to the Department.

6. The Department may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Department may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Department may post on its Internet website:

(a) The requirements to obtain a license from the Department; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license from the Department.

8. The Department may request the criminal history record of a person who petitions the Department for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Department makes such a request of a person, the Department shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Department for a determination pursuant to subsection 1 shall not submit false or misleading information to the Department.

10. The Department shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Department pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Department pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Department determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 39. (Deleted by amendment.)

Sec. 40. (Deleted by amendment.)

Sec. 41. (Deleted by amendment.)

Sec. 42. (Deleted by amendment.)

Sec. 43. Chapter 487 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall develop and implement a process by which a person with a criminal history may petition the Department to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license pursuant to this chapter.

2. Not later than 90 days after a petition is submitted to the Department pursuant to subsection 1, the Department shall inform the person of the determination of the Department of whether the person's criminal history will disqualify the person from obtaining a license. The Department is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Department may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Department at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the Department.

5. A person may submit a new petition to the Department not earlier than 2 years after the final determination of the initial petition submitted to the Department.

6. The Department may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Department may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Department may post on its Internet website:

(a) The requirements to obtain a license from the Department; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license from the Department.

8. The Department may request the criminal history record of a person who petitions the Department for a determination pursuant to subsection 1. To

the extent consistent with federal law, if the Department makes such a request of a person, the Department shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Department for a determination pursuant to subsection 1 shall not submit false or misleading information to the Department.

10. The Department shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Department pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Department pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Department determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 44. Chapter 489 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division shall develop and implement a process by which a person with a criminal history may petition the Division to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license pursuant to this chapter.

2. Not later than 90 days after a petition is submitted to the Division pursuant to subsection 1, the Division shall inform the person of the determination of the Division of whether the person's criminal history will disqualify the person from obtaining a license. The Division is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Division may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Division at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the Division.

5. A person may submit a new petition to the Division not earlier than 2 years after the final determination of the initial petition submitted to the Division.

6. The Division may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Division may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Division may post on its Internet website:

(a) The requirements to obtain a license from the Division; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license from the Division.

8. The Division may request the criminal history record of a person who petitions the Division for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Division makes such a request of a person, the Division shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Division for a determination pursuant to subsection 1 shall not submit false or misleading information to the Division.

10. The Division shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Division pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Division pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Division determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 45. Chapter 490 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall develop and implement a process by which a person with a criminal history may petition the Department to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license pursuant to NRS 490.200 or a temporary permit.

2. Not later than 90 days after a petition is submitted to the Department pursuant to subsection 1, the Department shall inform the person of the determination of the Department of whether the person's criminal history will disqualify the person from obtaining a license or temporary permit. The Department is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Department may provide instructions to a person who receives a determination of disqualification to remedy the determination of

disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Department at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license or temporary permit from the Department.

5. A person may submit a new petition to the Department not earlier than 2 years after the final determination of the initial petition submitted to the Department.

6. The Department may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Department may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Department may post on its Internet website:

(a) The requirements to obtain a license or temporary permit from the Department; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license or temporary permit from the Department.

8. The Department may request the criminal history record of a person who petitions the Department for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Department makes such a request of a person, the Department shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Department for a determination pursuant to subsection 1 shall not submit false or misleading information to the Department.

10. The Department shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Department pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Department pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Department determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 46. NRS 490.510 is hereby amended to read as follows:

490.510 1. The Department may impose an administrative fine, not to exceed $2,500, for a violation of any provision of NRS 490.0827, 490.125 and 490.150 to 490.520, inclusive, *and section 45 of this act*, or any rule, regulation

or order adopted or issued pursuant thereto. The Department shall afford to any person so fined an opportunity for a hearing pursuant to the provisions of NRS 233B.121.

2. All administrative fines collected by the Department pursuant to subsection 1 must be deposited with the State Treasurer to the credit of the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration created by NRS 490.085.

3. In addition to any other remedy provided by this chapter, the Department may compel compliance with any provision of this chapter and any rule, regulation or order adopted or issued pursuant thereto by injunction or other appropriate remedy, and the Department may institute and maintain in the name of the State of Nevada any such enforcement proceedings.

Sec. 47. Chapter 502 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall develop and implement a process by which a person with a criminal history may petition the Department to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license to practice taxidermy pursuant to NRS 502.370.

2. Not later than 90 days after a petition is submitted to the Department pursuant to subsection 1, the Department shall inform the person of the determination of the Department of whether the person's criminal history will disqualify the person from obtaining a license. The Department is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Department may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Department at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the Department.

5. A person may submit a new petition to the Department not earlier than 2 years after the final determination of the initial petition submitted to the Department.

6. The Department may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Department may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Department may post on its Internet website:

(a) The requirements to obtain a license from the Department; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license from the Department.

8. The Department may request the criminal history record of a person who petitions the Department for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Department makes such a request of a person, the Department shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Department for a determination pursuant to subsection 1 shall not submit false or misleading information to the Department.

10. The Department shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Department pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Department pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Department determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 48. Chapter 503 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall develop and implement a process by which a person with a criminal history may petition the Department to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a falconry license pursuant to NRS 503.583.

2. Not later than 90 days after a petition is submitted to the Department pursuant to subsection 1, the Department shall inform the person of the determination of the Department of whether the person's criminal history will disqualify the person from obtaining a falconry license. The Department is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Department may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Department at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a falconry license from the Department.

5. A person may submit a new petition to the Department not earlier than 2 years after the final determination of the initial petition submitted to the Department.

6. The Department may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Department may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Department may post on its Internet website:

(a) The requirements to obtain a falconry license from the Department; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a falconry license from the Department.

8. The Department may request the criminal history record of a person who petitions the Department for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Department makes such a request of a person, the Department shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Department for a determination pursuant to subsection 1 shall not submit false or misleading information to the Department.

10. The Department shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Department pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Department pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Department determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 49. Chapter 504 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall develop and implement a process by which a person with a criminal history may petition the Department to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a master guide license or subguide license pursuant to NRS 504.390.

2. Not later than 90 days after a petition is submitted to the Department pursuant to subsection 1, the Department shall inform the person of the determination of the Department of whether the person's criminal history will disqualify the person from obtaining a license. The Department is not bound

by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Department may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Department at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the Department.

5. A person may submit a new petition to the Department not earlier than 2 years after the final determination of the initial petition submitted to the Department.

6. The Department may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Department may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Department may post on its Internet website:

(a) The requirements to obtain a license from the Department; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license from the Department.

8. The Department may request the criminal history record of a person who petitions the Department for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Department makes such a request of a person, the Department shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Department for a determination pursuant to subsection 1 shall not submit false or misleading information to the Department.

10. The Department shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Department pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Department pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Department determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 50. Chapter 505 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall develop and implement a process by which a person with a criminal history may petition the Department to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a fur dealer's license pursuant to NRS 502.240.

2. Not later than 90 days after a petition is submitted to the Department pursuant to subsection 1, the Department shall inform the person of the determination of the Department of whether the person's criminal history will disqualify the person from obtaining a license. The Department is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Department may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Department at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the Department.

5. A person may submit a new petition to the Department not earlier than 2 years after the final determination of the initial petition submitted to the Department.

6. The Department may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Department may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Department may post on its Internet website:

(a) The requirements to obtain a license from the Department; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license from the Department.

8. The Department may request the criminal history record of a person who petitions the Department for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Department makes such a request of a person, the Department shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Department for a determination pursuant to subsection 1 shall not submit false or misleading information to the Department.

10. The Department shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Department pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Department pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Department determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 51. Chapter 534 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The State Engineer shall develop and implement a process by which a person with a criminal history may petition the State Engineer to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license to drill pursuant to NRS 534.140.

2. Not later than 90 days after a petition is submitted to the State Engineer pursuant to subsection 1, the State Engineer shall inform the person of the determination of the State Engineer of whether the person's criminal history will disqualify the person from obtaining a license. The State Engineer is not bound by his or her determination of disqualification or qualification and may rescind such a determination at any time.

3. The State Engineer may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the State Engineer at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the State Engineer.

5. A person may submit a new petition to the State Engineer not earlier than 2 years after the final determination of the initial petition submitted to the State Engineer.

6. The State Engineer may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The State Engineer may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The State Engineer may post on its Internet website:

(a) The requirements to obtain a license from the State Engineer; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license from the State Engineer.

8. The State Engineer may request the criminal history record of a person who petitions the State Engineer for a determination pursuant to subsection 1. To the extent consistent with federal law, if the State Engineer makes such a

request of a person, the State Engineer shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the State Engineer for a determination pursuant to subsection 1 shall not submit false or misleading information to the State Engineer.

10. The State Engineer shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the State Engineer pursuant to subsection 1;

(b) The number of determinations of disqualification made by the State Engineer pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the State Engineer determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 52. NRS 534.190 is hereby amended to read as follows:

534.190 Any person violating any of the provisions of NRS 534.010 to 534.180, inclusive, *and section 51 of this act* shall be guilty of a misdemeanor.

Sec. 53. Chapter 544 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director shall develop and implement a process by which a person with a criminal history may petition the Director to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license and a permit pursuant to NRS 544.120.

2. Not later than 90 days after a petition is submitted to the Director pursuant to subsection 1, the Director shall inform the person of the determination of the Director of whether the person's criminal history will disqualify the person from obtaining a license and a permit. The Director is not bound by his or her determination of disqualification or qualification and may rescind such a determination at any time.

3. The Director may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Director at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license and a permit from the Director.

5. A person may submit a new petition to the Director not earlier than 2 years after the final determination of the initial petition submitted to the Director.

6. The Director may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Director may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Director may post on its Internet website:

(a) The requirements to obtain a license and a permit from the Director; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license and a permit from the Director.

8. The Director may request the criminal history record of a person who petitions the Director for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Director makes such a request of a person, the Director shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Director for a determination pursuant to subsection 1 shall not submit false or misleading information to the Director.

10. The Director of the State Department of Conservation and Natural Resources shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director of the Legislative Counsel Bureau, a report that includes:

(a) The number of petitions submitted to the Director of the State Department of Conservation and Natural Resources pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Director of the State Department of Conservation and Natural Resources pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director of the Legislative Counsel Bureau or which the Director of the State Department of Conservation and Natural Resources determines would be helpful.

11. The Director of the Legislative Counsel Bureau shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 54. NRS 544.070 is hereby amended to read as follows:

544.070 As used in NRS 544.070 to 544.240, inclusive, *and section 53 of this act,* unless the context requires otherwise:

1. "Director" means the Director of the State Department of Conservation and Natural Resources.

2. "Operation" means:

(a) The performance of weather modification and control activities pursuant to a single contract entered into for the purpose of producing, or attempting to produce, a certain modifying effect within one geographical area over one continuing time interval not exceeding 1 year; or

(b) If the performance of weather modification and control activities is to be undertaken individually or jointly by a person or persons to be benefited and not undertaken pursuant to a contract, the performance of weather modification and control activities entered into for the purpose of producing, or attempting to produce, a certain modifying effect within one geographical area over one continuing time interval not exceeding 1 year.

3. "Research and development" means theoretical analysis, exploration and experimentation and the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials and processes.

4. "Weather modification and control" means changing or controlling, or attempting to change or control, by artificial methods the natural development of any or all atmospheric cloud forms or precipitation forms which occur in the troposphere.

Sec. 55. NRS 544.220 is hereby amended to read as follows:

544.220 1. The Director may suspend or revoke any license or permit issued if it appears that the licensee no longer possesses the qualifications necessary for the issuance of a new license or permit. The Director may suspend or revoke any license or permit if it appears that the licensee has violated any of the provisions of NRS 544.070 to 544.240, inclusive ~~[.]~~ *, and section 53 of this act.* Such suspension or revocation shall occur only after notice to the licensee and a reasonable opportunity granted such licensee to be heard respecting the grounds for the proposed suspension or revocation. The Director may refuse to renew the license of, or to issue another permit to, any applicant who has failed to comply with any provisions of NRS 544.070 to 544.240, inclusive ~~[.]~~ *, and section 53 of this act.*

2. The Director may modify the terms of a permit after issuance thereof if the licensee is first given notice and a reasonable opportunity for a hearing respecting the grounds for the proposed modification and if it appears to the Director that it is necessary for the protection of the health or the property of any person to make the modification proposed.

Sec. 56. NRS 544.240 is hereby amended to read as follows:

544.240 Any person violating any of the provisions of NRS 544.070 to 544.240, inclusive, *and section 53 of this act,* or any lawful regulation or order issued pursuant thereto shall be guilty of a misdemeanor and a continuing violation is punishable as a separate offense for each day during which it occurs.

Sec. 57. Chapter 555 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director shall develop and implement a process by which a person with a criminal history may petition the Director to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license as a government applicator pursuant to NRS 555.2772 or a business license or license as an applicator pursuant to NRS 555.290.

2. Not later than 90 days after a petition is submitted to the Director pursuant to subsection 1, the Director shall inform the person of the determination of the Director of whether the person's criminal history will disqualify the person from obtaining a license. The Director is not bound by his or her determination of disqualification or qualification and may rescind such a determination at any time.

3. The Director may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Director at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the Director.

5. A person may submit a new petition to the Director not earlier than 2 years after the final determination of the initial petition submitted to the Director.

6. The Director may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Director may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Director may post on its Internet website:

(a) The requirements to obtain a license from the Director; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license from the Director.

8. The Director may request the criminal history record of a person who petitions the Director for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Director makes such a request of a person, the Director shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Director for a determination pursuant to subsection 1 shall not submit false or misleading information to the Director.

10. The Director of the State Department of Agriculture shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Director of the State Department of Agriculture pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Director of the State Department of Agriculture pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director of the Legislative Counsel Bureau or which the Director of the State Department of Agriculture determines would be helpful.

11. The Director of the Legislative Counsel Bureau shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 58. NRS 555.2605 is hereby amended to read as follows:

555.2605 As used in NRS 555.2605 to 555.460, inclusive, *and section 57 of this act,* unless the context otherwise requires, the words and terms defined in NRS 555.261 to 555.2695, inclusive, have the meanings ascribed to them in those sections.

Sec. 59. NRS 555.273 is hereby amended to read as follows:

555.273 All state agencies, municipal corporations and public utilities or any other governmental agency and any government applicator is subject to the provisions of NRS 555.2605 to 555.460, inclusive, *and section 57 of this act,* and rules adopted thereunder concerning the application of restricted-use pesticides by any person.

Sec. 60. NRS 555.350 is hereby amended to read as follows:

555.350 1. The Director may suspend, pending inquiry, for not longer than 10 days, and, after opportunity for a hearing, may revoke, suspend or modify any business license or license issued to an applicator or government applicator under NRS 555.2605 to 555.460, inclusive, *and section 57 of this act* if the Director finds that:

(a) The licensee is no longer qualified;

(b) The licensee has engaged in fraudulent business practices in pest control;

(c) The licensee has made false or fraudulent claims through any media by misrepresenting the effect of materials or methods to be used;

(d) The licensee has applied known ineffective or improper materials;

(e) The licensee has operated faulty or unsafe equipment;

(f) The licensee has made any application of materials in a manner inconsistent with labeling or any restriction imposed by regulation of the Director, or otherwise in a faulty, careless or negligent manner;

(g) The licensee has violated any of the provisions of NRS 555.2605 to 555.460, inclusive, *and section 57 of this act,* or regulations adopted pursuant thereto;

(h) The licensee has engaged in the business of pest control without having a licensed agent, operator, primary principal or principal in direct on-the-job supervision;

(i) The licensee has aided or abetted a licensed or an unlicensed person to evade the provisions of NRS 555.2605 to 555.460, inclusive, *and section 57 of this act,* combined or conspired with such a licensee or an unlicensed person to evade the provisions, or allowed the license to be used by an unlicensed person;

(j) The licensee was intentionally guilty of fraud or deception in the procurement of the license;

(k) The licensee was intentionally guilty of fraud, falsification or deception in the issuance of an inspection report on wood-destroying pests or other report or record required by regulation;

(l) The licensee has been convicted of, or entered a plea of nolo contendere to, a category A or B felony or a category C, D or E felony if the conviction occurred or the plea was entered for the category C, D or E felony during the immediately preceding 10 years in any court of competent jurisdiction in the United States or any other country; or

(m) The licensee has failed to provide adequate instruction or supervision to any unlicensed employee working under the supervision of the licensee.

2. A business license and any license issued to a principal of the business as an applicator is suspended automatically, without action of the Director, if the proof of public liability and property damage or drift insurance filed pursuant to NRS 555.330 is cancelled, and the licenses remain suspended until the insurance is re-established.

3. If the licensee is a natural person, any licensee against whom the Director initiates disciplinary action pursuant to this section shall, within 30 days after receiving written notice of the disciplinary action from the Director and in accordance with any regulations adopted by the Department, submit to the Director any document or other information required by the Department to perform a background check of the licensee. Any document or other information submitted pursuant to this subsection must be accompanied by the appropriate fees, if any, specified in regulations adopted by the Department for performing the background check. A willful failure of a licensee to comply with the requirements of this subsection constitutes an additional ground for the revocation, suspension or modification of the license pursuant to this section.

Sec. 61. NRS 555.460 is hereby amended to read as follows:

555.460 Any person violating the provisions of NRS 555.2605 to 555.420, inclusive, *and section 57 of this act,* or the regulations adopted pursuant thereto, is guilty of a misdemeanor and, in addition to any criminal penalty, shall pay to the Department an administrative fine of not more than $5,000 per violation. If an administrative fine is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the Department.

Sec. 62. NRS 555.470 is hereby amended to read as follows:

555.470 1. The Director shall adopt regulations specifying a schedule of fines which may be imposed, upon notice and a hearing, for each violation of

the provisions of NRS 555.2605 to 555.460, inclusive ~~.~~ *, and section 57 of this act.* The maximum fine that may be imposed by the Director for each violation must not exceed $5,000 per day. All fines collected by the Director pursuant to this subsection must be remitted to the county treasurer of the county in which the violation occurred for credit to the county school district fund.

2. The Director may:

(a) In addition to imposing a fine pursuant to subsection 1, issue an order requiring a violator to take appropriate action to correct the violation; or

(b) Request the district attorney of the appropriate county to investigate or file a criminal complaint against any person that the State Board of Agriculture suspects may have violated any provision of NRS 555.2605 to 555.460, inclusive ~~.~~ *, and section 57 of this act.*

Sec. 63. Chapter 557 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall develop and implement a process by which a person with a criminal history may petition the Department to review the criminal history of the person to determine if the person's criminal history will disqualify the person from registering as a grower, handler or producer pursuant to NRS 557.200.

2. Not later than 90 days after a petition is submitted to the Department pursuant to subsection 1, the Department shall inform the person of the determination of the Department of whether the person's criminal history will disqualify the person from registration. The Department is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Department may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Department at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a registration from the Department.

5. A person may submit a new petition to the Department not earlier than 2 years after the final determination of the initial petition submitted to the Department.

6. The Department may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Department may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Department may post on its Internet website:

(a) The requirements to register with the Department; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a registration from the Department.

8. The Department may request the criminal history record of a person who petitions the Department for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Department makes such a request of a person, the Department shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Department for a determination pursuant to subsection 1 shall not submit false or misleading information to the Department.

10. The Department shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Department pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Department pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Department determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 64. NRS 557.100 is hereby amended to read as follows:

557.100 As used in NRS 557.100 to 557.290, inclusive, *and section 63 of this act,* unless the context otherwise requires, the words and terms defined in NRS 557.110 to 557.180, inclusive, have the meanings ascribed to them in those sections.

Sec. 65. NRS 557.190 is hereby amended to read as follows:

557.190 The provisions of NRS 557.100 to 557.290, inclusive, *and section 63 of this act* do not apply to the Department or an institution of higher education which grows or cultivates industrial hemp pursuant to NRS 557.010 to 557.080, inclusive.

Sec. 66. NRS 557.280 is hereby amended to read as follows:

557.280 1. The Department may refuse to issue or renew, suspend or revoke the registration of a grower, handler or producer for a violation of any provision of NRS 557.100 to 557.290, inclusive, *and section 63 of this act,* the regulations adopted pursuant thereto or any lawful order of the Department.

2. In addition to any other penalty provided by law, the Department may impose an administrative fine on any person who violates any of the provisions of NRS 557.100 to 557.290, inclusive, *and section 63 of this act,* the regulations adopted pursuant thereto or any lawful order of the Department in an amount not to exceed $2,500.

3. All fines collected by the Department pursuant to subsection 2 must be deposited with the State Treasurer for credit to the State General Fund.

Sec. 67. Chapter 576 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall develop and implement a process by which a person with a criminal history may petition the Department to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license as a broker, dealer, commission merchant or agent pursuant to NRS 576.030.

2. Not later than 90 days after a petition is submitted to the Department pursuant to subsection 1, the Department shall inform the person of the determination of the Department of whether the person's criminal history will disqualify the person from obtaining a license. The Department is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Department may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Department at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the Department.

5. A person may submit a new petition to the Department not earlier than 2 years after the final determination of the initial petition submitted to the Department.

6. The Department may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Department may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Department may post on its Internet website:

(a) The requirements to obtain a license from the Department; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license from the Department.

8. The Department may request the criminal history record of a person who petitions the Department for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Department makes such a request of a person, the Department shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Department for a determination pursuant to subsection 1 shall not submit false or misleading information to the Department.

10. The Department shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Department pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Department pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Department determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 68. Chapter 581 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The State Sealer of Consumer Equitability shall develop and implement a process by which a person with a criminal history may petition the State Sealer of Consumer Equitability to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a certificate of registration pursuant to NRS 581.103.

2. Not later than 90 days after a petition is submitted to the State Sealer of Consumer Equitability pursuant to subsection 1, the State Sealer of Consumer Equitability shall inform the person of the determination of the State Sealer of Consumer Equitability of whether the person's criminal history will disqualify the person from obtaining a certificate of registration. The State Sealer of Consumer Equitability is not bound by his or her determination of disqualification or qualification and may rescind such a determination at any time.

3. The State Sealer of Consumer Equitability may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the State Sealer of Consumer Equitability at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a certificate of registration from the State Sealer of Consumer Equitability.

5. A person may submit a new petition to the State Sealer of Consumer Equitability not earlier than 2 years after the final determination of the initial petition submitted to the State Sealer of Consumer Equitability.

6. The State Sealer of Consumer Equitability may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The State Sealer of Consumer Equitability may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The State Sealer of Consumer Equitability may post on its Internet website:

(a) The requirements to obtain a certificate of registration from the State Sealer of Consumer Equitability; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a certificate of registration from the State Sealer of Consumer Equitability.

8. The State Sealer of Consumer Equitability may request the criminal history record of a person who petitions the State Sealer of Consumer Equitability for a determination pursuant to subsection 1. To the extent consistent with federal law, if the State Sealer of Equitability makes such a request of a person, the State Sealer of Equitability shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the State Sealer of Consumer Equitability for a determination pursuant to subsection 1 shall not submit false or misleading information to the State Sealer of Consumer Equitability.

10. The State Sealer of Consumer Equitability shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the State Sealer of Consumer Equitability pursuant to subsection 1;

(b) The number of determinations of disqualification made by the State Sealer of Consumer Equitability pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the State Sealer of Consumer Equitability determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 69. Chapter 582 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The State Sealer of Consumer Equitability shall develop and implement a process by which a person with a criminal history may petition the State Sealer of Consumer Equitability to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license as a public weighmaster pursuant to NRS 582.028.

2. Not later than 90 days after a petition is submitted to the State Sealer of Consumer Equitability pursuant to subsection 1, the State Sealer of Consumer Equitability shall inform the person of the determination of the State Sealer of Consumer Equitability of whether the person's criminal history will disqualify the person from obtaining a license. The State Sealer of Consumer Equitability is not bound by his or her determination of disqualification or qualification and may rescind such a determination at any time.

3. The State Sealer of Consumer Equitability may provide instructions to a person who receives a determination of disqualification to remedy the

determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the State Sealer of Consumer Equitability at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the State Sealer of Consumer Equitability.

5. A person may submit a new petition to the State Sealer of Consumer Equitability not earlier than 2 years after the final determination of the initial petition submitted to the State Sealer of Consumer Equitability.

6. The State Sealer of Consumer Equitability may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The State Sealer of Consumer Equitability may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The State Sealer of Consumer Equitability may post on its Internet website:

(a) The requirements to obtain a license from the State Sealer of Consumer Equitability; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license from the State Sealer of Consumer Equitability.

8. The State Sealer of Consumer Equitability may request the criminal history record of a person who petitions the State Sealer of Consumer Equitability for a determination pursuant to subsection 1. To the extent consistent with federal law, if the State Sealer of Consumer Equitability makes such a request of a person, the State Sealer of Consumer Equitability shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the State Sealer of Consumer Equitability for a determination pursuant to subsection 1 shall not submit false or misleading information to the State Sealer of Consumer Equitability.

10. The State Sealer of Consumer Equitability shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the State Sealer of Consumer Equitability pursuant to subsection 1;

(b) The number of determinations of disqualification made by the State Sealer of Consumer Equitability pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the State Sealer of Consumer Equitability determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 70. Chapter 584 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director shall develop and implement a process by which a person with a criminal history may petition the Director to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a milk tester's license pursuant to NRS 584.215.

2. Not later than 90 days after a petition is submitted to the Director pursuant to subsection 1, the Director shall inform the person of the determination of the Director of whether the person's criminal history will disqualify the person from obtaining a license. The Director is not bound by his or her determination of disqualification or qualification and may rescind such a determination at any time.

3. The Director may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Director at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the Director.

5. A person may submit a new petition to the Director not earlier than 2 years after the final determination of the initial petition submitted to the Director.

6. The Director may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Director may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Director may post on its Internet website:

(a) The requirements to obtain a license from the Director; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license from the Director.

8. The Director may request the criminal history record of a person who petitions the Director for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Director makes such a request of a person, the Director shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Director for a determination pursuant to subsection 1 shall not submit false or misleading information to the Director.

10. The Director of the State Department of Agriculture shall, on or before the 20th day of January, April, July and October, submit to the Director of the

Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Director of the State Department of Agriculture pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Director of the State Department of Agriculture pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director of the Legislative Counsel Bureau or which the Director of the State Department of Agriculture determines would be helpful.

11. The Director of the Legislative Counsel Bureau shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 71. NRS 584.285 is hereby amended to read as follows:

584.285 Any person violating any provision of NRS 584.215 to 584.285, inclusive, *and section 70 of this act* shall be guilty of a misdemeanor.

Sec. 72. Chapter 587 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director shall develop and implement a process by which a person with a criminal history may petition the Director to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license or registration pursuant to this chapter.

2. Not later than 90 days after a petition is submitted to the Director pursuant to subsection 1, the Director shall inform the person of the determination of the Director of whether the person's criminal history will disqualify the person from obtaining a license or registration. The Director is not bound by his or her determination of disqualification or qualification and may rescind such a determination at any time.

3. The Director may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Director at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license or registration from the Director.

5. A person may submit a new petition to the Director not earlier than 2 years after the final determination of the initial petition submitted to the Director.

6. The Director may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Director may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Director may post on its Internet website:

(a) The requirements to obtain a license or registration from the Director; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license or registration from the Director.

8. The Director may request the criminal history record of a person who petitions the Director for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Director makes such a request of a person, the Director shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Director for a determination pursuant to subsection 1 shall not submit false or misleading information to the Director.

10. The Director of the State Department of Agriculture shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director of the Legislative Counsel Bureau, a report that includes:

(a) The number of petitions submitted to the Director of the State Department of Agriculture pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Director of the State Department of Agriculture pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director of the Legislative Counsel Bureau or which the Director of the State Department of Agriculture determines would be helpful.

11. The Director of the Legislative Counsel Bureau shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 73. Chapter 599A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of county commissioners of any county and the governing body of an incorporated city shall develop and implement a process by which a person with a criminal history may petition the board of county commissioners of any county and the governing body of an incorporated city to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license pursuant to NRS 599A.050.

2. Not later than 90 days after a petition is submitted to the board of county commissioners of any county and the governing body of an incorporated city pursuant to subsection 1, the board of county commissioners of any county and the governing body of an incorporated city shall inform the person of the determination of the board of county commissioners of any county and the governing body of an incorporated city of whether the person's criminal history will disqualify the person from obtaining a license. The board of county

commissioners of any county and the governing body of an incorporated city is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The board of county commissioners of any county and the governing body of an incorporated city may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the board of county commissioners of any county and the governing body of an incorporated city at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the board of county commissioners of any county and the governing body of an incorporated city.

5. A person may submit a new petition to the board of county commissioners of any county and the governing body of an incorporated city not earlier than 2 years after the final determination of the initial petition submitted to the board of county commissioners of any county and the governing body of an incorporated city.

6. The board of county commissioners of any county and the governing body of an incorporated city may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The board of county commissioners of any county and the governing body of an incorporated city may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The board of county commissioners of any county and the governing body of an incorporated city may post on its Internet website:

(a) The requirements to obtain a license from the board of county commissioners or the governing body, as applicable; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license from the board of county commissioners of any county and the governing body of an incorporated city, as applicable.

8. The board of county commissioners of any county and the governing body of an incorporated city may request the criminal history record of a person who petitions the board of county commissioners or the governing body, as applicable, for a determination pursuant to subsection 1. To the extent consistent with federal law, if the board of county commissioners or governing body, as applicable, makes such a request of a person, the board of county commissioners or governing body, as applicable, shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the board of county commissioners of any county and the governing body of an incorporated city for a determination pursuant

to subsection 1 shall not submit false or misleading information to the board of county commissioners or governing body, as applicable.

10. The board of county commissioners of any county and the governing body of an incorporated city shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the board of county commissioners of any county and the governing body of an incorporated city pursuant to subsection 1;

(b) The number of determinations of disqualification made by the board of county commissioners of any county and the governing body of an incorporated city pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the board of county commissioners of any county and the governing body of an incorporated city determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 74. Chapter 599B of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division shall develop and implement a process by which a person with a criminal history may petition the Division to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a registration pursuant to NRS 599B.080.

2. Not later than 90 days after a petition is submitted to the Division pursuant to subsection 1, the Division shall inform the person of the determination of the Division of whether the person's criminal history will disqualify the person from obtaining a registration. The Division is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Division may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Division at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a registration from the Division.

5. A person may submit a new petition to the Division not earlier than 2 years after the final determination of the initial petition submitted to the Division.

6. The Division may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The

Division may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Division may post on its Internet website:

(a) The requirements to obtain a registration from the Division; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a registration from the Division.

8. The Division may request the criminal history record of a person who petitions the Division for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Division makes such a request of a person, the Division shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Division for a determination pursuant to subsection 1 shall not submit false or misleading information to the Division.

10. The Division shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Division pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Division pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Division determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 75. Chapter 618 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division shall develop and implement a process by which a person with a criminal history may petition the Division to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license or certification pursuant to this chapter.

2. Not later than 90 days after a petition is submitted to the Division pursuant to subsection 1, the Division shall inform the person of the determination of the Division of whether the person's criminal history will disqualify the person from obtaining a license or certification. The Division is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Division may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Division at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license or certification from the Division.

5. A person may submit a new petition to the Division not earlier than 2 years after the final determination of the initial petition submitted to the Division.

6. The Division may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Division may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Division may post on its Internet website:

(a) The requirements to obtain a license or certification from the Division; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license or certification from the Division.

8. The Division may request the criminal history record of a person who petitions the Division for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Division makes such a request of a person, the Division shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Division for a determination pursuant to subsection 1 shall not submit false or misleading information to the Division.

10. The Division shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Division pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Division pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Division determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 76. Chapter 706 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Authority shall develop and implement a process by which a person with a criminal history may petition the Authority to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a driver's permit pursuant to NRS 706.462.

2. Not later than 90 days after a petition is submitted to the Authority pursuant to subsection 1, the Authority shall inform the person of the determination of the Authority of whether the person's criminal history will disqualify the person from obtaining a driver's permit. The Authority is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Authority may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Authority at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a driver's permit from the Authority.

5. A person may submit a new petition to the Authority not earlier than 2 years after the final determination of the initial petition submitted to the Authority.

6. The Authority may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Authority may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Authority may post on its Internet website:

(a) The requirements to obtain a driver's permit from the Authority; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a driver's permit from the Authority.

8. The Authority may request the criminal history record of a person who petitions the Authority for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Authority makes such a request of a person, the Authority shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Authority for a determination pursuant to subsection 1 shall not submit false or misleading information to the Authority.

10. The Authority shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Authority pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Authority pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Authority determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 77. NRS 706.011 is hereby amended to read as follows:

706.011 As used in NRS 706.011 to 706.791, inclusive, *and section 76 of this act,* unless the context otherwise requires, the words and terms defined in NRS 706.013 to 706.146, inclusive, have the meanings ascribed to them in those sections.

Sec. 78. NRS 706.158 is hereby amended to read as follows:

706.158 The provisions of NRS 706.011 to 706.791, inclusive, *and section 76 of this act* relating to brokers do not apply to any person whom the Authority determines is:

1. A motor club which holds a valid certificate of authority issued by the Commissioner of Insurance;

2. A bona fide charitable organization, such as a nonprofit corporation or a society, organization or association for educational, religious, scientific or charitable purposes; or

3. A broker of transportation services provided by an entity that is exempt pursuant to NRS 706.745 from the provisions of NRS 706.386 or 706.421.

Sec. 79. NRS 706.163 is hereby amended to read as follows:

706.163 The provisions of NRS 706.011 to 706.861, inclusive, *and section 76 of this act* do not apply to vehicles leased to or owned by:

1. The Federal Government or any instrumentality thereof.

2. Any state or a political subdivision thereof.

Sec. 80. NRS 706.2885 is hereby amended to read as follows:

706.2885 1. A certificate of public convenience and necessity, permit or license issued in accordance with this chapter is not a franchise and may be revoked.

2. The Authority may at any time, for good cause shown, after investigation and hearing and upon 5 days' written notice to the grantee, suspend any certificate, permit or license issued in accordance with the provisions of NRS 706.011 to 706.791, inclusive, *and section 76 of this act* for a period not to exceed 60 days.

3. Upon receipt of a written complaint or on its own motion, the Authority may, after investigation and hearing, revoke any certificate, permit or license. If service of the notice required by subsection 2 cannot be made or if the grantee relinquishes the grantee's interest in the certificate, permit or license by so notifying the Authority in writing, the Authority may revoke the certificate, permit or license without a hearing.

4. Except as otherwise provided in NRS 706.1519, the proceedings thereafter are governed by the provisions of chapter 233B of NRS.

Sec. 81. NRS 706.461 is hereby amended to read as follows:

706.461 When:

1. A complaint has been filed with the Authority alleging that any vehicle is being operated without a certificate of public convenience and necessity or

contract carrier's permit as required by NRS 706.011 to 706.791, inclusive ~~[.]~~ *, and section 76 of this act;* or

2. The Authority has reason to believe that any:

(a) Person is advertising to provide:

(1) The services of a fully regulated carrier in intrastate commerce; or

(2) Towing services,

➥ without including the number of the person's certificate of public convenience and necessity or permit in each advertisement; or

(b) Provision of NRS 706.011 to 706.791, inclusive, *and section 76 of this act* is being violated,

➥ the Authority shall investigate the operations or advertising and may, after a hearing, order the owner or operator of the vehicle or the person advertising to cease and desist from any operation or advertising in violation of NRS 706.011 to 706.791, inclusive ~~[.]~~ *, and section 76 of this act.* The Authority shall enforce compliance with the order pursuant to the powers vested in the Authority by NRS 706.011 to 706.791, inclusive, *and section 76 of this act* or by other law.

Sec. 82. NRS 706.736 is hereby amended to read as follows:

706.736 1. Except as otherwise provided in subsection 2, the provisions of NRS 706.011 to 706.791, inclusive, *and section 76 of this act* do not apply to:

(a) The transportation by a contractor licensed by the State Contractors' Board of the contractor's own equipment in the contractor's own vehicles from job to job.

(b) Any person engaged in transporting the person's own personal effects in the person's own vehicle, but the provisions of this subsection do not apply to any person engaged in transportation by vehicle of property sold or to be sold, or used by the person in the furtherance of any commercial enterprise other than as provided in paragraph (d), or to the carriage of any property for compensation.

(c) Special mobile equipment.

(d) The vehicle of any person, when that vehicle is being used in the production of motion pictures, including films to be shown in theaters and on television, industrial training and educational films, commercials for television and video discs and tapes.

(e) A private motor carrier of property which is used for any convention, show, exhibition, sporting event, carnival, circus or organized recreational activity.

(f) A private motor carrier of property which is used to attend livestock shows and sales.

(g) The transportation by a private school of persons or property in connection with the operation of the school or related school activities, so long as the vehicle that is used to transport the persons or property does not have a gross vehicle weight rating of 26,001 pounds or more and is not registered pursuant to NRS 706.801 to 706.861, inclusive.

2. Unless exempted by a specific state statute or a specific federal statute, regulation or rule, any person referred to in subsection 1 is subject to:

(a) The provisions of paragraph (d) of subsection 1 of NRS 706.171 and NRS 706.235 to 706.256, inclusive, 706.281, 706.457 and 706.458.

(b) All rules and regulations adopted by reference pursuant to paragraph (b) of subsection 1 of NRS 706.171 concerning the safety of drivers and vehicles.

(c) All standards adopted by regulation pursuant to NRS 706.173.

3. The provisions of NRS 706.311 to 706.453, inclusive, 706.471, 706.473, 706.475 and 706.6411 which authorize the Authority to issue:

(a) Except as otherwise provided in paragraph (b), certificates of public convenience and necessity and contract carriers' permits and to regulate rates, routes and services apply only to fully regulated carriers.

(b) Certificates of public convenience and necessity to operators of tow cars and to regulate rates for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle apply to operators of tow cars.

4. Any person who operates pursuant to a claim of an exemption provided by this section but who is found to be operating in a manner not covered by any of those exemptions immediately becomes liable, in addition to any other penalties provided in this chapter, for the fee appropriate to the person's actual operation as prescribed in this chapter, computed from the date when that operation began.

5. As used in this section, "private school" means a nonprofit private elementary or secondary educational institution that is licensed in this State.

Sec. 83. NRS 706.756 is hereby amended to read as follows:

706.756 1. Except as otherwise provided in subsection 2, any person who:

(a) Operates a vehicle or causes it to be operated in any carriage to which the provisions of NRS 706.011 to 706.861, inclusive, *and section 76 of this act* apply without first obtaining a certificate, permit or license, or in violation of the terms thereof;

(b) Fails to make any return or report required by the provisions of NRS 706.011 to 706.861, inclusive, *and section 76 of this act,* or by the Authority or the Department pursuant to the provisions of NRS 706.011 to 706.861, inclusive ~~[;]~~ *, and section 76 of this act;*

(c) Violates, or procures, aids or abets the violating of, any provision of NRS 706.011 to 706.861, inclusive ~~[;]~~ *, and section 76 of this act;*

(d) Fails to obey any order, decision or regulation of the Authority or the Department;

(e) Procures, aids or abets any person in the failure to obey such an order, decision or regulation of the Authority or the Department;

(f) Advertises, solicits, proffers bids or otherwise is held out to perform transportation as a common or contract carrier in violation of any of the provisions of NRS 706.011 to 706.861, inclusive ~~[;]~~ *, and section 76 of this act;*

(g) Advertises as providing:

(1) The services of a fully regulated carrier; or

(2) Towing services,

➥ without including the number of the person's certificate of public convenience and necessity or contract carrier's permit in each advertisement;

(h) Knowingly offers, gives, solicits or accepts any rebate, concession or discrimination in violation of the provisions of this chapter;

(i) Knowingly, willfully and fraudulently seeks to evade or defeat the purposes of this chapter;

(j) Operates or causes to be operated a vehicle which does not have the proper identifying device;

(k) Displays or causes or permits to be displayed a certificate, permit, license or identifying device, knowing it to be fictitious or to have been cancelled, revoked, suspended or altered;

(l) Lends or knowingly permits the use of by one not entitled thereto any certificate, permit, license or identifying device issued to the person so lending or permitting the use thereof; or

(m) Refuses or fails to surrender to the Authority or Department any certificate, permit, license or identifying device which has been suspended, cancelled or revoked pursuant to the provisions of this chapter,

➥ is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $100 nor more than $1,000, or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.

2. Any person who, in violation of the provisions of NRS 706.386, operates as a fully regulated common motor carrier without first obtaining a certificate of public convenience and necessity or any person who, in violation of the provisions of NRS 706.421, operates as a contract motor carrier without first obtaining a permit is guilty of a misdemeanor and shall be punished:

(a) For a first offense within a period of 12 consecutive months, by a fine of not less than $500 nor more than $1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

(b) For a second offense within a period of 12 consecutive months and for each subsequent offense that is committed within a period of 12 consecutive months of any prior offense under this subsection, by a fine of $1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

3. Any person who, in violation of the provisions of NRS 706.386, operates or permits the operation of a vehicle in passenger service without first obtaining a certificate of public convenience and necessity is guilty of a gross misdemeanor.

4. If a law enforcement officer witnesses a violation of any provision of subsection 2 or 3, the law enforcement officer may cause the vehicle to be towed immediately from the scene and impounded in accordance with NRS 706.476.

5. The fines provided in this section are mandatory and must not be reduced under any circumstances by the court.

6. Any bail allowed must not be less than the appropriate fine provided for by this section.

Sec. 84. NRS 706.758 is hereby amended to read as follows:

706.758 1. It is unlawful for any person to advertise services for which a certificate of public convenience and necessity or a contract carrier's permit is required pursuant to NRS 706.011 to 706.791, inclusive, *and section 76 of this act,* unless the person has been issued such a certificate or permit.

2. If, after notice and a hearing, the Authority determines that a person has engaged in advertising in a manner that violates the provisions of this section, the Authority may, in addition to any penalty, punishment or disciplinary action authorized by the provisions of NRS 706.011 to 706.791, inclusive, *and section 76 of this act,* issue an order to the person to cease and desist the unlawful advertising and to:

(a) Cause any telephone number included in the advertising, other than a telephone number to a provider of paging services, to be disconnected.

(b) Request the provider of paging services to change the number of any beeper which is included in the advertising or disconnect the paging services to such a beeper, and to inform the provider of paging services that the request is made pursuant to this section.

3. If a person fails to comply with paragraph (a) of subsection 2 within 5 days after the date that the person receives an order pursuant to subsection 2, the Authority may request the Commission to order the appropriate provider of telephone service to disconnect any telephone number included in the advertisement, except for a telephone number to a provider of paging services. If a person fails to comply with paragraph (b) of subsection 2 within 5 days after the date the person receives an order pursuant to subsection 2, the Authority may request the provider of paging services to switch the beeper number or disconnect the paging services provided to the person, whichever the provider deems appropriate.

4. If the provider of paging services receives a request from a person pursuant to subsection 2 or a request from the Authority pursuant to subsection 3, it shall:

(a) Disconnect the paging service to the person; or

(b) Switch the beeper number of the paging service provided to the person.

➥ If the provider of paging services elects to switch the number pursuant to paragraph (b), the provider shall not forward or offer to forward the paging calls from the previous number, or provide or offer to provide a recorded message that includes the new beeper number.

5. As used in this section:

(a) "Advertising" includes, but is not limited to, the issuance of any sign, card or device, or the permitting or allowing of any sign or marking on a motor vehicle, in any building, structure, newspaper, magazine or airway

transmission, on the Internet or in any directory under the listing of "fully regulated carrier" with or without any limiting qualifications.

(b) "Beeper" means a portable electronic device which is used to page the person carrying it by emitting an audible or a vibrating signal when the device receives a special radio signal.

(c) "Provider of paging services" means an entity, other than a public utility, that provides paging service to a beeper.

(d) "Provider of telephone service" has the meaning ascribed to it in NRS 707.355.

Sec. 85. NRS 706.781 is hereby amended to read as follows:

706.781 In addition to all the other remedies provided by NRS 706.011 to 706.861, inclusive, *and section 76 of this act,* for the prevention and punishment of any violation of the provisions thereof and of all orders of the Authority or the Department, the Authority or the Department may compel compliance with the provisions of NRS 706.011 to 706.861, inclusive, *and section 76 of this act,* and with the orders of the Authority or the Department by proceedings in mandamus, injunction or by other civil remedies.

Sec. 85.5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 86. ~~[This act becomes]~~ 1. This section and sections 1 to 19, inclusive, and 20 to 85.5, inclusive, of this act become effective on July 1, 2019.

2. Sections 13 and 14 of this act expire by limitation on December 31, 2019.

3. Sections 19.1 to 19.9, inclusive, of this act become effective on January 1, 2020.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 1050 makes two technical changes to Assembly Bill No. 319. The amendment adds section 19.1 through 19.9 to the bill to make conforming changes with Assembly Bill No. 131, enacted during the current Legislative Session and signed by the Governor. Assembly Bill No. 131 repeals sections in chapter 433 of NRS requiring community-based living arrangement services to obtain a certificate, which are amended by sections 13 and 14 of this bill. Instead, Assembly Bill No. 131 requires providers to obtain a license from the Division of Public and Behavioral Health of DHHS pursuant to chapter 449 of NRS. For this reason, sections 19.1 through 19.9 were added to this bill. The bill also amends the effective date to provide that sections 13 and 14 of this act expire, by limitation, on December 31, 2019, and sections 19.1 through 19.9 become effective on January 1, 2020.

Amendment adopted.

Bill read third time.

Remarks by Senator Seevers Gansert.

Assembly Bill No. 319 authorizes a person to petition certain regulatory bodies for a determination of whether the person's criminal history will disqualify the person from obtaining a certificate, license, permit, qualification or registration. The person may petition a regulatory body before obtaining any required education or paying any required licensure fee. The bill provides that not later than 90 days after a petition is submitted to a regulatory body, the body shall inform

the person of the determination of the regulatory body. The bill also provides that a regulatory body may impose a fee upon the person to fund the administrative costs. Additionally, the bill authorizes a regulatory body to post on its Internet website the requirements for obtaining a license, a list of crimes that would disqualify a person and the ability to request the criminal history of the records of a person who petitions for a determination. The bill requires each professional or occupational licensing board and regulatory body to submit certain information to the Sunset Subcommittee of the Legislative Commission, and for the Sunset Subcommittee to review the appropriateness of restrictions placed on an applicant's criminal history. Finally, Assembly Bill No. 319 makes technical changes to conform with Assembly Bill No. 131, enacted during the current Legislature Session, which requires that a person or entity obtain a license instead of a certificate to operate a community-based living arrangement service beginning on January 1, 2020.

Roll call on Assembly Bill No. 319:
YEAS—21.
NAYS—None.

Assembly Bill No. 319 having received a two-thirds majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS
CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 432.

The following Assembly amendments were read:

Amendment No. 841.

SUMMARY—Revises provisions relating to certain financial transactions. (BDR 52-1146)

AN ACT relating to financial services; imposing certain requirements on certain transactions in which a person provides money to a consumer who has a pending legal action in exchange for certain proceeds from that legal action; requiring certain persons who engage in such transactions to obtain a license from the Commissioner of Financial Institutions; imposing certain requirements on such licensees; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections ~~[2-38]~~ 2-38.9 of this bill establish provisions relating to transactions in which a person provides a consumer who has a pending legal claim in this State with money and the consumer assigns to that person the right to receive an amount of the potential proceeds of a settlement, judgment, award or verdict obtained as a result of the legal action of the consumer. Section 10 of this bill designates this type of transaction as a "consumer litigation funding transaction." Section 8 of this bill designates the provider of money to a consumer in such a transaction as a "consumer litigation funding company."

Sections 18, 19 and 19.3 of this bill generally require a contract to enter into a consumer litigation funding transaction to meet certain requirements and contain certain disclosures relating to the amount of fees the consumer will be charged and the rights of the consumer with regard to the consumer litigation funding transaction.

Section 20 of this bill prohibits a consumer litigation funding company from: (1) paying or accepting certain referral fees or commissions; (2) referring a consumer to engage certain professionals; (3) advertising false information; (4) entering into a consumer litigation funding transaction with a consumer who has already received money from another company, with certain exceptions; (5) making decisions with regard to the legal claim of the consumer; and (6) paying certain legal fees of the consumer with money from the consumer funding transaction.

Section 21 of this bill requires the amount the consumer is required to pay the consumer litigation funding company in exchange for the money received by the consumer to be set as a predetermined amount. Section 21 prohibits a company from charging fees that exceed a rate of 40 percent annually.

Section 25 of this bill prohibits a person from engaging in business as a consumer litigation funding company without a license issued by the Commissioner of Financial Institutions. Section 25 provides that a person who engages in such business without a license is guilty of a misdemeanor. Sections 26-32 of this bill set forth the application process to obtain such a license and set forth certain requirements an applicant must meet.

Sections 35 and 36 of this bill require a person who has obtained a license to engage in business as a consumer litigation funding company to maintain assets of at least $50,000 and to keep certain records. Section 36.2 of this bill requires the Commissioner to make an annual examination of a licensee. Sections 38.3 and 38.6 of this bill authorize the Commissioner to impose fines and suspend or revoke the license of a licensee for certain violations of the provisions of this bill. Section 38.2 of this bill authorizes the Commissioner to take certain additional actions against a licensee or certain other persons for violations of the provisions of this bill. Section 38 of this bill requires each licensee to submit to the Commissioner an annual report with certain information regarding the activities of the licensee in the preceding year and to make the information contained in the report available to the public not later than 1 year after the report is submitted. Section 38.9 of this bill authorizes: (1) a person to file a complaint against a licensee; and (2) the Commissioner to investigate and hold hearings concerning such a complaint. Sections 36.4, 36.6 and 38.95 of this bill require a licensee to pay certain assessments.

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

Section 1. Title 52 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to ~~[38,]~~ *38.9,* inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 16, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Advertise" means the commercial use of any medium, including, without limitation, radio, television, the Internet or a similar medium of*

communication, by a consumer litigation funding company for the purpose of inducing a consumer to enter into a consumer litigation funding transaction.

Sec. 3.5. *"Applicant" means a person who applies to the Commissioner to obtain a license to engage in the business of a consumer litigation funding company pursuant to the provisions of this chapter. The term does not include a parent company or affiliate of such a person.*

Sec. 4. *"Charges" means the amount of money to be paid to a consumer litigation funding company by a consumer above the funded amount provided by the consumer litigation company to the consumer. The term includes, without limitation, administrative fees, origination fees, underwriting fees or other fees, however denominated. The term does not include a document preparation fee.*

Sec. 5. *"Commissioner" means the Commissioner of Financial Institutions.*

Sec. 6. *"Consumer" means a natural person who:*

1. Resides or is domiciled in this State; and

2. Has a pending legal claim.

Sec. 7. *"Consumer litigation funding" means the money provided directly or indirectly to a consumer by a consumer litigation funding company in a consumer litigation funding transaction.*

Sec. 8. *1. "Consumer litigation funding company" or "company" means a person that enters into a consumer litigation funding transaction with a consumer.*

2. The term does not include:

(a) An immediate family member of a consumer;

(b) An attorney or accountant who provides services to a consumer; ~~[or]~~

(c) A medical provider that provides medical services on the basis of a lien against any potential litigation recovery;

(d) A medical factoring company; or

(e) A financial institution or similar entity:

(1) That provides financing to a consumer litigation funding company; or

(2) To which a consumer litigation funding company grants a security interest or transfers any right or interest in a consumer litigation funding transaction.

Sec. 9. *"Consumer litigation funding contract" means a written agreement between a consumer and a consumer litigation funding company that provides for a consumer litigation funding transaction.*

Sec. 10. *"Consumer litigation funding transaction" means a nonrecourse transaction in which:*

1. A consumer litigation funding company provides consumer litigation funding to a consumer; and

2. The consumer assigns to the company a contingent right to receive an amount of the potential proceeds of a settlement, judgment, award or verdict obtained in the legal claim of the consumer.

Sec. 10.5. *"Document preparation fee" means a one-time fee per legal claim, not to exceed $500, assessed for document preparation services related to the preparation of a consumer litigation funding contract.*

Sec. 11. *"Funded amount" means the amount of consumer litigation funding provided to or on behalf of a consumer in a consumer litigation funding transaction. The term does not include charges.*

Sec. 12. *"Funding date" means the date on which a company transfers to a consumer the funded amount of consumer litigation funding.*

Sec. 13. *"Immediate family member" means a parent, sibling, child by blood, adoption or marriage, spouse, grandparent or grandchild.*

Sec. 14. *"Legal claim" means a bona fide civil claim or cause of action.*

Sec. 15. *"Licensee" means a person who has been issued one or more licenses to engage in the business of a consumer litigation funding company.*

Sec. 16. *"Resolution date" means the date upon which:*

(a) A consumer, or a person on behalf of a consumer, delivers to a consumer litigation company an amount of money equivalent to the funded amount plus any agreed upon charges; or

(b) The legal claim of a consumer is lost or abandoned.

Sec. 17. ~~*[1.]*~~ *The Commissioner may adopt regulations* ~~*[and make orders]*~~ *for the administration and enforcement of this chapter, in addition to and not inconsistent with this chapter.*

~~*[2. Any ruling, demand, requirement or similar administrative act may be promulgated by an order.*~~

~~*3. Every order must be in writing, must state its effective date and the date of its promulgation, and must be entered in an indexed permanent book which is a public record.*~~

~~*4. A copy of every order containing a requirement of general application must be mailed to each licensee at least 20 days before the effective date thereof.]*~~

Sec. 18. *1. A consumer litigation funding contract must:*

(a) Be written in a clear and comprehensible language that is understandable to an ordinary layperson.

(b) Be filled out completely when presented to the consumer for signature.

(c) Contain a provision ~~*[entitling]*~~ *advising a consumer* ~~*[to]*~~ *of the right* ~~*[of rescission.]*~~ *to cancel the contract. Such a provision must provide that the consumer may cancel the contract without penalty or further obligation if, within 5 business days after the funding date, the consumer:*

(1) ~~*[Returns]*~~ *Delivers in person to the consumer litigation funding company , at the address specified in the contract, the uncashed check issued by the consumer litigation funding company or the full amount of money that was disbursed to the consumer by the consumer litigation funding company ;* ~~*[by delivering to the office of the company in person the uncashed check issued by the company;]*~~ *or*

(2) Mails, by insured, certified or registered mail, to the address specified in the contract, a notice of cancellation and includes in such mailing the

uncashed check issued by the consumer litigation funding company or a return of the full amount of money that was disbursed to the consumer by the consumer litigation funding company . ~~[in the form of the uncashed check issued by the company or a registered or certified check or money order.]~~

(d) Contain the initials of the consumer on each page.

(e) Contain a statement that the consumer is not required to pay any other fees or charges other than what is agreed to and disclosed within the contract.

(f) If the consumer seeks more than one consumer litigation funding contract with the same company, contain a disclosure providing the cumulative amount due from the consumer for all consumer litigation funding transactions, including, without limitation, all fees and charges under all consumer litigation funding contracts if repayment is made any time after the contracts are executed.

(g) Contain a statement of the maximum amount the consumer may be obligated to pay under the consumer litigation funding contract other than in the case of material breach, fraud or misrepresentation by the consumer.

(h) Contain clear , ~~[and]~~ conspicuous and accurate details of how charges, including, without limitation, any applicable fees, are incurred or accrued.

(i) Contain a statement that the consumer litigation funding contract is governed by the laws of the State of Nevada.

2. A consumer litigation contract must contain a written acknowledgment by the attorney retained by the consumer in the legal claim of the consumer attesting to the following:

(a) To the best of the knowledge of the attorney, the funded amount and any charges and applicable fees relating to the consumer litigation funding have been disclosed to the consumer.

(b) The attorney is being paid on a contingency basis pursuant to a written fee agreement.

(c) All proceeds of the legal claim will be disbursed via the trust account of the attorney or a settlement fund established to receive the proceeds of the legal claim on behalf of the consumer.

(d) The attorney is following the written irrevocable instructions of the consumer with regard to the consumer litigation funding transaction.

(e) The attorney is obligated to disburse money from the legal claim and take any other steps to ensure that the terms of the consumer litigation funding contract are fulfilled.

(f) The attorney has not received a referral fee or other consideration from the consumer litigation funding company in connection with the consumer litigation funding, nor will the attorney receive such fee or other consideration in the future.

(g) The attorney has not provided ~~[no]~~ advice related to taxes, benefits or any other financial matter regarding this transaction.

3. A consumer litigation funding contract that does not contain the written acknowledgment required by paragraph (c) of subsection 2 is void. If the acknowledgment is completed, the contract shall remain valid if the consumer

terminates the representation of the initial attorney or retains a new attorney with respect to the legal claim of the consumer.

Sec. 19. *A consumer litigation funding contract must contain the disclosures specified in this section, which shall constitute material terms of the contract. Except as otherwise provided in this section, the disclosure shall be typed in at least 12-point bold type or font and be placed clearly and conspicuously within the contract, as follows:*

1. On the front page of the contract under appropriate headings, language specifying:

(a) The funded amount to be paid to the consumer by the consumer litigation funding company;

(b) An itemization of one-time charges [,] and fees;

(c) The maximum total amount to be assigned by the consumer to the company, including, without limitation, the funded amount and all charges [,] and fees; and

(d) A payment schedule to include the funded amount , [and] charges [,] and fees, listing all dates and the amount due at the end of each 180-day period from the funding date, until the date the maximum amount is due to the company by the consumer to satisfy the amount due under the consumer litigation funding contract.

2. Within the body of the contract, substantially the following form:

Consumer's right to cancellation: You may cancel this contract without penalty or further obligation within five (5) business days after the funding date if you either:

1. [Return] Deliver in person to the consumer litigation funding company at the address specified in the contract the uncashed check that was issued by the consumer litigation funding company or the full amount of money that was disbursed to you by [delivering the uncashed check issued by] the company ; [to the office of the company in person;] or

2. Mail, by insured, certified or registered mail, to the consumer litigation funding company at the address specified in the contract a notice of cancellation and include in such mailing the uncashed check issued by the consumer litigation funding company or a return of the full amount of money that was disbursed to you [in the form of the uncashed check issued] by the company . [or a registered or certified check or money order.]

3. Within the body of the contract, in substantially the following form:

The consumer litigation funding company shall not have a role in deciding whether, when and how much the legal claim is settled for. The consumer and the attorney of the consumer shall notify the company of the outcome of the legal claim by settlement or adjudication before the resolution date. The company may seek updated information about the status of the legal claim. The company shall not interfere with the

independent professional judgment of the attorney in the handling of the legal claim or any settlement thereof.

4. Within the body of the contract, in all capital letters and in at least a 12-point bold type or font contained within a box:

THE FUNDED AMOUNT AND AGREED UPON CHARGES SHALL BE PAID ONLY FROM THE PROCEEDS OF YOUR LEGAL CLAIM, AND SHALL BE PAID ONLY TO THE EXTENT THAT THERE ARE AVAILABLE PROCEEDS FROM YOUR LEGAL CLAIM. YOU WILL NOT OWE (INSERT NAME OF THE CONSUMER LITIGATION FUNDING COMPANY) ANYTHING IF THERE ARE NO PROCEEDS FROM YOUR LEGAL CLAIM, UNLESS YOU HAVE VIOLATED ANY MATERIAL TERM OF THIS CONTRACT OR YOU HAVE KNOWINGLY PROVIDED FALSE INFORMATION OR COMMITTED FRAUD AGAINST (INSERT NAME OF THE CONSUMER LITIGATION FUNDING COMPANY).

5. Located immediately above the place on the contract where the signature of the consumer is required, in 12-point bold type or font:

Do not sign this contract before you read it completely. Do not sign this contract if it contains any blank spaces. You are entitled to a completely filled-in copy of the contract before you sign this contract. You should obtain the advice of an attorney. Depending on the circumstances, you may wish to consult a tax, public or private benefit planning or financial professional. You acknowledge that your attorney in the legal claim has provided no tax, public or private benefit planning or financial advice regarding this transaction. You further acknowledge that your attorney has explained the terms and conditions of the consumer litigation funding contract.

6. Within the body of the contract, in substantially the following form:

A copy of the executed contract must be promptly delivered to the attorney for the consumer.

Sec. 19.3. *1. A consumer litigation funding contract must include a written disclosure, signed by the consumer that is typed in at least a 12-point font.*

2. The disclosure described in subsection 1 must be separate from the consumer litigation funding contract described in section 19 of this act.

3. The disclosure described in subsection 1 must include, without limitation:

(a) A summary of all applicable charges and fees;

(b) The full cost of the consumer litigation funding transaction, written in bold font;

(c) The full amount of the consumer litigation funding;

(d) A statement that the attorney retained by the consumer in the legal claim of the consumer is being retained on a contingency basis pursuant to a written fee agreement;

(e) A statement that the consumer is fully informed and aware that all proceeds of the legal claim of the consumer will be disbursed via the trust account of the retained attorney or a settlement fund established to receive the proceeds of the legal claim on behalf of the consumer;

(f) A statement that the retained attorney has not received and will not receive a referral fee or other consideration from the consumer litigation funding company in connection with the consumer litigation funding transaction; and

(g) An acknowledgment, signed by the consumer, that the consumer was fully informed and aware of the charges and fees and the full cost of the consumer litigation funding transaction at the time of the execution of the consumer litigation funding contract.

Sec. 19.7. *If a consumer cancels a consumer litigation funding contract pursuant to section 18 of this act, the consumer litigation funding company shall promptly forward notice of the cancellation to the attorney or law firm retained by the consumer in the legal claim of the consumer.*

Sec. 20. *1. A consumer litigation funding company shall not:*

(a) Pay or offer to pay a commission, referral fee or other form of consideration to an attorney, law firm, medical provider, chiropractor or physical therapist, or any employee of such a person, for referring a consumer to the company.

(b) Accept a commission, referral fee or other form of consideration from an attorney, law firm, medical provider, chiropractor or physical therapist, or any employee of such a person.

(c) Intentionally advertise materially false or misleading information regarding the products or services of the consumer litigation funding company.

(d) Refer a consumer to engage a specific attorney, law firm, medical provider, chiropractor or physical therapist, or any employee of such a person. A company may refer a consumer in search of legal representation to a lawyer referral service operated, sponsored or approved by the State Bar of Nevada or a local bar association.

(e) Except as otherwise provided in subsection 2, knowingly provide consumer litigation funding to a consumer who has previously assigned or sold a portion of the right of the consumer to proceeds from his or her legal claim to another company without first making payment to or purchasing the entire funded amount and charges of that company, unless a lesser amount is otherwise agreed to in writing by the consumer litigation funding companies.

(f) Receive any right to, or make, any decisions with respect to the conduct, settlement or resolution of the legal claim of a consumer.

(g) Knowingly pay or offer to pay for court costs, filing fees or attorney's fees during or after the resolution of the legal claim of a consumer using money from a consumer litigation funding transaction.

2. Two or more consumer litigation funding companies may agree to contemporaneously provide consumer litigation funding to a consumer if the

consumer and the attorney of the consumer agree to the arrangement in writing.

3. An attorney or law firm retained by the consumer in connection with his or her legal claim shall not have a financial interest in the consumer litigation funding company offering consumer litigation funding to that consumer.

4. An attorney who has referred the consumer to his or her retained attorney or law firm shall not have a financial interest in the consumer litigation funding company offering consumer litigation funding to that consumer.

5. A consumer litigation funding company shall not use any form of consumer litigation funding contract in this State unless the contract has been filed with the Commissioner in accordance with procedures for filing prescribed by the Commissioner.

Sec. 21. *1. A consumer litigation funding company shall require the amount to be paid to the company under a consumer litigation funding contract to be set as a predetermined amount based upon intervals of time from the funding date though the resolution date. The amount must not exceed the funded amount plus charges not to exceed a rate of 40 percent annually.*

2. The amount to be paid to a company under a consumer litigation funding contract must not be determined as a percentage of the recovery of the legal claim of a consumer.

Sec. 22. *1. If a court of competent jurisdiction determines that a consumer litigation funding company has willfully committed a deceptive and abusive violation of this chapter with regard to a specific consumer litigation funding transaction, the contract shall be void.*

2. Nothing in this chapter shall be construed to restrict the exercise of powers or the performance of the duties of the Attorney General which he or she is authorized to exercise or perform by law.

Sec. 23. *1. The contingent right to receive an amount of the potential proceeds of a legal claim is assignable by a consumer.*

2. Nothing in this chapter shall be construed to cause any consumer litigation funding transaction conforming to this chapter to be deemed a loan or to be subject to any of the provisions of law governing loans. A consumer litigation funding transaction that complies with this chapter is not subject to any other statutory or regulatory provisions governing loans or investment contracts. If there is a conflict between the provisions of this chapter and any other statute, the provisions of this chapter control.

3. Only a lien imposed by an attorney pursuant to NRS 18.015 that is related to the legal claim of the consumer or a lien imposed by Medicare that is related to the legal claim of a consumer takes priority over any lien imposed by a consumer litigation funding company. All other liens take priority by normal operation of law.

Sec. 24. *Any communication between the attorney of a consumer in a legal claim and a consumer litigation funding company as it pertains to a*

consumer litigation funding transaction is subject to the attorney-client privilege, including, without limitation, the work-product doctrine.

Sec. 25. *1. A person shall not engage in the business of a consumer litigation funding company in this State without having first obtained a license from the Commissioner pursuant to this chapter.*

2. For the purpose of this section, a person is "engaged in the business of a consumer litigation funding company" if the person:

(a) Solicits or engages in consumer litigation funding transactions in this State; or

(b) Is located in this State and solicits or engages in consumer litigation funding transactions outside of this State.

3. Any person and the several members, officers, directors, agents and employees thereof who violate or participate in the violation of this section are guilty of a misdemeanor.

Sec. 25.5. *The provisions of section 25 of this act shall apply to any person who seeks to evade its application by any device, subterfuge or pretense whatever, including, but not thereby limiting the generality of the foregoing:*

1. The loan, forbearance, use or sale of credit (as guarantor, surety, endorser, comaker or otherwise), money, goods, or things in action.

2. The use of collateral or related sales or purchases of goods or services, or agreements to sell or purchase, whether real or pretended.

3. Receiving or charging compensation for goods or services, whether or not sold, delivered or provided.

4. The real or pretended negotiation, arrangement or procurement of a loan through any use or activity of a third person, whether real or fictitious.

Sec. 26. *1. A person who wishes to obtain a license from the Commissioner to engage in the business of a consumer litigation funding company shall submit an application to the Commissioner. The application must be made in writing, under oath and on a form prescribed by the Commissioner. The application must include:*

(a) If the applicant is a natural person, the name and address of the applicant.

(b) If the applicant is a business entity, the name and address of each:

(1) Partner;

(2) Officer;

(3) Director;

(4) Manager or member who acts in a managerial capacity; and

(5) Registered agent,

of the business entity.

(c) Such other information, as the Commissioner determines necessary, concerning the financial responsibility, background, experience and activities of the applicant and its:

(1) Partners;

(2) Officers;

(3) Directors; and

(4) Managers or members who act in a managerial capacity.

(d) The address of each location at which the applicant proposes to do business under the license.

2. A person may apply for a license for an office or other place of business located outside this State from which the applicant will conduct business in this State if the applicant submits with the application for a license a statement signed by the applicant which states that the applicant agrees to:

(a) Make available at a location within this State the books, accounts, papers, records and files of the office or place of business located outside this State to the Commissioner or a representative of the Commissioner; or

(b) Pay the reasonable expenses for travel, meals and lodging of the Commissioner or a representative of the Commissioner incurred during any investigation or examination made at the office or place of business located outside this State.

➥ *The person must be allowed to choose between the provisions of paragraph (a) or (b) in complying with the provisions of this subsection.*

3. The Commissioner shall consider an application to be withdrawn if the Commissioner has not received all information and fees required to complete the application within 6 months after the date the application is first submitted to the Commissioner or within such later period as the Commissioner determines in accordance with any existing policies of joint regulatory partners. If an application is deemed to be withdrawn pursuant to this subsection or if an applicant otherwise withdraws an application, the Commissioner shall not issue a license to the applicant unless the applicant submits a new application and pays any required fees.

Sec. 27. *1. In addition to any other requirements set forth in this chapter, each applicant must submit:*

(a) Proof satisfactory to the Commissioner that the applicant:

(1) Has a good reputation for honesty, trustworthiness and integrity and is competent to transact the business for which the applicant seeks to be licensed in a manner which protects the interests of the general public.

(2) Has not made a false statement of material fact on the application for the license.

(3) Has not committed any of the acts specified in subsection 2.

(4) Has not had a license issued pursuant to this chapter suspended or revoked within the 10 years immediately preceding the date of the application.

(5) Has not been convicted or, or entered a plea of nolo contendere to, a felony or any crime involving fraud, misrepresentation or moral turpitude.

(6) If the applicant is a natural person:

(I) Is at least 21 years of age; and

(II) Is a citizen of the United States or lawfully entitled to remain and work in the United States.

(b) A complete set of his or her fingerprints and written permission authorizing the Division of Financial Institutions of the Department of Business and Industry to forward the fingerprints to the Central Repository for

Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

2. In addition to any other lawful reasons, the Commissioner may refuse to issue a license to an applicant if the applicant:

(a) Has committed or participated in any act for which, if committed or done by a holder of a license, would be grounds for the suspension or revocation of the license.

(b) Has previously been refused a license pursuant to this chapter or has had such a license suspended or revoked.

(c) Has participated in any act which was a basis for the denial or revocation of a license pursuant to this chapter.

(d) Has falsified any of the information submitted to the Commissioner in support of the application for a license.

Sec. 28. *1. In addition to any other requirements, a natural person who applies for a license pursuant to this chapter shall:*

(a) Include the social security number of the applicant in the application submitted to the Commissioner; and

(b) Submit to the Commissioner the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Commissioner shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the registration; or

(b) A separate form prescribed by the Commissioner.

3. A license as a consumer litigation funding company may not be issued or renewed by the Commissioner if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Commissioner shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 29. *1. If the Commissioner receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a*

person who is licensed as a consumer litigation funding company, the Commissioner shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Commissioner receives a letter issued to the licensee by the district attorney or other public agency pursuant to NRS 425.550 stating that the licensee has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Commissioner shall reinstate the license of a licensee that has been suspended by a district court pursuant to NRS 425.540 if the Commissioner receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 30. *1. An application submitted to the Commissioner pursuant to section 26 of this act must be accompanied by:*

(a) A nonrefundable fee of not more than $1,000 for the application and survey;

(b) Any additional expenses incurred in the process of investigation as the Commissioner deems necessary; and

(c) A fee of not less than $200 and not more than $1,000 . ~~[, prorated on the basis of the licensing year as prescribed by the Commissioner.]~~

2. An applicant shall, at the time of filing an application, file with the Commissioner, a surety bond payable to the State of Nevada and satisfactory to the Commissioner in an amount not to exceed $50,000. The terms of the bond must run concurrent with the period of time during which the license will be in effect. The bond must provide that the applicant will faithfully conform to and abide by the provisions of this chapter and to all regulations lawfully made by the Commissioner under this chapter and to any such person any and all amounts of money that may become due or owing to this State or to such person from the applicant under this chapter during the period for which the bond is given.

3. Each bond must be in a form satisfactory to the Commissioner, issued by a bonding company authorized to do business in this State and must secure the faithful performance of the obligations of the licensee respecting the provision of the services of the consumer litigation funding company.

4. A licensee shall, within 10 days after the commencement of any action or notice of entry of any judgment against the licensee by any creditor or claimant arising out of business regulated by this chapter give notice thereof to the Commissioner by certified mail with details sufficient to identify the action or judgment. The surety shall, within 10 days after it pays any claim or judgment to a creditor or claimant, give notice thereof to the Commissioner by certified mail with details sufficient to identify the creditor or claimant and the claim or judgment so paid.

5. The liability of the surety on a bond is not affected by any misrepresentation, breach of warranty, failure to pay a premium or other act or omission of the licensee, or by any insolvency or bankruptcy of the licensee.

6. The liability of the surety continues as to all transactions entered into in good faith by the creditors and claimants with the agents of the licensee within 30 days after the earlier of:

(a) The death of the licensee or the dissolution or liquidation of his or her business; or

(b) The termination of the bond.

7. A licensee or his or her surety shall not cancel or alter a bond except after notice to the Commissioner by certified mail. The cancellation or alteration is not effective until 10 days after receipt of the notice by the Commissioner. A cancellation or alteration does not affect any liability incurred or accrued on the bond before the expiration of the 30-day period designated in subsection 6.

8. The Commissioner shall adopt regulations establishing the amount of the fees and the bond required pursuant to this section. All money received by the Commissioner pursuant to this section must be placed in the Investigative Account created by NRS 232.545.

Sec. 31. *1. Upon the filing of the application and the payment of the fees, the Commissioner shall investigate the facts concerning the application and the requirements provided for in this chapter.*

2. The Commissioner may hold a hearing on the application at a time not less than 30 days after the application was filed or not more than 60 days after that date. The hearing must be held in the Office of the Commissioner or such other place as the Commissioner may designate. Notice in writing of the hearing must be sent to the applicant and to any licensee to which a notice of the application has been given and to such other person as the Commissioner may see fit, at least 10 days before the date set for the hearing.

3. The Commissioner shall make his or her order granting or denying the application within 10 days after the date of the closing of the hearing, unless the period is extended by written agreement between the applicant and the Commissioner.

4. An applicant is entitled to a hearing on the question of the qualifications of the applicant for licensure upon written request to the Commissioner if:

(a) The Commissioner has notified the applicant in writing that the application has been denied; or

(b) The Commissioner has not issued a license within 60 days after the application for a license was filed.

5. A request for a hearing may not be made more than 15 days after the Commissioner has mailed a written notice to the applicant that the application has been denied and stating in substance the findings of the Commissioner supporting the denial of the application.

6. The Commissioner may adopt regulations to carry out the provisions of this section.

Sec. 32. *If the Commissioner finds:*

1. That the financial responsibility, experience, character and general fitness of the applicant are such as to command the confidence of the public and to warrant belief that the business will be operated lawfully, honestly, fairly and efficiently, within the purposes of this chapter;

2. That the applicant has complied with the provisions of this chapter; and

3. That the applicant has available for the operation of the business liquid assets of at least $50,000,

➥ he or she shall thereupon enter an order granting the application, and file his or her findings of fact together with the transcript of any hearing held under this chapter, and forthwith issue and deliver a license to the applicant.

Sec. 33. *1. A licensee who wishes to change the address of an office or other place of business for which he or she has a license pursuant to the provisions of this chapter must, at least 10 days before changing the address, give written notice of the proposed change to the Commissioner.*

2. Upon receipt of the proposed change of address pursuant to subsection 1, the Commissioner shall provide written approval of the change and the date of the approval.

3. If a licensee fails to provide notice as required pursuant to subsection 1, the Commissioner may impose a fine in an amount not to exceed $1,000.

Sec. 34. *A license issued pursuant to this chapter is not transferable or assignable.*

Sec. 35. *Every licensee shall maintain assets of at least $50,000 either used or readily available for use in the conduct of the business of each licensed office.*

Sec. 35.5. *A licensee who has an office or other place of business located outside of this State shall file with the Commissioner the information required pursuant to NRS 77.310 and continuously maintain a registered agent for service of legal process. Such agent must be an attorney who is licensed to practice law in this State and who has an office located in this State.*

Sec. 36. *1. Each licensee shall keep and use in his or her business such books and accounting records as are in accord with sound and accepted accounting practices.*

2. Each licensee shall maintain a separate record or ledger card for the account of each borrower and shall set forth separately the amount of cash advance and the total amount of interest and charges, but such a record may set forth precomputed declining balances based on the scheduled payments, without a separation of principal and charges.

3. Each licensee shall preserve all such books and accounting records for at least 2 years after making the final entry therein.

4. Each licensee who operates an office or other place of business outside this State that is licensed pursuant to this chapter shall:

(a) Make available at a location within this State the books, accounts, papers, records and files of the office or place of business located outside this State to the Commissioner or a representative of the Commissioner; or

(b) Pay the reasonable expenses for travel, meals and lodging of the Commissioner or a representative of the Commissioner incurred during any investigation or examination made at the office or place of business located outside this State.

Sec. 36.2. *1. At least once each year, the Commissioner or his or her authorized representative shall make an examination of the place of business of each licensee and of the transactions, books, papers and records of each licensee that pertain to the business licensed under this chapter.*

2. For each examination conducted pursuant to subsection 1, the Commissioner shall charge and collect from the licensee a fee for conducting the examination and preparing and typing the report of the examination at the rate established and, if applicable, adjusted pursuant to NRS 658.101.

Sec. 36.4. *Each licensee shall pay the assessment levied pursuant to NRS 658.055 and cooperate fully with the audits and examinations performed pursuant thereto.*

Sec. 36.6. *In addition to any other fee provided by this chapter, the Commissioner shall assess and collect from each licensee the reasonable cost of auditing the books and records of a licensee.*

Sec. 37. *A licensee shall not conduct the business of a consumer litigation funding company under any name or at a place other than stated in the license. Nothing is this section shall be construed to prohibit:*

1. Consumer litigation funding transactions by mail; or

2. Accommodations for a consumer when necessitated by hours of employment, sickness or other emergency situations.

Sec. 38. *1. On or before January 31 of each year, a licensee shall submit a report to the Commissioner containing:*

(a) The number of consumer litigation funding transactions in which the company engaged in this State for the immediately preceding year;

(b) A summation of the total funded amount of the consumer litigation funding transactions in which the company engaged in this State for the immediately preceding year, expressed in dollars; and

(c) The annual percentage charged to each consumer when repayment was made.

2. If a licensee operated more than one office or provides consumer litigation funding to persons outside of the State, the licensee shall submit a composite report of all consumer litigation funding transactions in which the company engaged for the immediately preceding year.

3. The Commissioner shall make the information contained in the report available to the public *upon request* *in a manner which maintains the confidentiality of the name of each company and consumer* *. ~~[, not later than 1 year after the report is submitted.]~~*

Sec. 38.2. *1. The Commissioner may enforce this chapter and regulations adopted pursuant thereto by taking one or more of the following actions:*

(a) Ordering a licensee or a director, employee or other agent of a licensee to cease and desist from any violations;

(b) Ordering a licensee or a director, employee or other agent of a licensee who has caused a violation to correct the violation, including, without limitation, making restitution of money to a person aggrieved by a violation;

(c) Imposing on a licensee or a director, employee or other agent of a licensee who has caused a violation a civil penalty not to exceed $5,000 for each violation; or

(d) Suspending or revoking the license of a licensee in accordance with section 38.6 of this act.

2. If a person violates or knowingly authorizes, directs or aids in the violation of a final order issued pursuant to paragraph (a) or (b) of subsection 1, the Commissioner may impose a civil penalty not to exceed $10,000 for each violation.

3. The Commissioner may maintain an action to enforce this chapter in any county in this State.

4. The Commissioner may recover the reasonable costs of enforcing subsections 1, 2 and 3, including, without limitation, attorney's fees, based on the hours reasonably expended and the hourly rates for attorneys of comparable experience in the community.

5. In determining the amount of a civil penalty imposed pursuant to subsection 1 or 2, the Commissioner shall consider the seriousness of the violation, the good faith of the violator, any previous violations by the violator and any other factor the Commissioner considers relevant to the determination of a civil penalty.

Sec. 38.3. *1. The Commissioner may impose an administrative fine of not more than $50,000 upon a person who, without a license, conducts any business or activity for which a license is required pursuant to the provisions of this chapter.*

2. The Commissioner shall afford to any person fined pursuant to subsection 1 reasonable notice and an opportunity for a hearing pursuant to the provisions of NRS 233B.121.

3. A person fined by the Commissioner pursuant to subsection 1 is entitled to judicial review of the decision of the Commissioner in the manner provided by chapter 233B of NRS.

Sec. 38.6. *1. The Commissioner may suspend or revoke a license if:*

(a) The licensee has failed to pay the annual license fee;

(b) The licensee, either knowingly or without any exercise of due care to prevent it, has violated any provision of this chapter or any lawful regulation adopted pursuant thereto;

(c) The licensee has failed to pay an applicable tax, fee or assessment; or

(d) Any fact or condition exists which would have justified the Commissioner in denying the licensee's original application for a license pursuant to the provisions of this chapter.

2. If the Commissioner has reason to believe that grounds for revocation or suspension of a license exist, the Commissioner shall give 20 days' written notice to the licensee stating the contemplated action and, in general, the grounds therefor and set a date for a hearing.

3. At the conclusion of a hearing, the Commissioner shall:

(a) Enter a written order either dismissing the charges, revoking the license or suspending the license for a period of not more than 60 days, which period must include any prior temporary suspension. The Commissioner shall send a copy of the order to the licensee by registered or certified mail.

(b) Impose upon the licensee an administrative fine of not more than $10,000 for each violation by the licensee of any provision of this chapter or any regulation adopted pursuant thereto.

(c) If a fine is imposed pursuant to this section, enter such order as is necessary to recover the costs of the proceeding, including investigative costs and attorney's fees of the Commissioner.

4. Unless otherwise provided in an order, the order for the revocation or suspension of a license applies only to the license granted to a person for the particular location for which grounds for revocation or suspension exist.

5. A licensee upon whom a fine has been imposed or whose license was suspended or revoked pursuant to this section is entitled to judicial review of the decision in the manner provided by chapter 233B of NRS.

Sec. 38.8. *1. Except as otherwise provided in this section, if a licensee willfully:*

(a) Enters into a consumer litigation funding contract for an amount of interest or any other charge or fee that violates the provisions of this chapter or any regulation adopted pursuant thereto;

(b) Demands, collects or receives an amount of interest or any other charge or fee that violates the provisions of this chapter or any regulation adopted pursuant thereto; or

(c) Commits any other act or omission that violates the provisions of this chapter or any regulation adopted pursuant thereto,

➥ *the consumer litigation funding contract is void and the licensee is not entitled to collect, receive or retain any principal, interest or other charges ~~[of]~~ or fees with respect to the consumer litigation funding transaction.*

2. The provisions of this section do not apply if:

(a) A licensee shows by a preponderance of the evidence that the violation was not intentional and resulted from a bona fide error of computation, notwithstanding the maintenance of procedures reasonably adapted to avoid that error; and

(b) Within 60 days after discovering the error, the licensee notifies the customer of the error and makes whatever adjustments in the account are necessary to correct the error.

Sec. 38.9. 1. A consumer, an attorney for a consumer or any other person who believes that any provision of this chapter has been violated may file a complaint with the Commissioner. Such a complaint must include:

(a) The full name and address of the person filing the complaint;

(b) A clear and concise statement of facts sufficient to establish that the alleged violation occurred, including, without limitation, the date, time and place of the alleged violation and the name of each person involved in the alleged violation; and

(c) A certification by the person filing the complaint that the facts alleged in the complaint are true to the best knowledge and belief of the person.

2. Upon the receipt of a complaint filed pursuant to subsection 1, the Commissioner may investigate and conduct hearings concerning the complaint.

Sec. 38.95. NRS 658.098 is hereby amended to read as follows:

658.098 1. On a quarterly or other regular basis, the Commissioner shall collect an assessment pursuant to this section from each:

(a) Check-cashing service or deferred deposit loan service that is supervised pursuant to chapter 604A of NRS;

(b) Collection agency that is supervised pursuant to chapter 649 of NRS;

(c) Bank that is supervised pursuant to chapters 657 to 668, inclusive, of NRS;

(d) Trust company or family trust company that is supervised pursuant to chapter 669 or 669A of NRS;

(e) Person engaged in the business of selling or issuing checks or of receiving for transmission or transmitting money or credits that is supervised pursuant to chapter 671 of NRS;

(f) Savings and loan association or savings bank that is supervised pursuant to chapter 673 of NRS;

(g) Person engaged in the business of lending that is supervised pursuant to chapter 675 of NRS;

(h) Thrift company that is supervised pursuant to chapter 677 of NRS; and

(i) Credit union that is supervised pursuant to chapter 678 of NRS.

(j) Consumer litigation funding company that is supervised pursuant to the chapter consisting of sections 2 to 38.9, inclusive, of this act.

2. The Commissioner shall determine the total amount of all assessments to be collected from the entities identified in subsection 1, but that amount must not exceed the amount necessary to recover the cost of legal services provided by the Attorney General to the Commissioner and to the Division of Financial Institutions. The total amount of all assessments collected must be reduced by any amounts collected by the Commissioner from an entity for the recovery of the costs of legal services provided by the Attorney General in a specific case.

3. The Commissioner shall collect from each entity identified in subsection 1 an assessment that is based on:

(a) A portion of the total amount of all assessments as determined pursuant to subsection 2, such that the assessment collected from an entity identified in subsection 1 shall bear the same relation to the total amount of all assessments

as the total assets of that entity bear to the total of all assets of all entities identified in subsection 1; or

(b) Any other reasonable basis adopted by the Commissioner.

4. The assessment required by this section is in addition to any other assessment, fee or cost required by law to be paid by an entity identified in subsection 1.

5. Money collected by the Commissioner pursuant to this section must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.

Sec. 39. 1. Notwithstanding the amendatory provisions of this act, a consumer litigation funding company that ~~[submits]~~ :

(a) Holds a license issued pursuant to chapter 675 of NRS on or before October 1, 2019; and

(b) Submits an application for licensure pursuant to section 26 of this act on or before January 1, 2020, ~~[or such other date as the Commissioner of Financial Institutions may prescribe by regulation,]~~

➥ shall be deemed to hold a license to engage in the business of a consumer litigation funding company issued pursuant to section 32 of this act and may continue to conduct consumer litigation funding transactions while the application for licensure is pending approval or denial.

2. The Commissioner of Financial Institutions may adopt regulations for the administration and enforcement of this section.

3. As used in this section:

(a) "Consumer litigation funding company" has the meaning ascribed to it in section 8 of this act.

(b) "Consumer litigation funding transaction" has the meaning ascribed to it in section 10 of this act.

Sec. 40. The amendatory provisions of this act do not apply to any contract entered into before July 1, 2019, until the contract is amended, extended or renewed.

Sec. 41. ~~[1. This act becomes effective on July 1, 2019.~~

~~2.]~~ Sections 28 and 29 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

~~[(a)]~~ 1. Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

~~[(b)]~~ 2. Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Amendment No. 908.

SUMMARY—Revises provisions relating to certain financial transactions. (BDR 52-1146)

AN ACT relating to financial services; imposing certain requirements on certain transactions in which a person provides money to a consumer who has

a pending legal action in exchange for certain proceeds from that legal action; requiring certain persons who engage in such transactions to obtain a license from the Commissioner of Financial Institutions; imposing certain requirements on such licensees; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2-38.9 of this bill establish provisions relating to transactions in which a person provides a consumer who has a pending legal claim in this State with money in an amount that does not exceed $500,000 and the consumer assigns to that person the right to receive an amount of the potential proceeds of a settlement, judgment, award or verdict obtained as a result of the legal action of the consumer. Section 10 of this bill designates this type of transaction as a "consumer litigation funding transaction." Section 8 of this bill designates the provider of money to a consumer in such a transaction as a "consumer litigation funding company."

Sections 18, 19 and 19.3 of this bill generally require a contract to enter into a consumer litigation funding transaction to meet certain requirements and contain certain disclosures relating to the amount of fees the consumer will be charged and the rights of the consumer with regard to the consumer litigation funding transaction.

Section 20 of this bill prohibits a consumer litigation funding company from: (1) paying or accepting certain referral fees or commissions; (2) referring a consumer to engage certain professionals; (3) advertising false information; (4) entering into a consumer litigation funding transaction with a consumer who has already received money from another company, with certain exceptions; (5) making decisions with regard to the legal claim of the consumer; and (6) paying certain legal fees of the consumer with money from the consumer funding transaction.

Section 21 of this bill requires the amount the consumer is required to pay the consumer litigation funding company in exchange for the money received by the consumer to be set as a predetermined amount. Section 21 prohibits a company from charging fees that exceed a rate of 40 percent annually.

Section 25 of this bill prohibits a person from engaging in business as a consumer litigation funding company without a license issued by the Commissioner of Financial Institutions. Section 25 provides that a person who engages in such business without a license is guilty of a misdemeanor. Sections 26-32 of this bill set forth the application process to obtain such a license and set forth certain requirements an applicant must meet.

Sections 35 and 36 of this bill require a person who has obtained a license to engage in business as a consumer litigation funding company to maintain assets of at least $50,000 and to keep certain records. Section 36.2 of this bill requires the Commissioner to make an annual examination of a licensee. Sections 38.3 and 38.6 of this bill authorize the Commissioner to impose fines and suspend or revoke the license of a licensee for certain violations of the provisions of this bill. Section 38.2 of this bill authorizes the Commissioner to

take certain additional actions against a licensee or certain other persons for violations of the provisions of this bill. Section 38 of this bill requires each licensee to submit to the Commissioner an annual report with certain information regarding the activities of the licensee in the preceding year and to make the information contained in the report available to the public not later than 1 year after the report is submitted. Section 38.9 of this bill authorizes: (1) a person to file a complaint against a licensee; and (2) the Commissioner to investigate and hold hearings concerning such a complaint. Sections 36.4, 36.6 and 38.95 of this bill require a licensee to pay certain assessments.

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

Section 1. Title 52 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 38.9, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 16, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Advertise" means the commercial use of any medium, including, without limitation, radio, television, the Internet or a similar medium of communication, by a consumer litigation funding company for the purpose of inducing a consumer to enter into a consumer litigation funding transaction.*

Sec. 3.5. *"Applicant" means a person who applies to the Commissioner to obtain a license to engage in the business of a consumer litigation funding company pursuant to the provisions of this chapter. The term does not include a parent company or affiliate of such a person.*

Sec. 4. *"Charges" means the amount of money to be paid to a consumer litigation funding company by a consumer above the funded amount provided by the consumer litigation company to the consumer. The term includes, without limitation, administrative fees, origination fees, underwriting fees or other fees, however denominated. The term does not include a document preparation fee.*

Sec. 5. *"Commissioner" means the Commissioner of Financial Institutions.*

Sec. 6. *"Consumer" means a natural person who:*

1. Resides or is domiciled in this State; and

2. Has a pending legal claim.

Sec. 7. *"Consumer litigation funding" means the money provided directly or indirectly to a consumer by a consumer litigation funding company in a consumer litigation funding transaction.*

Sec. 8. *1. "Consumer litigation funding company" or "company" means a person that enters into a consumer litigation funding transaction with a consumer.*

2. The term does not include:

(a) An immediate family member of a consumer;

(b) An attorney or accountant who provides services to a consumer;

(c) A medical provider that provides medical services on the basis of a lien against any potential litigation recovery;

(d) A medical factoring company; or

(e) A financial institution or similar entity:

(1) That provides financing to a consumer litigation funding company; or

(2) To which a consumer litigation funding company grants a security interest or transfers any right or interest in a consumer litigation funding transaction.

Sec. 9. *"Consumer litigation funding contract" means a written agreement between a consumer and a consumer litigation funding company that provides for a consumer litigation funding transaction.*

Sec. 10. *"Consumer litigation funding transaction" means a nonrecourse transaction in which:*

1. A consumer litigation funding company provides consumer litigation funding to a consumer ~~[,]~~ in an amount that does not exceed $500,000; and

2. The consumer assigns to the company a contingent right to receive an amount of the potential proceeds of a settlement, judgment, award or verdict obtained in the legal claim of the consumer.

Sec. 10.5. *"Document preparation fee" means a one-time fee per legal claim, not to exceed $500, assessed for document preparation services related to the preparation of a consumer litigation funding contract.*

Sec. 11. *"Funded amount" means the amount of consumer litigation funding provided to or on behalf of a consumer in a consumer litigation funding transaction. The term does not include charges.*

Sec. 12. *"Funding date" means the date on which a company transfers to a consumer the funded amount of consumer litigation funding.*

Sec. 13. *"Immediate family member" means a parent, sibling, child by blood, adoption or marriage, spouse, grandparent or grandchild.*

Sec. 14. *"Legal claim" means a bona fide civil claim or cause of action.*

Sec. 15. *"Licensee" means a person who has been issued one or more licenses to engage in the business of a consumer litigation funding company.*

Sec. 16. *"Resolution date" means the date upon which:*

1. A consumer, or a person on behalf of a consumer, delivers to a consumer litigation company an amount of money equivalent to the funded amount plus any agreed upon charges; or

2. The legal claim of a consumer is lost or abandoned.

Sec. 17. *The Commissioner may adopt regulations for the administration and enforcement of this chapter, in addition to and not inconsistent with this chapter.*

Sec. 18. *1. A consumer litigation funding contract must:*

(a) Be written in a clear and comprehensible language that is understandable to an ordinary layperson.

(b) Be filled out completely when presented to the consumer for signature.

(c) Contain a provision advising a consumer of the right to cancel the contract. Such a provision must provide that the consumer may cancel the

contract without penalty or further obligation if, within 5 business days after the funding date, the consumer:

(1) Delivers in person to the consumer litigation funding company, at the address specified in the contract, the uncashed check issued by the consumer litigation funding company or the full amount of money that was disbursed to the consumer by the consumer litigation funding company; or

(2) Mails, by insured, certified or registered mail, to the address specified in the contract, a notice of cancellation and includes in such mailing the uncashed check issued by the consumer litigation funding company or a return of the full amount of money that was disbursed to the consumer by the consumer litigation funding company.

(d) Contain the initials of the consumer on each page.

(e) Contain a statement that the consumer is not required to pay any other fees or charges other than what is agreed to and disclosed within the contract.

(f) If the consumer seeks more than one consumer litigation funding contract with the same company, contain a disclosure providing the cumulative amount due from the consumer for all consumer litigation funding transactions, including, without limitation, all fees and charges under all consumer litigation funding contracts if repayment is made any time after the contracts are executed.

(g) Contain a statement of the maximum amount the consumer may be obligated to pay under the consumer litigation funding contract other than in the case of material breach, fraud or misrepresentation by the consumer.

(h) Contain clear, conspicuous and accurate details of how charges, including, without limitation, any applicable fees, are incurred or accrued.

(i) Contain a statement that the consumer litigation funding contract is governed by the laws of the State of Nevada.

2. A consumer litigation contract must contain a written acknowledgment by the attorney retained by the consumer in the legal claim of the consumer attesting to the following:

(a) To the best of the knowledge of the attorney, the funded amount and any charges and applicable fees relating to the consumer litigation funding have been disclosed to the consumer.

(b) The attorney is being paid on a contingency basis pursuant to a written fee agreement.

(c) All proceeds of the legal claim will be disbursed via the trust account of the attorney or a settlement fund established to receive the proceeds of the legal claim on behalf of the consumer.

(d) The attorney is following the written irrevocable instructions of the consumer with regard to the consumer litigation funding transaction.

(e) The attorney is obligated to disburse money from the legal claim and take any other steps to ensure that the terms of the consumer litigation funding contract are fulfilled.

(f) The attorney has not received a referral fee or other consideration from the consumer litigation funding company in connection with the consumer

litigation funding, nor will the attorney receive such fee or other consideration in the future.

(g) The attorney has not provided advice related to taxes, benefits or any other financial matter regarding this transaction.

3. A consumer litigation funding contract that does not contain the written acknowledgment required by paragraph (c) of subsection 2 is void. If the acknowledgment is completed, the contract shall remain valid if the consumer terminates the representation of the initial attorney or retains a new attorney with respect to the legal claim of the consumer.

Sec. 19. *A consumer litigation funding contract must contain the disclosures specified in this section, which shall constitute material terms of the contract. Except as otherwise provided in this section, the disclosure shall be typed in at least 12-point bold type or font and be placed clearly and conspicuously within the contract, as follows:*

1. On the front page of the contract under appropriate headings, language specifying:

(a) The funded amount to be paid to the consumer by the consumer litigation funding company;

(b) An itemization of one-time charges and fees;

(c) The maximum total amount to be assigned by the consumer to the company, including, without limitation, the funded amount and all charges and fees; and

(d) A payment schedule to include the funded amount, charges and fees, listing all dates and the amount due at the end of each 180-day period from the funding date, until the date the maximum amount is due to the company by the consumer to satisfy the amount due under the consumer litigation funding contract.

2. Within the body of the contract, substantially the following form:

Consumer's right to cancellation: You may cancel this contract without penalty or further obligation within five (5) business days after the funding date if you either:

1. Deliver in person to the consumer litigation funding company at the address specified in the contract the uncashed check that was issued by the consumer litigation funding company or the full amount of money that was disbursed to you by the company; or

2. Mail, by insured, certified or registered mail, to the consumer litigation funding company at the address specified in the contract a notice of cancellation and include in such mailing the uncashed check issued by the consumer litigation funding company or a return of the full amount of money that was disbursed to you by the company.

3. Within the body of the contract, in substantially the following form:

The consumer litigation funding company shall not have a role in deciding whether, when and how much the legal claim is settled for. The consumer and the attorney of the consumer shall notify the company of the outcome of the legal claim by settlement or adjudication before the

resolution date. The company may seek updated information about the status of the legal claim. The company shall not interfere with the independent professional judgment of the attorney in the handling of the legal claim or any settlement thereof.

4. Within the body of the contract, in all capital letters and in at least a 12-point bold type or font contained within a box:

THE FUNDED AMOUNT AND AGREED UPON CHARGES SHALL BE PAID ONLY FROM THE PROCEEDS OF YOUR LEGAL CLAIM, AND SHALL BE PAID ONLY TO THE EXTENT THAT THERE ARE AVAILABLE PROCEEDS FROM YOUR LEGAL CLAIM. YOU WILL NOT OWE (INSERT NAME OF THE CONSUMER LITIGATION FUNDING COMPANY) ANYTHING IF THERE ARE NO PROCEEDS FROM YOUR LEGAL CLAIM, UNLESS YOU HAVE VIOLATED ANY MATERIAL TERM OF THIS CONTRACT OR YOU HAVE KNOWINGLY PROVIDED FALSE INFORMATION OR COMMITTED FRAUD AGAINST (INSERT NAME OF THE CONSUMER LITIGATION FUNDING COMPANY).

5. Located immediately above the place on the contract where the signature of the consumer is required, in 12-point bold type or font:

Do not sign this contract before you read it completely. Do not sign this contract if it contains any blank spaces. You are entitled to a completely filled-in copy of the contract before you sign this contract. You should obtain the advice of an attorney. Depending on the circumstances, you may wish to consult a tax, public or private benefit planning or financial professional. You acknowledge that your attorney in the legal claim has provided no tax, public or private benefit planning or financial advice regarding this transaction. You further acknowledge that your attorney has explained the terms and conditions of the consumer litigation funding contract.

6. Within the body of the contract, in substantially the following form:

A copy of the executed contract must be promptly delivered to the attorney for the consumer.

Sec. 19.3. *1. A consumer litigation funding contract must include a written disclosure, signed by the consumer that is typed in at least a 12-point font.*

2. The disclosure described in subsection 1 must be separate from the consumer litigation funding contract described in section 19 of this act.

3. The disclosure described in subsection 1 must include, without limitation:

(a) A summary of all applicable charges and fees;

(b) The full cost of the consumer litigation funding transaction, written in bold font;

(c) The full amount of the consumer litigation funding;

(d) A statement that the attorney retained by the consumer in the legal claim of the consumer is being retained on a contingency basis pursuant to a written fee agreement;

(e) A statement that the consumer is fully informed and aware that all proceeds of the legal claim of the consumer will be disbursed via the trust account of the retained attorney or a settlement fund established to receive the proceeds of the legal claim on behalf of the consumer;

(f) A statement that the retained attorney has not received and will not receive a referral fee or other consideration from the consumer litigation funding company in connection with the consumer litigation funding transaction; and

(g) An acknowledgment, signed by the consumer, that the consumer was fully informed and aware of the charges and fees and the full cost of the consumer litigation funding transaction at the time of the execution of the consumer litigation funding contract.

Sec. 19.7. *If a consumer cancels a consumer litigation funding contract pursuant to section 18 of this act, the consumer litigation funding company shall promptly forward notice of the cancellation to the attorney or law firm retained by the consumer in the legal claim of the consumer.*

Sec. 20. *1. A consumer litigation funding company shall not:*

(a) Pay or offer to pay a commission, referral fee or other form of consideration to an attorney, law firm, medical provider, chiropractor or physical therapist, or any employee of such a person, for referring a consumer to the company.

(b) Accept a commission, referral fee or other form of consideration from an attorney, law firm, medical provider, chiropractor or physical therapist, or any employee of such a person.

(c) Intentionally advertise materially false or misleading information regarding the products or services of the consumer litigation funding company.

(d) Refer a consumer to engage a specific attorney, law firm, medical provider, chiropractor or physical therapist, or any employee of such a person. A company may refer a consumer in search of legal representation to a lawyer referral service operated, sponsored or approved by the State Bar of Nevada or a local bar association.

(e) Except as otherwise provided in subsection 2, knowingly provide consumer litigation funding to a consumer who has previously assigned or sold a portion of the right of the consumer to proceeds from his or her legal claim to another company without first making payment to or purchasing the entire funded amount and charges of that company, unless a lesser amount is otherwise agreed to in writing by the consumer litigation funding companies.

(f) Receive any right to, or make, any decisions with respect to the conduct, settlement or resolution of the legal claim of a consumer.

(g) Knowingly pay or offer to pay for court costs, filing fees or attorney's fees during or after the resolution of the legal claim of a consumer using money from a consumer litigation funding transaction.

2. Two or more consumer litigation funding companies may agree to contemporaneously provide consumer litigation funding to a consumer if the consumer and the attorney of the consumer agree to the arrangement in writing.

3. An attorney or law firm retained by the consumer in connection with his or her legal claim shall not have a financial interest in the consumer litigation funding company offering consumer litigation funding to that consumer.

4. An attorney who has referred the consumer to his or her retained attorney or law firm shall not have a financial interest in the consumer litigation funding company offering consumer litigation funding to that consumer.

5. A consumer litigation funding company shall not use any form of consumer litigation funding contract in this State unless the contract has been filed with the Commissioner in accordance with procedures for filing prescribed by the Commissioner.

Sec. 21. *1. A consumer litigation funding company shall require the amount to be paid to the company under a consumer litigation funding contract to be set as a predetermined amount based upon intervals of time from the funding date though the resolution date. The amount must not exceed the funded amount plus charges not to exceed a rate of 40 percent annually.*

2. The amount to be paid to a company under a consumer litigation funding contract must not be determined as a percentage of the recovery of the legal claim of a consumer.

Sec. 22. *1. If a court of competent jurisdiction determines that a consumer litigation funding company has willfully committed a deceptive and abusive violation of this chapter with regard to a specific consumer litigation funding transaction, the contract shall be void.*

2. Nothing in this chapter shall be construed to restrict the exercise of powers or the performance of the duties of the Attorney General which he or she is authorized to exercise or perform by law.

Sec. 23. *1. The contingent right to receive an amount of the potential proceeds of a legal claim is assignable by a consumer.*

2. Nothing in this chapter shall be construed to cause any consumer litigation funding transaction conforming to this chapter to be deemed a loan or to be subject to any of the provisions of law governing loans. A consumer litigation funding transaction that complies with this chapter is not subject to any other statutory or regulatory provisions governing loans or investment contracts. If there is a conflict between the provisions of this chapter and any other statute, the provisions of this chapter control.

3. Only a lien imposed by an attorney pursuant to NRS 18.015 that is related to the legal claim of the consumer or a lien imposed by Medicare that is related to the legal claim of a consumer takes priority over any lien imposed

by a consumer litigation funding company. All other liens take priority by normal operation of law.

Sec. 24. *Any communication between the attorney of a consumer in a legal claim and a consumer litigation funding company as it pertains to a consumer litigation funding transaction is subject to the attorney-client privilege, including, without limitation, the work-product doctrine.*

Sec. 25. *1. A person shall not engage in the business of a consumer litigation funding company in this State without having first obtained a license from the Commissioner pursuant to this chapter.*

2. For the purpose of this section, a person is "engaged in the business of a consumer litigation funding company" if the person:

(a) Solicits or engages in consumer litigation funding transactions in this State; or

(b) Is located in this State and solicits or engages in consumer litigation funding transactions outside of this State.

3. Any person and the several members, officers, directors, agents and employees thereof who violate or participate in the violation of this section are guilty of a misdemeanor.

Sec. 25.5. *The provisions of section 25 of this act shall apply to any person who seeks to evade its application by any device, subterfuge or pretense whatever, including, but not thereby limiting the generality of the foregoing:*

1. The loan, forbearance, use or sale of credit (as guarantor, surety, endorser, comaker or otherwise), money, goods, or things in action.

2. The use of collateral or related sales or purchases of goods or services, or agreements to sell or purchase, whether real or pretended.

3. Receiving or charging compensation for goods or services, whether or not sold, delivered or provided.

4. The real or pretended negotiation, arrangement or procurement of a loan through any use or activity of a third person, whether real or fictitious.

Sec. 26. *1. A person who wishes to obtain a license from the Commissioner to engage in the business of a consumer litigation funding company shall submit an application to the Commissioner. The application must be made in writing, under oath and on a form prescribed by the Commissioner. The application must include:*

(a) If the applicant is a natural person, the name and address of the applicant.

(b) If the applicant is a business entity, the name and address of each:

(1) Partner;

(2) Officer;

(3) Director;

(4) Manager or member who acts in a managerial capacity; and

(5) Registered agent,

➥ *of the business entity.*

(c) Such other information, as the Commissioner determines necessary, concerning the financial responsibility, background, experience and activities of the applicant and its:

(1) Partners;

(2) Officers;

(3) Directors; and

(4) Managers or members who act in a managerial capacity.

(d) The address of each location at which the applicant proposes to do business under the license.

2. A person may apply for a license for an office or other place of business located outside this State from which the applicant will conduct business in this State if the applicant submits with the application for a license a statement signed by the applicant which states that the applicant agrees to:

(a) Make available at a location within this State the books, accounts, papers, records and files of the office or place of business located outside this State to the Commissioner or a representative of the Commissioner; or

(b) Pay the reasonable expenses for travel, meals and lodging of the Commissioner or a representative of the Commissioner incurred during any investigation or examination made at the office or place of business located outside this State.

➥ *The person must be allowed to choose between the provisions of paragraph (a) or (b) in complying with the provisions of this subsection.*

3. The Commissioner shall consider an application to be withdrawn if the Commissioner has not received all information and fees required to complete the application within 6 months after the date the application is first submitted to the Commissioner or within such later period as the Commissioner determines in accordance with any existing policies of joint regulatory partners. If an application is deemed to be withdrawn pursuant to this subsection or if an applicant otherwise withdraws an application, the Commissioner shall not issue a license to the applicant unless the applicant submits a new application and pays any required fees.

Sec. 27. *1. In addition to any other requirements set forth in this chapter, each applicant must submit:*

(a) Proof satisfactory to the Commissioner that the applicant:

(1) Has a good reputation for honesty, trustworthiness and integrity and is competent to transact the business for which the applicant seeks to be licensed in a manner which protects the interests of the general public.

(2) Has not made a false statement of material fact on the application for the license.

(3) Has not committed any of the acts specified in subsection 2.

(4) Has not had a license issued pursuant to this chapter suspended or revoked within the 10 years immediately preceding the date of the application.

(5) Has not been convicted or, or entered a plea of nolo contendere to, a felony or any crime involving fraud, misrepresentation or moral turpitude.

(6) If the applicant is a natural person:

(I) Is at least 21 years of age; and

(II) Is a citizen of the United States or lawfully entitled to remain and work in the United States.

(b) A complete set of his or her fingerprints and written permission authorizing the Division of Financial Institutions of the Department of Business and Industry to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

2. In addition to any other lawful reasons, the Commissioner may refuse to issue a license to an applicant if the applicant:

(a) Has committed or participated in any act for which, if committed or done by a holder of a license, would be grounds for the suspension or revocation of the license.

(b) Has previously been refused a license pursuant to this chapter or has had such a license suspended or revoked.

(c) Has participated in any act which was a basis for the denial or revocation of a license pursuant to this chapter.

(d) Has falsified any of the information submitted to the Commissioner in support of the application for a license.

Sec. 28. *1. In addition to any other requirements, a natural person who applies for a license pursuant to this chapter shall:*

(a) Include the social security number of the applicant in the application submitted to the Commissioner; and

(b) Submit to the Commissioner the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Commissioner shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the registration; or

(b) A separate form prescribed by the Commissioner.

3. A license as a consumer litigation funding company may not be issued or renewed by the Commissioner if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Commissioner shall advise the

applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 29. *1. If the Commissioner receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is licensed as a consumer litigation funding company, the Commissioner shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Commissioner receives a letter issued to the licensee by the district attorney or other public agency pursuant to NRS 425.550 stating that the licensee has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

2. The Commissioner shall reinstate the license of a licensee that has been suspended by a district court pursuant to NRS 425.540 if the Commissioner receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 30. *1. An application submitted to the Commissioner pursuant to section 26 of this act must be accompanied by:*

(a) A nonrefundable fee of not more than $1,000 for the application and survey;

(b) Any additional expenses incurred in the process of investigation as the Commissioner deems necessary; and

(c) A fee of not less than $200 and not more than $1,000.

2. An applicant shall, at the time of filing an application, file with the Commissioner, a surety bond payable to the State of Nevada and satisfactory to the Commissioner in an amount not to exceed $50,000. The terms of the bond must run concurrent with the period of time during which the license will be in effect. The bond must provide that the applicant will faithfully conform to and abide by the provisions of this chapter and to all regulations lawfully made by the Commissioner under this chapter and to any such person any and all amounts of money that may become due or owing to this State or to such person from the applicant under this chapter during the period for which the bond is given.

3. Each bond must be in a form satisfactory to the Commissioner, issued by a bonding company authorized to do business in this State and must secure the faithful performance of the obligations of the licensee respecting the provision of the services of the consumer litigation funding company.

4. A licensee shall, within 10 days after the commencement of any action or notice of entry of any judgment against the licensee by any creditor or claimant arising out of business regulated by this chapter give notice thereof to the Commissioner by certified mail with details sufficient to identify the action or judgment. The surety shall, within 10 days after it pays any claim or

judgment to a creditor or claimant, give notice thereof to the Commissioner by certified mail with details sufficient to identify the creditor or claimant and the claim or judgment so paid.

5. The liability of the surety on a bond is not affected by any misrepresentation, breach of warranty, failure to pay a premium or other act or omission of the licensee, or by any insolvency or bankruptcy of the licensee.

6. The liability of the surety continues as to all transactions entered into in good faith by the creditors and claimants with the agents of the licensee within 30 days after the earlier of:

(a) The death of the licensee or the dissolution or liquidation of his or her business; or

(b) The termination of the bond.

7. A licensee or his or her surety shall not cancel or alter a bond except after notice to the Commissioner by certified mail. The cancellation or alteration is not effective until 10 days after receipt of the notice by the Commissioner. A cancellation or alteration does not affect any liability incurred or accrued on the bond before the expiration of the 30-day period designated in subsection 6.

8. The Commissioner shall adopt regulations establishing the amount of the fees and the bond required pursuant to this section. All money received by the Commissioner pursuant to this section must be placed in the Investigative Account created by NRS 232.545.

Sec. 31. *1. Upon the filing of the application and the payment of the fees, the Commissioner shall investigate the facts concerning the application and the requirements provided for in this chapter.*

2. The Commissioner may hold a hearing on the application at a time not less than 30 days after the application was filed or not more than 60 days after that date. The hearing must be held in the Office of the Commissioner or such other place as the Commissioner may designate. Notice in writing of the hearing must be sent to the applicant and to any licensee to which a notice of the application has been given and to such other person as the Commissioner may see fit, at least 10 days before the date set for the hearing.

3. The Commissioner shall make his or her order granting or denying the application within 10 days after the date of the closing of the hearing, unless the period is extended by written agreement between the applicant and the Commissioner.

4. An applicant is entitled to a hearing on the question of the qualifications of the applicant for licensure upon written request to the Commissioner if:

(a) The Commissioner has notified the applicant in writing that the application has been denied; or

(b) The Commissioner has not issued a license within 60 days after the application for a license was filed.

5. A request for a hearing may not be made more than 15 days after the Commissioner has mailed a written notice to the applicant that the application

has been denied and stating in substance the findings of the Commissioner supporting the denial of the application.

6. The Commissioner may adopt regulations to carry out the provisions of this section.

Sec. 32. *If the Commissioner finds:*

1. That the financial responsibility, experience, character and general fitness of the applicant are such as to command the confidence of the public and to warrant belief that the business will be operated lawfully, honestly, fairly and efficiently, within the purposes of this chapter;

2. That the applicant has complied with the provisions of this chapter; and

3. That the applicant has available for the operation of the business liquid assets of at least $50,000,

➥ he or she shall thereupon enter an order granting the application, and file his or her findings of fact together with the transcript of any hearing held under this chapter, and forthwith issue and deliver a license to the applicant.

Sec. 33. *1. A licensee who wishes to change the address of an office or other place of business for which he or she has a license pursuant to the provisions of this chapter must, at least 10 days before changing the address, give written notice of the proposed change to the Commissioner.*

2. Upon receipt of the proposed change of address pursuant to subsection 1, the Commissioner shall provide written approval of the change and the date of the approval.

3. If a licensee fails to provide notice as required pursuant to subsection 1, the Commissioner may impose a fine in an amount not to exceed $1,000.

Sec. 34. *A license issued pursuant to this chapter is not transferable or assignable.*

Sec. 35. *Every licensee shall maintain assets of at least $50,000 either used or readily available for use in the conduct of the business of each licensed office.*

Sec. 35.5. *A licensee who has an office or other place of business located outside of this State shall file with the Commissioner the information required pursuant to NRS 77.310 and continuously maintain a registered agent for service of legal process. Such agent must be an attorney who is licensed to practice law in this State and who has an office located in this State.*

Sec. 36. *1. Each licensee shall keep and use in his or her business such books and accounting records as are in accord with sound and accepted accounting practices.*

2. Each licensee shall maintain a separate record or ledger card for the account of each borrower and shall set forth separately the amount of cash advance and the total amount of interest and charges, but such a record may set forth precomputed declining balances based on the scheduled payments, without a separation of principal and charges.

3. Each licensee shall preserve all such books and accounting records for at least 2 years after making the final entry therein.

4. Each licensee who operates an office or other place of business outside this State that is licensed pursuant to this chapter shall:

(a) Make available at a location within this State the books, accounts, papers, records and files of the office or place of business located outside this State to the Commissioner or a representative of the Commissioner; or

(b) Pay the reasonable expenses for travel, meals and lodging of the Commissioner or a representative of the Commissioner incurred during any investigation or examination made at the office or place of business located outside this State.

Sec. 36.2. *1. At least once each year, the Commissioner or his or her authorized representative shall make an examination of the place of business of each licensee and of the transactions, books, papers and records of each licensee that pertain to the business licensed under this chapter.*

2. For each examination conducted pursuant to subsection 1, the Commissioner shall charge and collect from the licensee a fee for conducting the examination and preparing and typing the report of the examination at the rate established and, if applicable, adjusted pursuant to NRS 658.101.

Sec. 36.4. *Each licensee shall pay the assessment levied pursuant to NRS 658.055 and cooperate fully with the audits and examinations performed pursuant thereto.*

Sec. 36.6. *In addition to any other fee provided by this chapter, the Commissioner shall assess and collect from each licensee the reasonable cost of auditing the books and records of a licensee.*

Sec. 37. *A licensee shall not conduct the business of a consumer litigation funding company under any name or at a place other than stated in the license. Nothing is this section shall be construed to prohibit:*

1. Consumer litigation funding transactions by mail; or

2. Accommodations for a consumer when necessitated by hours of employment, sickness or other emergency situations.

Sec. 38. *1. On or before January 31 of each year, a licensee shall submit a report to the Commissioner containing:*

(a) The number of consumer litigation funding transactions in which the company engaged in this State for the immediately preceding year;

(b) A summation of the total funded amount of the consumer litigation funding transactions in which the company engaged in this State for the immediately preceding year, expressed in dollars; and

(c) The annual percentage charged to each consumer when repayment was made.

2. If a licensee operated more than one office or provides consumer litigation funding to persons outside of the State, the licensee shall submit a composite report of all consumer litigation funding transactions in which the company engaged for the immediately preceding year.

3. The Commissioner shall make the information contained in the report available to the public upon request in a manner which maintains the confidentiality of the name of each company and consumer.

Sec. 38.2. *1. The Commissioner may enforce this chapter and regulations adopted pursuant thereto by taking one or more of the following actions:*

(a) Ordering a licensee or a director, employee or other agent of a licensee to cease and desist from any violations;

(b) Ordering a licensee or a director, employee or other agent of a licensee who has caused a violation to correct the violation, including, without limitation, making restitution of money to a person aggrieved by a violation;

(c) Imposing on a licensee or a director, employee or other agent of a licensee who has caused a violation a civil penalty not to exceed $5,000 for each violation; or

(d) Suspending or revoking the license of a licensee in accordance with section 38.6 of this act.

2. If a person violates or knowingly authorizes, directs or aids in the violation of a final order issued pursuant to paragraph (a) or (b) of subsection 1, the Commissioner may impose a civil penalty not to exceed $10,000 for each violation.

3. The Commissioner may maintain an action to enforce this chapter in any county in this State.

4. The Commissioner may recover the reasonable costs of enforcing subsections 1, 2 and 3, including, without limitation, attorney's fees, based on the hours reasonably expended and the hourly rates for attorneys of comparable experience in the community.

5. In determining the amount of a civil penalty imposed pursuant to subsection 1 or 2, the Commissioner shall consider the seriousness of the violation, the good faith of the violator, any previous violations by the violator and any other factor the Commissioner considers relevant to the determination of a civil penalty.

Sec. 38.3. *1. The Commissioner may impose an administrative fine of not more than $50,000 upon a person who, without a license, conducts any business or activity for which a license is required pursuant to the provisions of this chapter.*

2. The Commissioner shall afford to any person fined pursuant to subsection 1 reasonable notice and an opportunity for a hearing pursuant to the provisions of NRS 233B.121.

3. A person fined by the Commissioner pursuant to subsection 1 is entitled to judicial review of the decision of the Commissioner in the manner provided by chapter 233B of NRS.

Sec. 38.6. *1. The Commissioner may suspend or revoke a license if:*

(a) The licensee has failed to pay the annual license fee;

(b) The licensee, either knowingly or without any exercise of due care to prevent it, has violated any provision of this chapter or any lawful regulation adopted pursuant thereto;

(c) The licensee has failed to pay an applicable tax, fee or assessment; or

(d) Any fact or condition exists which would have justified the Commissioner in denying the licensee's original application for a license pursuant to the provisions of this chapter.

2. If the Commissioner has reason to believe that grounds for revocation or suspension of a license exist, the Commissioner shall give 20 days' written notice to the licensee stating the contemplated action and, in general, the grounds therefor and set a date for a hearing.

3. At the conclusion of a hearing, the Commissioner shall:

(a) Enter a written order either dismissing the charges, revoking the license or suspending the license for a period of not more than 60 days, which period must include any prior temporary suspension. The Commissioner shall send a copy of the order to the licensee by registered or certified mail.

(b) Impose upon the licensee an administrative fine of not more than $10,000 for each violation by the licensee of any provision of this chapter or any regulation adopted pursuant thereto.

(c) If a fine is imposed pursuant to this section, enter such order as is necessary to recover the costs of the proceeding, including investigative costs and attorney's fees of the Commissioner.

4. Unless otherwise provided in an order, the order for the revocation or suspension of a license applies only to the license granted to a person for the particular location for which grounds for revocation or suspension exist.

5. A licensee upon whom a fine has been imposed or whose license was suspended or revoked pursuant to this section is entitled to judicial review of the decision in the manner provided by chapter 233B of NRS.

Sec. 38.8. *1. Except as otherwise provided in this section, if a licensee willfully:*

(a) Enters into a consumer litigation funding contract for an amount of interest or any other charge or fee that violates the provisions of this chapter or any regulation adopted pursuant thereto;

(b) Demands, collects or receives an amount of interest or any other charge or fee that violates the provisions of this chapter or any regulation adopted pursuant thereto; or

(c) Commits any other act or omission that violates the provisions of this chapter or any regulation adopted pursuant thereto,

➥ the consumer litigation funding contract is void and the licensee is not entitled to collect, receive or retain any principal, interest or other charges or fees with respect to the consumer litigation funding transaction.

2. The provisions of this section do not apply if:

(a) A licensee shows by a preponderance of the evidence that the violation was not intentional and resulted from a bona fide error of computation, notwithstanding the maintenance of procedures reasonably adapted to avoid that error; and

(b) Within 60 days after discovering the error, the licensee notifies the customer of the error and makes whatever adjustments in the account are necessary to correct the error.

Sec. 38.9. *1. A consumer, an attorney for a consumer or any other person who believes that any provision of this chapter has been violated may file a complaint with the Commissioner. Such a complaint must include:*

(a) The full name and address of the person filing the complaint;

(b) A clear and concise statement of facts sufficient to establish that the alleged violation occurred, including, without limitation, the date, time and place of the alleged violation and the name of each person involved in the alleged violation; and

(c) A certification by the person filing the complaint that the facts alleged in the complaint are true to the best knowledge and belief of the person.

2. Upon the receipt of a complaint filed pursuant to subsection 1, the Commissioner may investigate and conduct hearings concerning the complaint.

Sec. 38.95. NRS 658.098 is hereby amended to read as follows:

658.098 1. On a quarterly or other regular basis, the Commissioner shall collect an assessment pursuant to this section from each:

(a) Check-cashing service or deferred deposit loan service that is supervised pursuant to chapter 604A of NRS;

(b) Collection agency that is supervised pursuant to chapter 649 of NRS;

(c) Bank that is supervised pursuant to chapters 657 to 668, inclusive, of NRS;

(d) Trust company or family trust company that is supervised pursuant to chapter 669 or 669A of NRS;

(e) Person engaged in the business of selling or issuing checks or of receiving for transmission or transmitting money or credits that is supervised pursuant to chapter 671 of NRS;

(f) Savings and loan association or savings bank that is supervised pursuant to chapter 673 of NRS;

(g) Person engaged in the business of lending that is supervised pursuant to chapter 675 of NRS;

(h) Thrift company that is supervised pursuant to chapter 677 of NRS; and

(i) Credit union that is supervised pursuant to chapter 678 of NRS.

(j) Consumer litigation funding company that is supervised pursuant to the chapter consisting of sections 2 to 38.9, inclusive, of this act.

2. The Commissioner shall determine the total amount of all assessments to be collected from the entities identified in subsection 1, but that amount must not exceed the amount necessary to recover the cost of legal services provided by the Attorney General to the Commissioner and to the Division of Financial Institutions. The total amount of all assessments collected must be reduced by any amounts collected by the Commissioner from an entity for the recovery of the costs of legal services provided by the Attorney General in a specific case.

3. The Commissioner shall collect from each entity identified in subsection 1 an assessment that is based on:

(a) A portion of the total amount of all assessments as determined pursuant to subsection 2, such that the assessment collected from an entity identified in subsection 1 shall bear the same relation to the total amount of all assessments as the total assets of that entity bear to the total of all assets of all entities identified in subsection 1; or

(b) Any other reasonable basis adopted by the Commissioner.

4. The assessment required by this section is in addition to any other assessment, fee or cost required by law to be paid by an entity identified in subsection 1.

5. Money collected by the Commissioner pursuant to this section must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.

Sec. 39. 1. Notwithstanding the amendatory provisions of this act, a consumer litigation funding company that ~~[submits]~~:

(a) Holds a license issued pursuant to chapter 675 of NRS on or before October 1, 2019; and

(b) Submits an application for licensure pursuant to section 26 of this act on or before January 1, 2020,

➥ shall be deemed to hold a license to engage in the business of a consumer litigation funding company issued pursuant to section 32 of this act and may continue to conduct consumer litigation funding transactions while the application for licensure is pending approval or denial.

2. The Commissioner of Financial Institutions may adopt regulations for the administration and enforcement of this section.

3. As used in this section:

(a) "Consumer litigation funding company" has the meaning ascribed to it in section 8 of this act.

(b) "Consumer litigation funding transaction" has the meaning ascribed to it in section 10 of this act.

Sec. 40. The amendatory provisions of this act do not apply to any contract entered into before July 1, 2019, until the contract is amended, extended or renewed.

Sec. 41. Sections 28 and 29 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

1. Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

2. Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Amendment No. 926.

SUMMARY—Revises provisions relating to certain financial transactions. (BDR 52-1146)

AN ACT relating to financial services; imposing certain requirements on certain transactions in which a person provides money to a consumer who has a pending legal action in exchange for certain proceeds from that legal action; requiring certain persons who engage in such transactions to obtain a license from the Commissioner of Financial Institutions; imposing certain requirements on such licensees; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2-38.9 of this bill establish provisions relating to transactions in which a person provides a consumer who has a pending legal claim in this State with money and the consumer assigns to that person the right to receive an amount of the potential proceeds of a settlement, judgment, award or verdict obtained as a result of the legal action of the consumer. Section 10 of this bill designates this type of transaction as a "consumer litigation funding transaction." Section 8 of this bill designates the provider of money to a consumer in such a transaction as a "consumer litigation funding company."

Sections 18, 19 and 19.3 of this bill generally require a contract to enter into a consumer litigation funding transaction to meet certain requirements and contain certain disclosures relating to the amount of fees the consumer will be charged and the rights of the consumer with regard to the consumer litigation funding transaction.

Section 20 of this bill prohibits a consumer litigation funding company from: (1) paying or accepting certain referral fees or commissions; (2) referring a consumer to engage certain professionals; (3) advertising false information; (4) entering into a consumer litigation funding transaction with a consumer who has already received money from another company, with certain exceptions; (5) making decisions with regard to the legal claim of the consumer; and (6) paying certain legal fees of the consumer with money from the consumer funding transaction.

Section 21 of this bill requires the amount the consumer is required to pay the consumer litigation funding company in exchange for the money received by the consumer to be set as a predetermined amount. Section 21 prohibits a company from charging fees that exceed a rate of 40 percent annually.

Section 25 of this bill prohibits a person from engaging in business as a consumer litigation funding company without a license issued by the Commissioner of Financial Institutions. Section 25 provides that a person who engages in such business without a license is guilty of a misdemeanor. Sections 26-32 of this bill set forth the application process to obtain such a license and set forth certain requirements an applicant must meet.

Sections 35 and 36 of this bill require a person who has obtained a license to engage in business as a consumer litigation funding company to maintain assets of at least $50,000 and to keep certain records. Section 36.2 of this bill requires the Commissioner to make an annual examination of a licensee. Sections 38.3 and 38.6 of this bill authorize the Commissioner to impose fines and suspend or revoke the license of a licensee for certain violations of the

provisions of this bill. Section 38.2 of this bill authorizes the Commissioner to take certain additional actions against a licensee or certain other persons for violations of the provisions of this bill. Section 38 of this bill requires each licensee to submit to the Commissioner an annual report with certain information regarding the activities of the licensee in the preceding year and to make the information contained in the report available to the public not later than 1 year after the report is submitted. Section 38.9 of this bill authorizes: (1) a person to file a complaint against a licensee; and (2) the Commissioner to investigate and hold hearings concerning such a complaint. Sections 36.4, 36.6 and 38.95 of this bill require a licensee to pay certain assessments.

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

Section 1. Title 52 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 38.9, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 16, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Advertise" means the commercial use of any medium, including, without limitation, radio, television, the Internet or a similar medium of communication, by a consumer litigation funding company for the purpose of inducing a consumer to enter into a consumer litigation funding transaction.*

Sec. 3.5. *"Applicant" means a person who applies to the Commissioner to obtain a license to engage in the business of a consumer litigation funding company pursuant to the provisions of this chapter. The term does not include a parent company or affiliate of such a person.*

Sec. 4. *"Charges" means the amount of money to be paid to a consumer litigation funding company by a consumer above the funded amount provided by the consumer litigation company to the consumer. The term includes, without limitation, administrative fees, origination fees, underwriting fees or other fees, however denominated. The term does not include a document preparation fee.*

Sec. 5. *"Commissioner" means the Commissioner of Financial Institutions.*

Sec. 6. *"Consumer" means a natural person who:*

1. Resides or is domiciled in this State; and

2. Has a pending legal claim.

Sec. 7. *"Consumer litigation funding" means the money provided directly or indirectly to a consumer by a consumer litigation funding company in a consumer litigation funding transaction.*

Sec. 8. *1. "Consumer litigation funding company" or "company" means a person that enters into a consumer litigation funding transaction with a consumer.*

2. The term does not include:

(a) An immediate family member of a consumer;

(b) An attorney or accountant who provides services to a consumer;

(c) A medical provider that provides medical services on the basis of a lien against any potential litigation recovery;

(d) A medical factoring company; or

(e) A financial institution or similar entity:

(1) That provides financing to a consumer litigation funding company; or

(2) To which a consumer litigation funding company grants a security interest or transfers any right or interest in a consumer litigation funding transaction.

Sec. 9. *"Consumer litigation funding contract" means a written agreement between a consumer and a consumer litigation funding company that provides for a consumer litigation funding transaction.*

Sec. 10. *"Consumer litigation funding transaction" means a nonrecourse transaction in which:*

1. A consumer litigation funding company provides consumer litigation funding to a consumer; and

2. The consumer assigns to the company a contingent right to receive an amount of the potential proceeds of a settlement, judgment, award or verdict obtained in the legal claim of the consumer.

Sec. 10.5. *"Document preparation fee" means a one-time fee per legal claim, not to exceed $500, assessed for document preparation services related to the preparation of a consumer litigation funding contract.*

Sec. 11. *"Funded amount" means the amount of consumer litigation funding provided to or on behalf of a consumer in a consumer litigation funding transaction. The term does not include charges.*

Sec. 12. *"Funding date" means the date on which a company transfers to a consumer the funded amount of consumer litigation funding.*

Sec. 13. *"Immediate family member" means a parent, sibling, child by blood, adoption or marriage, spouse, grandparent or grandchild.*

Sec. 14. *"Legal claim" means a bona fide civil claim or cause of action.*

Sec. 15. *"Licensee" means a person who has been issued one or more licenses to engage in the business of a consumer litigation funding company.*

Sec. 16. *"Resolution date" means the date upon which:*

(a) A consumer, or a person on behalf of a consumer, delivers to a consumer litigation company an amount of money equivalent to the funded amount plus any agreed upon charges; or

(b) The legal claim of a consumer is lost or abandoned.

Sec. 17. *The Commissioner may adopt regulations for the administration and enforcement of this chapter, in addition to and not inconsistent with this chapter.*

Sec. 18. *1. A consumer litigation funding contract must:*

(a) Be written in a clear and comprehensible language that is understandable to an ordinary layperson.

(b) Be filled out completely when presented to the consumer for signature.

(c) Contain a provision advising a consumer of the right to cancel the contract. Such a provision must provide that the consumer may cancel the contract without penalty or further obligation if, within 5 business days after the funding date, the consumer:

(1) Delivers in person to the consumer litigation funding company, at the address specified in the contract, the uncashed check issued by the consumer litigation funding company or the full amount of money that was disbursed to the consumer by the consumer litigation funding company; or

(2) Mails, by insured, certified or registered mail, to the address specified in the contract, a notice of cancellation and includes in such mailing the uncashed check issued by the consumer litigation funding company or a return of the full amount of money that was disbursed to the consumer by the consumer litigation funding company.

(d) Contain the initials of the consumer on each page.

(e) Contain a statement that the consumer is not required to pay any other fees or charges other than what is agreed to and disclosed within the contract.

(f) If the consumer seeks more than one consumer litigation funding contract with the same company, contain a disclosure providing the cumulative amount due from the consumer for all consumer litigation funding transactions, including, without limitation, all fees and charges under all consumer litigation funding contracts if repayment is made any time after the contracts are executed.

(g) Contain a statement of the maximum amount the consumer may be obligated to pay under the consumer litigation funding contract other than in the case of material breach, fraud or misrepresentation by the consumer.

(h) Contain clear, conspicuous and accurate details of how charges, including, without limitation, any applicable fees, are incurred or accrued.

(i) Contain a statement that the consumer litigation funding contract is governed by the laws of the State of Nevada.

2. A consumer litigation contract must contain a written acknowledgment by the attorney retained by the consumer in the legal claim of the consumer attesting to the following:

(a) To the best of the knowledge of the attorney, the funded amount and any charges and applicable fees relating to the consumer litigation funding have been disclosed to the consumer.

(b) The attorney is being paid on a contingency basis pursuant to a written fee agreement.

(c) All proceeds of the legal claim will be disbursed via the trust account of the attorney or a settlement fund established to receive the proceeds of the legal claim on behalf of the consumer.

(d) The attorney is following the written irrevocable instructions of the consumer with regard to the consumer litigation funding transaction.

(e) The attorney is obligated to disburse money from the legal claim and take any other steps to ensure that the terms of the consumer litigation funding contract are fulfilled.

(f) The attorney has not received a referral fee or other consideration from the consumer litigation funding company in connection with the consumer litigation funding, nor will the attorney receive such fee or other consideration in the future.

(g) The attorney has not provided advice related to taxes, benefits or any other financial matter regarding this transaction.

3. A consumer litigation funding contract that does not contain the written acknowledgment required by paragraph (c) of subsection 2 is void. If the acknowledgment is completed, the contract shall remain valid if the consumer terminates the representation of the initial attorney or retains a new attorney with respect to the legal claim of the consumer.

Sec. 19. *A consumer litigation funding contract must contain the disclosures specified in this section, which shall constitute material terms of the contract. Except as otherwise provided in this section, the disclosure shall be typed in at least 12-point bold type or font and be placed clearly and conspicuously within the contract, as follows:*

1. On the front page of the contract under appropriate headings, language specifying:

(a) The funded amount to be paid to the consumer by the consumer litigation funding company;

(b) An itemization of one-time charges and fees;

(c) The maximum total amount to be assigned by the consumer to the company, including, without limitation, the funded amount and all charges and fees; and

(d) A payment schedule to include the funded amount, charges and fees, listing all dates and the amount due at the end of each 180-day period from the funding date, until the date the maximum amount is due to the company by the consumer to satisfy the amount due under the consumer litigation funding contract.

2. Within the body of the contract, substantially the following form:

Consumer's right to cancellation: You may cancel this contract without penalty or further obligation within five (5) business days after the funding date if you either:

1. Deliver in person to the consumer litigation funding company at the address specified in the contract the uncashed check that was issued by the consumer litigation funding company or the full amount of money that was disbursed to you by the company; or

2. Mail, by insured, certified or registered mail, to the consumer litigation funding company at the address specified in the contract a notice of cancellation and include in such mailing the uncashed check issued by the consumer litigation funding company or a return of the full amount of money that was disbursed to you by the company.

3. Within the body of the contract, in substantially the following form:

The consumer litigation funding company shall not have a role in deciding whether, when and how much the legal claim is settled for. The

consumer and the attorney of the consumer shall notify the company of the outcome of the legal claim by settlement or adjudication before the resolution date. The company may seek updated information about the status of the legal claim. The company shall not interfere with the independent professional judgment of the attorney in the handling of the legal claim or any settlement thereof.

4. Within the body of the contract, in all capital letters and in at least a 12-point bold type or font contained within a box:

THE FUNDED AMOUNT AND AGREED UPON CHARGES SHALL BE PAID ONLY FROM THE PROCEEDS OF YOUR LEGAL CLAIM, AND SHALL BE PAID ONLY TO THE EXTENT THAT THERE ARE AVAILABLE PROCEEDS FROM YOUR LEGAL CLAIM. YOU WILL NOT OWE (INSERT NAME OF THE CONSUMER LITIGATION FUNDING COMPANY) ANYTHING IF THERE ARE NO PROCEEDS FROM YOUR LEGAL CLAIM, UNLESS YOU HAVE VIOLATED ANY MATERIAL TERM OF THIS CONTRACT OR YOU HAVE KNOWINGLY PROVIDED FALSE INFORMATION OR COMMITTED FRAUD AGAINST (INSERT NAME OF THE CONSUMER LITIGATION FUNDING COMPANY).

5. Located immediately above the place on the contract where the signature of the consumer is required, in 12-point bold type or font:

Do not sign this contract before you read it completely. Do not sign this contract if it contains any blank spaces. You are entitled to a completely filled-in copy of the contract before you sign this contract. You should obtain the advice of an attorney. Depending on the circumstances, you may wish to consult a tax, public or private benefit planning or financial professional. You acknowledge that your attorney in the legal claim has provided no tax, public or private benefit planning or financial advice regarding this transaction. You further acknowledge that your attorney has explained the terms and conditions of the consumer litigation funding contract.

6. Within the body of the contract, in substantially the following form:

A copy of the executed contract must be promptly delivered to the attorney for the consumer.

Sec. 19.3. *1. A consumer litigation funding contract must include a written disclosure, signed by the consumer that is typed in at least a 12-point font.*

2. The disclosure described in subsection 1 must be separate from the consumer litigation funding contract described in section 19 of this act.

3. The disclosure described in subsection 1 must include, without limitation:

(a) A summary of all applicable charges and fees;

(b) The full cost of the consumer litigation funding transaction, written in bold font;

(c) The full amount of the consumer litigation funding;

(d) A statement that the attorney retained by the consumer in the legal claim of the consumer is being retained on a contingency basis pursuant to a written fee agreement;

(e) A statement that the consumer is fully informed and aware that all proceeds of the legal claim of the consumer will be disbursed via the trust account of the retained attorney or a settlement fund established to receive the proceeds of the legal claim on behalf of the consumer;

(f) A statement that the retained attorney has not received and will not receive a referral fee or other consideration from the consumer litigation funding company in connection with the consumer litigation funding transaction; and

(g) An acknowledgment, signed by the consumer, that the consumer was fully informed and aware of the charges and fees and the full cost of the consumer litigation funding transaction at the time of the execution of the consumer litigation funding contract.

Sec. 19.7. *If a consumer cancels a consumer litigation funding contract pursuant to section 18 of this act, the consumer litigation funding company shall promptly forward notice of the cancellation to the attorney or law firm retained by the consumer in the legal claim of the consumer.*

Sec. 20. *1. A consumer litigation funding company shall not:*

(a) Pay or offer to pay a commission, referral fee or other form of consideration to an attorney, law firm, medical provider, chiropractor or physical therapist, or any employee of such a person, for referring a consumer to the company.

(b) Accept a commission, referral fee or other form of consideration from an attorney, law firm, medical provider, chiropractor or physical therapist, or any employee of such a person.

(c) Intentionally advertise materially false or misleading information regarding the products or services of the consumer litigation funding company.

(d) Refer a consumer to engage a specific attorney, law firm, medical provider, chiropractor or physical therapist, or any employee of such a person. A company may refer a consumer in search of legal representation to a lawyer referral service operated, sponsored or approved by the State Bar of Nevada or a local bar association.

(e) Except as otherwise provided in subsection 2, knowingly provide consumer litigation funding to a consumer who has previously assigned or sold a portion of the right of the consumer to proceeds from his or her legal claim to another company without first making payment to or purchasing the entire funded amount and charges of that company, unless a lesser amount is otherwise agreed to in writing by the consumer litigation funding companies.

(f) Receive any right to, or make, any decisions with respect to the conduct, settlement or resolution of the legal claim of a consumer.

(g) Knowingly pay or offer to pay for court costs, filing fees or attorney's fees during or after the resolution of the legal claim of a consumer using money from a consumer litigation funding transaction.

2. Two or more consumer litigation funding companies may agree to contemporaneously provide consumer litigation funding to a consumer if the consumer and the attorney of the consumer agree to the arrangement in writing.

3. An attorney or law firm retained by the consumer in connection with his or her legal claim shall not have a financial interest in the consumer litigation funding company offering consumer litigation funding to that consumer.

4. An attorney who has referred the consumer to his or her retained attorney or law firm shall not have a financial interest in the consumer litigation funding company offering consumer litigation funding to that consumer.

5. A consumer litigation funding company shall not use any form of consumer litigation funding contract in this State unless the contract has been filed with the Commissioner in accordance with procedures for filing prescribed by the Commissioner.

Sec. 21. *1. A consumer litigation funding company shall require the amount to be paid to the company under a consumer litigation funding contract to be set as a predetermined amount based upon intervals of time from the funding date though the resolution date. The amount must not exceed the funded amount plus charges not to exceed a rate of 40 percent annually.*

2. The amount to be paid to a company under a consumer litigation funding contract must not be determined as a percentage of the recovery of the legal claim of a consumer.

Sec. 22. *1. If a court of competent jurisdiction determines that a consumer litigation funding company has willfully committed a deceptive and abusive violation of this chapter with regard to a specific consumer litigation funding transaction, the contract shall be void.*

2. Nothing in this chapter shall be construed to restrict the exercise of powers or the performance of the duties of the Attorney General which he or she is authorized to exercise or perform by law.

Sec. 23. *1. The contingent right to receive an amount of the potential proceeds of a legal claim is assignable by a consumer.*

2. Nothing in this chapter shall be construed to cause any consumer litigation funding transaction conforming to this chapter to be deemed a loan or to be subject to any of the provisions of law governing loans. A consumer litigation funding transaction that complies with this chapter is not subject to any other statutory or regulatory provisions governing loans or investment contracts. If there is a conflict between the provisions of this chapter and any other statute, the provisions of this chapter control.

3. Only a lien imposed by an attorney pursuant to NRS 18.015 that is related to the legal claim of the consumer or a lien imposed by Medicare that is related to the legal claim of a consumer takes priority over any lien imposed

by a consumer litigation funding company. All other liens take priority by normal operation of law.

Sec. 24. *Any communication between the attorney of a consumer in a legal claim and a consumer litigation funding company as it pertains to a consumer litigation funding transaction is subject to the attorney-client privilege, including, without limitation, the work-product doctrine.*

Sec. 25. *1. A person shall not engage in the business of a consumer litigation funding company in this State without having first obtained a license from the Commissioner pursuant to this chapter.*

2. For the purpose of this section, a person is "engaged in the business of a consumer litigation funding company" if the person:

(a) Solicits or engages in consumer litigation funding transactions in this State; or

(b) Is located in this State and solicits or engages in consumer litigation funding transactions outside of this State.

3. Any person and the several members, officers, directors, agents and employees thereof who violate or participate in the violation of this section are guilty of a misdemeanor.

Sec. 25.5. *The provisions of section 25 of this act shall apply to any person who seeks to evade its application by any device, subterfuge or pretense whatever, including, but not thereby limiting the generality of the foregoing:*

1. The loan, forbearance, use or sale of credit (as guarantor, surety, endorser, comaker or otherwise), money, goods, or things in action.

2. The use of collateral or related sales or purchases of goods or services, or agreements to sell or purchase, whether real or pretended.

3. Receiving or charging compensation for goods or services, whether or not sold, delivered or provided.

4. The real or pretended negotiation, arrangement or procurement of a loan through any use or activity of a third person, whether real or fictitious.

Sec. 26. *1. A person who wishes to obtain a license from the Commissioner to engage in the business of a consumer litigation funding company shall submit an application to the Commissioner. The application must be made in writing, under oath and on a form prescribed by the Commissioner. The application must include:*

(a) If the applicant is a natural person, the name and address of the applicant.

(b) If the applicant is a business entity, the name and address of each:

(1) Partner;

(2) Officer;

(3) Director;

(4) Manager or member who acts in a managerial capacity; and

(5) Registered agent,

➥ *of the business entity.*

(c) Such other information, as the Commissioner determines necessary, concerning the financial responsibility, background, experience and activities of the applicant and its:

(1) Partners;

(2) Officers;

(3) Directors; and

(4) Managers or members who act in a managerial capacity.

(d) The address of each location at which the applicant proposes to do business under the license.

2. A person may apply for a license for an office or other place of business located outside this State from which the applicant will conduct business in this State if the applicant submits with the application for a license a statement signed by the applicant which states that the applicant agrees to:

(a) Make available at a location within this State the books, accounts, papers, records and files of the office or place of business located outside this State to the Commissioner or a representative of the Commissioner; or

(b) Pay the reasonable expenses for travel, meals and lodging of the Commissioner or a representative of the Commissioner incurred during any investigation or examination made at the office or place of business located outside this State.

➥ *The person must be allowed to choose between the provisions of paragraph (a) or (b) in complying with the provisions of this subsection.*

3. The Commissioner shall consider an application to be withdrawn if the Commissioner has not received all information and fees required to complete the application within 6 months after the date the application is first submitted to the Commissioner or within such later period as the Commissioner determines in accordance with any existing policies of joint regulatory partners. If an application is deemed to be withdrawn pursuant to this subsection or if an applicant otherwise withdraws an application, the Commissioner shall not issue a license to the applicant unless the applicant submits a new application and pays any required fees. Sec. 27. *1. In addition to any other requirements set forth in this chapter, each applicant must submit:*

(a) Proof satisfactory to the Commissioner that the applicant:

(1) Has a good reputation for honesty, trustworthiness and integrity and is competent to transact the business for which the applicant seeks to be licensed in a manner which protects the interests of the general public.

(2) Has not made a false statement of material fact on the application for the license.

(3) Has not committed any of the acts specified in subsection 2.

(4) Has not had a license issued pursuant to this chapter suspended or revoked within the 10 years immediately preceding the date of the application.

(5) Has not been convicted or, or entered a plea of nolo contendere to, a felony or any crime involving fraud, misrepresentation or moral turpitude.

(6) If the applicant is a natural person:

(I) Is at least 21 years of age; and

(II) Is a citizen of the United States or lawfully entitled to remain and work in the United States.

(b) A complete set of his or her fingerprints and written permission authorizing the Division of Financial Institutions of the Department of Business and Industry to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

2. In addition to any other lawful reasons, the Commissioner may refuse to issue a license to an applicant if the applicant:

(a) Has committed or participated in any act for which, if committed or done by a holder of a license, would be grounds for the suspension or revocation of the license.

(b) Has previously been refused a license pursuant to this chapter or has had such a license suspended or revoked.

(c) Has participated in any act which was a basis for the denial or revocation of a license pursuant to this chapter.

(d) Has falsified any of the information submitted to the Commissioner in support of the application for a license.

Sec. 28. *1. In addition to any other requirements, a natural person who applies for a license pursuant to this chapter shall:*

(a) Include the social security number of the applicant in the application submitted to the Commissioner; and

(b) Submit to the Commissioner the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Commissioner shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the registration; or

(b) A separate form prescribed by the Commissioner.

3. A license as a consumer litigation funding company may not be issued or renewed by the Commissioner if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Commissioner shall advise the

applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 29. *1. If the Commissioner receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is licensed as a consumer litigation funding company, the Commissioner shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Commissioner receives a letter issued to the licensee by the district attorney or other public agency pursuant to NRS 425.550 stating that the licensee has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

2. The Commissioner shall reinstate the license of a licensee that has been suspended by a district court pursuant to NRS 425.540 if the Commissioner receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 25.560.

Sec. 30. *1. An application submitted to the Commissioner pursuant to section 26 of this act must be accompanied by:*

(a) A nonrefundable fee of not more than $1,000 for the application and survey;

(b) Any additional expenses incurred in the process of investigation as the Commissioner deems necessary; and

(c) A fee of not less than $200 and not more than $1,000.

2. An applicant shall, at the time of filing an application, file with the Commissioner, a surety bond payable to the State of Nevada and satisfactory to the Commissioner in an amount not to exceed $50,000. The terms of the bond must run concurrent with the period of time during which the license will be in effect. The bond must provide that the applicant will faithfully conform to and abide by the provisions of this chapter and to all regulations lawfully made by the Commissioner under this chapter and to any such person any and all amounts of money that may become due or owing to this State or to such person from the applicant under this chapter during the period for which the bond is given.

3. Each bond must be in a form satisfactory to the Commissioner, issued by a bonding company authorized to do business in this State and must secure the faithful performance of the obligations of the licensee respecting the provision of the services of the consumer litigation funding company.

4. A licensee shall, within 10 days after the commencement of any action or notice of entry of any judgment against the licensee by any creditor or claimant arising out of business regulated by this chapter give notice thereof to the Commissioner by certified mail with details sufficient to identify the action or judgment. The surety shall, within 10 days after it pays any claim or

judgment to a creditor or claimant, give notice thereof to the Commissioner by certified mail with details sufficient to identify the creditor or claimant and the claim or judgment so paid.

5. The liability of the surety on a bond is not affected by any misrepresentation, breach of warranty, failure to pay a premium or other act or omission of the licensee, or by any insolvency or bankruptcy of the licensee.

6. The liability of the surety continues as to all transactions entered into in good faith by the creditors and claimants with the agents of the licensee within 30 days after the earlier of:

(a) The death of the licensee or the dissolution or liquidation of his or her business; or

(b) The termination of the bond.

7. A licensee or his or her surety shall not cancel or alter a bond except after notice to the Commissioner by certified mail. The cancellation or alteration is not effective until 10 days after receipt of the notice by the Commissioner. A cancellation or alteration does not affect any liability incurred or accrued on the bond before the expiration of the 30-day period designated in subsection 6.

8. The Commissioner shall adopt regulations establishing the amount of the fees and the bond required pursuant to this section. All money received by the Commissioner pursuant to this section must be placed in the Investigative Account created by NRS 232.545.

Sec. 31. *1. Upon the filing of the application and the payment of the fees, the Commissioner shall investigate the facts concerning the application and the requirements provided for in this chapter.*

2. The Commissioner may hold a hearing on the application at a time not less than 30 days after the application was filed or not more than 60 days after that date. The hearing must be held in the Office of the Commissioner or such other place as the Commissioner may designate. Notice in writing of the hearing must be sent to the applicant and to any licensee to which a notice of the application has been given and to such other person as the Commissioner may see fit, at least 10 days before the date set for the hearing.

3. The Commissioner shall make his or her order granting or denying the application within 10 days after the date of the closing of the hearing, unless the period is extended by written agreement between the applicant and the Commissioner.

4. An applicant is entitled to a hearing on the question of the qualifications of the applicant for licensure upon written request to the Commissioner if:

(a) The Commissioner has notified the applicant in writing that the application has been denied; or

(b) The Commissioner has not issued a license within 60 days after the application for a license was filed.

5. A request for a hearing may not be made more than 15 days after the Commissioner has mailed a written notice to the applicant that the application

has been denied and stating in substance the findings of the Commissioner supporting the denial of the application.

6. The Commissioner may adopt regulations to carry out the provisions of this section.

Sec. 32. *If the Commissioner finds:*

1. That the financial responsibility, experience, character and general fitness of the applicant are such as to command the confidence of the public and to warrant belief that the business will be operated lawfully, honestly, fairly and efficiently, within the purposes of this chapter;

2. That the applicant has complied with the provisions of this chapter; and

3. That the applicant has available for the operation of the business liquid assets of at least $50,000,

➥ he or she shall thereupon enter an order granting the application, and file his or her findings of fact together with the transcript of any hearing held under this chapter, and forthwith issue and deliver a license to the applicant.

Sec. 33. *1. A licensee who wishes to change the address of an office or other place of business for which he or she has a license pursuant to the provisions of this chapter must, at least 10 days before changing the address, give written notice of the proposed change to the Commissioner.*

2. Upon receipt of the proposed change of address pursuant to subsection 1, the Commissioner shall provide written approval of the change and the date of the approval.

3. If a licensee fails to provide notice as required pursuant to subsection 1, the Commissioner may impose a fine in an amount not to exceed $1,000.

Sec. 34. *A license issued pursuant to this chapter is not transferable or assignable.*

Sec. 35. *Every licensee shall maintain assets of at least $50,000 either used or readily available for use in the conduct of the business of each licensed office.*

Sec. 35.5. *A licensee who has an office or other place of business located outside of this State shall file with the Commissioner the information required pursuant to NRS 77.310 and continuously maintain a registered agent for service of legal process. Such agent must be an attorney who is licensed to practice law in this State and who has an office located in this State.*

Sec. 36. *1. Each licensee shall keep and use in his or her business such books and accounting records as are in accord with sound and accepted accounting practices.*

2. Each licensee shall maintain a separate record or ledger card for the account of each borrower and shall set forth separately the amount of cash advance and the total amount of interest and charges, but such a record may set forth precomputed declining balances based on the scheduled payments, without a separation of principal and charges.

3. Each licensee shall preserve all such books and accounting records for at least 2 years after making the final entry therein.

4. Each licensee who operates an office or other place of business outside this State that is licensed pursuant to this chapter shall:

(a) Make available at a location within this State the books, accounts, papers, records and files of the office or place of business located outside this State to the Commissioner or a representative of the Commissioner; or

(b) Pay the reasonable expenses for travel, meals and lodging of the Commissioner or a representative of the Commissioner incurred during any investigation or examination made at the office or place of business located outside this State.

Sec. 36.2. *1. At least once each year, the Commissioner or his or her authorized representative shall make an examination of the place of business of each licensee and of the transactions, books, papers and records of each licensee that pertain to the business licensed under this chapter.*

2. For each examination conducted pursuant to subsection 1, the Commissioner shall charge and collect from the licensee a fee for conducting the examination and preparing and typing the report of the examination at the rate established and, if applicable, adjusted pursuant to NRS 658.101.

Sec. 36.4. *Each licensee shall pay the assessment levied pursuant to NRS 658.055 and cooperate fully with the audits and examinations performed pursuant thereto.*

Sec. 36.6. *In addition to any other fee provided by this chapter, the Commissioner shall assess and collect from each licensee the reasonable cost of auditing the books and records of a licensee.*

Sec. 37. *A licensee shall not conduct the business of a consumer litigation funding company under any name or at a place other than stated in the license. Nothing is this section shall be construed to prohibit:*

1. Consumer litigation funding transactions by mail; or

2. Accommodations for a consumer when necessitated by hours of employment, sickness or other emergency situations.

Sec. 38. *1. On or before January 31 of each year, a licensee shall submit a report to the Commissioner containing:*

(a) The number of consumer litigation funding transactions in which the company engaged in this State for the immediately preceding year;

(b) A summation of the total funded amount of the consumer litigation funding transactions in which the company engaged in this State for the immediately preceding year, expressed in dollars; and

(c) The annual percentage charged to each consumer when repayment was made.

2. If a licensee operated more than one office or provides consumer litigation funding to persons outside of the State, the licensee shall submit a composite report of all consumer litigation funding transactions in which the company engaged for the immediately preceding year.

3. The Commissioner shall make the information contained in the report available to the public upon request in a manner which maintains the confidentiality of the name of each company and consumer.

Sec. 38.2. *1. The Commissioner may enforce this chapter and regulations adopted pursuant thereto by taking one or more of the following actions:*

(a) Ordering a licensee or a director, employee or other agent of a licensee to cease and desist from any violations;

(b) Ordering a licensee or a director, employee or other agent of a licensee who has caused a violation to correct the violation, including, without limitation, making restitution of money to a person aggrieved by a violation;

(c) Imposing on a licensee or a director, employee or other agent of a licensee who has caused a violation a civil penalty not to exceed $5,000 for each violation; or

(d) Suspending or revoking the license of a licensee in accordance with section 38.6 of this act.

2. If a person violates or knowingly authorizes, directs or aids in the violation of a final order issued pursuant to paragraph (a) or (b) of subsection 1, the Commissioner may impose a civil penalty not to exceed $10,000 for each violation.

3. The Commissioner may maintain an action to enforce this chapter in any county in this State.

4. The Commissioner may recover the reasonable costs of enforcing subsections 1, 2 and 3, including, without limitation, attorney's fees, based on the hours reasonably expended and the hourly rates for attorneys of comparable experience in the community.

5. In determining the amount of a civil penalty imposed pursuant to subsection 1 or 2, the Commissioner shall consider the seriousness of the violation, the good faith of the violator, any previous violations by the violator and any other factor the Commissioner considers relevant to the determination of a civil penalty.

Sec. 38.3. *1. The Commissioner may impose an administrative fine of not more than $50,000 upon a person who, without a license, conducts any business or activity for which a license is required pursuant to the provisions of this chapter.*

2. The Commissioner shall afford to any person fined pursuant to subsection 1 reasonable notice and an opportunity for a hearing pursuant to the provisions of NRS 233B.121.

3. A person fined by the Commissioner pursuant to subsection 1 is entitled to judicial review of the decision of the Commissioner in the manner provided by chapter 233B of NRS.

Sec. 38.6. *1. The Commissioner may suspend or revoke a license if:*

(a) The licensee has failed to pay the annual license fee;

(b) The licensee, either knowingly or without any exercise of due care to prevent it, has violated any provision of this chapter or any lawful regulation adopted pursuant thereto;

(c) The licensee has failed to pay an applicable tax, fee or assessment; or

(d) Any fact or condition exists which would have justified the Commissioner in denying the licensee's original application for a license pursuant to the provisions of this chapter.

2. If the Commissioner has reason to believe that grounds for revocation or suspension of a license exist, the Commissioner shall give 20 days' written notice to the licensee stating the contemplated action and, in general, the grounds therefor and set a date for a hearing.

3. At the conclusion of a hearing, the Commissioner shall:

(a) Enter a written order either dismissing the charges, revoking the license or suspending the license for a period of not more than 60 days, which period must include any prior temporary suspension. The Commissioner shall send a copy of the order to the licensee by registered or certified mail.

(b) Impose upon the licensee an administrative fine of not more than $10,000 for each violation by the licensee of any provision of this chapter or any regulation adopted pursuant thereto.

(c) If a fine is imposed pursuant to this section, enter such order as is necessary to recover the costs of the proceeding, including investigative costs and attorney's fees of the Commissioner.

4. Unless otherwise provided in an order, the order for the revocation or suspension of a license applies only to the license granted to a person for the particular location for which grounds for revocation or suspension exist.

5. A licensee upon whom a fine has been imposed or whose license was suspended or revoked pursuant to this section is entitled to judicial review of the decision in the manner provided by chapter 233B of NRS.

Sec. 38.8. *1. Except as otherwise provided in this section, if a licensee willfully:*

(a) Enters into a consumer litigation funding contract for an amount of interest or any other charge or fee that violates the provisions of this chapter or any regulation adopted pursuant thereto;

(b) Demands, collects or receives an amount of interest or any other charge or fee that violates the provisions of this chapter or any regulation adopted pursuant thereto; or

(c) Commits any other act or omission that violates the provisions of this chapter or any regulation adopted pursuant thereto,

➥ *the consumer litigation funding contract is void and the licensee is not entitled to collect, receive or retain any principal, interest or other charges or fees with respect to the consumer litigation funding transaction.*

2. The provisions of this section do not apply if:

(a) A licensee shows by a preponderance of the evidence that the violation was not intentional and resulted from a bona fide error of computation, notwithstanding the maintenance of procedures reasonably adapted to avoid that error; and

(b) Within 60 days after discovering the error, the licensee notifies the customer of the error and makes whatever adjustments in the account are necessary to correct the error.

Sec. 38.9. *1. A consumer, an attorney for a consumer or any other person who believes that any provision of this chapter has been violated may file a complaint with the Commissioner. Such a complaint must include:*

(a) The full name and address of the person filing the complaint;

(b) A clear and concise statement of facts sufficient to establish that the alleged violation occurred, including, without limitation, the date, time and place of the alleged violation and the name of each person involved in the alleged violation; and

(c) A certification by the person filing the complaint that the facts alleged in the complaint are true to the best knowledge and belief of the person.

2. Upon the receipt of a complaint filed pursuant to subsection 1, the Commissioner may investigate and conduct hearings concerning the complaint.

Sec. 38.95. NRS 658.098 is hereby amended to read as follows:

658.098 1. On a quarterly or other regular basis, the Commissioner shall collect an assessment pursuant to this section from each:

(a) Check-cashing service or deferred deposit loan service that is supervised pursuant to chapter 604A of NRS;

(b) Collection agency that is supervised pursuant to chapter 649 of NRS;

(c) Bank that is supervised pursuant to chapters 657 to 668, inclusive, of NRS;

(d) Trust company or family trust company that is supervised pursuant to chapter 669 or 669A of NRS;

(e) Person engaged in the business of selling or issuing checks or of receiving for transmission or transmitting money or credits that is supervised pursuant to chapter 671 of NRS;

(f) Savings and loan association or savings bank that is supervised pursuant to chapter 673 of NRS;

(g) Person engaged in the business of lending that is supervised pursuant to chapter 675 of NRS;

(h) Thrift company that is supervised pursuant to chapter 677 of NRS; and

(i) Credit union that is supervised pursuant to chapter 678 of NRS.

(j) Consumer litigation funding company that is supervised pursuant to the chapter consisting of sections 2 to 38.9, inclusive, of this act.

2. The Commissioner shall determine the total amount of all assessments to be collected from the entities identified in subsection 1, but that amount must not exceed the amount necessary to recover the cost of legal services provided by the Attorney General to the Commissioner and to the Division of Financial Institutions. The total amount of all assessments collected must be reduced by any amounts collected by the Commissioner from an entity for the recovery of the costs of legal services provided by the Attorney General in a specific case.

3. The Commissioner shall collect from each entity identified in subsection 1 an assessment that is based on:

(a) A portion of the total amount of all assessments as determined pursuant to subsection 2, such that the assessment collected from an entity identified in subsection 1 shall bear the same relation to the total amount of all assessments as the total assets of that entity bear to the total of all assets of all entities identified in subsection 1; or

(b) Any other reasonable basis adopted by the Commissioner.

4. The assessment required by this section is in addition to any other assessment, fee or cost required by law to be paid by an entity identified in subsection 1.

5. Money collected by the Commissioner pursuant to this section must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.

Sec. 39. 1. Notwithstanding the amendatory provisions of this act, a consumer litigation funding company that ~~[submits]~~:

(a) Holds a license issued pursuant to chapter 675 of NRS on or before October 1, 2019; and

(b) Submits an application for licensure pursuant to section 26 of this act on or before January 1, 2020,

➥ shall be deemed to hold a license to engage in the business of a consumer litigation funding company issued pursuant to section 32 of this act and may continue to conduct consumer litigation funding transactions while the application for licensure is pending approval or denial.

2. The Commissioner of Financial Institutions may adopt regulations for the administration and enforcement of this section.

3. As used in this section:

(a) "Consumer litigation funding company" has the meaning ascribed to it in section 8 of this act.

(b) "Consumer litigation funding transaction" has the meaning ascribed to it in section 10 of this act.

Sec. 40. The amendatory provisions of this act do not apply to any contract entered into before ~~[July]~~ October 1, 2019, until the contract is amended, extended or renewed.

Sec. 41. 1. This act becomes effective:

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

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

2. Sections 28 and 29 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

~~[1.]~~ (a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

~~[2.]~~ (b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Senator Spearman moved that the Senate concur in Assembly Amendments Nos. 841, 908, 926 to Senate Bill No. 432.

Remarks by Senator Spearman.

Assembly Amendments Nos. 841, 908 and 926 to Senate Bill No. 432 make several changes to Senate Bill No. 432. The amendments clarify the definitions of the terms "charges," "consumer," "consumer litigation funding company" and "consumer litigation funding contract" and add a definition for "document preparation fee." They delete provisions authorizing the Commissioner of the Division of Financial Institutions to adopt orders for the administration and enforcement of this bill's chapter. Instead, the amendments authorize the Commissioner to take certain actions against a licensee or certain other persons for violations of the provisions of this bill. They revise the provisions and disclosures required to be included in a consumer litigation-funding contract and modify the information the statement concerning a consumer's right to cancelation must contain; require the Commissioner to at least annually examine each licensee and collect from the licensee and examination fee; require each licensee to pay the assessment levied and cooperate fully with audits and examinations performed; require the Commissioner to assess and collect from each licensee the reasonable cost of auditing the books and records of licensee; authorize the Commissioner, upon filing of a complaint, to investigate and conduct hearings concerning possible violations; provide the continuation of consumer litigation funding of certain licensee who were licensed prior to October 1, 2019, and change the effective date of this bill. I urge passage to my colleagues. This bill was worked on quite vigorously by both parties, and they were able to come to an amicable conclusion, which is reflected in the amendments.

Motion carried by a two-thirds majority.

Bill ordered enrolled.

Senate Bill No. 252.

The following Assembly amendment was read:

Amendment No. 777.

SUMMARY—Authorizes the residential confinement or other appropriate supervision of certain older offenders. (BDR 16-1050)

AN ACT relating to offenders; authorizing the residential confinement or other appropriate supervision of certain older offenders; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Director of the Department of Corrections to assign any offender who has not been sentenced to death or imprisonment for life without the possibility of parole to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement or other appropriate supervision as determined by the Division for not longer than the remainder of the offender's sentence if: (1) the Director has reason to believe that the offender is physically incapacitated or in ill health to such a degree that the offender is not likely to pose a threat to the safety of the public and at least two licensed physicians verify such incapacitation or ill health; or (2) the offender is in ill health and expected to die within 12 months. If the Director intends to assign such an offender to the custody of the Division, the Director is required to notify the Division and the board of county commissioners of the county in which the offender will reside at least 45 days before the offender's expected date of release. Additionally, the Division is

required to notify any victim of a crime committed by the offender who has requested to be notified of the consideration of a prisoner for parole. If such an offender escapes or violates any of the terms or conditions of his or her residential confinement or other appropriate supervision as determined by the Division, the Division is authorized to return the offender to the custody of the Department and any credits for good behavior earned by the offender before the escape or violation are subject to forfeiture, as determined by the Director. (NRS 209.3925)

Section 1 of this bill additionally authorizes the Director to assign any offender who has not been sentenced to death or imprisonment for life without the possibility of parole to the custody of the Division to serve a term of residential confinement or other appropriate supervision as determined by the Division for not longer than the remainder of the offender's sentence if the offender: (1) is 65 years of age or older; (2) has not been convicted of a crime of violence, certain offenses committed against a child, a sexual offense, vehicular homicide or driving under the influence of alcohol or a prohibited substance and causing the death of or substantial bodily harm to another person; and (3) has served 8 consecutive years in the custody of the Department of Corrections or at least a majority of the maximum term or maximum aggregate term of his or her sentence ~~[.]~~ , whichever occurs earlier. Sections 2-8 of this bill make conforming changes.

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

Section 1. Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 6, the Director may assign an offender to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement pursuant to NRS 213.380 or other appropriate supervision as determined by the Division of Parole and Probation, for not longer than the remainder of his or her sentence, if the offender:

(a) Is 65 years of age or older;

(b) Has not been convicted of:

(1) A crime of violence;

(2) A crime against a child as defined in NRS 179D.0357;

(3) A sexual offense as defined in NRS 179D.097;

(4) Vehicular homicide pursuant to NRS 484C.130; or

(5) A violation of NRS 484C.430; and

(c) Has served 8 consecutive years in the custody of the Department, including any credit earned for time served in a county jail as ordered by the court, or at least a majority of the maximum term or maximum aggregate term, as applicable, of his or her sentence ~~[.]~~ , whichever occurs earlier.

2. If the Director intends to assign an offender to the custody of the Division of Parole and Probation pursuant to this section, at least 45 days

before the date the offender is expected to be released from the custody of the Department, the Director shall notify:

(a) The board of county commissioners of the county in which the offender will reside; and

(b) The Division of Parole and Probation.

3. Except as otherwise provided in NRS 213.10915, if any victim of a crime committed by the offender has, pursuant to subsection 4 of NRS 213.131, requested to be notified of the consideration of a prisoner for parole and has provided a current address, the Division of Parole and Probation shall notify the victim that:

(a) The Director intends to assign the offender to the custody of the Division of Parole and Probation pursuant to this section; and

(b) The victim may submit documents to the Division of Parole and Probation regarding such an assignment.

➥ *If a current address has not been provided by a victim as required by subsection 4 of NRS 213.131, the Division of Parole and Probation must not be held responsible if notification is not received by the victim. All personal information, including, without limitation, a current or former address, which pertains to a victim and which is received by the Division of Parole and Probation pursuant to this subsection is confidential.*

4. If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or conditions of his or her residential confinement or other appropriate supervision as determined by the Division of Parole and Probation:

(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department.

(b) The offender forfeits all or part of the credits for good behavior earned by the offender before the escape or violation, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as the Director considers proper. The decision of the Director regarding such a forfeiture is final.

5. The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:

(a) A continuation of the offender's imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

➥ *except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.*

6. The Director may not assign an offender to the custody of the Division of Parole and Probation pursuant to this section if the offender is sentenced to death or imprisonment for life without the possibility of parole.

7. An offender does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that

custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

8. The Division of Parole and Probation may receive and distribute restitution paid by an offender assigned to the custody of the Division of Parole and Probation pursuant to this section.

9. As used in this section, "crime of violence" means any offense involving the use or threatened use of force or violence against another person.

Sec. 2. NRS 209.241 is hereby amended to read as follows:

209.241 1. The Director may accept money, including the net amount of any wages earned during the incarceration of an offender after any deductions made by the Director and valuables belonging to an offender at the time of his or her incarceration or afterward received by gift, inheritance or the like or earned during the incarceration of an offender, and shall deposit the money in the Prisoners' Personal Property Fund, which is hereby created as a trust fund.

2. An offender shall deposit all money that the offender receives into his or her individual account in the Prisoners' Personal Property Fund.

3. The Director:

(a) Shall keep, or cause to be kept, a full and accurate account of the money and valuables, and shall submit reports to the Board relating to the money and valuables as may be required from time to time.

(b) May permit withdrawals for immediate expenditure by an offender for personal needs.

(c) May permit the distribution of money to a governmental entity for any applicable deduction authorized pursuant to NRS 209.247 or any other deduction authorized by law from any money deposited in the individual account of an offender from any source other than the offender's wages.

(d) Shall pay over to each offender upon his or her release any remaining balance in his or her individual account.

4. The interest and income earned on the money in the Prisoners' Personal Property Fund, after deducting any applicable bank charges, must be credited each calendar quarter as follows:

(a) If an offender's share of the cost of administering the Prisoners' Personal Property Fund for the quarter is less than the amount of interest and income earned by the offender, the Director shall credit the individual account of the offender with an amount equal to the difference between the amount of interest and income earned by the offender and the offender's share of the cost of administering the Prisoners' Personal Property Fund.

(b) If an offender's share of the cost of administering the Prisoners' Personal Property Fund for the quarter is equal to or greater than the amount of interest and income earned by the offender, the Director shall credit the interest and income to the Offenders' Store Fund.

5. An offender who does not deposit all money that the offender receives into his or her individual account in the Prisoners' Personal Property Fund as required in this section is guilty of a gross misdemeanor.

6. A person who aids or encourages an offender not to deposit all money the offender receives into the individual account of the offender in the Prisoners' Personal Property Fund as required in this section is guilty of a gross misdemeanor.

7. The Director may exempt an offender from the provisions of this section if the offender is:

(a) Confined in an institution outside this State pursuant to chapter 215A of NRS; or

(b) Assigned to the custody of the Division of Parole and Probation of the Department of Public Safety to:

(1) Serve a term of residential confinement pursuant to NRS 209.392, 209.3925 or 209.429 ~~[,]~~ *or section 1 of this act;* or

(2) Participate in a correctional program for reentry into the community pursuant to NRS 209.4887.

Sec. 3. NRS 209.392 is hereby amended to read as follows:

209.392 1. Except as otherwise provided in NRS 209.3925 and 209.429 ~~[,]~~ *and section 1 of this act,* the Director may, at the request of an offender who is eligible for residential confinement pursuant to the standards adopted by the Director pursuant to subsection 3 and who has:

(a) Demonstrated a willingness and ability to establish a position of employment in the community;

(b) Demonstrated a willingness and ability to enroll in a program for education or rehabilitation; or

(c) Demonstrated an ability to pay for all or part of the costs of the offender's confinement and to meet any existing obligation for restitution to any victim of his or her crime,

➥ assign the offender to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement, pursuant to NRS 213.380, for not longer than the remainder of his or her sentence.

2. Upon receiving a request to serve a term of residential confinement from an eligible offender, the Director shall notify the Division of Parole and Probation. Except as otherwise provided in NRS 213.10915, if any victim of a crime committed by the offender has, pursuant to subsection 4 of NRS 213.131, requested to be notified of the consideration of a prisoner for parole and has provided a current address, the Division of Parole and Probation shall notify the victim of the offender's request and advise the victim that the victim may submit documents regarding the request to the Division of Parole and Probation. If a current address has not been provided as required by subsection 4 of NRS 213.131, the Division of Parole and Probation must not be held responsible if such notification is not received by the victim. All personal information, including, but not limited to, a current or former address,

which pertains to a victim and which is received by the Division of Parole and Probation pursuant to this subsection is confidential.

3. The Director, after consulting with the Division of Parole and Probation, shall adopt, by regulation, standards providing which offenders are eligible for residential confinement. The standards adopted by the Director must provide that an offender who:

(a) Has recently committed a serious infraction of the rules of an institution or facility of the Department;

(b) Has not performed the duties assigned to the offender in a faithful and orderly manner;

(c) Has been convicted of:

(1) Any crime that is punishable as a felony involving the use or threatened use of force or violence against the victim within the immediately preceding 3 years;

(2) A sexual offense that is punishable as a felony; or

(3) Except as otherwise provided in subsection 4, a category A or B felony;

(d) Has more than one prior conviction for any felony in this State or any offense in another state that would be a felony if committed in this State, not including a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.420, 488.425 or 488.427; or

(e) Has escaped or attempted to escape from any jail or correctional institution for adults,

➥ is not eligible for assignment to the custody of the Division of Parole and Probation to serve a term of residential confinement pursuant to this section.

4. The standards adopted by the Director pursuant to subsection 3 must provide that an offender who has been convicted of a category B felony is eligible for assignment to the custody of the Division of Parole and Probation to serve a term of residential confinement pursuant to this section if:

(a) The offender is not otherwise ineligible pursuant to subsection 3 for an assignment to serve a term of residential confinement; and

(b) The Director makes a written finding that such an assignment of the offender is not likely to pose a threat to the safety of the public.

5. If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or conditions of the offender's residential confinement:

(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department.

(b) The offender forfeits all or part of the credits for good behavior earned by the offender before the escape or violation, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as the Director considers proper. The decision of the Director regarding such a forfeiture is final.

6. The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:

(a) A continuation of the offender's imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

➥ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

7. An offender does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

8. The Division of Parole and Probation may receive and distribute restitution paid by an offender assigned to the custody of the Division of Parole and Probation pursuant to this section.

Sec. 4. NRS 213.10915 is hereby amended to read as follows:

213.10915 1. The Board, in consultation with the Division, may enter into an agreement with the manager of an automated victim notification system to notify victims of the information described in NRS 209.392 and 209.3925 and subsections 4 and 7 of NRS 213. 131 *and section 1 of this act* through the system if the system is capable of:

(a) Automatically notifying by telephone or electronic means a victim registered with the system of the information described in NRS 209.392 and 209.3925 and subsections 4 and 7 of NRS 213.131 *and section 1 of this act* with the timeliness required by NRS 209.392 and 209.3925 and subsections 4 and 7 of NRS 213.131 ~~[,]~~ *and section 1 of this act;* and

(b) Notifying victims registered with the system, using language provided by the Board, if the Board decides that it will discontinue the use of the system to notify victims of the information described in NRS 209.392 and 209.3925 and subsections 4 and 7 of NRS 213.131 ~~[.]~~ *and section 1 of this act.* The notice must:

(1) Be provided to each victim registered with the system not less than 90 days before the date on which the Board will discontinue use of the system; and

(2) Advise each victim to submit a written request for notification pursuant to subsection 4 of NRS 213.131 if the victim wishes to receive notice of the information described in NRS 209.392 and 209.3925 and subsections 4 and 7 of NRS 213.131 ~~[.]~~ *and section 1 of this act.*

2. The Division is not required to notify the victim of an offender of the information described in NRS 209.392 and 209.3925 *and section 1 of this act* and the Board is not required to notify the victim of a prisoner of the information described in subsections 4 and 7 of NRS 213.131 if:

(a) The Board has entered into an agreement pursuant to subsection 1; and

(b) Before discontinuing the notification of victims pursuant to NRS 209.392 and 209.3925 and subsections 4 and 7 of NRS 213.131 ~~[,]~~ *and section 1 of this act,* the Board, not less than two times and not less than 60 days apart, has notified each victim who has requested notification pursuant to subsection 4 of NRS 213.131 and who has provided his or her current address or whose current address is otherwise known by the Board of the change in the manner in which a victim is notified of the information described in NRS 209.392 and 209.3925 and subsections 4 and 7 of NRS 213.131 ~~[.]~~ *and section 1 of this act.* The notice must:

(1) Advise the victim that the Division will no longer notify the victim of the information described in NRS 209.392 and 209.3925 ~~[,]~~ *and section 1 of this act,* that the Board will no longer notify the victim of the information described in subsections 4 and 7 of NRS 213.131, and that the victim may register with the automated victim notification system if he or she wishes to be notified of the information described in NRS 209.392 and 209.3925 and subsections 4 and 7 of NRS 213.131 ~~[,]~~ *and section 1 of this act;* and

(2) Include instructions for registering with the automated victim notification system to receive notice of the information described in NRS 209.392 and 209.3925 and subsections 4 and 7 of NRS 213.131 ~~[.]~~ *and section 1 of this act.*

3. For the purposes of this section, "victim" has the meaning ascribed to it in NRS 213.005.

Sec. 5. NRS 213.371 is hereby amended to read as follows:

213.371 As used in NRS 213.371 to 213.410, inclusive, unless the context otherwise requires:

1. "Division" means the Division of Parole and Probation of the Department of Public Safety.

2. "Offender" means a prisoner assigned to the custody of the Division pursuant to NRS 209.392, 209.3925 or 209.429 ~~[.]~~ *or section 1 of this act.*

3. "Residential confinement" means the confinement of an offender to his or her place of residence under the terms and conditions established by the Division.

Sec. 6. NRS 213.380 is hereby amended to read as follows:

213.380 1. The Division shall establish procedures for the residential confinement of offenders.

2. The Division may establish, and at any time modify, the terms and conditions of the residential confinement, except that the Division shall:

(a) Require the offender to participate in regular sessions of education, counseling and any other necessary or desirable treatment in the community, unless the offender is assigned to the custody of the Division pursuant to NRS 209.3925 ~~[,]~~ *or section 1 of this act;*

(b) Require the offender to be confined to his or her residence during the time the offender is not:

(1) Engaged in employment or an activity listed in paragraph (a) that is authorized by the Division;

(2) Receiving medical treatment that is authorized by the Division; or

(3) Engaged in any other activity that is authorized by the Division; and

(c) Require intensive supervision of the offender, including unannounced visits to his or her residence or other locations where the offender is expected to be in order to determine whether the offender is complying with the terms and conditions of his or her confinement.

3. An electronic device approved by the Division may be used to supervise an offender. The device may be capable of using the Global Positioning System, but must be minimally intrusive and limited in capability to recording or transmitting information concerning the offender's location, including, but not limited to, the transmission of still visual images which do not concern the offender's activities, and producing, upon request, reports or records of the offender's presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location. A device which is capable of recording or transmitting:

(a) Oral or wire communications or any auditory sound; or

(b) Information concerning the offender's activities,

➥ must not be used.

Sec. 7. NRS 178.5698 is hereby amended to read as follows:

178.5698 1. The prosecuting attorney, sheriff or chief of police shall, upon the request of a victim or witness, inform the victim or witness:

(a) When the defendant is released from custody at any time before or during the trial, including, without limitation, when the defendant is released pending trial or subject to electronic supervision;

(b) If the defendant is so released, the amount of bail required, if any; and

(c) Of the final disposition of the criminal case in which the victim or witness was directly involved.

2. A request for information pursuant to subsection 1 must be made:

(a) In writing; or

(b) By telephone through an automated or computerized system of notification, if such a system is available.

3. If an offender is convicted of a sexual offense or an offense involving the use or threatened use of force or violence against the victim, the court shall provide:

(a) To each witness, documentation that includes:

(1) A form advising the witness of the right to be notified pursuant to subsection 5;

(2) The form that the witness must use to request notification in writing; and

(3) The form or procedure that the witness must use to provide a change of address after a request for notification has been submitted.

(b) To each person listed in subsection 4, documentation that includes:

(1) A form advising the person of the right to be notified pursuant to subsection 5 or 6 and NRS 176.015, 176A.630, 178.4715, 209.392, 209.3925, 209.521, 213.010, 213.040, 213.095 and 213.131 *and section 1 of this act* or NRS 213.10915;

(2) The forms that the person must use to request notification; and

(3) The forms or procedures that the person must use to provide a change of address after a request for notification has been submitted.

4. The following persons are entitled to receive documentation pursuant to paragraph (b) of subsection 3:

(a) A person against whom the offense is committed.

(b) A person who is injured as a direct result of the commission of the offense.

(c) If a person listed in paragraph (a) or (b) is under the age of 18 years, each parent or guardian who is not the offender.

(d) Each surviving spouse, parent and child of a person who is killed as a direct result of the commission of the offense.

(e) A relative of a person listed in paragraphs (a) to (d), inclusive, if the relative requests in writing to be provided with the documentation.

5. Except as otherwise provided in subsection 6, if the offense was a felony and the offender is imprisoned, the warden of the prison shall, if the victim or witness so requests in writing and provides a current address, notify the victim or witness at that address when the offender is released from the prison.

6. If the offender was convicted of a violation of subsection 3 of NRS 200.366 or a violation of subsection 1, paragraph (a) of subsection 2 or subparagraph (2) of paragraph (b) of subsection 2 of NRS 200.508, the warden of the prison shall notify:

(a) The immediate family of the victim if the immediate family provides their current address;

(b) Any member of the victim's family related within the third degree of consanguinity, if the member of the victim's family so requests in writing and provides a current address; and

(c) The victim, if the victim will be 18 years of age or older at the time of the release and has provided a current address,

➥ before the offender is released from prison.

7. The warden must not be held responsible for any injury proximately caused by the failure to give any notice required pursuant to this section if no address was provided to the warden or if the address provided is inaccurate or not current.

8. As used in this section:

(a) "Immediate family" means any adult relative of the victim living in the victim's household.

(b) "Sexual offense" means:

(1) Sexual assault pursuant to NRS 200.366;

(2) Statutory sexual seduction pursuant to NRS 200.368;

(3) Battery with intent to commit sexual assault pursuant to NRS 200.400;

(4) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;

(5) Incest pursuant to NRS 201.180;

(6) Open or gross lewdness pursuant to NRS 201.210;

(7) Indecent or obscene exposure pursuant to NRS 201.220;

(8) Lewdness with a child pursuant to NRS 201.230;

(9) Sexual penetration of a dead human body pursuant to NRS 201.450;

(10) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540;

(11) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550;

(12) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony;

(13) An offense that, pursuant to a specific statute, is determined to be sexually motivated; or

(14) An attempt to commit an offense listed in this paragraph.

Sec. 8. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240,

360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and section 1 of this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to

supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 9. This act becomes effective on July 1, 2019.

Senator Cannizzaro moved that the Senate do not concur in Assembly Amendment No. 777 to Senate Bill No. 252.

Remarks by Senator Cannizzaro.

There is still work to be done on Amendment No. 777 to Senate Bill No. 252.

Motion carried.

Bill ordered transmitted to the Assembly.

Senate Bill No. 480.

The following Assembly amendment was read:

Amendment No. 824.

SUMMARY—Revises provisions relating to the number of justices of the peace in each township. (BDR 1-978)

AN ACT relating to courts; revising provisions relating to the number of justices of the peace in each township; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth a schedule for determining how many elected justices of the peace a township is required to have based upon the population of the township. If the schedule requires an additional justice of the peace due to an increased population of the township, existing law provides that if a majority

of the justices of the peace in the township submit to the Legislature and the board of county commissioners an opinion stating that the caseload of the court does not warrant an additional judge, the number of justices of the peace in that township is prohibited from being increased while the Legislature considers the opinion. (NRS 4.020) ~~[This]~~ Section 1 of this bill revises this process by requiring the justices of the peace to consult with the board of county commissioners in reaching an opinion as to whether the caseload of the court ~~[and the availability of funding warrant]~~ warrants an additional judge.

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

Section 1. NRS 4.020 is hereby amended to read as follows:

4.020 1. There must be one justice court in each of the townships of the State, for which there must be elected by the qualified electors of the township at least one justice of the peace. Except as otherwise provided in subsection 3, the number of justices of the peace in a township must be increased according to the population of the township, as certified by the Governor in even-numbered years pursuant to NRS 360.285, in accordance with and not to exceed the following schedule:

(a) In a county whose population is 700,000 or more:

(1) In a township whose population is less than 1,100,000, one justice of the peace for each 100,000 population of the township, or fraction thereof, until the township has four justices of the peace, and thereafter, one justice of the peace for each 125,000 population of the township, or fraction thereof, over a population of 300,000; and

(2) In a township whose population is 1,100,000 or more, one justice of the peace for each 100,000 population of the township, or fraction thereof, up to a population of 1,100,000, and thereafter, one justice of the peace for each 125,000 population of the township, or fraction thereof, over a population of 1,100,000.

(b) In a county whose population is 100,000 or more and less than 700,000, one justice of the peace for each 50,000 population of the township, or fraction thereof.

(c) In a county whose population is less than 100,000, one justice of the peace for each ~~[34,000]~~ *50,000* population of the township, or fraction thereof.

(d) If a township includes a city created by the consolidation of a city and county into one municipal government, one justice of the peace for each 30,000 population of the township, or fraction thereof.

2. Except as otherwise provided in subsection 3, if the schedule set forth in subsection 1 provides for an increase in the number of justices of the peace in a township, the new justice or justices of the peace must be elected at the next ensuing biennial election.

3. If the schedule set forth in subsection 1 provides for an increase in the number of justices of the peace in a township and ~~[, in the opinion of]~~ a majority of the justices of the peace in that township, *in consultation with the board of county commissioners, determine that* the caseload does ~~*[and the*~~

~~*availability of funding do]*~~ not warrant an additional justice of the peace, the justices of the peace shall notify the Director of the Legislative Counsel Bureau and the board of county commissioners of their opinion on or before March 15 of the even-numbered year in which the population of the township provides for such an increase. The Director of the Legislative Counsel Bureau shall submit the opinion to the next regular session of the Legislature for its consideration. If the justices of the peace transmit such a notice to the Director of the Legislative Counsel Bureau and the board of county commissioners, the number of justices must not be increased during that period unless the Legislature, by resolution, expressly approves the increase.

4. Justices of the peace shall receive certificates of election from the boards of county commissioners of their respective counties.

5. The clerk of the board of county commissioners shall, within 10 days after the election or appointment and qualification of any justice of the peace, certify under seal to the Secretary of State the election or appointment and qualification of the justice of the peace. The certificate must be filed in the Office of the Secretary of State as evidence of the official character of that officer.

Senator Cannizzaro moved that the Senate do not concur in Assembly Amendment No. 824 to Senate Bill No. 480.

Remarks by Cannizzaro.

There is still work to be done on Amendment No. 824 to Senate Bill No. 480.

Motion carried.

Bill ordered transmitted to the Assembly.

REPORTS OF COMMITTEE

Madam President:

Your Committee on Finance, to which were re-referred Senate Bills Nos. 202, 287, 381, 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*

Madam President:

Your Committee on Judiciary, to which were referred Senate Bill No. 554; Assembly Bill No. 533, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

NICOLE J. CANNIZZARO, *Chair*

SECOND READING AND AMENDMENT

Assembly Bill No. 96.

Bill read second time and ordered to third reading.

Assembly Bill No. 267.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1063.

SUMMARY—Provides compensation to certain persons who were wrongfully convicted. (BDR 3-657)

AN ACT relating to actions concerning persons; providing for the compensation of certain persons who were wrongfully convicted; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill authorizes a person who is not currently incarcerated for any offense and who was wrongfully convicted in this State to bring an action for damages and other relief. Pursuant to section 2, a person may prevail in an action for wrongful conviction if [: (1)] the person [did not commit perjury or fabricate evidence on the underlying criminal proceeding ; (2)] meets the following five requirements. First, section 2 requires that the person was convicted of a felony in this State and subsequently imprisoned . [or sentenced to a condition of parole or probation; (3)] Second, section 2 requires that the person did not commit the crime for which he or she was convicted and the person : (1) was not an accessory or accomplice to the acts that were the basis of the conviction; [and (4)] (2) did not commit the acts that were the basis of the conviction; and (3) did not aid, abet or act as an accomplice or accessory to a person who committed the acts that were the basis of the conviction. Third, section 2 requires that the person was not convicted of an offense necessarily included in the offense charged. Fourth, section 2 requires that any of the following occurred: (1) the person's conviction was reversed or vacated and his or her charges were dismissed [,] ; (2) the basis for reversing or vacating the conviction was not legal error that was unrelated to his or her innocence, and if a new trial was ordered, the person was found not guilty at the new trial or the person was not retried and his or her charges were dismissed ; or (3) the person was pardoned by the State Board of Pardons Commissioners on the grounds that the person was innocent. Finally, section 2 requires that the person did not commit perjury or fabricate evidence in the underlying criminal proceeding.

Section 4 of this bill : (1) waives the State's immunity from liability in actions brought for such wrongful conviction [and] ; (2) provides that any action brought pursuant to section 2 is not subject to a limitation on the amount of an award of damages under certain circumstances [.] ; and (3) provides that all provisions of existing law relating to the absolute or qualified immunity of any judicial officer, prosecutor or law enforcement officer, including all applicable provisions of federal and state law, apply to an action brought pursuant to section 2.

Section 3 of this bill requires a court to enter a certificate of innocence if the person was successful in his or her wrongful conviction action. Section 3 also requires a court to seal all records relating to the underlying wrongful conviction at the time the court enters a certificate of innocence.

Section 5 of this bill sets forth certain filing requirements and appellate rights relating to a wrongful conviction action. Section 6 of this bill sets forth a 2-year statute of limitations under certain circumstances for the filing of an action for wrongful conviction.

Section 7 of this bill requires a court in a wrongful conviction action to award: (1) if the person was wrongfully imprisoned for 1 to 10 years, $50,000 for each year of imprisonment; (2) if the person was wrongfully imprisoned for 11 to 20 years, $75,000 for each year of imprisonment; or (3) if the person was wrongfully imprisoned for 21 years or more, $100,000 for each year of imprisonment. Section 7 also requires a court to award not less than $25,000 for each year the person was ~~[sentenced to a condition of]~~ on parole or ~~[probation or]~~ was required to register as a sex offender, whichever period of time was greater. Section 7 also authorizes the court to order certain other relief, such as payment for the cost of tuition assistance and health care.

Section 8 of this bill sets forth certain limitations on the award amount a person can receive in his or her wrongful conviction action if the person has previously received a monetary award of damages against this State or entered into a settlement agreement with this State relating to his or her wrongful conviction. Section 8 also requires a person to reimburse this State for an award received as a result of an action brought pursuant to section 2 if the person subsequently ~~[files another civil action]~~ receives a civil settlement or an award that exceeds the amount awarded by this State relating to the same wrongful conviction.

To recover damages or other monetary relief awarded in a wrongful conviction action, section 8.5 of this bill requires the person who successfully brought the action to submit a claim to the State Board of Examiners for payment from the Reserve for Statutory Contingency Account, upon approval of the State Board of Examiners. Section 10 of this bill makes conforming changes.

Section 9 of this bill authorizes a court to give preference in setting the date of a trial in an action brought pursuant to section 2.

WHEREAS, Nationally there are more than 2,395 persons listed on the National Registry of Exonerations, including 13 persons who were convicted in Nevada; and

WHEREAS, Convictions of innocent persons may be the result of many causes, including, without limitation, eyewitness misidentification, false confessions, improper forensic science and governmental misconduct; and

WHEREAS, Innocent persons who have been wrongfully convicted of crimes and subsequently imprisoned have been uniquely victimized, have distinct challenges reentering society and have difficulty achieving legal redress due to a variety of substantive and technical obstacles in the law; and

WHEREAS, Innocent persons who have been wrongfully convicted of crimes and subsequently imprisoned deserve an avenue of redress over and above existing tort remedies to seek compensation for damages; and

WHEREAS, Those innocent persons who can demonstrate by a preponderance of the evidence that they were wrongfully convicted of crimes and subsequently imprisoned should be able to recover damages against this State; now, therefore,

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

Section 1. Chapter 41 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8.5, inclusive, of this act.

Sec. 2. *1. A person who is not currently incarcerated for any offense may bring a civil action for his or her wrongful conviction against this State in a district court seeking damages or other relief provided by section 7 of this act.*

2. The court shall award damages for wrongful conviction in accordance with section 7 of this act if the person proves by a preponderance of the evidence that:

(a) He or she was convicted of a felony in this State and was subsequently imprisoned ~~[or sentenced to a condition of parole or probation]~~ for the conviction;

(b) He or she did not commit the felony for which he or she was convicted and the person ~~[was]~~ :

(1) Was not an accessory or accomplice to the acts that were the basis of the conviction;

(2) Did not commit the acts that were the basis of the conviction; and

(3) Did not aid, abet or act as an accomplice or accessory to a person who committed the acts that were the basis of the conviction;

(c) He or she was not convicted of an offense necessarily included in the offense charged;

(d) Any of the following occurred:

(1) The judgment of conviction was reversed or vacated and the charging document was dismissed;

(2) ~~[If]~~ The basis for reversing or vacating the judgment of conviction was not legal error that was unrelated to his or her innocence, and if a court ordered a new trial, the person was found not guilty at the new trial or the person was not retried and the charging document was dismissed; or

(3) The person was pardoned by the State Board of Pardons Commissioners on the grounds that he or she was innocent; and

~~[(d)]~~ (e) The person did not commit perjury or fabricate evidence at the criminal proceeding that brought about his or her felony conviction and the person did not by his or her own conduct cause or bring about his or her felony conviction.

3. The court, in exercising its discretion as permitted by law regarding the weight and admissibility of evidence, may, in the interest of justice, give due consideration to:

(a) The difficulty of providing evidence caused by the passage of time;

(b) The death or unavailability of a witness;

(c) The destruction of evidence; or

(d) Any other factor not caused by the person or any other person acting on his or her behalf.

4. The court may appoint an attorney to aid a person in an action brought pursuant to this section.

5. For the purposes of subsection 2, the following do not constitute committing perjury, fabricating evidence or causing or bringing about the conviction of the person:

(a) A confession or an admission later found to be false; or

(b) If the judgment of conviction was reversed or vacated and the charging document dismissed, a guilty plea for a felony.

6. As used in this section, "innocence" means that a person did not engage in:

(a) The conduct for which he or she was convicted; and

(b) Any conduct constituting a lesser included or inchoate offense of the crime for which he or she was convicted.

Sec. 3. *1. If a court finds that a person is entitled to a judgment pursuant to section 2 of this act, the court shall enter a certificate of innocence finding that the person was innocent of the felony for which the person was wrongfully convicted.*

2. If a court does not find that a person is entitled to a judgment pursuant to section 2 of this act, the action must be dismissed and the court shall not enter a certificate of innocence.

3. Upon an entry of a certificate of innocence pursuant to subsection 1, the court shall order sealed all records of the conviction which are in the custody of any agency of criminal justice or any public or private agency, company, official or other custodian of records in the State of Nevada and shall order all such records of the person returned to the file of the court where the underlying criminal action was commenced from, including, without limitation, the Federal Bureau of Investigation and all other agencies of criminal justice which maintain such records and which are reasonably known by either the person or the court to have possession of such records. Such records must be sealed regardless of whether the person has any prior criminal convictions in this State.

Sec. 4. *1. The State of Nevada waives its immunity from liability in any action brought pursuant to section 2 of this act and consents to have its liability determined in accordance with the same rules of law as are applied to civil actions against natural persons and corporations.*

2. An action brought pursuant to section 2 of this act is not subject to any requirement of an action brought pursuant to NRS 41.031, including, without limitation, the limitations on an award of damages described in NRS 41.035.

3. All provisions of existing law relating to the absolute or qualified immunity of any judicial officer, prosecutor or law enforcement officer, including all applicable provisions of federal and state law, apply to an action brought pursuant to section 2 of this act.

Sec. 5. *1. All pleadings filed pursuant to section 2 of this act must be captioned, "In the matter of the wrongful conviction of [name of the person bringing the action]."*

2. The initial complaint filed in an action brought pursuant to section 2 of this act must be accompanied by a statement of facts verified by the person and served upon the Attorney General pursuant to the Nevada Rules of Civil Procedure.

3. All proceedings held pursuant to section 2 of this act must be tried before a court without a jury.

4. A judgment issued pursuant to section 2 of this act may be appealed to an appellate court of competent jurisdiction.

5. The doctrines of res judicata and collateral estoppel do not apply to an action brought pursuant to section 2 of this act.

Sec. 6. *1. Except as otherwise provided in subsection 2, a person must bring an action pursuant to section 2 of this act within 2 years after:*

(a) A judgment of conviction of the person was reversed or vacated and the charging document was dismissed;

(b) If a court ordered a new trial, the person was found not guilty at the new trial or the person was not retried and the charging document was dismissed; or

(c) The person was pardoned by the State Board of Pardons Commissioners on the grounds that the person is innocent.

2. If any of the events described in subsection 1 occurred before October 1, 2019, an action brought pursuant to section 2 of this act must be commenced not later than October 1, 2021.

Sec. 7. *1. In an action brought pursuant to section 2 of this act which results in the court entering a certificate of innocence pursuant to section 3 of this act, the court shall award the person:*

(a) If the person was imprisoned for:

(1) One to 10 years, $50,000 for each year of imprisonment;

(2) Eleven to 20 years, $75,000 for each year of imprisonment; or

(3) Twenty-one years or more, $100,000 for each year of imprisonment; and

(b) Not less than $25,000 for each year the person was ~~[sentenced to a condition of probation or]~~ on parole ~~[,]~~ or not less than $25,000 for each year the person was required to register as a sex offender, whichever period of time was greater.

2. In addition to any damages awarded pursuant to subsection 1, the court may award:

(a) Reasonable attorney's fees, not to exceed $25,000, unless a greater amount is authorized by a court upon a finding of good cause shown.

(b) Payment for the cost of:

(1) Tuition, books and fees for the person to attend an institution operated by the Nevada System of Higher Education;

(2) Participation by the person in a health care program of this State;

(3) Programs for reentry into the community for the person; and

(4) Counseling services for the person;

(c) Reimbursement for:

(1) Restitution ordered to be paid by the person in the criminal proceeding for which he or she was wrongfully convicted; and

(2) Medical care paid for by the person while he or she was imprisoned for his or her wrongful conviction; and

(d) Any other relief, including, without limitation, housing assistance or assistance for financial literacy for the person.

3. Any award of damages issued pursuant to subsection 1 must be rounded up to the nearest half year.

4. A court shall not award and a person shall not receive compensation for any period of imprisonment during which the person was concurrently serving a sentence for a conviction of another offense for which the person was lawfully convicted and imprisoned.

5. If counseling services are awarded to the person pursuant to subsection 2, the person may select a relative to receive counseling with the person. As used in this subsection, "relative" means a person who is related by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity.

Sec. 8. *1. If a person in an action brought pursuant to section 2 of this act has previously won a monetary award against this State in a civil action related to his or her wrongful conviction, the person is only entitled to receive any amount described in section 7 of this act, less the award obtained in the previous civil action.*

2. If a person in an action brought pursuant to section 2 of this act has entered into a settlement agreement with this State related to his or her wrongful conviction, the person is entitled to receive any amount described in section 7 of this act, less the amount of the settlement agreement.

3. A person who was successful in his or her action brought pursuant to section 2 of this act and who subsequently ~~[filed another civil action]~~ receives a civil settlement or award relating to his or her wrongful conviction that exceeds the amount awarded pursuant to section 7 of this act shall reimburse this State for his or her award of damages issued pursuant to ~~[section 7 of]~~ this act.

4. The calculation of an award of damages or a settlement amount pursuant to this section must not include attorney's fees and the costs for bringing the action.

Sec. 8.5. *To recover damages or other monetary relief awarded by a court pursuant to section 7 of this act, less any adjustment pursuant to section 8 of this act, a person who was successful in his or her action brought pursuant to section 2 of this act must submit a claim to the State Board of Examiners. The claim must be for payment of the damages or other monetary relief from the Reserve for Statutory Contingency Account, upon approval by the State Board of Examiners.*

Sec. 9. NRS 16.025 is hereby amended to read as follows:

16.025 1. Upon the motion of a party to an action who is 70 years of age or older, the court may give preference in setting a date for the trial of the

action, unless the court finds that the party does not have a substantial interest in the case as a whole.

2. A court may grant a motion for preference in setting a date for the trial of an action if the court determines that based upon clear and convincing medical evidence, a party to the action suffers from an illness or condition which raises a substantial medical doubt that the party will survive for more than 6 months, and the court determines that the interests of justice would be served by granting the motion.

3. If a motion for preference is granted pursuant to subsection 1 or 2:

(a) The court shall set a date for the trial of the action that is not more than 120 days after the hearing on the motion; and

(b) The court shall not continue the date for the trial of the action beyond 120 days after the hearing on the motion, except for the physical disability of a party or attorney in the action, or for other good cause entered on the record.

4. If the plaintiff in an action seeks to recover damages allegedly caused by a defendant during the commission of acts for which the defendant is convicted of a crime punishable as a felony, the court may, upon the motion of the plaintiff, give preference in setting a date for the trial of the action. If the motion is granted, the trial of the action must, unless the court deems it infeasible, be held not more than 120 days after the hearing on the motion.

5. A court may, upon the motion of a plaintiff in an action brought pursuant to section 2 of this act, give preference in setting a date for the trial of the action. If the motion is granted, the trial of the action must be held not more than 120 days after the hearing on the motion.

Sec. 10. NRS 353.264 is hereby amended to read as follows:

353.264 1. The Reserve for Statutory Contingency Account is hereby created in the State General Fund.

2. The State Board of Examiners shall administer the Reserve for Statutory Contingency Account. The money in the Account must be expended only for:

(a) The payment of claims which are obligations of the State pursuant to NRS 41.03435, 41.0347, 62I.025, 176.485, 179.310, 212.040, 212.050, 212.070, 281.174, 282.290, 282.315, 288.203, 293.253, 293.405, 353.120, 353.262, 412.154 and 475.235;

(b) The payment of claims which are obligations of the State pursuant to:

(1) Chapter 472 of NRS arising from operations of the Division of Forestry of the State Department of Conservation and Natural Resources directly involving the protection of life and property; and

(2) NRS 7.155, 34.750, 176A.640, 179.225 and 213.153,

➥ except that claims may be approved for the respective purposes listed in this paragraph only when the money otherwise appropriated for those purposes has been exhausted;

(c) The payment of claims which are obligations of the State pursuant to NRS 41.0349 and 41.037, but only to the extent that the money in the Fund for Insurance Premiums is insufficient to pay the claims; ~~[and]~~

(d) *The payment of claims which are obligations of the State pursuant to section 7 of this act; and*

(e) The payment of claims which are obligations of the State pursuant to NRS 535.030 arising from remedial actions taken by the State Engineer when the condition of a dam becomes dangerous to the safety of life or property.

3. The State Board of Examiners may authorize its Clerk or a person designated by the Clerk, under such circumstances as it deems appropriate, to approve, on behalf of the Board, the payment of claims from the Reserve for Statutory Contingency Account. For the purpose of exercising any authority granted to the Clerk of the State Board of Examiners or to the person designated by the Clerk pursuant to this subsection, any statutory reference to the State Board of Examiners relating to such a claim shall be deemed to refer to the Clerk of the Board or the person designated by the Clerk.

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 1063 provides that only a person who is not currently incarcerated for any offense may bring an action under this bill's provisions; provides that the person must not have committed the acts which were the basis of the conviction and did not aid, abet or act as an accomplice or accessory; provides that the person cannot have been convicted of the offense necessarily included in the offense charged; provides the basis for reversing or vacating the conviction was not legal error unrelated to the person's innocence; defines "innocence" for the purpose of the bill; provides that all provisions of existing law relating to the absolute or qualified immunity of any judicial officer, prosecutor or law enforcement officer, including applicable federal and State law, applied to an action brought under the provisions of this bill; clarifies a wrongfully convicted person may receive not less than $25,000 for each year the person was on parole as opposed to being sentenced to parole, and provides that a person who is successful in an action brought pursuant to section 2 of the bill and who subsequently receives a civil settlement or award related to his or her wrongful conviction that exceeds the amount of award pursuant to section 7 of the bill must reimburse the State for damage awards issued under the provisions of Assembly Bill No. 267.

Amendment adopted.

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

GENERAL FILE AND THIRD READING

Senate Bill No. 344.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1060.

SUMMARY—Revises requirements relating to Medicaid . ~~[reimbursement rates related to family planning services.]~~ (BDR 38-743)

AN ACT relating to Medicaid; ~~[requiring the State Plan for Medicaid to pay certain minimum reimbursement rates for family planning services provided by a clinic that specializes in providing family planning services;]~~ revising the manner in which certain providers of health care are reimbursed for contraceptive devices and supplies provided to recipients of Medicaid; prohibiting Medicaid from requiring a recipient of Medicaid to pay any type of copayment except in certain circumstances; requiring Medicaid to include

coverage for the services of a community health worker under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Account for Family Planning to award grants of money to local governmental entities and nonprofit organizations to provide certain family planning services to persons who would otherwise have difficulty obtaining such services. (NRS 442.725) Section ~~[1]~~ 2 of this bill requires the State Plan for Medicaid to ~~[provide reimbursement rates for]~~ authorize a provider of family planning services ~~[provided by a clinic that specializes in providing family planning services which are greater than or equal to: (1) the rates of reimbursement currently paid for such services; or (2) 105 percent of the rates of reimbursement provided on the current Medicare fee schedule for such services. Section 2]~~ to use sources of money other than reimbursements under Medicaid to pay for contraceptive devices and supplies provided to a patient during a visit to the provider for which the provider receives reimbursement under Medicaid.

Section 3 of this bill prohibits the recipients of Medicaid from being required to share any portion of the cost for covered goods or services except in certain limited circumstances. Section 4 of this bill requires Medicaid to provide coverage for the services of a community health worker who provides services under the supervision of a physician, physician assistant or advanced practice registered nurse. Section 8 of this bill requires the Division of Health Care Financing and Policy of the Department of Health and Human Services to submit a report to the Interim Finance Committee concerning the fiscal effect of providing such coverage. Sections 5-7 of this bill ~~[makes a]~~ make conforming ~~[change.]~~ changes.

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

Section 1. Chapter 422 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. 1. The Director shall include in the State Plan for Medicaid ~~[a requirement that the State pay the nonfederal share of expenditures to establish rates of reimbursement]~~ authorization for a provider of family planning services ~~[provided on a fee for service basis by a clinic that specializes in providing family planning services which are equal to or greater than:~~

~~1. The rates of reimbursement provided for such services provided on a fee for service basis by such a clinic on June 30, 2019; or~~

~~2. One hundred five percent of the rates of reimbursement provided on the current Medicare fee schedule for such services,~~

~~whichever is greater.]~~ , including, without limitation, a federally-qualified health center, to use sources of money other than reimbursement under Medicaid to pay for contraceptive devices and supplies provided to a recipient

of Medicaid during a visit to the provider for which such reimbursement is provided.

2. As used in this section, "federally-qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).

Sec. 3. Except as otherwise provided in NRS 422.27243 or as required by federal law, a recipient of Medicaid, including, without limitation, a recipient who receives coverage through a Medicaid managed care program, must not be required to pay a copayment, coinsurance, deductible, premium or any other amount to share the cost for covered goods or services.

Sec. 4. 1. The Director shall include in the State Plan for Medicaid a requirement that, to the extent authorized by federal law, the State shall pay the nonfederal share of expenditures for the services of a community health worker who provides services under the supervision of a physician, physician assistant or advanced practice registered nurse.

2. As used in this section, "community health worker" has the meaning ascribed to it in NRS 449.0027.

Sec. 5. NRS 422.27172 is hereby amended to read as follows:

422.27172 1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration;

(c) Insertion or removal of a device for contraception;

(d) Education and counseling relating to the initiation of the use of contraceptives and any necessary follow-up after initiating such use;

(e) Management of side effects relating to contraception; and

(f) Voluntary sterilization for women.

2. ~~[Except as otherwise provided in subsections 4 and 5, to]~~ *To* obtain any benefit provided in the Plan pursuant to subsection 1, a person enrolled in Medicaid must not be ~~[required to:~~

~~(a) Pay a higher deductible, any copayment or coinsurance; or~~

~~(b) Be]~~ subject to a longer waiting period or any other condition.

3. The Director shall ensure that the provisions of this section are carried out in a manner which complies with the requirements established by the Drug Use Review Board and set forth in the list of preferred prescription drugs established by the Department pursuant to NRS 422.4025.

4. ~~[The Plan may require a person enrolled in Medicaid to pay a higher deductible, copayment or coinsurance for a drug for contraception if the person refuses to accept a therapeutic equivalent of the contraceptive drug.~~

~~— 5. For each method of contraception which is approved by the Food and Drug Administration, the Plan must include at least one contraceptive drug or device for which no deductible, copayment or coinsurance may be charged to the person enrolled in Medicaid, but the Plan may charge a deductible, copayment or coinsurance for any other contraceptive drug or device that provides the same method of contraception.~~

~~— 6.]~~ As used in this section:

(a) "Drug Use Review Board" has the meaning ascribed to it in NRS 422.402.

(b) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 6. NRS 422.27174 is hereby amended to read as follows:

422.27174 1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for:

(a) Counseling and support for breastfeeding;

(b) Screening and counseling for interpersonal and domestic violence;

(c) Counseling for sexually transmitted diseases;

(d) Screening for blood pressure abnormalities and diabetes, including gestational diabetes;

(e) An annual screening for cervical cancer;

(f) Screening for depression;

(g) Screening and counseling for the human immunodeficiency virus;

(h) Smoking cessation programs;

(i) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization; and

(j) Such well-woman preventative visits as recommended by the Health Resources and Services Administration.

2. To obtain any benefit provided in the Plan pursuant to subsection 1, a recipient of Medicaid must not be ~~[required to:~~

~~— (a) Pay a higher deductible, any copayment or coinsurance; or~~

~~— (b) Be]~~ subject to a longer waiting period or any other condition.

~~[Sec. 2.]~~ *Sec. 7.* NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, *and ~~[section 1]~~ sections 2, 3, and 4 of this act*, 422.580, 432.010 to 432.133, inclusive, 432B.621 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department, other than the State Public Defender of the Office of State Public Defender who is appointed pursuant to NRS 180.010.

Sec. 8. On or before October 1, 2020, the Division of Health Care Financing and Policy of the Department of Health and Human Services shall submit to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee a report concerning the fiscal effect of providing the coverage required by section 4 of this act, including, without limitation, any costs or savings realized by the Medicaid program as a result of providing such coverage.

~~[Sec. 3.]~~ *Sec. 9.* This act becomes effective on July 1, 2019.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 1060 to Senate Bill No. 344 makes the following changes: removes provisions revising Medicaid reimbursement rates for certain family planning services; requires the Medicaid State Plan to include authorization for providers of family planning services to utilize funding sources other than Medicaid reimbursement to pay for contraceptive devices and supplies provided to Medicaid participants. It also generally prohibits requiring Medicaid participants to pay a copayment, coinsurance, deductible or premium for Medicaid-covered goods and services. It requires the Medicaid State Plan to cover services provided by community-health workers who practice under the supervision of a physician, physician assistant or advanced practice registered nurse, and requires the Division of Health Care Financing and Policy to provide a report to the Interim Finance Committee by October 1, 2020, on the costs and savings of implementing such coverage.

Amendment adopted.

Bill read third time.

Remarks by Senators Scheible and Settelmeyer.

SENATOR SCHEIBLE:

Senate Bill No. 344 requires the Medicaid State Plan to include authorization for providers of family-planning services to utilize funding sources other than Medicaid reimbursement to pay for contraceptive devices and supplies provided to Medicaid participants. Senate Bill No. 344 requires the Medicaid State Plan to cover services provided by community-health workers who practice under the supervision of a physician, physician assistant or advanced practice registered nurse, and requires the Division of Health Care Financing and Policy to provide a report to the Interim Finance Committee by October 1, 2020, on the costs and savings of implementing such coverage. Senate Bill No. 344 generally prohibits requiring Medicaid participants to pay a copayment, coinsurance, deductible or premium for Medicaid-covered goods and services. This is a fantastic bill that gets a lot done for our communities, especially women, and it does not cost our State any money. I urge your support.

SENATOR SETTELMEYER:

I appreciate those aspects of the bill. One of the issues I objected was the concept of banning a Medicaid copay in all purposes. In California, we saw that when a copay of just $5 was implemented by the Governor; eliminated abuses of the system such as individuals coming to a hospital to have their toenails clipped. It is not a terrible thing to look at this to curb some of these expenses, so I oppose Senate Bill No. 344.

Roll call on Senate Bill No. 344:
YEAS—17.
NAYS—Goicoechea, Hansen, Hardy, Settelmeyer—4.

Senate Bill No. 344 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 467.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1078.

SUMMARY—Revises provisions relating to education. (BDR S-820)

AN ACT relating to education; extending the duration of the Zoom schools program; extending the duration of the Victory schools program; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

During the 77th Session of the Nevada Legislature, the Legislature appropriated money for the Clark County School District and the Washoe County School District to carry out a program of Zoom elementary schools during the 2013-2015 biennium to provide a comprehensive package of programs and services for children who are limited English proficient (now referred to as English learners) or eligible for such a designation. The other school districts and the State Public Charter School Authority were also authorized to apply for a grant of money from the appropriation to provide programs and services to children who were limited English proficient or eligible for such a designation. (Section 16.2 of chapter 515, Statutes of Nevada 2013, p. 3418)

The 78th Session of the Nevada Legislature continued and expanded the Zoom schools program to middle schools, junior high schools and high schools in the Clark County School District and the Washoe County School District for the 2015-2017 biennium through the enactment of Senate Bill No. 405. (Chapter 335, Statutes of Nevada 2015, p. 1869) S.B. 405 (2015) also provided certain additional requirements for the program. Section 1 of this bill mirrors the provisions of S.B. 390 (2017) and extends the Zoom schools program for the 2019-2021 biennium. Section 1 requires the elementary schools, middle schools, junior high schools and high schools that were identified to operate as Zoom schools for the 2017-2019 biennium to continue to operate as Zoom schools for the 2019-2021 biennium.

During the 78th Session of the Nevada Legislature (2015), the Legislature passed the Victory Schools Act, which provided for the distribution of money during the 2015-2017 biennium to certain underperforming public schools designated as Victory schools. (Chapter 389, Statutes of Nevada 2015, p. 2197) During the 79th Session of the Nevada Legislature (2017), the Legislature continued the program in effect for the 2017-2019 biennium.

(Chapter 344, Statutes of Nevada 2017, p. 2149) Section 2 of this bill continues the Victory Schools program for the 2019-2021 biennium.

Section 3.5 of this bill makes an appropriation to the Interim Finance Committee for allocation to the Department of Education for the costs of desktop monitoring and school improvement computer software tools and related implementation costs for personnel, professional development and travel.

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

Section 1. 1. The elementary schools identified to operate as Zoom elementary schools by the Board of Trustees of the Clark County School District and the Board of Trustees of the Washoe County School District for the 2017-2019 biennium shall continue to operate as Zoom elementary schools for the 2019-2021 biennium.

2. Except as otherwise provided in subsection 3, the Board of Trustees of the Clark County School District and the Board of Trustees of the Washoe County School District shall distribute the money appropriated by the 2019 Legislature to the Account for Programs for Innovation and the Prevention of Remediation created by NRS 387.1247 for each Zoom elementary school of those school districts to:

(a) Provide prekindergarten programs free of charge;

(b) Operate reading skills centers;

(c) Provide professional development for teachers and other licensed educational personnel regarding effective instructional practices and strategies for children who are English learners;

(d) Offer recruitment and retention incentives for the teachers and other licensed educational personnel who provide any of the programs and services set forth in this subsection from the list of incentives prescribed by the State Board of Education pursuant to subsection 12;

(e) Engage and involve parents and families of children who are English learners, including, without limitation, increasing effective, culturally appropriate communication with and outreach to parents and families to support the academic achievement of those children; and

(f) Provide, free of charge, a summer academy or an intersession academy for those schools that do not operate on a traditional school calendar, including, without limitation, the provision of transportation to attend the summer academy or intersession academy or provide for an extended school day.

3. A Zoom elementary school that receives money pursuant to subsection 2 shall offer each of the programs and services prescribed in paragraphs (a) and (b) of that subsection, and one of the programs prescribed in paragraph (f) of that subsection, so the Zoom elementary school may offer a comprehensive package of programs and services for pupils who are English learners. A Zoom elementary school:

(a) Shall not use the money for any other purpose or use more than 5 percent of the money for the purposes described in paragraphs (c), (d) and (e) of subsection 2; and

(b) May only use the money for the purposes described in paragraphs (c), (d) and (e) of subsection 2 if the board of trustees of the school district determines that such a use will not negatively impact the services provided to pupils enrolled in a Zoom elementary school.

4. A reading skills center operated by a Zoom elementary school must provide:

(a) Support at the Zoom elementary school in the assessment of reading and literacy problems and language acquisition barriers for pupils;

(b) Instructional intervention to enable pupils to overcome such problems and barriers by the completion of grade 3; and

(c) Instructional intervention to enable pupils enrolled in grade 4 or 5 who were not able to overcome such problems and barriers by the completion of grade 3 to overcome them as soon as practicable.

5. The middle schools, junior high schools or high schools identified to operate as Zoom middle schools, junior high schools or high schools by the Board of Trustees of the Clark County School District and the Board of Trustees of the Washoe County School District for the 2017-2019 biennium shall continue to operate as Zoom middle schools, junior high schools and high schools, as applicable, for the 2019-2021 biennium.

6. The Clark County School District and the Washoe County School District shall distribute the money appropriated by the 2019 Legislature to the Account for Programs for Innovation and the Prevention of Remediation for each Zoom middle school, junior high school and high school of those school districts to carry out one or more of the following:

(a) Reduce class sizes for pupils who are English learners and provide English language literacy based classes;

(b) Provide direct instructional intervention to each pupil who is an English learner using the data available from applicable assessments of that pupil;

(c) Provide professional development for teachers and other licensed educational personnel regarding effective instructional practices and strategies for pupils who are English learners;

(d) Offer recruitment and retention incentives for teachers and other licensed educational personnel who provide any of the programs and services set forth in this subsection from the list of incentives prescribed by the State Board of Education pursuant to subsection 12;

(e) Engage and involve parents and families of pupils who are English learners, including, without limitation, increasing effective, culturally appropriate communication with and outreach to parents and families to support the academic achievement of those pupils;

(f) Provide other evidence-based programs and services that are approved by the Department of Education and that are designed to meet the specific needs of pupils enrolled in the school who are English learners;

(g) Provide, free of charge, a summer academy or an intersession academy for those schools that do not operate on a traditional school calendar, including, without limitation, the provision of transportation to attend the summer academy or intersession academy; and

(h) Provide for an extended school day.

➥ The Clark County School District and the Washoe County School District shall not use more than 5 percent of the money for the purposes described in paragraphs (c), (d) and (e) and may only use the money for the purposes described in paragraphs (c), (d) and (e) if the board of trustees of the school district determines that such use will not negatively impact the services provided to pupils enrolled in a Zoom middle school, junior high school or high school.

7. On or before August 1, 2019, the Clark County School District and the Washoe County School District shall each provide a report to the Department of Education which includes:

(a) The names of the elementary schools operating as Zoom schools pursuant to subsection 1 and the plan of each such school for carrying out the programs and services prescribed by paragraphs (a) to (f), inclusive, of subsection 2;

(b) The names of the middle schools, junior high schools and high schools operating as Zoom schools pursuant to subsection 5 and the plan of each school for carrying out the programs and services described in paragraphs (a) to (h), inclusive, of subsection 6; and

(c) Evidence of the progress of pupils at each Zoom school, as measured by common standards and assessments, including, without limitation, interim assessments identified by the State Board of Education, if the State Board has identified such assessments.

8. From the money appropriated by the 2019 Legislature to the Account for Programs for Innovation and the Prevention of Remediation for Zoom schools or charter schools or school districts other than the Clark County School District or Washoe County School District, the Department of Education shall provide grants of money to the sponsors of such charter schools and the school districts. The sponsor of such a charter school and the board of trustees of such a school district may submit an application to the Department on a form prescribed by the Department that includes, without limitation:

(a) The number of pupils in the school district or charter school, as applicable, who are English learners or eligible for designation as English learners; and

(b) A description of the programs and services the school district or charter school, as applicable, will provide with a grant of money, which may include, without limitation:

(1) The creation or expansion of high-quality, developmentally appropriate prekindergarten programs, free of charge, that will increase enrollment of children who are English learners;

(2) The acquisition and implementation of empirically proven assessment tools to determine the reading level of pupils who are English learners and technology-based tools, such as software, designed to support the learning of pupils who are English learners;

(3) Professional development for teachers and other educational personnel regarding effective instructional practices and strategies for children who are English learners;

(4) The provision of programs and services for pupils who are English learners, free of charge, before and after school, during the summer or intersession for those schools that do not operate on a traditional school calendar, including, without limitation, the provision of transportation to attend the summer academy or intersession academy;

(5) Engaging and involving parents and families of children who are English learners, including, without limitation, increasing effective, culturally appropriate communication with and outreach to parents and families to support the academic achievement of those children;

(6) Offering recruitment and retention incentives for the teachers and other licensed educational personnel who provide any of the programs and services set forth in this subsection from the list of incentives prescribed by the State Board of Education pursuant to subsection 12; and

(7) Provide other evidence-based programs and services that are approved by the Department and that are designed to meet the specific needs of pupils enrolled in the school who are English learners.

9. The Department of Education shall award grants of money to school districts and the sponsors of charter schools that submit applications pursuant to subsection 8 based upon the number of pupils enrolled in each such school district or charter school, as applicable, who are English learners or eligible for designation as English learners, and not on a competitive basis.

10. A school district and a sponsor of a charter school that receives a grant of money pursuant to subsection 8:

(a) Shall not use more than 5 percent of the money for the purposes described in subparagraphs (3), (5) and (6) of paragraph (b) of subsection 8 and may only use the money for the purposes described in subparagraphs (3), (5) and (6) of paragraph (b) of subsection 8 if the board of trustees of the school district or the governing body of the charter school, as applicable, determines that such a use would not negatively impact the services provided to pupils enrolled in the school.

(b) Shall provide a report to the Department of Education in the form prescribed by the Department with the information required for the Department's report pursuant to subsection 15.

11. On or before August 17, 2019, the Department of Education shall submit a report to the State Board of Education and the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee which includes:

(a) The information reported by the Clark County School District and the Washoe County School District pursuant to subsection 7; and

(b) The school districts and charter schools for which a grant of money is approved pursuant to subsection 9 and the plan of each such school district and charter school for carrying out programs and services with the grant money, including, without limitation, any programs and services described in subparagraphs (1) to (7), inclusive, of paragraph (b) of subsection 8.

12. The State Board of Education shall prescribe:

(a) A list of recruitment and retention incentives for the school districts and the sponsors of charter schools that receive a distribution of money pursuant to this section to offer to teachers and other licensed educational personnel pursuant to paragraph (d) of subsection 2, paragraph (d) of subsection 6 and subparagraph (6) of paragraph (b) of subsection 8; and

(b) Criteria and procedures to notify a school district or a charter school that receives money pursuant to this section if the school district or charter school is not implementing the programs and services for which the money was received in accordance with the applicable requirements of this section or in accordance with the performance levels prescribed by the State Board pursuant to subsection 13, including, without limitation, a plan of corrective action for the school district or charter school to follow to meet the requirements of this section or the performance levels.

13. The State Board of Education shall prescribe statewide performance levels and outcome indicators to measure the effectiveness of the programs and services for which money is received by the school districts and charter schools pursuant to this section. The performance levels must establish minimum expected levels of performance on a yearly basis based upon the performance results of children who participate in the programs and services. The outcome indicators must be designed to track short-term and long-term impacts on the progress of children who participate in the programs and services, including, without limitation:

(a) The number of children who participated;

(b) The extent to which the children who participated improved their English language proficiency and literacy levels compared to other children who are English learners or eligible for such a designation who did not participate in the programs and services; and

(c) To the extent that a valid comparison may be established, a comparison of the academic achievement and growth in the subject areas of English language arts and mathematics of children who participated in the programs and services to other children who are English learners or eligible for such a designation who did not participate in the programs and services.

14. The Department of Education shall contract for an independent evaluation of the effectiveness of the programs and services offered by each Zoom elementary school pursuant to subsection 2, each Zoom middle school, junior high school and high school pursuant to subsection 6 and the

programs and services offered by the other school districts and the charter schools pursuant to subsection 8.

15. The Clark County School District, the Washoe County School District and the Department of Education shall each prepare an annual report that includes, without limitation:

(a) An identification of the schools that received money from the School District or a grant of money from the Department, as applicable.

(b) How much money each such school received.

(c) A description of the programs or services for which the money was used by each such school.

(d) The number of children who participated in a program or received services.

(e) The average per-child expenditure per program or service that was funded.

(f) For the report prepared by the School Districts, an evaluation of the effectiveness of such programs and services, including, without limitation, data regarding the academic and linguistic achievement and proficiency of children who participated in the programs or received services.

(g) Any recommendations for legislation, including, without limitation:

(1) For the continuation or expansion of programs and services that are identified as effective in improving the academic and linguistic achievement and proficiency of children who are English learners.

(2) A plan for transitioning the funding for providing the programs and services set forth in this section to pupils who are English learners from categorical funding to a weighted per pupil formula within the Nevada Plan.

(h) For the report prepared by the Department, in addition to the information reported for paragraphs (a) to (e), inclusive, and paragraph (g):

(1) The results of the independent evaluation required by subsection 14 of the effectiveness of the programs and services, including, without limitation, data regarding the academic and linguistic achievement and proficiency of children who participated in a program or received a service;

(2) Whether a school district or charter school was notified that it was not implementing the programs and services for which it received money pursuant to this section in accordance with the applicable requirements of this section or in accordance with the performance levels prescribed by the State Board of Education pursuant to subsection 13 and the status of such a school district or charter school, if any, in complying with a plan for corrective action; and

(3) Whether each school district or charter school that received money pursuant to this section met the performance levels prescribed by the State Board of Education pursuant to subsection 13.

16. The annual report prepared by the Clark County School District and the Washoe County School District pursuant to subsection 15 must be submitted to the Department of Education on or before June 1, 2020, and January 16, 2021, respectively. The Department shall submit the information

reported by those school districts and the information prepared by the Department pursuant to subsection 15:

(a) On or before June 15, 2020, to the State Board of Education and the Legislative Committee on Education.

(b) On or before February 1, 2021, to the State Board of Education and the Director of the Legislative Counsel Bureau for transmittal to the 81st Session of the Nevada Legislature.

17. The Department of Education may require a Zoom school or other public school that receives money pursuant to this section to provide a report to the Department on:

(a) The number of vacancies, if any, in full-time licensed educational personnel at the school;

(b) The number of probationary employees, if any, employed at the school;

(c) The number, if any, of persons who are employed at the school as substitute teachers for 20 consecutive days or more in the same classroom or assignment and designated as long-term substitute teachers; and

(d) Any other information relating to the personnel at the school as requested by the Department.

18. The money appropriated by the 2019 Legislature to the Account for Programs for Innovation and the Prevention of Remediation for Zoom schools must be accounted for separately from any other money received by school districts or charter schools of this State and used only for the purposes specified in this section.

19. Except as otherwise provided in paragraph (d) of subsection 2, paragraph (d) of subsection 6 and subparagraph (6) of paragraph (b) of subsection 8, the money appropriated by the 2019 Legislature to the Account for Programs for Innovation and the Prevention of Remediation for Zoom schools:

(a) May not be used to settle or arbitrate disputes between a recognized organization representing employees of a school district and the school district, or to settle any negotiations.

(b) May not be used to adjust the district-wide schedules of salaries and benefits of the employees of a school district.

20. Upon request of the Legislative Commission, the Clark County School District and the Washoe County School District shall make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money distributed by the 2019 Legislature to the Account for Programs for Innovation and the Prevention of Remediation for Zoom schools.

21. As used in this section:

(a) "English learner" has the meaning ascribed to it in 20 U.S.C. § 7801(20).

(b) "Probationary employee" has the meaning ascribed to it in NRS 391.650.

Sec. 2. 1. The Department of Education shall, in consultation with the board of trustees of a school district, designate a public school as a Victory school if, relative to other public schools, including charter schools, that are located in the school district in which the school is also located:

(a) A high percentage of pupils enrolled in the school live in households that have household incomes that are less than the federally designated level signifying poverty, based on the most recent data compiled by the Bureau of the Census of the United States Department of Commerce; and

(b) The school received one of the two lowest possible ratings indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools, for the immediately preceding school year.

➥ The designation of a public school as a Victory school pursuant to this subsection must be made in consultation with the board of trustees of the school district in which the prospective Victory school is located.

2. The Department shall designate each Victory school for the 2019-2020 Fiscal Year on or before June 1, 2019.

3. The Department shall transfer money from the Account for Programs for Innovation and the Prevention of Remediation created by NRS 387.1247 to each school district in which a Victory school is designated and each sponsor of a charter school that is designated as a Victory school on a per pupil basis. The amount distributed per pupil must be determined by dividing the amount of money appropriated to the Account by the 2019 Legislature for Victory schools by the total number of pupils who are enrolled in Victory schools statewide. After receiving money from the Account pursuant to this subsection:

(a) A school district shall distribute the money to each Victory school in the school district on a per pupil basis.

(b) A sponsor of a charter school shall distribute the money to each Victory school that it sponsors on a per pupil basis.

4. The board of trustees of each school district in which a Victory school is located and the governing body of each charter school that is designated as a Victory school shall, as soon as practicable after the school is designated as a Victory school, conduct an assessment of the needs of pupils that attend the school. The assessment must include soliciting input from the community served by the Victory school and identify any barriers to improving pupil achievement and school performance and strategies to meet the needs of pupils at the school.

5. Except as otherwise provided in subsection 7, on or before August 15, 2019, the board of trustees of each school district in which a Victory school is designated for the 2019-2020 Fiscal Year and the governing body of each charter school that is designated as a Victory school for the 2019-2020 Fiscal Year shall submit to the Department a comprehensive plan for meeting the educational needs of pupils enrolled in each Victory school. The board of trustees of each school district in which a Victory school is designated and the

governing body of each charter school that is designated as a Victory school shall select at least one person who is familiar with the public schools in the school district or with the charter school, respectively, to assist with the development of the plan. The plan must:

(a) Include appropriate means to determine the effectiveness of the plan;

(b) Be based on the assessment of the needs of the pupils who attend the school conducted pursuant to subsection 4;

(c) Analyze available data concerning pupil achievement and school performance, including, without limitation, data collected and maintained in the statewide system of accountability for public schools and other pupil achievement data collected and maintained by the school district or charter school;

(d) Include a description of the criteria used to select entities to provide programs and services to pupils enrolled in the Victory school;

(e) Include a description of the manner in which the school district or governing body will collaborate with selected entities so that academic programs and services and nonacademic programs and services, including, without limitation, transportation services, may be offered without charge to support pupils and their families within the region in which the school is located;

(f) Take into account the number and types of pupils who attend the school and the locations where such pupils reside;

(g) Provide for the coordination of the existing or planned engagement of other persons who provide services in the region in which the school is located;

(h) Coordinate all funding available to each school that is subject to the plan;

(i) Provide for the coordination of all available resources to each school that is subject to the plan, including, without limitation, instructional materials and textbooks;

(j) Identify, for each school or group of schools subject to the plan, which of the measures described in subsection 8 will be implemented; and

(k) Identify the person or persons selected pursuant to this subsection who assisted with the development of the plan.

6. The Department shall review each plan submitted pursuant to subsection 5 to determine whether, or the extent to which, the plan complies with the requirements of this section and either approve or request revisions to the plan.

7. If the board of trustees of a school district in which a Victory school is designated or the governing body of a charter school that is designated as a Victory school does not submit a comprehensive plan for meeting the educational needs of pupils enrolled in each Victory school on or before August 15, 2019, as required pursuant to subsection 5, the board of trustees of the school district or the governing body of the charter school, as applicable, may submit to the Department a letter of intent to meet the educational needs

of pupils enrolled in each Victory school. The letter must include, without limitation:

(a) An initial assessment of the needs of the pupils who attend the school which is conducted pursuant to subsection 4;

(b) An analysis of available data concerning pupil achievement and school performance, including, without limitation, data collected and maintained in the statewide system of accountability for public schools and data collected and maintained by the school district or charter school; and

(c) A summary of activities that the board of trustees or governing body, as applicable, will take to ensure completion of the comprehensive plan required pursuant to subsection 5 by not later than September 15, 2019.

8. A Victory school shall use the majority of the money distributed pursuant to subsection 3 to provide one or more of the following:

(a) A prekindergarten program free of charge, if such a program is not paid for by another grant.

(b) A summer academy or other instruction for pupils free of charge at times during the year when school is not in session.

(c) Additional instruction or other learning opportunities free of charge at times of day when school is not in session.

(d) Professional development for teachers and other educational personnel concerning instructional practices and strategies that have proven to be an effective means to increase pupil achievement in populations of pupils similar to those served by the school.

(e) Incentives for hiring and retaining teachers and other licensed educational personnel who provide any of the programs or services set forth in this subsection from the list prescribed by the State Board of Education pursuant to subsection 14.

(f) Employment of paraprofessionals, other educational personnel and other persons who provide any of the programs or services set forth in this subsection.

(g) Reading skills centers.

(h) Integrated student supports, wrap-around services and evidence-based programs designed to meet the needs of pupils who attend the school, as determined using the assessment conducted pursuant to subsection 4.

9. A Victory school may use any money distributed pursuant to subsection 3 that is not used for the purposes described in subsection 8 to:

(a) Provide evidence-based social, psychological or health care services to pupils and their families;

(b) Provide programs and services designed to engage parents and families;

(c) Provide programs to improve school climate and culture;

(d) If the Victory school is a high school, provide additional instruction or other learning opportunities for pupils and professional development for teachers at an elementary school, middle school or junior high school that is located within the zone of attendance of the high school and is not also designated as a Victory school; or

(e) Any combination thereof.

10. A Victory school shall not use any money distributed pursuant to subsection 3 for a purpose not described in subsection 8 or 9.

11. Any programs offered at a Victory school pursuant to subsection 8 or 9 must:

(a) Except as otherwise provided in paragraph (d) of subsection 9, be designed to meet the needs of pupils at the school, as determined using the assessment conducted pursuant to subsection 4 and to improve pupil achievement and school performance, as determined using the measures prescribed by the State Board of Education; and

(b) Be based on scientific research concerning effective practices to increase the achievement of pupils who live in poverty.

12. Each plan to improve the achievement of pupils enrolled in a Victory school that is prepared by the principal of the school pursuant to NRS 385A.650 must describe how the school will use the money distributed pursuant to subsection 3 to meet the needs of pupils who attend the school, as determined using the assessment described in subsection 4 and the requirements of this section.

13. The Department shall contract with an independent evaluator to evaluate the effectiveness of programs and services provided pursuant to this section. The evaluation must include, without limitation, consideration of the achievement of pupils who have participated in such programs and received such services. When complete, the evaluation must be provided contemporaneously to the Department and the Legislative Committee on Education.

14. The State Board of Education shall prescribe a list of recruitment and retention incentives that are available to the school districts and sponsors of charter schools that receive a distribution of money pursuant to this section to offer to teachers and other licensed educational personnel.

15. The State Board shall require a Victory school to take corrective action if pupil achievement and school performance at the school are unsatisfactory, as determined by the State Board. If unsatisfactory pupil achievement and school performance continue, the State Board may direct the Department to withhold any additional money that would otherwise be distributed pursuant to this section.

16. On or before November 30, 2020, and November 30, 2021, the board of trustees of each school district in which a Victory school is designated and the governing body of each charter school that is designated as a Victory school shall submit to the Department and to the Legislative Committee on Education a report, which must include, without limitation:

(a) An identification of schools to which money was distributed pursuant to subsection 3 for the previous fiscal year;

(b) The amount of money distributed to each such school;

(c) A description of the programs or services for which the money was used;

(d) The number of pupils who participated in such programs or received such services;

(e) The average expenditure per pupil for each program or service that was funded; and

(f) Recommendations concerning the manner in which the average expenditure per pupil reported pursuant to paragraph (e) may be used to determine formulas for allocating money from the State Distributive School Account in the State General Fund.

17. The Legislative Committee on Education shall consider the evaluations of the independent evaluator received pursuant to subsection 13 and the reports received pursuant to subsection 16 and advise the State Board regarding any action the Committee determines appropriate for the State Board to take based upon that information. The Committee shall also make any recommendations it deems appropriate concerning Victory schools to the next regular session of the Legislature which may include, without limitation, recommendations for legislation.

18. The money distributed pursuant to subsection 3:

(a) Must be accounted for separately from any other money received by Victory schools and used only for the purposes specified in this section;

(b) May not be used to settle or arbitrate disputes between a recognized organization representing employees of a school district or the governing body of a charter school and the school district or governing body or to settle any negotiations; and

(c) May not be used to adjust the district-wide schedules of salaries and benefits of the employees of a school district.

19. Upon request of the Legislative Commission, a Victory school to which money is distributed pursuant to subsection 3 shall make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of such money.

20. As used in this section:

(a) "Community" includes any person or governmental entity who resides or has a significant presence in the geographic area in which a school is located or who interacts with pupils and personnel at a school, and may include, without limitation, parents, businesses, nonprofit organizations, faith-based organizations, community groups, teachers, administrators and governmental entities.

(b) "Integrated student supports" means supports developed, secured or coordinated by a school to promote the academic success of pupils enrolled in the school by targeting academic and nonacademic barriers to pupil achievement.

(c) "Victory school" means a school that is so designated by the Department pursuant to subsection 1.

(d) "Wrap-around services" means supplemental services provided to a pupil with special needs or the family of such a pupil that are not otherwise covered by any federal or state program of assistance.

Sec. 3. (Deleted by amendment.)

Sec. 3.5. 1. There is hereby appropriated from the State General Fund to the Interim Finance Committee for allocation to the Department of Education the sum of $900,000 for the costs of desktop monitoring and school improvement computer software tools and related implementation costs for personnel, professional development and travel.

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

Sec. 4. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

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

2. ~~[This act expires]~~ Sections 1, 2 and 4 of this act expire by limitation on June 30, 2021.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment 1078 to Senate Bill No. 467 makes an appropriation of $900,000 from the State General Fund to the Interim Finance Committee for allocation to the Department of Education for the costs of desktop monitoring, school improvement, computer software tools and related implementation costs.

Amendment adopted.

Senator Woodhouse moved that the bill be taken from the General File and placed on the Secretary's desk, upon return from reprint.

Motion carried.

Senate Bill No. 483.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1073.

SUMMARY—Revises provisions governing the Statewide Program for Suicide Prevention. (BDR 40-1163)

AN ACT relating to mental health; requiring the Statewide Program for Suicide Prevention to include the provision of ~~[free]~~ suicide prevention training for family members of veterans, members of the military and other persons who are at risk of suicide; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates within the Department of Health and Human Services a Statewide Program for Suicide Prevention. Existing law requires the Program to carry out training programs for suicide prevention for law enforcement personnel, providers of health care, school employees and other persons who have contact with persons at risk of suicide. (NRS 439.511) This bill includes family members of veterans, members of the military and other persons at risk of suicide in the list of persons to whom such training must be provided.

Existing law requires the Coordinator of the Program to provide training to persons who, as part of their usual routine, have face-to-face contact with persons who may be at risk of suicide. (NRS 439.511) This bill additionally requires the Coordinator to ~~[establish a program of free]~~ provide suicide prevention training for family members of veterans, members of the military and other persons at risk of suicide that includes instruction in certain topics.

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

Section 1. NRS 439.511 is hereby amended to read as follows:

439.511 1. There is hereby created within the Department a Statewide Program for Suicide Prevention. The Department shall implement the Statewide Program for Suicide Prevention, which must, without limitation:

(a) Create public awareness for issues relating to suicide prevention;

(b) Build community networks; and

(c) Carry out training programs for suicide prevention for law enforcement personnel, providers of health care, school employees , *family members of veterans, members of the military and other persons at risk of suicide* and other persons who have contact with persons at risk of suicide.

2. The Director shall employ a Coordinator of the Statewide Program for Suicide Prevention. The Coordinator:

(a) Must have at least the following education and experience:

(1) A bachelor's degree in social work, psychology, sociology, counseling or a closely related field and 5 years or more of work experience in behavioral health or a closely related field; or

(2) A master's degree or a doctoral degree in social work, psychology, sociology, counseling, public health or a closely related field and 2 years or more of work experience in behavioral health or a closely related field.

(b) Should have as many of the following characteristics as possible:

(1) Significant professional experience in social services, mental health or a closely related field;

(2) Knowledge of group behavior and dynamics, methods of facilitation, community development, behavioral health treatment and prevention programs, and community-based behavioral health problems;

(3) Experience in working with diverse community groups and constituents; and

(4) Experience in writing grants and technical reports.

3. The Coordinator shall:

(a) Provide educational activities to the general public relating to suicide prevention;

(b) Provide training to persons who, as part of their usual routine, have face-to-face contact with persons who may be at risk of suicide, including, without limitation, training to recognize persons at risk of suicide and providing information on how to refer those persons for treatment or supporting services, as appropriate;

(c) ~~*[Establish a program to provide]*~~ *To the extent that money is available for this purpose, provide training to family members of veterans, members of the military and other persons at risk of suicide* , ~~*[at no charge,]*~~ *including, without limitation, training in recognizing and productively interacting with persons at risk of suicide and the manner in which to refer those persons to persons professionally trained in suicide intervention and prevention;*

(d) Develop and carry out public awareness and media campaigns in each county targeting groups of persons who are at risk of suicide;

~~[(d)]~~ *(e)* Enhance crisis services relating to suicide prevention;

~~[(e)]~~ *(f)* Link persons trained in the assessment of and intervention in suicide with schools, public community centers, nursing homes and other facilities serving persons most at risk of suicide;

~~[(f)]~~ *(g)* Coordinate the establishment of local advisory groups in each county to support the efforts of the Statewide Program;

~~[(g)]~~ *(h)* Work with groups advocating suicide prevention, community coalitions, managers of existing crisis hotlines that are nationally accredited or certified, and staff members of mental health agencies in this State to identify and address the barriers that interfere with providing services to groups of persons who are at risk of suicide, including, without limitation, elderly persons, Native Americans, youths and residents of rural communities;

~~[(h)]~~ *(i)* Develop and maintain an Internet or network site with links to appropriate resource documents, suicide hotlines that are nationally accredited or certified, licensed professional personnel, state and local mental health agencies and appropriate national organizations;

~~[(i)]~~ *(j)* Review current research on data collection for factors related to suicide and develop recommendations for improved systems of surveillance and uniform collection of data;

~~[(j)]~~ *(k)* Develop and submit proposals for funding from agencies of the Federal Government and nongovernmental organizations; and

~~[(k)]~~ *(l)* Oversee and provide technical assistance to each person employed to act as a trainer for suicide prevention pursuant to NRS 439.513.

4. As used in this section:

(a) "Internet or network site" means any identifiable site on the Internet or on a network and includes, without limitation:

(1) A website or other similar site on the World Wide Web;

(2) A site that is identifiable through a Uniform Resource Locator; and

(3) A site on a network that is owned, operated, administered or controlled by a provider of Internet service.

(b) "Systems of surveillance" means systems pursuant to which the health conditions of the general public are regularly monitored through systematic collection, evaluation and reporting of measurable information to identify and understand trends relating to suicide.

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

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 1073 to Senate Bill No. 483 specifies that suicide prevention training will be provided to, among other groups, family members of veterans, members of the military and other persons at risk of suicide to the extent funds are available.

Amendment adopted.

Bill read third time.

Remarks by Senator Spearman.

Senate Bill No. 483 expands access to training programs through the Statewide Program for Suicide Prevention. To the extent money is available, the measure requires the program to provide suicide prevention training to family members of veterans, members of the military and other persons at risk of suicide.

Roll call on Senate Bill No. 483:

YEAS—21.

NAYS—None.

Senate Bill No. 483 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

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

Motion carried.

Senate in recess at 7:15 p.m.

SENATE IN SESSION

At 8:02 p.m.

President Marshall presiding.

Quorum present.

REPORTS OF COMMITTEE

Madam President:

Your Committee on Finance, to which were re-referred Senate Bills Nos. 162, 388, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Finance, to which was re-referred Senate Bill No. 135, 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*

INTRODUCTION, FIRST READING AND REFERENCE

By Senators Cannizzaro, Ratti, Dondero Loop, Scheible, Parks, Brooks, Cancela, Denis, Harris, Ohrenschall, Spearman, Washington and Woodhouse (emergency request of Senate Majority Leader.):

Senate Bill No. 557—AN ACT relating to campaign practices; defining "personal use" of campaign contributions; prohibiting a candidate or public officer from paying himself or herself a salary with campaign contributions; requiring certain organizations that make monetary contributions to candidates to file a report of such contributions with the Secretary of State; providing penalties; and providing other matters properly relating thereto.

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

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 287.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1075.

SUMMARY—Revises provisions governing public records. (BDR 19-648)

AN ACT relating to public records; ~~[clarifying the records of a governmental entity that must be made available to the public to inspect, copy or receive a copy thereof;]~~ revising provisions relating to the manner of providing copies of public records; revising provisions governing the actions taken by governmental entities in response to requests for public records; revising provisions relating to the relief provided for a requester of a public record who prevails in a legal proceeding; ~~[revising provisions governing immunity from liability for public officers and employees who disclose or refuse to disclose certain information;]~~ revising provisions governing the fees that governmental entities are authorized to charge for a copy of a public record; providing civil penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that all public books and public records of a state or local governmental entity, unless otherwise declared by law to be confidential, are required to be open at all times during office hours for the public to inspect, copy or receive a copy thereof. Existing law also authorizes a person to request a copy of a public record in any medium in which the public record is readily available. (NRS 239.010) The purpose of the existing law governing public records, as stated in the legislative declaration for that law, is, in part, to foster democratic principles by providing members of the public with access to inspect and copy public books and records to the extent permitted by law. (NRS 239.001) Section 2 of this bill provides that the legislative intent is for such access to be provided promptly. ~~[Section 3 of this bill defines "public~~

~~record" to mean any of several types of records and information prepared, created, used, owned, retained or received in connection with the transaction of official business or the provision of a public service. Section 12 of this bill provides for making conforming changes relating to this definition.]~~ Sections 2 and 4 of this bill make changes to conform with existing law which provides that, in addition to the right to inspect and copy a public record, members of the public have the right to receive a copy of a public record upon request.

With certain exceptions, existing law prohibits a governmental entity from charging a fee for providing a copy of a public record that exceeds the actual cost to the governmental entity to provide the copy. (NRS 239.052) Section 3 of this bill clarifies that the actual cost to a governmental entity ~~[: (1)]~~ includes such direct costs as the cost of ink, toner, paper, media and postage . ~~[; and (2) does not include overhead and labor costs that a governmental entity incurs regardless of the request.]~~ Section 13 of this bill eliminates the authority of a governmental entity to charge an additional fee for providing a copy of a public record when extraordinary use of personnel or resources is required. (NRS 239.055)

~~[Existing law generally places certain requirements on a governmental entity that has legal custody or control of a public record. (NRS 239.010, 239.0107, 239.011, 239.0113, 239.0115) Sections 5-9 of this bill change the applicable type of custody or control of a public record from "legal custody or control" to "possession, custody or control."]~~

Section 5 of this bill specifically authorizes the electronic redaction of public books and records. Section 5 also requires , with limited exception, a governmental entity , if requested, to provide a copy of a public record in an electronic format by means of an electronic medium unless the public record was requested in a different medium. ~~[Section 5 further requires that a public record be provided in the electronic format in which it was created or prepared, if requested.]~~

Under existing law, if a person requests to inspect or copy a public book or record or receive a copy of a public book or record which the governmental entity is unable to make available by the end of the fifth business day after the request was received, the governmental entity is required to provide written notice of that fact to the person who made the request and the date and time after which the public record or the copy of the public book or record will be available. (NRS 239.0107) Section 6 of this bill clarifies that the date and time provided to the requester must reflect the earliest date and time after which the governmental entity reasonably believes the public book or record will be available. If the public book or record is not made available by this date and time, section 6 requires the governmental entity to provide to the requester, in writing, an explanation of the reason the public book or record is not available and a date and time after which the governmental entity reasonably believes the public book or record will be available. Section 6 also requires a governmental entity that is unable to provide access to a public book or record within the prescribed time period to make a reasonable effort to assist the

requester to focus the request in such a manner as to maximize the likelihood the requester will be able to inspect, copy or receive a copy of the public book or record as expeditiously as possible. ~~[Section 6 additionally requires a person who has possession, custody or control of a public record of a governmental entity to provide to a requester certain contact information regarding the person who is responsible for making the decision on behalf of the governmental entity concerning the action the governmental entity will take with respect to the request for the public record or any other decision in connection with the request.]~~

If a request for inspection, copying or copies of a public book or record is denied, existing law authorizes a requester to apply to a district court for an order permitting the requester to inspect or copy the record or requiring the person who has legal custody or control of the public record to provide a copy to the requester. Existing law provides that if the requester prevails in such a proceeding, the requester is entitled to recover his or her costs and reasonable attorney's fees in the proceeding from the governmental entity whose officer has custody of the book or record. (NRS 239.011) Section 7 of this bill authorizes a requester of a public record to apply to a district court for a similar order if a request for inspection, copying or copies of a public record is unreasonably delayed or if a person who requests a copy of a public book or record believes that the fee charged by the governmental entity for providing the copy of the public book or record is excessive or improper. ~~[Section 7 additionally provides that if the requester prevails in a proceeding involving an unreasonable delay in the provision of a public record or the imposition of an excessive or improper fee for the public record, the requester is entitled to recover from the governmental entity his or her costs and reasonable attorney's fees and $100 per day for each day that the requester was denied the right to inspect, copy or receive a copy of the public record. Section 7 also authorizes the recovery of this daily monetary penalty for the denial of a request for a public record. Section 7 further provides that if the governmental entity appeals the decision of the district court and the decision is affirmed in whole or in part, the requester is also entitled to recover from the governmental entity his or her costs and reasonable attorney's fees for the appeal and $100 per day for each day that the requester was denied the right to inspect, copy or receive a copy of the public record.]~~ Section 1 of this bill provides that ~~[, in addition to any such costs, attorney's fees or other monetary awards, the requester of a public record is entitled to recover]~~ If a court determines that a governmental entity failed to comply with the existing law governing public books and records concerning a request to inspect, copy or receive a copy of a public book or record, the court must impose on the governmental entity a civil penalty . ~~[and to any additional relief deemed proper by the court if a governmental entity or the person who is responsible for making decisions on behalf of the governmental entity relating to the public record request fails to comply with the existing law governing public records.]~~

~~[Existing law confers immunity from liability for damages upon public officers and employees who act in good faith in disclosing or refusing to disclose information. (NRS 239.012) Section 10 of this bill provides that the burden of proof that a public officer or employee acted in good faith in refusing to disclose information is on the public officer or employee or his or her employer. Section 10 also clarifies that the immunity from liability for damages for public officers and employees does not include immunity from liability for paying the costs and reasonable attorney's fees and other monetary relief awarded to a prevailing requester.]~~ Section 11 of this bill provides that the provisions of the bill apply ~~[to actions that are currently pending on October 1, 2019, which is the effective date of this bill, as well as]~~ to actions filed on and after October 1, 2019 ~~[.]~~ , which is the effective date of this bill.

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

Section 1. Chapter 239 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to any relief awarded pursuant to NRS 239.011, if a court determines that a governmental entity ~~[or the person identified pursuant to subsection 3 of NRS 239.0107 as responsible for making the decision on behalf of the governmental entity]~~ failed to comply with the provisions of this chapter concerning ~~[the]~~ a request to inspect, copy or receive a copy of a public book or record ~~[failed to comply with the provisions of this chapter, the requester of the public record is entitled to:~~

~~(a) Recover from]~~ , the court must impose on the governmental entity ~~[or the person identified pursuant to subsection 3 of NRS 239.0107, or both,]~~ a civil penalty of ~~[not less than $1,000 or more than $250,000 per offense.~~

~~(b) Any such additional relief as the court deems proper to punish and deter violations of the provisions of this chapter.]~~ :

(a) For a first violation, $1,000.

(b) For a second violation, $5,000.

(c) For a third or subsequent violation, $10,000.

2. A civil penalty imposed pursuant to subsection 1 must be deposited in and accounted for separately in the State General Fund. The money is the account may be used only by the Division of State Library, Archives and Public Records of the Department of Administration to improve access to public records, and is hereby authorized for expenditure as a continuing appropriation for this purpose.

3. The rights and remedies recognized by this section are in addition to any other rights or remedies that may exist in law or in equity.

Sec. 2. NRS 239.001 is hereby amended to read as follows:

239.001 The Legislature hereby finds and declares that:

1. The purpose of this chapter is to foster democratic principles by providing members of the public with *prompt* access to inspect , ~~[and]~~ copy *or receive a copy of* ~~[, including, without limitation, in an electronic format by~~

~~*means of an electronic medium,]*~~ public books and records to the extent permitted by law;

2. The provisions of this chapter must be construed liberally to carry out this important purpose;

3. Any exemption, exception or balancing of interests which limits or restricts access to public books and records by members of the public must be construed narrowly;

4. The use of private entities in the provision of public services must not deprive members of the public access to inspect , ~~[and]~~ copy ~~[books and]~~ *or receive a copy of books and* records relating to the provision of those services; and

5. If a public book or record is declared by law to be open to the public, such a declaration does not imply, and must not be construed to mean, that a public book or record is confidential if it is not declared by law to be open to the public and is not otherwise declared by law to be confidential.

Sec. 3. NRS 239.005 is hereby amended to read as follows:

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

1. "Actual cost" means the direct cost ~~[related to the reproduction]~~ *incurred by a governmental entity in the provision* of a public record ~~[.]~~ , *including, without limitation, the cost of ink, toner, paper, media and postage.* The term does not include a cost that a governmental entity incurs regardless of whether or not a person requests a copy of a particular public record . ~~*[, including, without limitation, any overhead costs of the governmental entity and any labor costs incurred by a governmental entity in the provision of a public record.]*~~

2. "Agency of the Executive Department" means an agency, board, commission, bureau, council, department, division, authority or other unit of the Executive Department of the State Government. The term does not include the Nevada System of Higher Education.

3. "Committee" means the Committee to Approve Schedules for the Retention and Disposition of Official State Records.

4. "Division" means the Division of State Library, Archives and Public Records of the Department of Administration.

5. "Governmental entity" means:

(a) An elected or appointed officer of this State or of a political subdivision of this State;

(b) An institution, board, commission, bureau, council, department, division, authority or other unit of government of this State, including, without limitation, an agency of the Executive Department, or of a political subdivision of this State;

(c) A university foundation, as defined in NRS 396.405;

(d) An educational foundation, as defined in NRS 388.750, to the extent that the foundation is dedicated to the assistance of public schools; or

(e) A library foundation, as defined in NRS 379.0056, to the extent that the foundation is dedicated to the assistance of a public library.

6. "Official state record" includes, without limitation:

(a) Papers, unpublished books, maps and photographs;

(b) Information stored on magnetic tape or computer, laser or optical disc;

(c) Materials that are capable of being read by a machine, including, without limitation, microforms and audio and visual materials; and

(d) Materials that are made or received by a state agency and preserved by that agency or its successor as evidence of the organization, operation, policy or any other activity of that agency or because of the information contained in the material.

7. "Privatization contract" means a contract executed by or on behalf of a governmental entity which authorizes a private entity to provide public services that are:

(a) Substantially similar to the services provided by the public employees of the governmental entity; and

(b) In lieu of the services otherwise authorized or required to be provided by the governmental entity.

~~*[8. "Public record" means any record, document, paper, letter, map, notes, calendar, spreadsheet, database, book, tape, photograph, film, sound recording, video recording, data processing software, computer and other electronic data, metadata, electronic mail or any other material or means of recording information, regardless of the physical form, characteristics or means of transmission, which is prepared, created, used, owned, retained or received in connection with the transaction of official business or the provision of a public service.]*~~

Sec. 4. NRS 239.008 is hereby amended to read as follows:

239.008 1. The head of each agency of the Executive Department shall designate one or more employees of the agency to act as records official for the agency.

2. A records official designated pursuant to subsection 1 shall carry out the duties imposed pursuant to this chapter on the agency of the Executive Department that designated him or her with respect to a request to inspect , ~~[or]~~ copy *or receive a copy of* a public book or record of the agency.

3. The State Library, Archives and Public Records Administrator, pursuant to NRS 378.255 and in cooperation with the Attorney General, shall prescribe:

(a) The form for a request by a person to inspect , ~~[or]~~ copy *or receive a copy of* a public book or record of an agency of the Executive Department pursuant to NRS 239.0107;

(b) The form for the written notice required to be provided by an agency of the Executive Department pursuant to paragraph (b), (c) or (d) of subsection 1 of NRS 239.0107; and

(c) By regulation the procedures with which a records official must comply in carrying out his or her duties.

4. Each agency of the Executive Department shall make available on any website maintained by the agency on the Internet or its successor the forms

and procedures prescribed by the State Library, Archives and Public Records Administrator and the Attorney General pursuant to subsection 3.

Sec. 5. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340,

483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal ~~*[possession,]*~~ custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate , *including, without limitation, electronically*, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. ~~[A person may request]~~ *If requested, a governmental entity shall provide* a copy of a public record in ~~[any]~~ *an electronic format by means of an electronic* medium . ~~[in which the public record is readily available.~~ ~~*unless the public record was requested in a different medium. If requested, a copy of a public record must be provided in the electronic format in which the public record was created or prepared.]*~~ *Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:*

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal ~~*[possession,]*~~ custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in ~~[a readily available]~~ *the* medium *that is requested* because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 6. NRS 239.0107 is hereby amended to read as follows:

239.0107 1. Not later than the end of the fifth business day after the date on which the person who has legal ~~*[possession,]*~~ custody or control of a public book or record of a governmental entity receives a written or oral request from a person to inspect, copy or receive a copy of the public book or record, a governmental entity shall do one of the following, as applicable:

(a) Except as otherwise provided in subsection 2, allow the person to inspect or copy the public book or record or, if the request is for the person to receive a copy of the public book or record, provide such a copy to the person.

(b) If the governmental entity does not have legal ~~*[possession,]*~~ custody or control of the public book or record, provide to the person, in writing:

(1) Notice of ~~[that]~~ *the* fact ~~[,]~~ *that it does not have* ~~*[possession,]*~~ *legal custody or control of the public book or record;* and

(2) The name and address of the governmental entity that has legal ~~*[possession,]*~~ custody or control of the public book or record, if known.

(c) Except as otherwise provided in paragraph (d), if the governmental entity is unable to make the public book or record available by the end of the fifth business day after the date on which the person who has legal

~~*[possession,]*~~ custody or control of the public book or record received the request ~~[, provide]~~ *:*

(1) Provide to the person, in writing ~~[:~~

~~(1) Notice]~~ *notice* of ~~[that]~~ *the* fact ~~[,]~~ *that it is unable to make the public book or record available by that date* and

~~[(2) A]~~ *the earliest* date and time after which the *governmental entity reasonably believes the* public book or record will be available for the person to inspect or copy or after which a copy of the public book or record will be available to the person. If the public book or record or the copy of the public book or record is not available to the person by that date and time, the ~~[person may inquire regarding the status of the request.]~~ *governmental entity shall provide to the person, in writing, an explanation of the reason the public book or record is not available and a date and time after which the governmental entity reasonably believes the public book or record will be available for the person to inspect or copy or after which a copy of the public book or record will be available to the person.*

(2) Make a reasonable effort to assist the requester to focus the request in such a manner as to maximize the likelihood the requester will be able to inspect, copy or receive a copy of the public book or record as expeditiously as possible, including, without limitation, by:

(I) Advising the requester regarding terms to be used or the applicable database in which to perform a search for the public book or record;

(II) Eliciting additional clarifying information from the requester that will assist the person who has ~~[possession,]~~ legal custody or control of a public record in identifying the public book or record;

(III) Providing suggestions for overcoming any practical basis that would deny or otherwise limit access to the public book or record; and

(IV) Describing the manner in which the public book or record is stored, including, without limitation, whether the public book or record is stored electronically.

(d) If the governmental entity must deny the person's request because the public book or record, or a part thereof, is confidential, provide to the person, in writing:

(1) Notice of that fact; and

(2) A citation to the specific statute or other legal authority that makes the public book or record, or a part thereof, confidential.

2. If a public book or record of a governmental entity is readily available for inspection or copying, the person who has legal ~~*[possession,]*~~ custody or control of the public book or record shall allow a person who has submitted a request to inspect, copy or receive a copy of a public book or record ~~[.]~~ *as expeditiously as practicable.*

~~*[3. In addition to performing the actions required by subsections 1 and 2, the person who has possession, custody or control of a public record of a governmental entity shall provide in writing to a person who makes a request for the public record:*~~

~~*(a) The name and title or position of the person responsible for making the decision on behalf of the governmental entity concerning the action the governmental entity will take pursuant to this section concerning the request or any other decision in connection with the request; and*~~

~~*(b) Contact information for the person described in paragraph (a), including, without limitation, his or her business address, telephone number and electronic mail address.]*~~

Sec. 7. NRS 239.011 is hereby amended to read as follows:

239.011 1. If a request for inspection, copying or copies of a public book or record open to inspection and copying is denied ~~[,]~~ *or unreasonably delayed or if a person who requests a copy of a public book or record believes that the fee charged by the governmental entity for providing the copy of the public book or record is excessive or improper,* the requester may apply to the district court in the county in which the book or record is located for an order:

(a) Permitting the requester to inspect or copy the book or record; ~~[or]~~

(b) Requiring the person who has legal ~~*[possession,]*~~ custody or control of the public book or record to provide a copy to the requester ~~[,]~~ *; or*

(c) Providing relief relating to the amount of the fee,

➥ as applicable.

2. The court shall give this matter priority over other civil matters to which priority is not given by other statutes. If the requester prevails, the requester is entitled to recover ~~[his]~~ *from the governmental entity that has ~~[possession,]~~ legal custody or control of the record ~~[:~~*

~~*(a) His]*~~ *his* or her costs and reasonable attorney's fees in the proceeding ~~*. [from the governmental entity whose officer has custody of the book or record. ; and*~~

~~*(b) One hundred dollars per day for each day he or she was denied the right to inspect, copy or receive a copy of the public record.]*~~

3. If the governmental entity appeals the decision of the district court and the decision is affirmed in whole or in part, the requester is entitled to recover from the governmental entity that has ~~[possession,]~~ legal custody or control of the record ~~[:~~

~~*(a) His]*~~ *his or her costs and reasonable attorney's fees for the appeal ~~. [; and*~~

~~*(b) One hundred dollars per day for each day he or she was denied the right to inspect, copy or receive a copy of the public record.]*~~

4. The rights and remedies recognized by this section are in addition to any other rights or remedies that may exist in law or in equity.

Sec. 8. ~~[NRS 239.0113 is hereby amended to read as follows:~~

~~239.0113 Except as otherwise provided in NRS 239.0115, if:~~

~~1. The confidentiality of a public [book or] record, or a part thereof, is at issue in a judicial or administrative proceeding; and~~

~~2. The governmental entity that has [legal] *possession*, custody or control of the public [book or] record asserts that the public [book or] record, or a part thereof, is confidential,~~

~~the governmental entity has the burden of proving by a preponderance of the evidence that the public [book or] record, or a part thereof, is confidential.]~~ (Deleted by amendment.)

Sec. 9. ~~[NRS 239.0115 is hereby amended to read as follows:~~

~~239.0115 1. Except as otherwise provided in this subsection and subsection 3, notwithstanding any provision of law that has declared a public [book or] record, or a part thereof, to be confidential, if a public [book or] record has been in the [legal] *possession*, custody or control of one or more governmental entities for at least 30 years, a person may apply to the district court of the county in which the governmental entity that currently has [legal] *possession*, custody or control of the public [book or] record is located for an order directing that governmental entity to allow the person to inspect or copy the public [book or] record, or a part thereof. If the public [book or] record pertains to a natural person, a person may not apply for an order pursuant to this subsection until the public [book or] record has been in the [legal] *possession*, custody or control of one or more governmental entities for at least 30 years or until the death of the person to whom the public [book or] record pertains, whichever is later.~~

~~2. There is a rebuttable presumption that a person who applies for an order as described in subsection 1 is entitled to inspect or copy the public [book or] record, or a part thereof, that the person seeks to inspect or copy.~~

~~3. The provisions of subsection 1 do not apply to any [book or] record:~~

~~(a) Declared confidential pursuant to NRS 463.120.~~

~~(b) Containing personal information pertaining to a victim of crime that has been declared by law to be confidential.]~~ (Deleted by amendment.)

Sec. 10. ~~[NRS 239.012 is hereby amended to read as follows:~~

~~239.012 *1.* A public officer or employee who acts in good faith in disclosing or refusing to disclose information and the employer of the public officer or employee are immune from liability for damages, either to the requester or to the person whom the information concerns. *Such damages do not include any costs and reasonable attorney's fees or other monetary amount awarded to the requester pursuant to NRS 239.011 or section 1 of this act.*~~

~~*2. For the purposes of subsection 1, the public officer or employee or his or her employer, as applicable, has the burden of proving by a preponderance of the evidence that the public officer or employee acted in good faith in refusing to disclose information.*]~~ (Deleted by amendment.)

Sec. 11. The amendatory provisions of this act apply to all actions ~~[pending or]~~ filed on or after October 1, 2019.

Sec. 12. ~~[1. When the next reprint of Nevada Revised Statutes is prepared by the Legislative Counsel, the Legislative Counsel shall replace the term "public book or record" as it appears in the Nevada Revised Statutes with the term "public record" in the manner provided in this act.~~

~~2. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, make such changes as necessary so that the term "public~~

~~book or record" is replaced with the term "public record" as provided for in this act.~~

~~3. To the extent that revisions are made to Nevada Revised Statutes pursuant to subsection 1, the revisions shall be construed as nonsubstantive and it is not the intent of the Nevada Legislature to modify any existing interpretations of any statute which is so revised.]~~ (Deleted by amendment.)

Sec. 13. NRS 239.055 is hereby repealed.

TEXT OF REPEALED SECTION

239.055 Additional fee when extraordinary use of personnel or resources is required; limitation.

1. Except as otherwise provided in NRS 239.054 regarding information provided from a geographic information system, if a request for a copy of a public record would require a governmental entity to make extraordinary use of its personnel or technological resources, the governmental entity may, in addition to any other fee authorized pursuant to this chapter, charge a fee not to exceed 50 cents per page for such extraordinary use. Such a request must be made in writing, and upon receiving such a request, the governmental entity shall inform the requester, in writing, of the amount of the fee before preparing the requested information. The fee charged by the governmental entity must be reasonable and must be based on the cost that the governmental entity actually incurs for the extraordinary use of its personnel or technological resources. The governmental entity shall not charge such a fee if the governmental entity is not required to make extraordinary use of its personnel or technological resources to fulfill additional requests for the same information.

2. As used in this section, "technological resources" means any information, information system or information service acquired, developed, operated, maintained or otherwise used by a governmental entity.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senators Woodhouse, Hardy, Parks, Kieckhefer and Pickard.

SENATOR WOODHOUSE:

Amendment No. 1075 makes several changes to Senate Bill No. 287. It eliminates the language adding a definition of a "public record" proposed to be added as a new subsection 8 to NRS 239.005 as included in section 3 of the original version. It clarifies the circumstances under which a governmental entity is required to provide a copy of a public record in electronic format by means of an electronic medium. It revises the monetary amount of a civil penalty for which a governmental entity identified as having legal custody or control of the public record may be fined to tiered amounts of: first violation-$1,000, second violation-$5,000, third and subsequent violations-$10,000. It directs that any civil penalties imposed must be accounted for separately by the Division of State Library, Archives and Public Records of the Department of Administration and be used to improve access to public records. It revises the definition of "actual cost" used by an agency in providing a copy of a public record to include the cost of ink, toner, paper, media and postage and excludes the overhead costs of the governmental entity and any labor costs incurred in providing the public record. Finally, it revises the applicability of Senate Bill No. 287 to only those actions filed on or after October 1, 2019, and deletes sections 8, 9, 10 and 12 in their entirety.

SENATOR HARDY:
My question on Senate Bill No. 287 is about boards that are governmental entities such as medical boards, are they not considered governmental entities for this purpose?

SENATOR WOODHOUSE:
We had three Senators working on this amendment. I will have one of them answer that question for you.

SENATOR PARKS:
Yes, these individual boards are covered.

SENATOR HARDY:
Some of the boards do not keep their own records but, rather, keep them somewhere else. Will they get in trouble if they have hired someone to keep their records?

SENATOR KIECKHEFER:
Throughout the amendment, we retained the requests need to go to the legal custodian and guardian of the book of records. That should address your concerns.

SENATOR PICKARD:
Last Session, we passed a bill regarding regulatory boards that required all regulatory boards to maintain their records, physical and electronic, within the State so they could be properly obtained if necessary. That does not say the boards are necessarily following that, but they are required to do so.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 554.
Bill read second time and ordered to third reading.

Senate Bill No. 533.
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 135.
Bill read third time.
The following amendment was proposed by the Committee on Finance:
Amendment No. 1077.
SUMMARY—Provides for collective bargaining by state employees. (BDR 23-650)
AN ACT relating to state employees; authorizing collective bargaining for certain state employees; renaming and expanding the duties of the Local Government Employee-Management Relations Board; providing for bargaining units of state employees and their representatives; establishing procedures for collective bargaining and for making and amending collective bargaining agreements; prohibiting certain unfair labor practices; and providing other matters properly relating thereto.
Legislative Counsel's Digest:
Title 23 of NRS governs public employment. This bill authorizes collective bargaining between the State and certain state employees. Sections 2, 27, 28 and 48 of this bill expand the powers and duties of the Local Government Employee-Management Relations Board to include hearing and deciding

certain disputes between the State and certain state employees. Section 46 of this bill changes the name of the Local Government Employee-Management Relations Board to the Government Employee-Management Relations Board to conform to this change in duties. Existing law requires the Local Government Employee-Management Relations Board annually to assess a fee for the support of the Board against each local government employer. (NRS 288.105) Section 23 of this bill additionally requires the renamed Government Employee-Management Relations Board annually to assess a similar fee against each agency or other unit of the Executive Department of State Government. Section 24 of this bill authorizes certain state employees to organize and join labor organizations, or refrain from engaging in that activity, and, as applicable, to engage in collective bargaining through exclusive representatives.

Section 25 of this bill establishes requirements concerning collective bargaining agreements. Section 26 of this bill prohibits certain unfair labor practices in the context of collective bargaining. Section 29 of this bill provides for the creation and organization of bargaining units of employees of the Executive Department. Sections 30-33 of this bill provide for the election or designation of exclusive representatives of bargaining units. Section 34 of this bill requires the exclusive representative of a bargaining unit to engage in collective bargaining with the Executive Department on behalf of the employees within the unit. Section 36 of this bill sets forth the term of a collective bargaining agreement.

Section 38 of this bill: (1) requires the Governor to appoint a representative to negotiate concerning collective bargaining agreements on behalf of the Executive Department; and (2) sets forth certain time frames in which the Executive Department and an exclusive representative of a bargaining unit are required to engage in collective bargaining. Sections 39-41 of this bill provide for the mediation and arbitration of disputes between the Executive Department and a bargaining unit. Section 42 of this bill authorizes supplemental collective bargaining between the Executive Department and the exclusive representative of a bargaining unit over any terms and conditions of employment that do not affect all the employees of the bargaining unit. Sections 44 and 50 of this bill provide that certain meetings convened for the purpose of collective bargaining and resolving disputes relating to collective bargaining are exempt from the provisions of existing law requiring open and public meetings of public bodies. Sections 6-14, 45 and 54 of this bill reorganize certain definitions in chapter 288 of NRS to conform to changes made in this bill.

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

Section 1. NRS 281.129 is hereby amended to read as follows:

281.129 1. Any officer of the State, except the Legislative Fiscal Officer, who disburses money in payment of salaries and wages of officers and employees of the State:

(a) May, upon written requests of the officer or employee specifying amounts, withhold those amounts and pay them to:

(1) Charitable organizations;

(2) Employee credit unions;

(3) Except as otherwise provided in paragraph (c), insurers;

(4) The United States for the purchase of savings bonds and similar obligations of the United States; and

(5) ~~[Employee]~~ *Except as otherwise provided in section 35 of this act, employee* organizations and labor organizations.

(b) May, in accordance with an agreement entered into pursuant to NRS 701A.450 between the Director of the Office of Energy and the officer or employee specifying amounts, withhold those amounts and pay them to the Director of the Office of Energy for credit to the Renewable Energy Account created by NRS 701A.450.

(c) Shall, upon receipt of information from the Public Employees' Benefits Program specifying amounts of premiums or contributions for coverage by the Program, withhold those amounts from the salaries or wages of officers and employees who participate in the Program and pay those amounts to the Program.

2. The State Controller may adopt regulations necessary to withhold money from the salaries or wages of officers and employees of the Executive Department.

Sec. 2. NRS 281.755 is hereby amended to read as follows:

281.755 1. Except as otherwise provided in subsections 2 and 5, a public body shall provide an employee who is the mother of a child under 1 year of age with:

(a) Reasonable break time, with or without compensation, for the employee to express breast milk as needed; and

(b) A place, other than a bathroom, that is reasonably free from dirt or pollution, protected from the view of others and free from intrusion by others where the employee may express breast milk.

2. If the public body determines that complying with the provisions of subsection 1 will cause an undue hardship considering the size, financial resources, nature and structure of the public body, the public body may meet with the employee to agree upon a reasonable alternative. If the parties are not able to reach an agreement, the public body may require the employee to accept a reasonable alternative selected by the public body and the employee may appeal the decision by filing a complaint in the manner set forth in subsection 4.

3. An officer or agent of a public body shall not retaliate, or direct or encourage another person to retaliate, against an employee of the public body because the employee has:

(a) Taken break time or used the space provided pursuant to subsection 1 or 2 to express breast milk; or

(b) Taken any action to require the public body to comply with the requirements of this section, including, without limitation, filing a complaint, testifying, assisting or participating in any manner in an investigation, proceeding or hearing to enforce the provisions of this section.

4. An employee who is aggrieved by the failure of a public body to comply with the provisions of this section may:

(a) If the employee is employed by the Executive Department of State Government , ~~[and]~~ is not an employee of an entity described in NRS 284.013 ~~[,]~~ *and is not an employee in a bargaining unit pursuant to sections 15 to 44, inclusive, of this act,* file a complaint with the Employee-Management Committee in accordance with the procedures provided pursuant to NRS 284.384;

(b) If the employee is employed by the Legislative Department of State Government, file a complaint with the Director of the Legislative Counsel Bureau;

(c) If the employee is employed by the Judicial Department of State Government, file a complaint with the Court Administrator; and

(d) If the employee is employed by a political subdivision of this State or any public or quasi-public corporation organized under the laws of this State ~~[,]~~ *or if the employee is employed by the Executive Department of State Government and is an employee in a bargaining unit pursuant to sections 15 to 44, inclusive, of this act,* file a complaint with the ~~[Local]~~ Government Employee-Management Relations Board in the manner set forth in NRS 288.115.

5. The requirements of this section do not apply to the Department of Corrections. The Department is encouraged to comply with the provisions of this section to the extent practicable.

6. As used in this section, "public body" means:

(a) The State of Nevada, or any agency, instrumentality or corporation thereof;

(b) The Nevada System of Higher Education; or

(c) Any political subdivision of this State or any public or quasi-public corporation organized under the laws of this State, including, without limitation, counties, cities, unincorporated towns, school districts, charter schools, hospital districts, irrigation districts and other special districts.

Sec. 3. NRS 284.013 is hereby amended to read as follows:

284.013 1. Except as otherwise provided in subsection 4, this chapter does not apply to:

(a) Agencies, bureaus, commissions, officers or personnel in the Legislative Department or the Judicial Department of State Government, including the Commission on Judicial Discipline;

(b) Any person who is employed by a board, commission, committee or council created in chapters 445C, 590, 623 to 625A, inclusive, 628, 630 to 644A, inclusive, 648, 652, 654 and 656 of NRS; or

(c) Officers or employees of any agency of the Executive Department of the State Government who are exempted by specific statute.

2. Except as otherwise provided in subsection 3, the terms and conditions of employment of all persons referred to in subsection 1, including salaries not prescribed by law and leaves of absence, including, without limitation, annual leave and sick and disability leave, must be fixed by the appointing or employing authority within the limits of legislative appropriations or authorizations.

3. Except as otherwise provided in this subsection, leaves of absence prescribed pursuant to subsection 2 must not be of lesser duration than those provided for other state officers and employees pursuant to the provisions of this chapter. The provisions of this subsection do not govern the Legislative Commission with respect to the personnel of the Legislative Counsel Bureau.

4. Any board, commission, committee or council created in chapters 445C, 590, 623 to 625A, inclusive, 628, 630 to 644A, inclusive, 648, 652, 654 and 656 of NRS which contracts for the services of a person, shall require the contract for those services to be in writing. The contract must be approved by the State Board of Examiners before those services may be provided.

5. To the extent that they are inconsistent or otherwise in conflict, the provisions of this chapter do not apply to any terms and conditions of employment that are properly within the scope of and subject to the provisions of a collective bargaining agreement or a supplemental bargaining agreement that is enforceable pursuant to the provisions of sections 15 to 44, inclusive, of this act.

Sec. 4. Chapter 287 of NRS is hereby amended by adding thereto a new section to read as follows:

To the extent that they are inconsistent or otherwise in conflict, the provisions of this chapter do not apply to any terms and conditions of employment that are properly within the scope of and subject to the provisions of a collective bargaining agreement or supplemental bargaining agreement that is enforceable pursuant to the provisions of sections 15 to 44, inclusive, of this act.

Sec. 5. Chapter 288 of NRS is hereby amended by adding thereto the provisions set forth as sections 6 to 44, inclusive, of this act.

Sec. 6. *As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 288.040, 288.050 and 288.060 and sections 7 to 14, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 7. *"Board" means the Government Employee-Management Relations Board created by NRS 288.080.*

Sec. 8. *"Collective bargaining" means a method of determining conditions of employment by negotiation between representatives of the Executive Department or local government employer and an employee organization or labor organization, entailing a mutual obligation of the*

Executive Department or local government employer, as applicable, and the representative of the state or local government employees to meet at reasonable times and bargain in good faith with respect to:

1. Wages, hours and other terms and conditions of employment;

2. The negotiation of an agreement;

3. The resolution of any question arising under a negotiated agreement; or

4. The execution of a written contract incorporating any agreement reached if requested by either party,

➥ but this obligation does not compel either party to agree to a proposal or require the making of a concession.

Sec. 9. *"Commissioner" means the Commissioner appointed by the Board pursuant to NRS 288.090.*

Sec. 10. *"Executive Department" means an agency, board, bureau, commission, department, division, elected officer or any other unit of the Executive Department of State Government. The term includes the Nevada System of Higher Education.*

Sec. 11. *"Fact-finding" means the formal procedure by which an investigation of a labor dispute is conducted by a person at which:*

1. Evidence is presented; and

2. A written report is issued by the fact finder describing the issues involved and setting forth recommendations for settlement which may or may not be binding as provided in NRS 288.200.

Sec. 12. *"Labor organization" means an organization of any kind having as one of its purposes improvement of the terms and conditions of employment of state employees.*

Sec. 13. *"Mediation" means assistance by an impartial third party to reconcile differences between the Executive Department or a local government employer and an exclusive representative through interpretation, suggestion and advice.*

Sec. 14. *"Strike" means any concerted:*

1. Stoppage of work, slowdown or interruption of operations by employees of the State of Nevada or local government employees;

2. Absence from work by employees of the State of Nevada or local government employees upon any pretext or excuse, such as illness, which is not founded in fact; or

3. Interruption of the operations of the State of Nevada or any local government employer by any employee organization or labor organization.

Sec. 15. *As used in sections 15 to 44, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 16 to 21, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 16. *"Arbitration" means a process of dispute resolution where the parties involved in an impasse or grievance dispute submit their dispute to a third party for a final and binding decision.*

Sec. 17. *"Bargaining unit" means a collection of employees that the Board has established as a bargaining unit pursuant to section 29 of this act.*

Sec. 18. *"Confidential employee" means an employee who provides administrative support to an employee who assists in the formulation, determination and effectuation of personnel policies or managerial policies concerning collective bargaining or supplemental bargaining.*

Sec. 19. *1. "Employee" means a person who:*

(a) Is employed in the classified service of the State pursuant to chapter 284 of NRS; or

(b) Is employed by the Nevada System of Higher Education in the classified service of the State or is required to be paid in accordance with the pay plan for the classified service of the State.

2. The term does not include:

(a) A managerial employee whose primary function, as determined by the Board, is to administer and control the business of any agency, board, bureau, commission, department, division, elected officer or any other unit of the Executive Department and who is vested with discretion and independent judgment with regard to the general conduct and control of that agency, board, bureau, commission, department, division, elected officer or unit;

(b) An elected official or any person appointed to fill a vacancy in an elected office;

(c) A confidential employee;

(d) A temporary employee who is employed for a fixed period of 4 months or less;

(e) A commissioned officer or an enlisted member of the Nevada National Guard;

(f) Any person employed by the Nevada System of Higher Education who is not in the classified service of the State or required to be paid in accordance with the pay plan of the classified service of the State; or

(g) Any person employed by the Public Employees' Retirement System who is required to be paid in accordance with the pay plan of the classified service of the State.

Sec. 20. *"Exclusive representative" means a labor organization that, as a result of its designation by the Board, has the exclusive right to represent all the employees within a bargaining unit and to engage in collective bargaining with the Executive Department pursuant to sections 15 to 44, inclusive, of this act concerning wages, hours and other terms and conditions of employment for those employees.*

Sec. 21. *"Grievance" means an act, omission or occurrence that an employee or an exclusive representative believes to be an injustice relating to any condition arising out of the relationship between an employer and an employee, including, without limitation, working hours, working conditions, membership in an organization of employees or the interpretation of any law, regulation or agreement.*

Sec. 22. *1. The Legislature hereby finds and declares that there is a great need to:*

(a) Promote orderly and constructive relations between the State and its employees; and

(b) Increase the efficiency of the Executive Department of State Government.

2. It is therefore within the public interest that the Legislature enact provisions:

(a) Granting certain state employees the right to associate with others in organizing and choosing representatives for the purpose of engaging in collective bargaining;

(b) Requiring the State to recognize and negotiate wages, hours and other terms and conditions of employment with labor organizations that represent state employees and to enter into written agreements evidencing the result of collective bargaining; and

(c) Establishing standards and procedures that protect the rights of employees, the Executive Department and the people of the State.

Sec. 23. *1. On or before July 1 of each year, the Board shall charge and collect a fee from the Executive Department in an amount not to exceed $10 for each employee of the Executive Department who was employed by the Executive Department during the first pay period of the immediately preceding fiscal year.*

2. The Executive Department shall pay the fee imposed pursuant to subsection 1 on or before July 31 of each year. The Executive Department shall not impose the fee against its employees.

3. If the Executive Department fails to pay the fee imposed pursuant to subsection 1 on or before July 31 of that year, the Board shall impose a civil penalty not to exceed $10 for each employee employed by the Executive Department for whom the fee was not paid.

4. The Executive Department may not receive a reduction in the amount of the fee imposed pursuant to subsection 1 or a refund of that amount if an employee is not employed for a full calendar year. The fee must be imposed whether or not the employee is a member of a labor organization.

5. Any money received from the fees collected pursuant to subsection 1 must be accounted for separately and may be used only to carry out the duties of the Board.

6. To carry out the provisions of this section, the Board may verify the identity and number of employees employed by the Executive Department by any reasonable means.

Sec. 24. *1. For the purposes of collective bargaining, supplemental bargaining and other mutual aid or protection, employees have the right to:*

(a) Organize, form, join and assist labor organizations, engage in collective bargaining and supplemental bargaining through exclusive representatives and engage in other concerted activities; and

(b) Refrain from engaging in such activity.

2. Collective bargaining and supplemental bargaining entail a mutual obligation of the Executive Department and an exclusive representative to meet at reasonable times and to bargain in good faith with respect to:

(a) ~~[Wages, hours and other terms and conditions of employment;]~~ The subjects of mandatory bargaining set forth in subsection 2 of NRS 288.150, except paragraph (f) of that subsection;

(b) The negotiation of an agreement;

(c) The resolution of any question arising under an agreement; and

(d) The execution of a written contract incorporating the provisions of an agreement, if requested by either party.

3. The subject matters set forth in subsection 3 of NRS 288.150 are not within the scope of mandatory bargaining and are reserved to the Executive Department without negotiation.

4. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to the provisions of sections 15 to 44, inclusive, of this act, the Executive Department is entitled to take the actions set forth in paragraph (b) of subsection 4 of NRS 288.150. Any action taken under the provisions of this subsection must not be construed as a failure to negotiate in good faith.

5. This section does not preclude, but the provisions of sections 15 to 44, inclusive, of this act do not require, the Executive Department to negotiate subject matters set forth in subsection 3 which are outside the scope of mandatory bargaining. The Executive Department shall discuss subject matters outside the scope of mandatory bargaining but it is not required to negotiate those matters.

6. The Executive Department shall furnish to an exclusive representative data that is maintained in the ordinary course of business and which is relevant and necessary to the discussion of ~~[wages, hours and other terms and conditions of employment.]~~ the subjects of mandatory bargaining described in subsection 2. This subsection shall not be construed to require the Executive Department to furnish to the exclusive representative any advice or training received by representatives of the Executive Department concerning collective bargaining.

7. To the greatest extent practicable, any decision issued by the Board before October 1, 2019, relating to the interpretation of, or the performance under, the provisions of NRS 288.150 shall be deemed to apply to any complaint arising out of the interpretation of, or performance under, the provisions of this section.

Sec. 25. *1. Each collective bargaining agreement must be in writing and must include, without limitation:*

(a) A procedure to resolve grievances which applies to all employees in the bargaining unit and culminates in final and binding arbitration. The procedure must be used to resolve all grievances relating to employment, including, without limitation, the administration and interpretation of the collective bargaining agreement, the applicability of any law, rule or

regulation relating to the employment and appeal of discipline and other adverse personnel actions.

(b) A provision which provides that an officer of the Executive Department shall, upon written authorization by an employee within the bargaining unit, withhold a sufficient amount of money from the salary or wages of the employee pursuant to NRS 281.129 to pay dues or similar fees to the exclusive representative of the bargaining unit. Such authorization may be revoked only in the manner prescribed in the authorization.

(c) A nonappropriation clause that provides that any provision of the collective bargaining agreement which requires the Legislature to appropriate money is effective only to the extent of legislative appropriation.

2. Except as otherwise provided in subsections 3 and 4, the procedure to resolve grievances required in a collective bargaining agreement pursuant to paragraph (a) of subsection 1 is the exclusive means available for resolving grievances described in that paragraph.

3. An employee in a bargaining unit who has been dismissed, demoted or suspended may pursue a grievance related to that dismissal, demotion or suspension through:

(a) The procedure provided in the agreement pursuant to paragraph (a) of subsection 1; or

(b) The procedure prescribed by NRS 284.390,

➥ but once the employee has properly filed a grievance in writing under the procedure described in paragraph (a) or requested a hearing under the procedure described in paragraph (b), the employee may not proceed in the alternative manner.

4. An employee in a bargaining unit who is aggrieved by the failure of the Executive Department or its designated representative to comply with the requirements of NRS 281.755 may pursue a grievance related to that failure through:

(a) The procedure provided in the agreement pursuant to paragraph (a) of subsection 1; or

(b) The procedure prescribed by NRS 288.115,

➥ but once the employee has properly filed a grievance in writing under the procedure described in paragraph (a) or filed a complaint under the procedure described in paragraph (b), the employee may not proceed in the alternative manner.

5. If there is a conflict between any provision of an agreement between the Executive Department and an exclusive representative and:

(a) Any regulation adopted by the Executive Department, the provision of the agreement prevails unless the provision of the agreement is outside of the lawful scope of collective bargaining.

(b) An existing statute, other than a statute described in paragraph (c), the provision of the agreement may not be given effect unless the Legislature amends the existing statute in such a way as to eliminate the conflict.

(c) A provision of chapter 284 or 287 of NRS or section 39, 40 or 41 of this act, the provision of the agreement prevails unless the Legislature is required to appropriate money to implement the provision, within the limits of legislative appropriations and any other available money.

Sec. 25.5. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to the provisions of sections 15 to 44, inclusive, of this act, the Governor may include in the biennial proposed executive budget of the State any amount of money the Governor deems appropriate for the salaries, wage rates or any other form of direct monetary compensation for employees.

Sec. 26. *1. It is a prohibited practice for the Executive Department or its designated representative willfully to:*

(a) Engage in any prohibited practice applicable to a local government employer or its designated representative set forth in subsection 1 of NRS 288.270, except paragraphs (e) and (g) of that subsection.

(b) Refuse to ~~[engage in collective bargaining or otherwise fail to]~~ bargain collectively in good faith with an exclusive representative ~~[,]~~ as required in section 38 of this act. Bargaining collectively includes the entire bargaining process, including, without limitation, ~~[refusing to engage in]~~ mediation or arbitration.

~~*[(b) Interfere with, restrain or coerce an employee in the exercise of any right guaranteed pursuant to sections 15 to 44, inclusive, of this act.]*~~

(c) ~~[Dominate, interfere with or assist in]~~ Failure to provide the ~~[formation or administration of a labor organization.~~

~~*(d) Discriminate in regard to hiring, tenure, wages, hours or other terms and conditions of employment to encourage or discourage membership in a labor organization.*~~

~~*(e) Discharge or otherwise discriminate against an employee because the employee has:*~~

~~*(1) Signed or filed an affidavit, petition or complaint or has provided any information or given any testimony pursuant to sections 15 to 44, inclusive, of this act; or*~~

~~*(2) Formed, joined or chosen to be represented by a labor organization.*~~

~~*(f) Deny any right accompanying a designation as an exclusive representative.]*~~ *information required in section 24 of this act.*

2. It is a prohibited practice for an employee or for a labor organization or its designated agent willfully to:

(a) ~~[When acting as an exclusive representative, refuse to engage in collective bargaining or otherwise fail]~~ Engage in any prohibited practice applicable to a local government employee or a labor organization or its designated representative set forth in subsection 2 of NRS 288.270, except paragraphs (b) and (d) of that subsection.

(b) Refuse to bargain in good faith with the Executive Department, if it is an exclusive representative, as required in section 34 of this act. Bargaining

collectively includes the entire bargaining process, including, without limitation, ~~[refusing to engage in]~~ mediation or arbitration.

~~*[(b) Interfere with, restrain or coerce an employee in the exercise of any right guaranteed pursuant to sections 15 to 44, inclusive, of this act.*~~

~~*(c) Discriminate because of race, color, religion, sex, sexual orientation, gender identity or expression, age, disability, national origin, or political or personal reasons or affiliations.]*~~

3. The inclusion by the Governor in the biennial proposed executive budget of the State of an amount of money for the salaries, wage rates or any other form of direct monetary compensation for employees which conflicts with the terms of a collective bargaining agreement must not be construed as a failure of the Executive Department to negotiate in good faith.

4. To the greatest extent practicable, any decision issued by the Board before October 1, 2019, relating to the interpretation of, or the performance under, the provisions of NRS 288.270 shall be deemed to apply to any complaint arising out of the interpretation of, or performance under, the provisions of this section.

Sec. 27. *1. To establish that a party committed a prohibited practice in violation of section 26 of this act, the party aggrieved by the practice must ~~[:~~*

~~*(a) File]*~~ *file a complaint with the Board ~~[not later than 6 months after the alleged prohibited practice occurred; and~~*

~~*(b) Send a copy of the complaint to the other party by certified mail, return receipt requested, or by any other method authorized by the Board.*~~

~~*2. Not later than 10 days after receiving a copy of a complaint pursuant to paragraph (b) of subsection 1, each party named as a respondent in the complaint shall file a response to the complaint with the Board.*~~

~~*3.]*~~ *in accordance with procedures prescribed by the Board.*

2. The Board may conduct a preliminary investigation of the complaint. Based on such an investigation:

(a) If the Board determines that the complaint has no basis in law or fact, the Board shall dismiss the complaint.

(b) If the Board determines that the complaint may have a basis in law or fact, the Board shall order a hearing to be conducted in accordance with:

(1) The provisions of chapter 233B of NRS that apply to a contested case; and

(2) Any rules adopted by the Board pursuant to NRS 288.110.

~~*[4.]*~~ *3. If the Board finds at the hearing that the party accused in the complaint has committed a prohibited practice, the Board:*

(a) Shall order the party to cease and desist from engaging in the prohibited practice; and

(b) May order any other affirmative relief that is necessary to remedy the prohibited practice.

~~*[5.]*~~ *4. The Board or any party aggrieved by the failure of any person to obey an order of the Board issued pursuant to subsection 4 may apply to a*

court of competent jurisdiction for a prohibitory or mandatory injunction to enforce the order.

~~[6.]~~ *5. Any order or decision issued by the Board pursuant to this section concerning the merits of a complaint is a final decision in a contested case and may be appealed pursuant to the provisions of chapter 233B of NRS that apply to a contested case, except that a party aggrieved by the order or decision of the Board must file a petition for judicial review not later than 10 days after being served with the order or decision of the Board.*

Sec. 28. *1. The Board may appoint a hearing officer to conduct a hearing that the Board is otherwise required to conduct pursuant to section 27 of this act.*

2. A decision of the hearing officer may be appealed to the Board.

3. On appeal to the Board, the Board may consider the record of the hearing or may conduct a hearing de novo. A hearing de novo conducted by the Board must be conducted in accordance with:

(a) The provisions of chapter 233B of NRS that apply to a contested case; and

(b) Any rules adopted by the Board pursuant to NRS 288.110.

4. If the Board finds at the hearing that the party accused in the complaint has committed a prohibited practice, the Board:

(a) Shall order the party to cease and desist from engaging in the prohibited practice; and

(b) May order any other affirmative relief that is necessary to remedy the prohibited practice.

5. The Board or any party aggrieved by the failure of any person to obey an order of the Board issued pursuant to subsection 4 may apply to a court of competent jurisdiction for a prohibitory or mandatory injunction to enforce the order.

6. Any order or decision issued by the Board pursuant to this section concerning the merits of a complaint is a final decision in a contested case and may be appealed pursuant to the provisions of chapter 233B of NRS that apply to a contested case, except that a party aggrieved by the order or decision of the Board must file a petition for judicial review not later than 10 days after being served with the order or decision of the Board.

Sec. 29. *1. The Board shall establish one bargaining unit for each of the following occupational groups of employees of the Executive Department:*

(a) Labor, maintenance, custodial and institutional employees, including, without limitation, employees of penal and correctional institutions who are not responsible for security at those institutions.

(b) Administrative and clerical employees, including, without limitation, legal support staff and employees whose work involves general office work, or keeping or examining records and accounts.

(c) Technical aides to professional employees, including, without limitation, computer programmers, tax examiners, conservation employees and regulatory inspectors.

(d) Professional employees who do not provide health care, including, without limitation, engineers, scientists and accountants.

(e) Professional employees who provide health care, including, without limitation, physical therapists and other employees in medical and other professions related to health.

(f) Employees, other than professional employees, who provide health care and personal care, including, without limitation, employees who provide care for children.

(g) Category I peace officers.

(h) Category II peace officers.

(i) Category III peace officers.

(j) Supervisory employees ~~[not otherwise included in other bargaining units.]~~ from all occupational groups.

(k) Firefighters.

2. The Board shall determine the classifications of employees within each bargaining unit. The parties to a collective bargaining agreement may assign a new classification to a bargaining unit based upon the similarity of the new classification to other classifications within the bargaining unit. If the parties to a collective bargaining agreement do not agree to the assignment of a new classification to a bargaining unit, the Board must assign a new classification to a bargaining unit based upon the similarity of the new classification to other classifications within the bargaining unit.

3. As used in this section:

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

(b) "Category II peace officer" has the meaning ascribed to it in NRS 289.470.

(c) "Category III peace officer" has the meaning ascribed to it in NRS 289.480.

(d) "Professional employee" means an employee engaged in work that:

(1) Is predominately intellectual and varied in character as opposed to routine mental, manual, mechanical or physical work;

(2) Involves the consistent exercise of discretion and judgment in its performance;

(3) Is of such a character that the result accomplished or produced cannot be standardized in relation to a given period; and

(4) Requires advanced knowledge in a field of science or learning customarily acquired through a prolonged course of specialized intellectual instruction and study in an institution of higher learning, as distinguished from general academic education, an apprenticeship or training in the performance of routine mental or physical processes.

(e) "Supervisory employee" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 288.075.

Sec. 30. *If no labor organization is designated as the exclusive representative of a bargaining unit and a labor organization files with the*

Board a list of its membership or other evidence showing that the labor organization has been authorized to serve as a representative by more than 50 percent of the employees within the bargaining unit, the Board shall designate the labor organization as the exclusive representative of the bargaining unit without ordering an election.

Sec. 31. *1. If no labor organization is designated as the exclusive representative of a bargaining unit, the Board shall order an election to be conducted within the bargaining unit if:*

(a) A labor organization files with the Board a written request for an election which includes a list of its membership or other evidence showing that it has been authorized to serve as a representative by at least 30 percent but not more than 50 percent of the employees within the bargaining unit; and

(b) No other election to choose, change or discontinue representation has been conducted within the bargaining unit during the immediately preceding 12 months.

2. If the Board designates a labor organization as the exclusive representative of a bargaining unit following an election pursuant to subsection 1 or pursuant to section 30 of this act, the Board shall order an election:

(a) If either:

(1) Another labor organization files with the Board a written request for an election which includes a list of its membership or other evidence showing that the labor organization has been authorized to serve as a representative by at least 50 percent of the employees within the bargaining unit; or

(2) A group of employees within the bargaining unit files with the Board a written request for an election which includes a list or other evidence showing that more than 50 percent of the employees within the bargaining unit have requested that an election be conducted to change or discontinue representation;

(b) If applicable, the request filed pursuant to paragraph (a) is filed not more than 270 days and not less than 225 days before the date on which the current collective bargaining agreement in effect for the bargaining unit expires; and

(c) If no other election to choose, change or discontinue representation has been conducted within the bargaining unit during the immediately preceding 12 months.

Sec. 32. *1. If the Board orders an election within a bargaining unit pursuant to section 31 of this act, the Board shall order that each of the following be placed as a choice on the ballot for the election:*

(a) If applicable, the labor organization that requested the election pursuant to section 31 of this act;

(b) If applicable, the labor organization that is presently designated as the exclusive representative of the bargaining unit;

(c) Any other labor organization that, on or before the date that is prescribed by the rules adopted by the Board, files with the Board a written

request to be placed on the ballot for the election and includes with the written request a list of its membership or other evidence showing that the labor organization has been authorized to serve as a representative by at least 30 percent of the employees within the bargaining unit; and

(d) A choice for "no representation."

2. If a ballot for an election contains more than two choices and none of the choices on the ballot receives a majority of the votes cast at the initial election, the Board shall order a runoff election between the two choices on the ballot that received the highest number of votes at the initial election.

3. If the choice for "no representation" receives a majority of the votes cast at the initial election or at any runoff election, the Board shall designate the bargaining unit as being without representation.

4. If a labor organization receives a majority of the votes cast at the initial election or at any runoff election, the Board shall designate the labor organization as the exclusive representative of the bargaining unit.

Sec. 33. *1. The Board shall preside over all elections that are conducted pursuant to section 31 of this act and shall determine the eligibility requirements for employees to vote in any such election.*

2. A labor organization that is placed as a choice on the ballot for an election or any employee who is eligible to vote at an election may file with the Board a written objection to the results of the election. The objection must be filed not later than 10 days after the date on which the notice of the results of the election is given by the Board.

3. In response to a written objection filed pursuant to subsection 2 or upon its own motion, the Board may invalidate the results of an election and order a new election if the Board finds that any conduct or circumstances raise substantial doubt that the results of the election are reliable.

Sec. 34. *1. Except as otherwise provided in subsection 2, an exclusive representative shall:*

(a) Act as the agent and exclusive representative of all employees within each bargaining unit that it represents; and

(b) In good faith and on behalf of each bargaining unit that it represents, individually or collectively, bargain with the Executive Department concerning the wages, hours and other terms and conditions of employment for the employees within each bargaining unit that it represents, including, without limitation, any terms and conditions of employment that are within the scope of supplemental bargaining pursuant to section 42 of this act.

2. If an employee is within a bargaining unit that has an exclusive representative, the employee has the right to present grievances to the Executive Department at any time and to have those grievances adjusted without the intervention of the exclusive representative if:

(a) The exclusive representative is given an opportunity to be present at any meetings or hearings related to the adjustment of the grievance and provided a copy of the adjustment of the grievance; and

(b) The adjustment of the grievance is not inconsistent with the provisions of the collective bargaining agreement or any supplemental bargaining agreement then in effect.

3. A labor organization may serve as an exclusive representative for multiple bargaining units established pursuant to section 29 of this act.

Sec. 35. *If the Board designates a labor organization as the exclusive representative of a bargaining unit pursuant to sections 15 to 44, inclusive, of this act, an officer of the Executive Department shall not, pursuant to NRS 281.129, withhold any amount of money from the salary or wages of an employee within the bargaining unit to pay dues or similar fees to a labor organization other than the labor organization that is the exclusive representative of the bargaining unit.*

Sec. 36. *Except as otherwise provided in this section, the term of a collective bargaining agreement must begin on July 1 of an odd-numbered year and must end on June 30 of the next odd-numbered year. If the parties cannot agree to a new collective bargaining agreement before the end of the term of a collective bargaining agreement, the terms of that collective bargaining agreement remain in effect until a new collective bargaining agreement takes effect.*

Sec. 36.5. 1. Any new, extended or modified collective bargaining agreement or similar agreement between the Executive Department and an exclusive representative must be approved by the State Board of Examiners at a public hearing.

2. Not less than 3 business days before the date of the hearing, the State Board of Examiners shall cause the following documents to be posted and made available for downloading on the Internet website used by the State Board of Examiners to provide public notice of its meetings:

(a) The proposed agreement and any exhibits or other attachments to the proposed agreement;

(b) If the proposed agreement is a modification of a previous agreement, a document showing any language added to or deleted from the previous agreement; and

(c) Any supporting material prepared for the governing body and relating to the fiscal impact of the agreement.

3. At the hearing, the State Board of Examiners shall consider the fiscal impact of the agreement.

Sec. 37. *If a provision of a collective bargaining agreement:*

1. Does not require an act of the Legislature to be given effect, the provision becomes effective in accordance with the terms of the agreement.

2. Requires an act of the Legislature to be given effect:

(a) The Governor shall request the drafting of a legislative measure pursuant to NRS 218D.175 to effectuate the provision; and

(b) The provision becomes effective, if at all, on the date on which the act of the Legislature becomes effective.

Sec. 38. *1. The Governor shall designate a representative to conduct negotiations concerning collective bargaining agreements on behalf of the Executive Department. The representative may, with the approval of the Governor, delegate the responsibility to conduct such negotiations to another person.*

2. A representative designated pursuant to subsection 1 and an exclusive representative shall begin negotiations concerning a collective bargaining agreement within 60 days after one party notifies the other party of the desire to negotiate or on or before November 1 of each even-numbered year, whichever is earlier.

3. As soon as practicable after the Board designates an exclusive representative of an unrepresented bargaining unit pursuant to sections 15 to 44, inclusive, of this act, the exclusive representative shall engage in collective bargaining with the representative designated pursuant to subsection 1 as required by section 34 of this act to establish a collective bargaining agreement with a term ending on June 30 of the next odd-numbered year.

Sec. 39. *1. Either party may request a mediator from the Federal Mediation and Conciliation Service if the parties do not reach a collective bargaining agreement:*

(a) Within 120 days after the date on which the parties began negotiations or on or before February 1 of an odd-numbered year, whichever is earlier; or

(b) On or before any later date set by agreement of the parties.

2. The mediator shall bring the parties together as soon as possible after his or her appointment and shall attempt to settle each issue in dispute within 21 days after his or her appointment or any later date set by agreement of the parties.

Sec. 40. *1. If a mediator selected pursuant to section 39 of this act determines that his or her services are no longer helpful or if the parties do not reach a collective bargaining agreement through mediation within 21 days after the appointment of the mediator or on or before any later date set by agreement of the parties, the mediator shall discontinue mediation and the parties shall attempt to agree upon an impartial arbitrator. Any proposal that conflicts or is otherwise inconsistent with any provision of state law, other than the provisions of chapters 284 and 287 of NRS, shall be considered withdrawn by the proposing party when mediation is discontinued.*

2. If the parties do not agree upon an impartial arbitrator within 5 days after the date on which mediation is discontinued pursuant to subsection 1 or on or before any later date set by agreement of the parties, the parties shall request from the Federal Mediation and Conciliation Service a list of seven potential arbitrators. The parties shall select an arbitrator from this list by alternately striking one name until the name of only one arbitrator remains, and that arbitrator must hear the dispute in question. The party who will strike the first name must be determined by a coin toss.

3. The arbitrator shall begin arbitration proceedings on or before March 1 or any later date set by agreement of the parties.

4. The arbitrator and the parties shall apply and follow the procedures for arbitration that are prescribed by any rules adopted by the Board pursuant to NRS 288.110. During arbitration, the parties retain their respective duties to negotiate in good faith.

5. The arbitrator may administer oaths or affirmations, take testimony and issue and seek enforcement of a subpoena in the same manner as the Board pursuant to NRS 288.120, and, except as otherwise provided in subsection 7, the provisions of NRS 288.120 apply to any subpoena issued by the arbitrator.

6. The arbitrator shall render a decision on or before March 15 or any later date set by agreement of the parties.

7. The Executive Department and the exclusive representative shall each pay one-half of the cost of arbitration.

Sec. 41. *1. For issues in dispute after arbitration proceedings are held pursuant to section 40 of this act, the arbitrator shall incorporate either the final offer of the Executive Department or the final offer of the exclusive representative into his or her decision. The decision of the arbitrator shall be limited to a selection of one of the two final offers of the parties. The arbitrator shall not revise or amend the final offer of either party on any issue.*

2. To determine which final offer to incorporate into his or her decision, the arbitrator shall assess the reasonableness of:

(a) The position of each party as to each issue in dispute; and

(b) The contractual terms and provisions contained in each final offer.

3. In assessing reasonableness pursuant to subsection 2, the arbitrator shall:

(a) Compare the wages, hours and other terms and conditions of employment for the employees within the bargaining unit with the wages, hours and other terms and conditions of employment for other employees performing similar services and for other employees generally:

(1) In public employment in comparable communities; and

(2) In private employment in comparable communities; and

(b) Consider, without limitation:

(1) The financial ability of the State to pay the costs associated with the proposed collective bargaining agreement, with due regard for the primary obligation of the State to safeguard the health, safety and welfare of the people of this State;

(2) The average prices paid by consumers for goods and services in geographic location where the employees work; and

(3) Such other factors as are normally or traditionally used as part of collective bargaining, mediation, arbitration or other methods of dispute resolution to determine the wages, hours and other terms and conditions of employment for employees in public or private employment.

4. The decision of the arbitrator is final and binding upon the parties.

Sec. 42. *1. Except as otherwise provided in this section, the Executive Department and the exclusive representative of a bargaining unit may engage in supplemental bargaining concerning any terms and conditions of*

employment which are peculiar to or which uniquely affect fewer than all the employees within the bargaining unit.

2. The Executive Department and an exclusive representative may engage in supplemental bargaining pursuant to subsection 1 for fewer than all the employees within two or more bargaining units that the exclusive representative represents if the requirements of subsection 1 are met for each such bargaining unit. Supplemental bargaining must be conducted in the manner prescribed by sections 15 to 44, inclusive, of this act.

3. If the parties reach a supplemental bargaining agreement pursuant to this section, the provisions of the supplemental bargaining agreement:

(a) Must be in writing; and

(b) Shall be deemed to be incorporated into the provisions of each collective bargaining agreement then in effect between the Executive Department and the employees who are subject to the supplemental bargaining agreement if the provisions of the supplemental bargaining agreement do not conflict with the provisions of the collective bargaining agreement.

4. If any provision of the supplemental bargaining agreement conflicts with any provision of the collective bargaining agreement, the provision of the supplemental bargaining agreement is void and the provision of the collective bargaining agreement must be given effect.

5. The provisions of the supplemental bargaining agreement expire at the same time as the other provisions of the collective bargaining agreement into which they are incorporated.

6. The Executive Department and an exclusive representative may, during collective bargaining conducted pursuant to sections 15 to 44, inclusive, of this act, negotiate and include in a collective bargaining agreement any terms and conditions of employment that would otherwise be within the scope of supplemental bargaining conducted pursuant to this section.

Sec. 43. *1. Except as otherwise provided by specific statute, a labor organization and the Executive Department may sue or be sued as an entity pursuant to sections 15 to 44, inclusive, of this act.*

2. If any action or proceeding is brought by or against a labor organization pursuant to sections 15 to 44, inclusive, of this act, the district court in and for the county in which the labor organization maintains its principal office or the county in which the claim arose has jurisdiction over the claim.

3. A natural person and his or her assets are not subject to liability for any judgment awarded pursuant to sections 15 to 44, inclusive, of this act against the Executive Department or a labor organization.

Sec. 44. *The following proceedings, required by or conducted pursuant to this chapter, are not subject to any provision of NRS which requires a meeting to be open or public:*

1. Any negotiation or informal discussion between the Executive Department and a labor organization or employees as individuals.

2. Any meeting of a mediator with either party or both parties to a negotiation.

3. Any meeting or investigation conducted by an arbitrator.

4. Deliberations of the Board toward a decision on a complaint, appeal or petition for declaratory relief.

Sec. 45. NRS 288.020 is hereby amended to read as follows:

288.020 As used in ~~[this chapter,]~~ *NRS 288.140 to 288.220, inclusive, 288.270 and 288.280,* unless the context otherwise requires, the words and terms defined in NRS 288.025 to 288.075, inclusive, have the meanings ascribed to them in those sections.

Sec. 46. NRS 288.080 is hereby amended to read as follows:

288.080 1. The ~~[Local]~~ Government Employee-Management Relations Board is hereby created, consisting of five members, broadly representative of the public and not closely allied with any employee organization ~~[or]~~ *, any labor organization, the Executive Department or any* local government employer . ~~[, not]~~

2. Not more than three of ~~[whom]~~ *the members of the Board* may be members of the same political party, and at least three of ~~[whom]~~ *the members* must reside in southern Nevada. The term of office of each member is 4 years.

~~[2.]~~ *3.* The Governor shall appoint the members of the Board.

Sec. 47. (Deleted by amendment.)

Sec. 48. NRS 288.110 is hereby amended to read as follows:

288.110 1. The Board may make rules governing:

(a) Proceedings before it;

(b) Procedures for fact-finding;

(c) The recognition *, as defined in NRS 288.067,* of employee organizations; ~~[and]~~

(d) *The designation of the exclusive representative of a bargaining unit in accordance with the provisions of sections 30, 31 and 32 of this act; and*

(e) The determination of bargaining units.

2. The Board may hear and determine any complaint arising out of the interpretation of, or performance under, the provisions of this chapter by *the Executive Department,* any local government employer, *any employee, as defined in section 19 of this act, any* local government employee ~~[or]~~ *, any* employee organization ~~[.]~~ *or any labor organization.* Except as otherwise provided in this subsection and NRS 288.115 and 288.280, *and section 27 of this act,* the Board shall conduct a hearing within 180 days after it decides to hear a complaint. If a complaint alleges a violation of paragraph (e) of subsection 1 of NRS 288.270 , ~~[or]~~ paragraph (b) of subsection 2 of ~~[that section,]~~ *NRS 288.270, paragraph (a) of subsection 1 of section 26 of this act or paragraph (b) of subsection 2 of section 26 of this act,* the Board shall conduct a hearing not later than 45 days after it decides to hear the complaint, unless the parties agree to waive this requirement. The Board, after a hearing, if it finds that the complaint is well taken, may order any person *or entity* to refrain from the action complained of or to restore to the party aggrieved any

benefit of which the party has been deprived by that action. Except when an expedited hearing is conducted pursuant to NRS 288.115, the Board shall issue its decision within 120 days after the hearing on the complaint is completed.

3. Any party aggrieved by the failure of any person to obey an order of the Board issued pursuant to subsection 2, or the Board at the request of such a party, may apply to a court of competent jurisdiction for a prohibitory or mandatory injunction to enforce the order.

4. The Board may not consider any complaint or appeal filed more than 6 months after the occurrence which is the subject of the complaint or appeal.

5. The Board may decide without a hearing a contested matter:

(a) In which all of the legal issues have been previously decided by the Board, if it adopts its previous decision or decisions as precedent; or

(b) Upon agreement of all the parties.

6. The Board may award reasonable costs, which may include attorneys' fees, to the prevailing party.

7. As used in this section, "bargaining unit" has the meaning ascribed to it in NRS 288.028 or section 17 of this act.

Sec. 49. NRS 288.250 is hereby amended to read as follows:

288.250 1. If a strike is commenced or continued in violation of an order issued pursuant to NRS 288.240, the court may:

(a) Punish ~~[the]~~ *each* employee organization or ~~[organizations]~~ *labor organization* guilty of such violation by a fine of not more than $50,000 against each *employee organization or labor* organization for each day of continued violation.

(b) Punish any officer of an employee organization *or labor organization* who is wholly or partly responsible for such violation by a fine of not more than $1,000 for each day of continued violation, or by imprisonment as provided in NRS 22.110.

(c) Punish any employee of the State or of a local government employer who participates in such strike by ordering the dismissal or suspension of such employee.

2. Any of the penalties enumerated in subsection 1 may be applied alternatively or cumulatively, in the discretion of the court.

Sec. 49.5. NRS 218D.175 is hereby amended to read as follows:

218D.175 1. ~~[For]~~ *Except as otherwise provided in subsection 2, for* a regular session, the Governor or the Governor's designated representative may request the drafting of not more than 110 legislative measures which have been approved by the Governor or the Governor's designated representative on behalf of the officers, agencies, boards, commissions, departments and other units of the Executive Department. The requests must be submitted to the Legislative Counsel on or before August 1 preceding the regular session.

2. *The Governor or the Governor's designated representative may request at any time before or during a regular session, without limitation, the drafting of as many legislative measures as are necessary to carry out the provisions of sections 15 to 44, inclusive, of this act.*

3. The Director of the Office of Finance may request on or before the 19th day of a regular session, without limitation, the drafting of as many legislative measures as are necessary to implement the budget proposed by the Governor and to provide for the fiscal management of the State. In addition to the requests otherwise authorized pursuant to this section, the Governor may request the drafting of not more than 5 legislative measures on or before the 19th day of a regular session to propose the Governor's legislative agenda.

~~[3.]~~ *4.* For a regular session, the following constitutional officers may request, without the approval of the Governor or the Governor's designated representative, the drafting of not more than the following numbers of legislative measures, which must be submitted to the Legislative Counsel on or before September 1 preceding the regular session:

Lieutenant Governor	3
Secretary of State	6
State Treasurer	5
State Controller	5
Attorney General	20

~~[4.]~~ *5.* In addition to the requests authorized by subsection ~~[3,]~~ *4,* the Secretary of State may request, without the approval of the Governor or the Governor's designated representative, the drafting of not more than 2 legislative measures, which must be submitted to the Legislative Counsel on or before December 31 preceding the regular session.

~~[5.]~~ *6.* Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The legislative measures requested pursuant to subsections 1 and ~~[3]~~ *4* must be prefiled on or before the third Wednesday in November preceding the regular session. A legislative measure that is not prefiled on or before that day shall be deemed withdrawn.

Sec. 50. NRS 241.016 is hereby amended to read as follows:

241.016 1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.

2. The following are exempt from the requirements of this chapter:

(a) The Legislature of the State of Nevada.

(b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 228.495, 239C.140, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 289.387, 295.121, 360.247, 388.261, 388A.495, 388C.150, 388G.710, 388G.730, 392.147, 392.467, 394.1699, 396.3295, 433.534, 435.610, 463.110, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725, *and section 44 of this act,* which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,

➥ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

Sec. 51. NRS 597.995 is hereby amended to read as follows:

597.995 1. Except as otherwise provided in subsection 3, an agreement which includes a provision which requires a person to submit to arbitration any dispute arising between the parties to the agreement must include specific authorization for the provision which indicates that the person has affirmatively agreed to the provision.

2. If an agreement includes a provision which requires a person to submit to arbitration any dispute arising between the parties to the agreement and the agreement fails to include the specific authorization required pursuant to subsection 1, the provision is void and unenforceable.

3. The provisions of this section do not apply to an agreement that is a collective bargaining agreement. As used in this subsection, "collective bargaining" has the meaning ascribed to it in ~~[NRS 288.033.]~~ *section 8 of this act*.

Sec. 52. (Deleted by amendment.)

Sec. 53. 1. As soon as practicable after the effective date of this act but not later than ~~[October]~~ August 1, 2019, the Division of Human Resource Management in the Department of Administration shall submit to the Government Employee-Management Relations Board created by NRS 288.080, as amended by section 46 of this act, ~~[shall:~~

~~(a) Establish]~~ a recommendation for the establishment of bargaining units pursuant to section 29 of this act and for all job classifications within each bargaining unit. ~~[; and~~

~~(b) In accordance with sections 30, 31 and 32 of this act, upon the submission by a labor organization of a list of its membership or other evidence or following an election, designate exclusive representatives for those]~~

2. Upon receipt of the recommendation submitted pursuant to subsection 1, the Board shall make the recommendation available to the public. Within 20 days after the recommendation is made available, any labor organization may file with the Board an objection to the report.

3. At least 21 days after the receipt of the recommendation, the Board shall hold a hearing on the recommendation. Any labor organization that filed an objection pursuant to subsection 2 is entitled to be heard and present evidence at the hearing.

4. After the hearing conducted pursuant to subsection 3, the Board shall adopt regulations establishing bargaining units ~~[.~~

~~2.~~ pursuant to section 29 of this act.

5. A labor organization must not be designated an exclusive representative until the Board has adopted regulations pursuant to subsection 4.

6. As used in this section:

(a) "Bargaining unit" has the meaning ascribed to it in section 17 of this act.

(b) "Labor organization" has the meaning ascribed to it in section 12 of this act.

Sec. 53.5. 1. Before November 1, 2020, a labor organization, as defined in section 12 of this act, that has not been designated an exclusive representative of a bargaining unit in accordance with sections 30, 31 and 32 of this act shall not file a complaint pursuant to section 27 of this act unless such complaint is related to the ability of the labor organization to be designated an exclusive representative.

2. As used in this section:

(a) "Bargaining unit" has the meaning ascribed to it in section 17 of this act.

(b) "Exclusive representative" has the meaning ascribed to it in section 20 of this act.

Sec. 54. NRS 288.030, 288.033, 288.034, 288.045, 288.063 and 288.070 are hereby repealed.

Sec. 55. This act becomes effective upon passage and approval.

LEADLINES OF REPEALED SECTIONS

288.030 "Board" defined.
288.033 "Collective bargaining" defined.
288.034 "Commissioner" defined.
288.045 "Fact-finding" defined.
288.063 "Mediation" defined.
288.070 "Strike" defined.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 1077 to Senate Bill No. 135 does several things. In addition to other provisions, in section 25.5, the amendment authorizes the Governor to include in the Biennial Proposed Executive Budget any amount of money the Governor deems appropriate for the salaries, wage rates or any other form of direct monetary compensation for employees. Subsection 3 of section 26 clarifies it is not a failure of the Executive Department to negotiate in good faith for the inclusion by the Governor in the Biennial Proposed Executive Budget an amount for salaries, wage rates or any form of direct monetary compensation for employees which conflicts with the terms of a collect-bargaining agreement. Finally, section 36.6 requires the State Board of Examiners to consider the fiscal impact of any new, extended or modified collective-bargaining agreement between the Executive Department and an exclusive representative.

Amendment adopted.

Bill read third time.

Remarks by Senators Parks, Kieckhefer and Settelmeyer.

SENATOR PARKS:

Senate Bill No. 135 authorizes collective bargaining between the State and certain State employees, generally the State's classified employees. The Governor is required to designate a representative to conduct negotiations concerning collective-bargaining agreements on behalf of the Executive Department. The powers and duties of the local Government Employee

Management Relations Board are expanded to include hearing and deciding certain disputes between the State and certain State employees; and the name is changed to the Government Employee Management Relations Board. Certain State employees, are authorized to organize and join labor organizations or refrain from engaging in that activity and, as applicable, to engage in collective bargaining through representatives. Finally, Senate Bill No. 135 requires the State Board of Examiners to consider the financial impact of any new, extended or modified collective-bargaining agreement between the Executive Department and an exclusive representative.

SENATOR KIECKHEFER:

I oppose Senate Bill No. 135. I am concerned about the long-term and significant impact this bill could have on the State. Through this legislation, the Legislature is giving up significant authority to the Executive Branch of government, and that is authority we should rightfully maintain.

SENATOR SETTELMEYER:

Beyond the issues raised by my colleague, I look at section 49.5 of Senate Bill No. 135. We have always given unlimited bill draft requests to the Governor in response to budgetary items; he has unlimited bill draft requests for anything needed to implement the budget. In this section, the bill says the Governor also has unlimited bill draft requests for collective bargaining. I do not feel it is wise to grant that many more bill drafts. This would put us to a fulltime Legislature. Some people may like that, but I do not.

Roll call on Senate Bill No. 135:

YEAS—13.

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

Senate Bill No. 135 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 162.

Bill read third time.

Remarks by Senator Kieckhefer.

Senate Bill No. 162 makes multiple changes regarding electronic transactions. It updates our definition of blockchain in chapter 7.19 of NRS to include a "public blockchain" and a definition of "State of the public blockchain," as well as the definition of unaffiliated computers or machines. Section 4 of the bill indicates a person who transmits information or anything of value over a blockchain does not in any way give up his or her right to that information or property. Section 5 of the bill requires government agencies, both of the State and its political subdivisions, to consider when updating software and hardware within their IT systems, the ability to use electronic records and electronic transactions as a part of that update. Finally, it makes conforming changes throughout the rest of the bill.

Roll call on Senate Bill No. 162:

YEAS—21.

NAYS—None.

Senate Bill No. 162 having received a two-thirds majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 202.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1059.

SUMMARY—Revises provisions relating to ~~[persons]~~ children with disabilities. (BDR ~~[38-685)]~~ 34-685)

AN ACT relating to persons with disabilities; ~~[requiring a biannual report to be compiled regarding certain issues related to autism spectrum disorders; requiring certain governmental entities to coordinate to ensure that the same examination may be used to determine the eligibility of a pupil for certain services for children with autism; requiring certain governmental entities to conduct outreach to parents or guardians of pupils with autism to determine whether the pupil is eligible for and may benefit from certain services; requiring an appointing authority to provide certain information to a certified person with a disability appointed on a temporary basis;]~~ providing for the annual reporting of certain information relating to pupils with disabilities; requiring the provision of information concerning certain services to the parent or guardian of a pupil with a disability; requiring a study concerning processes for evaluating children with autism; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law establishes the Autism Treatment Assistance Program within the Aging and Disability Services Division of the Department of Health and Human Services to serve as the primary autism program within the Department and to provide and coordinate services to persons under 20 years of age with autism spectrum disorders. (NRS 427A.875) Existing law requires the Division of Health Care Financing and Policy of the Department to conduct certain duties relating to the administration of Medicaid. (NRS 422.061) Existing law requires the board of trustees of a school district or the governing body of a charter school to conduct an initial evaluation of each pupil with autism spectrum disorder and conduct a reevaluation every 3 years thereafter. (NRS 388.449) Sections 1, 5 and 8 of this bill require the Autism Treatment Assistance Program, the Division of Health Care Financing and Policy of the Department and the State Board of Education to coordinate so that, to the extent practicable, a pupil is only required to receive one evaluation to determine his or her eligibility for programs of instruction or special services for pupils with autism spectrum disorders, the Autism Treatment Assistance Program and services provided under the Medicaid program for children with autism spectrum disorders.~~

~~Section 2 of this bill requires the Department of Health and Human Services to compile a report every 6 months concerning any barriers that exist to services and other issues of concern for persons with autism spectrum disorders and their families. Sections 1, 2, 5 and 9 of this bill require the Autism Treatment Assistance Program, the Department of Education and the Division of Health Care Financing and Policy of the Department of Health and Human Services to collaborate with the Department of Health and Human Services to compile the report. Section 2 requires the report to be posted on~~

~~the Internet websites of the Department of Health and Human Services and certain other governmental entities. Sections 3, 4 and 6 of this bill make conforming changes.~~

~~— Section 9 of this bill requires the Department of Education to provide to the Division of Health Care Financing and Policy and the Autism Treatment Assistance Program the name of each pupil with an autism spectrum disorder, the school in which the pupil is enrolled and the contact information for the parent or guardian of the pupil. Sections 1 and 5 require the Division and the Autism Treatment Assistance Program to conduct outreach to such parents and guardians to determine whether the pupil is eligible for and may benefit from services provided under the Medicaid program or the Autism Treatment Assistance Program, as applicable.~~

~~— In certain circumstances, existing law requires an appointing authority, if possible, to make a temporary limited appointment of a certified person with a disability for a period not to exceed 700 hours to fill an available position. (NRS 284.327) Section 7 of this bill requires an appointing authority to provide each person who is so appointed with a monthly performance evaluation and inform the person whether the appointing authority anticipates appointing the person to a permanent position.~~]

Existing federal law requires a school district to take certain actions to facilitate the education of pupils with disabilities. (20 U.S.C. § 1414(d), 29 U.S.C. § 794; 34 C.F.R. §§ 104.31-104.37) Section 10 of this bill requires the board of trustees of each school district and the governing body of each charter school to report to the Department of Education: (1) the number of pupils enrolled in each school in the district or charter school, as applicable, for whom the district has established a plan for such actions; and (2) the disabilities with which those pupils have been diagnosed. Section 10 requires the Department to compile a report of that information and post the report on the Internet. Section 10 also requires the provision of information concerning certain services for children with disabilities to the parent or guardian of each pupil for whom such a plan has been established.

In 2007, the Legislature created the Nevada Autism Task Force to study and make recommendations to the Governor and the Legislature regarding the growing incidence of autism and ways to improve the delivery and coordination of autism services in this State. The Task Force was required to complete its review on or before August 1, 2008. (Section 40 of Assembly Bill No. 629, chapter 348, Statutes of Nevada 2007, p. 1674) Upon the expiration of the Task Force, the Governor issued an executive order establishing the Commission on Autism Spectrum Disorder to continue the work of the Task Force. (Executive Order Establishing the Commission on Autism Spectrum Disorder (11-19-2008)) The Governor has issued three additional executive orders extending the Commission through June 30, 2019. (Executive Orders 2011-21 (11-28-2011), 2015-26 (10-12-2015), 2018-29 (11-9-2018)) Section 12 of this bill requires the Commission or its successor organization to: (1) study the processes used to evaluate a child with autism for the purposes

of the Autism Treatment Assistance Program, Medicaid and education; and (2) submit to the Legislative Committee on Health Care a report of recommendations for standardizing those processes by not later than September 1, 2020.

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

Section 1. ~~[Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*The Division shall:*~~

~~*1. Coordinate with the State Board of Education to ensure that, to the extent practicable, the process for determining the eligibility of a child for services provided under the Medicaid program for children with autism spectrum disorders allows such eligibility to be determined through one evaluation conducted pursuant to NRS 388.449;*~~

~~*2. Collaborate with the Department of Health and Human Services, the Autism Treatment Assistance Program established by NRS 427A.875 and the Department of Education to compile the report described in section 2 of this act; and*~~

~~*3. Upon receiving from the Department of Education information pursuant to NRS 388.451 concerning a child with an autism spectrum disorder who is not receiving services provided under the Medicaid program for children with autism spectrum disorders, conduct outreach to the parent or guardian of the child to determine whether the child is eligible for and may benefit from services provided under the Medicaid program for children with autism spectrum disorders.]~~ (Deleted by amendment.)

Sec. 2. ~~[Chapter 427A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. On or before July 1 and December 31 of each year, the Department of Health and Human Services, in collaboration with the Division of Health Care Financing and Policy of the Department of Health and Human Services, the Autism Treatment Assistance Program established by NRS 427A.875 and the Department of Education, shall compile and submit to the Governor, the Director of the Legislative Counsel Bureau, the Nevada Autism Task Force created by section 40 of chapter 348, Statutes of Nevada 2007, or its successor organization, and the Nevada Commission on Services for Persons with Disabilities created by NRS 427A.1211 a report concerning:*~~

~~*(a) Any barriers that exist to:*~~

~~*(1) Services for children with autism spectrum disorders and their families provided under the Medicaid program, including, without limitation, services provided on a fee-for-service basis and services provided through a Medicaid managed care program;*~~

~~*(2) Services provided by the Autism Treatment Assistance Program established by NRS 427A.875; and*~~

~~*(3) Programs of instruction and special services for pupils with autism spectrum disorders pursuant to NRS 388.419;*~~

~~*(b) Data concerning the effectiveness, usage and accessibility of the services and programs described in paragraph (a); and*~~

~~*(c) Any other issues recommended for inclusion by the Nevada Autism Task Force or its successor organization.*~~

~~*2. The report must be posted on the Internet websites maintained by the Department of Health and Human Services, the Governor, the Legislative Counsel Bureau, the Nevada Autism Task Force, or its successor organization, and the Nevada Commission on Services for Persons with Disabilities.]*~~ (Deleted by amendment.)

Sec. 3. ~~[NRS 427A.871 is hereby amended to read as follows:~~

~~427A.871 As used in NRS 427A.871 to 427A.880, inclusive, *and section 2 of this act*,~~ "early intervention services" ~~has the meaning ascribed to it in 20 U.S.C. § 1432.]~~ (Deleted by amendment.)

Sec. 4. ~~[NRS 427A.872 is hereby amended to read as follows:~~

~~427A.872 1. The Division, in cooperation and guidance with the Department of Education, representatives of the school districts in this State and the Nevada Autism Task Force created by section 40 of chapter 348, Statutes of Nevada 2007, or its successor organization, shall prescribe by regulation a statewide standard for measuring outcomes and assessing and evaluating persons with autism spectrum disorders through the age of 21 years who receive services through the State or a local government or an agency thereof. The regulations must designate a protocol based upon accepted best practices guidelines which includes at least one standardized assessment instrument that requires direct observation by the professional conducting the assessment for determining whether a person is a person with autism spectrum disorder, which must be used by personnel employed by the State or a local government or an agency thereof who provide assessments, interventions and diagnoses of persons with autism spectrum disorders through the age of 21 years and by the persons with whom the State or a local government or an agency thereof contracts to provide assessments, interventions and diagnoses of persons with autism spectrum disorders through the age of 21 years. The protocol must require that the direct observation conducted by a professional pursuant to this subsection include, without limitation, an evaluation to measure behaviors of the person which are consistent with autism spectrum disorder, cognitive functioning, language functioning and adaptive functioning.~~

~~2. The protocol designated pursuant to subsection 1 must be used upon intake of a person suspected of having autism spectrum disorder or at any later time if a person is suspected of having autism spectrum disorder after intake. The results of an assessment must be provided to the parent or legal guardian of the person, if applicable.~~

~~3. The Division shall prescribe the form and content of reports relating to persons with autism spectrum disorders through the age of 21 years that must be reported to the Division pursuant to *subsection 1 of* NRS 388.451 and~~

~~615.205. Except as otherwise provided in NRS 388.451, the Division shall ensure that the information is reported in a manner which:~~

~~(a) Allows the Division to document the services provided to and monitor the progress of each person with autism spectrum disorder through the age of 21 years who receives services from the State or an agency thereof; and~~

~~(b) Ensures that information reported for each person who receives services which identifies the person is kept confidential, consistent with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any other applicable state and federal privacy laws.~~

~~4. The Division shall prepare annually a summary of the reports submitted pursuant to *subsection 1 of* NRS 388.451 and 615.205 and make the summary publicly available. The Division shall ensure that information contained in the summary does not identify a person who received services.~~] (Deleted by amendment.)

Sec. 5. ~~[NRS 427A.875 is hereby amended to read as follows:~~

~~427A.875 1. There is hereby established the Autism Treatment Assistance Program within the Division to serve as the primary autism program within the Department and to provide and coordinate the provision of services to persons diagnosed or determined, including, without limitation, through the use of a standardized assessment, to have autism spectrum disorders through the age of 19 years.~~

~~2. The Autism Treatment Assistance Program shall:~~

~~(a) Prescribe an application process for parents and guardians of persons with autism spectrum disorders to participate in the Program. *The Program shall coordinate with the State Board of Education to ensure that, to the extent practicable, the application process allows the eligibility of a person to participate in the Program to be determined through one evaluation conducted pursuant to NRS 388.449.*~~

~~(b) Provide for the development of a plan of treatment for persons who participate in the Program.~~

~~(c) Promote the use of evidence based treatments which are cost effective and have been proven to improve treatment of autism spectrum disorders.~~

~~(d) Educate parents and guardians of persons with autism spectrum disorders on autism spectrum disorders and the assistance that may be provided by the parent or guardian to improve treatment outcomes.~~

~~(e) Establish and use a system for assessing persons with autism spectrum disorders to determine a baseline to measure the progress of and prepare a plan for the treatment of such persons.~~

~~(f) Assist parents and guardians of persons with autism spectrum disorders in obtaining public services that are available for the treatment of autism spectrum disorders.~~

~~*(g) Collaborate with the Department of Health and Human Services, the Division of Health Care Financing and Policy of the Department of Health and Human Services and the Department of Education to compile the report described in section 2 of this act.*~~

~~*(h) Upon receiving from the Department of Education information pursuant to NRS 388.451 concerning a child with an autism spectrum disorder who is not participating in the Program, conduct outreach to the parent or guardian of the child to determine whether the child is eligible for and may benefit from participation in the Program.*~~

~~3. A plan of treatment developed for a person who participates in the Program pursuant to paragraph (b) of subsection 2 must:~~

~~(a) Identify the specific behaviors of the person to be addressed and the expected outcomes.~~

~~(b) Include, without limitation, preparations for transitioning the person from one provider of treatment to another or from one public program to another, as the needs of the person require through the age of 19 years.~~

~~(c) Be revised to address any change in the needs of the person.~~

~~4. The policies of the Autism Treatment Assistance Program and any services provided by the Program must be developed in cooperation with and be approved by the Nevada Autism Task Force created by section 40 of chapter 348, Statutes of Nevada 2007, or its successor organization.~~

~~5. As used in this section, "autism spectrum disorder" means a condition that meets the diagnostic criteria for autism spectrum disorder published in the current edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association or the edition thereof that was in effect at the time the condition was diagnosed or determined.]~~ (Deleted by amendment.)

Sec. 6. ~~[NRS 232.320 is hereby amended to read as follows:~~

~~232.320 1. The Director:~~

~~(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:~~

~~(1) The Administrator of the Aging and Disability Services Division;~~

~~(2) The Administrator of the Division of Welfare and Supportive Services;~~

~~(3) The Administrator of the Division of Child and Family Services;~~

~~(4) The Administrator of the Division of Health Care Financing and Policy; and~~

~~(5) The Administrator of the Division of Public and Behavioral Health.~~

~~(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, *and section 1 of this act*, 422.580, 432.010 to 432.133, inclusive, 432B.621 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.~~

~~(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.~~

~~(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:~~

~~(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;~~

~~(2) Set forth priorities for the provision of those services;~~

~~(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;~~

~~(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;~~

~~(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and~~

~~(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.~~

~~(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.~~

~~(f) Has such other powers and duties as are provided by law.~~

~~2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department, other than the State Public Defender of the Office of State Public Defender who is appointed pursuant to NRS 180.010.]~~ (Deleted by amendment.)

Sec. 7. ~~[NRS 284.327 is hereby amended to read as follows:~~

~~284.327 1. Except as otherwise provided in subsection 4, if an appointing authority has a position available and the position is not required to be filled in another manner pursuant to this chapter, to assist persons with disabilities certified by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation, the appointing authority shall, if possible, make a temporary limited appointment of a certified person with a disability for a period not to exceed 700 hours notwithstanding that the position so filled is a continuing position.~~

~~2. A person with a disability who is certified by the Rehabilitation Division must be placed on the appropriate list for which the person is eligible. Each such person must:~~

~~(a) Possess the training and skills necessary for the position for which the person is certified; and~~

~~(b) Be able to perform, with or without accommodation, the essential functions of that position.~~

~~3. The Rehabilitation Division must be notified of an appointing authority's request for a list of eligibility on which the names of one or more certified persons with disabilities appear. A temporary limited appointment of a certified person with a disability pursuant to this section constitutes the person's examination as required by NRS 284.215.~~

~~4. An appointing authority shall not make a temporary limited appointment of a certified person with a disability pursuant to this section:~~

~~(a) If the certified person with a disability currently receives benefits from the agency of the Executive Department of the State Government in which the position exists; or~~

~~(b) In any other circumstances that the appointing authority determines would create an actual or potential conflict of interest between the certified person with the disability and the agency of the Executive Department of the State Government in which the position exists.~~

~~5. Each appointing authority shall ensure that there is at least one person on the staff of the appointing authority who has training concerning:~~

~~(a) Making a temporary limited appointment of a certified person with a disability pursuant to this section; and~~

~~(b) The unique challenges a person with a disability faces in the workplace.~~

~~6. The Commission shall adopt regulations to carry out the provisions of subsections 1 and 2.~~

~~7. This section does not deter or prevent appointing authorities from employing:~~

~~(a) A person with a disability if the person is available and eligible for permanent employment.~~

~~(b) A person with a disability who is employed pursuant to the provisions of subsection 1 in permanent employment if the person qualifies for permanent employment before the termination of the person's temporary limited appointment.~~

~~8. If a person appointed pursuant to this section is subsequently appointed to a permanent position during or after the 700-hour period, the 700 hours or portion thereof counts toward the employee's probationary period.~~

~~*9. An appointing authority shall, at least once each month, provide to a person appointed pursuant to this section a performance evaluation and inform the person whether the appointing authority anticipates appointing the person to a permanent position.*~~ (Deleted by amendment.)

Sec. 8. ~~[NRS 388.419 is hereby amended to read as follows:~~

~~388.419 1. The Department shall:~~

~~(a) Prescribe a form that contains the basic information necessary for the uniform development, review and revision of an individualized education program for a pupil with a disability in accordance with 20 U.S.C. § 1414(d); and~~

~~(b) Make the form available on a computer disc for use by school districts and, upon request, in any other manner deemed reasonable by the Department.~~

~~2. Except as otherwise provided in this subsection, each school district shall ensure that the form prescribed by the Department is used for the development, review and revision of an individualized education program for each pupil with a disability who receives special education in the school district. A school district may use an expanded form that contains additions to the form prescribed by the Department if the basic information contained in the expanded form complies with the form prescribed by the Department.~~

~~3. The State Board:~~

~~(a) Shall prescribe minimum standards for the special education of pupils with disabilities.~~

~~(b) May prescribe minimum standards for the provision of early intervening services.~~

~~4. The minimum standards prescribed by the State Board must include standards for programs of instruction or special services maintained for the purpose of serving pupils with:~~

~~(a) Hearing impairments, including, but not limited to, deafness.~~

~~(b) Visual impairments, including, but not limited to, blindness.~~

~~(c) Orthopedic impairments.~~

~~(d) Speech and language impairments.~~

~~(e) Intellectual disabilities.~~

~~(f) Multiple impairments.~~

~~(g) Emotional disturbances.~~

~~(h) Other health impairments.~~

~~(i) Specific learning disabilities.~~

~~(j) Autism spectrum disorders.~~

~~(k) Traumatic brain injuries.~~

~~(l) Developmental delays.~~

~~5. The minimum standards prescribed by the State Board for pupils with hearing impairments, including, without limitation, deafness, pursuant to paragraph (a) of subsection 4 must comply with:~~

~~(a) The Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the regulations adopted pursuant thereto;~~

~~(b) The effective communication requirement of Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12131 et seq., and the regulations adopted pursuant thereto; and~~

~~(c) Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and the regulations adopted pursuant thereto.~~

~~6. The minimum standards prescribed by the State Board for pupils with dyslexia pursuant to paragraph (i) of subsection 4 must include, without limitation, standards for instruction on:~~

~~(a) Phonemic awareness to enable a pupil to detect, segment, blend and manipulate sounds in spoken language;~~

~~(b) Graphonomic knowledge for teaching the sounds associated with letters in the English language;~~

~~(c) The structure of the English language, including, without limitation, morphology, semantics, syntax and pragmatics;~~

~~(d) Linguistic instruction directed toward proficiency and fluency with the patterns of language so that words and sentences are carriers of meaning; and~~

~~(e) Strategies that a pupil may use for decoding, encoding, word recognition, fluency and comprehension.~~

~~*7. The State Board shall coordinate with the Autism Treatment Assistance Program established by NRS 427A.875 and the Division of Health Care Financing and Policy of the Department of Health and Human Services to ensure that, to the extent practicable, the minimum standards prescribed by the State Board for pupils with autism spectrum disorders pursuant to paragraph (j) of subsection 4 allow for a pupil to receive one evaluation pursuant to NRS 388.449 to determine the eligibility of the pupil for:*~~

~~*(a) Programs of instruction or special services for pupils with autism spectrum disorders;*~~

~~*(b) Participation in the Autism Treatment Assistance Program established by NRS 427A.875; and*~~

~~*(c) Services provided under the Medicaid program for children with autism spectrum disorders.*~~

~~8. No apportionment of state money may be made to any school district or charter school for the instruction of pupils with disabilities until the program of instruction maintained therein for such pupils is approved by the Superintendent of Public Instruction as meeting the minimum standards prescribed by the State Board.~~

~~[8.] *9.* The Department shall, upon the request of the board of trustees of a school district, provide information to the board of trustees concerning the identification and evaluation of pupils with disabilities in accordance with the standards prescribed by the State Board.~~

~~[9.] *10.* The Department shall post on the Internet website maintained by the Department the data that is submitted to the United States Secretary of Education pursuant to 20 U.S.C. § 1418 within 30 days after submission of the data to the Secretary in a manner that does not result in the disclosure of data that is identifiable to an individual pupil.]~~ (Deleted by amendment.)

Sec. 9. ~~[NRS 388.451 is hereby amended to read as follows:~~

~~388.451 1. The Department of Education shall [report] :~~

~~*(a) Report* annually to the Aging and Disability Services Division of the Department of Health and Human Services information relating to pupils with autism spectrum disorders. The information must:~~

~~[(a)] *(1)* Be submitted in the form required by the Aging and Disability Services Division; and~~

~~[(b)] *(2)* Include the total number of pupils with autism spectrum disorders who are enrolled in public schools in this State, including all pupils with autism spectrum disorders who have an individualized education program.~~

~~*(b) Collaborate with the Department of Health and Human Services, the Division of Health Care Financing and Policy of the Department of Health and Human Services and the Autism Treatment Assistance Program established by NRS 427A.875 to compile the report described in section 2 of this act.*~~

~~*(c) With the consent of the parent or guardian of the pupil, provide to the Department of Health and Human Services, upon the identification of a pupil with an autism spectrum disorder, the name of the pupil, the school in which the pupil is enrolled and the contact information for the parent or guardian of the pupil. The Department of Health and Human Services shall immediately report that information to the Division of Health Care Financing and Policy and the Autism Treatment Assistance Program to facilitate outreach pursuant to section 1 of this act and NRS 427A.875, as applicable.*~~

~~2. A pupil with autism spectrum disorder who is designated as a pupil with more than one physical or mental impairment or disability must be included as a pupil with autism spectrum disorder for the purposes of reporting information pursuant to this section.~~

~~3. The reporting made pursuant to this section must comply with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any other applicable state and federal privacy laws.]~~ (Deleted by amendment.)

Sec. 10. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. On or before July 1 of each year, the board of trustees of each school district and the governing body of each charter school shall report to the Department:

(a) The number of pupils enrolled in each school in the district or charter school, as applicable, during the immediately preceding school year who had an individualized education program or a plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794; and

(b) The disabilities with which those pupils were diagnosed.

2. On or before August 1 of each year, the Department shall compile a report of the information reported pursuant to subsection 1 and post the report on an Internet website maintained by the Department.

3. The Department shall provide to each school district and charter school in this State information concerning services for children with disabilities provided by the Aging and Disability Services Division of the Department of Health and Human Services. The board of trustees of a school district or the governing body of a charter school shall ensure that the information described in this subsection is provided to the parent or guardian of each pupil enrolled in the school district or charter school, as applicable, who has an

individualized education program or a plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794.

Sec. 11. NRS 388.417 is hereby amended to read as follows:

388.417 As used in NRS 388.417 to 388.515, inclusive ~~[:]~~ *, and section 10 of this act:*

1. "Communication mode" means any system or method of communication used by a person with a disability, including, without limitation, a person who is deaf or whose hearing is impaired, to facilitate communication which may include, without limitation:

(a) American Sign Language;

(b) English-based manual or sign systems;

(c) Oral and aural communication;

(d) Spoken and written English, including speech reading or lip reading; and

(e) Communication with assistive technology devices.

2. "Dyslexia" means a neurological learning disability characterized by difficulties with accurate and fluent word recognition and poor spelling and decoding abilities that typically result from a deficit in the phonological component of language.

3. "Dyslexia intervention" means systematic, multisensory intervention offered in an appropriate setting that is derived from evidence-based research.

4. "Individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

5. "Individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

6. "Provider of special education" means a school within a school district or charter school that provides education or services to pupils with disabilities or any other entity that is responsible for providing education or services to a pupil with a disability for a school district or charter school.

7. "Pupil who receives early intervening services" means a person enrolled in kindergarten or grades 1 to 12, inclusive, who is not a pupil with a disability but who needs additional academic and behavioral support to succeed in a regular school program.

8. "Pupil with a disability" means a "child with a disability," as that term is defined in 20 U.S.C. § 1401(3)(A), who is under 22 years of age.

9. "Response to scientific, research-based intervention" means a collaborative process which assesses a pupil's response to scientific, research-based intervention that is matched to the needs of a pupil and that systematically monitors the level of performance and rate of learning of the pupil over time for the purpose of making data-based decisions concerning the need of the pupil for increasingly intensified services.

10. "Specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or using spoken or written language which is not primarily the result of a visual, hearing or motor impairment, intellectual disability, serious emotional disturbance, or an

environmental, cultural or economic disadvantage. Such a disorder may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or perform mathematical calculations. The term includes, without limitation, perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia.

Sec. 12. The Commission on Autism Spectrum Disorders or its successor organization shall:

1. Study processes for evaluating children with autism disorders, including, without limitation:

(a) The statewide standard for measuring outcomes and assessing and evaluating persons with autism spectrum disorders prescribed by the Commission or its successor organization pursuant to NRS 427A.872;

(b) Processes for determining the eligibility of a child for services provided under Medicaid for children with autism spectrum disorders; and

(c) The evaluation conducted pursuant to NRS 388.449 to determine the eligibility of pupils for special education for pupils with autism spectrum disorders.

2. On or before September 1, 2020, submit to the Legislative Committee on Health Care and present at a meeting of the Committee a report that includes the results of the study, recommendations for standardizing the processes described in subsection 1 and any other recommendations resulting from the study.

~~[Sec. 10.]~~ *Sec. 13.* This act becomes effective ~~[on July 1, 2019.]~~ upon passage and approval.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 1059 to Senate Bill No. 202 removes certain sections and provides for the annual reporting of certain information relating to pupils with disabilities. It requires the provision of information concerning certain services to the parent or guardian of a pupil with a disability. It requires a study concerning processes for evaluating children with autism. It also requires a report with the results of the study to be submitted to the Legislative Committee on Health Care on or before September 1, 2020, and changes the effective date to upon passage and approval.

Amendment adopted.

Bill read third time.

Remarks by Senator Dondero Loop.

Senate Bill No. 202 provides for the annual reporting of certain information relating to pupils with disabilities and requires the provision of information concerning certain services to the parent or guardian of a pupil with a disability. Senate Bill No. 202 also requires a study concerning processes for evaluating children with autism and the submission of a report that includes the results of the study to the Legislative Committee on Health Care on or before September 1, 2020. I urge your support.

Roll call on Senate Bill No. 202:

YEAS—21.

NAYS—None.

Senate Bill No. 202 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 381.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1055.

SUMMARY—Revises provisions relating to workers' compensation. (BDR 53-1157)

AN ACT relating to industrial insurance; establishing the substantive right of an injured employee to choose a treating ~~[health care provider]~~ physician or chiropractor under the Nevada Industrial Insurance Act or the Nevada Occupational Diseases Act; revising provisions governing the panel of treating physicians and chiropractors established by the Administrator of the Division of Industrial Relations of the Department of Business and Industry to require the inclusion of certain ~~[health care providers;]~~ physicians and chiropractors; authorizing the Administrator to select a rating physician or chiropractor for an injured employee upon request; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

In 2007, the Nevada Supreme Court held that the Nevada Industrial Insurance Act does not entitle a claimant for compensation under that Act to his or her choice of treating physician as a substantive right. (*Valdez v. Employers Ins. Co. of Nev.*, 123 Nev. 170 (2007)) Section 2 of this bill provides that the choice of a treating ~~[health care provider, defined as a]~~ physician ~~[, osteopathic physician,]~~ or chiropractor ~~[or psychologist,]~~ is a substantive right of an injured employee who has a claim under the Nevada Industrial Insurance Act (chapters 616A-616D of NRS) or the Nevada Occupational Diseases Act (chapter 617 of NRS). ~~[Section 2 does not revise certain existing provisions to grant an injured employee the choice of physician or chiropractor in the performance of certain examinations or certifications or ratings of disability.]~~ Section 2 requires an insurer to: (1) include in its list of ~~[health care providers]~~ physicians and chiropractors from which an injured employee may choose to receive treatment a certain number of ~~[health care providers]~~ physicians or chiropractors, as applicable, from the panel of ~~[health care providers]~~ physicians and chiropractors established and maintained by the Administrator of the Division of Industrial Relations of the Department of Business and Industry; and (2) update and file its list of ~~[health care providers]~~ physicians and chiropractors with the Administrator annually. Section 2 also requires the Administrator to provide a copy of an insurer's list to any member of the public upon request or post a copy of each such list on an Internet website for viewing, printing or downloading by the public. Section 2 sets forth procedures and limitations governing the removal of a ~~[health care provider]~~ physician or chiropractor from an insurer's list. Finally, section 2 provides that, except

under certain circumstances, an injured employee may continue to receive treatment from a ~~[health care provider]~~ physician or chiropractor who has been removed from a list.

~~[Sections 3-7, 9-25 and 28-35 of this bill revise provisions referencing treating physicians or chiropractors to instead reference treating health care providers for consistency with section 2.]~~

Existing law requires the Administrator to establish a panel of physicians and chiropractors to treat injured employees under chapters 616A to 616D, inclusive, or chapter 617 of NRS. Existing law also provides that an injured employee may receive treatment by more than one physician or chiropractor if the insurer provides written authorization. (NRS 616C.090) Section 8 of this bill revises these provisions to: (1) require the Administrator to annually update the panel; (2) require the inclusion of physicians ~~[,]~~ and chiropractors ~~[, osteopathic physicians and psychologists]~~ on the panel maintained by the Administrator; and (3) provide that an injured employee may change ~~[health care providers]~~ a physician or chiropractor or receive treatment by more than one ~~[health care provider]~~ physician or chiropractor if the insurer provides written authorization or by order of a hearing officer or appeals officer.

Existing law sets forth procedures under which an insurer selects a physician or chiropractor to determine an injured employee's percentage of disability. (NRS 616C.490) Section 26 of this bill additionally authorizes an injured employee or his or her legal representative to request that the Administrator select a rating physician or chiropractor.

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

Section 1. NRS 616B.527 is hereby amended to read as follows:

616B.527 1. A self-insured employer, an association of self-insured public or private employers or a private carrier may:

(a) Except as otherwise provided in NRS 616B.5273, enter into a contract or contracts with one or more organizations for managed care to provide comprehensive medical and health care services to employees for injuries and diseases that are compensable pursuant to chapters 616A to 617, inclusive, of NRS.

(b) Enter into a contract or contracts with providers of health care, including, without limitation, physicians who provide primary care, specialists, pharmacies, physical therapists, radiologists, nurses, diagnostic facilities, laboratories, hospitals and facilities that provide treatment to outpatients, to provide medical and health care services to employees for injuries and diseases that are compensable pursuant to chapters 616A to 617, inclusive, of NRS.

(c) Require employees to obtain medical and health care services for their industrial injuries from those organizations and persons with whom the self-insured employer, association or private carrier has contracted pursuant to paragraphs (a) and (b), or as the self-insured employer, association or private carrier otherwise prescribes.

(d) Except as otherwise provided in subsection ~~[3]~~ *4* of NRS 616C.090, require employees to obtain the approval of the self-insured employer, association or private carrier before obtaining medical and health care services for their industrial injuries from a provider of health care who has not been previously approved by the self-insured employer, association or private carrier.

2. An organization for managed care with whom a self-insured employer, association of self-insured public or private employers or a private carrier has contracted pursuant to this section shall comply with the provisions of NRS 616B.528, 616B.5285 and 616B.529.

Sec. 2. Chapter 616C of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Legislature hereby declares that:

(a) The choice of a treating ~~[health care provider]~~ physician or chiropractor is a substantive right and substantive benefit of an injured employee who has a claim under the Nevada Industrial Insurance Act or the Nevada Occupational Diseases Act.

(b) The injured employees of this State have a substantive right to an adequate choice of ~~[health care providers]~~ physicians and chiropractors to treat their industrial injuries and occupational diseases.

2. Except as otherwise provided in this subsection and subsections 3 and 4, an insurer's list of ~~[health care providers]~~ physicians and chiropractors from which an injured employee may choose pursuant to NRS 616C.090 must include not less than 12 ~~[health care providers]~~ physicians or chiroproactors, as applicable, in each of the following disciplines and specializations, without limitation, from the panel of ~~[health care providers]~~ physicians and chiropractors maintained by the Administrator pursuant to NRS 616C.090:

(a) Orthopedic surgery on spines;
(b) Orthopedic surgery on shoulders;
(c) Orthopedic surgery on elbows;
(d) Orthopedic surgery on wrists;
(e) Orthopedic surgery on hands;
(f) Orthopedic surgery on hips;
(g) Orthopedic surgery on knees;
(h) Orthopedic surgery on ankles;
(i) Orthopedic surgery on feet;
(j) Neurosurgery;
(k) Neurology;
(l) Cardiology;
(m) Pulmonology;
(n) ~~[Psychology;~~
~~(o)]~~ Psychiatry;
~~[(p)]~~ (o) Pain management;
~~[(q)]~~ (p) Occupational medicine;
~~[(r)]~~ (q) Physiatry or physical medicine;

~~[(s)]~~ *(r) General practice or family medicine; and*

~~[(t)]~~ *(s) Chiropractic medicine.*

➥ *If the panel of ~~[health care providers]~~ physicians and chiropractors maintained by the Administrator pursuant to NRS 616C.090 contains fewer than 12 ~~[health care providers]~~ physicians or chiropractors, as applicable, for a discipline or specialization specifically identified in this subsection, all of the ~~[health care providers]~~ physicians or chiropractors, as applicable, on the panel for that discipline or specialization must be included on the insurer's list.*

3. For any other discipline or specialization not specifically identified in subsection 2, the insurer's list must include not fewer than 8 ~~[health care providers]~~ physicians or chiropractors, as applicable, unless the panel of ~~[health care providers]~~ physicians and chiropractors maintained by the Administrator pursuant to NRS 616C.090 contains fewer than 8 ~~[health care providers]~~ physicians or chiropractors, as applicable, for that discipline or specialization, in which case all of the ~~[health care providers]~~ physicians or chiropractors, as applicable, on the panel for that discipline or specialization must be included on the insurer's list.

4. For each county whose population is 100,000 or more, an insurer's list of ~~[health care providers]~~ physicians and chiropractors must include for that county a number of ~~[health care providers]~~ physicians and chiropractors, as applicable, that is not less than the number required pursuant to subsections 2 and 3 and that also maintain in that county:

(a) An active practice; and

(b) A physical office.

5. If an insurer fails to maintain a list of ~~[health care providers]~~ physicians and chiropractors that complies with the requirements of subsections 2, 3 and 4, an injured employee may choose a ~~[health care provider]~~ physician or chiropractor from the panel of ~~[health care providers]~~ physicians and chiropractors maintained by the Administrator pursuant to NRS 616C.090.

6. Each insurer shall, not later than October 1 of each year, update the list of ~~[health care providers]~~ physicians and chiropractors and file the list with the Administrator. The list must be certified by an adjuster who is licensed pursuant to chapter 684A of NRS.

7. Upon receipt of a list of ~~[health care providers]~~ physicians and chiropractors that is filed pursuant to subsection 6, the Administrator shall:

(a) Stamp the list as having been filed; and

(b) Indicate on the list the date on which it was filed.

8. The Administrator shall:

(a) Provide a copy of an insurer's list of ~~[health care providers]~~ physicians and chiropractors to any member of the public who requests a copy; or

(b) Post a copy of each insurer's list of ~~[health care providers]~~ physicians and chiropractors on an Internet website maintained by the Administrator and accessible to the public for viewing, printing or downloading.

9. At any time, a ~~[health care provider]~~ physician or chiropractor may request in writing that he or she be removed from an insurer's list of ~~[health care providers.]~~ physicians and chiropractors. The insurer must comply with the request and omit the ~~[health care provider]~~ physician or chiropractor from the next list which the insurer files with the Administrator.

10. A ~~[health care provider]~~ physician or chiropractor may not be involuntarily removed from an insurer's list of ~~[health care providers]~~ physicians and chiropractors except for good cause. As used in this subsection, "good cause" means that one or more of the following circumstances apply:

(a) The ~~[health care provider]~~ physician or chiropractor has died or is disabled.

(b) The license of the ~~[health care provider]~~ physician or chiropractor has been revoked or suspended.

(c) The ~~[health care provider]~~ physician or chiropractor has been convicted of:

(1) A felony; or

(2) A crime for a violation of a provision of chapter 616D of NRS.

(d) The ~~[health care provider]~~ physician or chiropractor has been removed from the panel of ~~[health care providers]~~ physicians and chiropractors maintained by the Administrator pursuant to NRS 616C.090 by the Administrator upon a finding that the ~~[health care provider]~~ physician or chiropractor has failed to comply with the standards for treatment of industrial injuries or occupational diseases as established by the Administrator.

11. Unless a ~~[health care provider]~~ physician or chiropractor, as applicable, is removed from an insurer's list of ~~[health care providers]~~ physicians and chiropractors pursuant to subsection 10, an injured employee may continue to receive treatment from that ~~[health care provider]~~ physician or chiropractor even if:

(a) The employer of the injured employee changes insurers or administrators.

(b) The ~~[health care provider]~~ physician or chiropractor is no longer included in the applicable insurer's list of ~~[health careproviders,]~~ physicians and chiropractors, provided that the ~~[health care provider]~~ physician or chiropractor agrees to continue to accept compensation for that treatment at the rates which:

(1) Were previously agreed upon when the ~~[health care provider]~~ physician or chiropractor was most recently included in the list; or

(2) Are newly negotiated but do not exceed the amounts provided under the fee schedule adopted by the Administrator.

~~*[12. As used in this section, "health care provider" means:*~~

~~*(a) A physician who is licensed pursuant to chapter 630 of NRS;*~~

~~*(b) An osteopathic physician who is licensed pursuant to chapter 633 of NRS;*~~

~~*(c) A chiropractor who is licensed pursuant to chapter 634 of NRS; or*~~

~~*(d) A psychologist who is licensed pursuant to chapter 641 of NRS.]*~~

Sec. 3. ~~[NRS 616C.040 is hereby amended to read as follows:~~

~~616C.040 1. Except as otherwise provided in this section, a treating [physician or chiropractor]~~ *health care provider* ~~shall, within 3 working days after first providing treatment to an injured employee for a particular injury, complete and file a claim for compensation with the employer of the injured employee and the employer's insurer. If the employer is a self-insured employer, the treating [physician or chiropractor]~~ *health care provider* ~~shall file the claim for compensation with the employer's third-party administrator. If the [physician or chiropractor]~~ *health care provider* ~~files the claim for compensation by electronic transmission, the [physician or chiropractor]~~ *health care provider* ~~shall, upon request, mail to the insurer or third-party administrator the form that contains the original signatures of the injured employee and the [physician or chiropractor.]~~ *health care provider.* ~~The form must be mailed within 7 days after receiving such a request.~~

~~2. A [physician or chiropractor]~~ *health care provider* ~~who has a duty to file a claim for compensation pursuant to subsection 1 may delegate the duty to a medical facility. If the [physician or chiropractor]~~ *health care provider* ~~delegates the duty to a medical facility:~~

~~(a) The medical facility must comply with the filing requirements set forth in this section; and~~

~~(b) The delegation must be in writing and signed by:~~

~~(1) The [physician or chiropractor;]~~ *health care provider;* ~~and~~

~~(2) An authorized representative of the medical facility.~~

~~3. A claim for compensation required by subsection 1 must be filed on a form prescribed by the Administrator.~~

~~4. If a claim for compensation is accompanied by a certificate of disability, the certificate must include a description of any limitation or restrictions on the injured employee's ability to work.~~

~~5. Each [physician, chiropractor]~~ *health care provider* ~~and medical facility that treats injured employees, each insurer, third-party administrator and employer, and the Division shall maintain at their offices a sufficient supply of the forms prescribed by the Administrator for filing a claim for compensation.~~

~~6. The Administrator may impose an administrative fine of not more than $1,000 for each violation of subsection 1 on:~~

~~(a) A [physician or chiropractor;]~~ *health care provider;* ~~or~~

~~(b) A medical facility if the duty to file the claim for compensation has been delegated to the medical facility pursuant to this section.~~

~~7. As used in this section, "health care provider" has the meaning ascribed to it in section 2 of this act.]~~ (Deleted by amendment.)

Sec. 4. ~~[NRS 616C.045 is hereby amended to read as follows:~~

~~616C.045 1. Except as otherwise provided in NRS 616B.727, within 6 working days after the receipt of a claim for compensation from a [physician or chiropractor,]~~ *health care provider*, ~~or a medical facility if the duty to file the claim for compensation has been delegated to the medical facility pursuant

~~to NRS 616C.040, an employer shall complete and file with his or her insurer or third party administrator an employer's report of industrial injury or occupational disease.~~

~~2. The report must:~~

~~(a) Be filed on a form prescribed by the Administrator;~~

~~(b) Be signed by the employer or the employer's designee;~~

~~(c) Contain specific answers to all questions required by the regulations of the Administrator; and~~

~~(d) Be accompanied by a statement of the wages of the employee if the claim for compensation received from the treating [physician or chiropractor,] *health care provider*, or a medical facility if the duty to file the claim for compensation has been delegated to the medical facility pursuant to NRS 616C.040, indicates that the injured employee is expected to be off work for 5 days or more.~~

~~3. An employer who files the report required by subsection 1 by electronic transmission shall, upon request, mail to the insurer or third party administrator the form that contains the original signature of the employer or the employer's designee. The form must be mailed within 7 days after receiving such a request.~~

~~4. The Administrator shall impose an administrative fine of not more than $1,000 on an employer for each violation of this section.~~

~~5. *As used in this section, "health care provider" has the meaning ascribed to it in section 2 of this act.]~~ (Deleted by amendment.)

Sec. 5. NRS 616C.050 is hereby amended to read as follows:

616C.050 1. An insurer shall provide to each claimant:

(a) Upon written request, one copy of any medical information concerning the claimant's injury or illness.

(b) A statement which contains information concerning the claimant's right to:

(1) Receive the information and forms necessary to file a claim;

(2) Select a treating physician or chiropractor ~~*[health care provider]*~~ and an alternative treating physician or chiropractor ~~*[health care provider]*~~ in accordance with the provisions of NRS 616C.090;

(3) Request the appointment of the Nevada Attorney for Injured Workers to represent the claimant before the appeals officer;

(4) File a complaint with the Administrator;

(5) When applicable, receive compensation for:

(I) Permanent total disability;

(II) Temporary total disability;

(III) Permanent partial disability;

(IV) Temporary partial disability;

(V) All medical costs related to the claimant's injury or disease; or

(VI) The hours the claimant is absent from the place of employment to receive medical treatment pursuant to NRS 616C.477;

(6) Receive services for rehabilitation if the claimant's injury prevents him or her from returning to gainful employment;

(7) Review by a hearing officer of any determination or rejection of a claim by the insurer within the time specified by statute; and

(8) Judicial review of any final decision within the time specified by statute.

2. The insurer's statement must include a copy of the form designed by the Administrator pursuant to subsection ~~[8]~~ *9* of NRS 616C.090 that notifies injured employees of their right to select an alternative treating physician or chiropractor. ~~*[health care provider.]*~~ The Administrator shall adopt regulations for the manner of compliance by an insurer with the other provisions of subsection 1.

~~*[3. As used in this section, "health care provider" has the meaning ascribed to it in section 2 of this act.]*~~

Sec. 6. NRS 616C.055 is hereby amended to read as follows:

616C.055 1. The insurer may not, in accepting responsibility for any charges, use fee schedules which unfairly discriminate among physicians and chiropractors. ~~*[health care providers.]*~~

2. ~~[If]~~ *Except as otherwise provided in section 2 of this act, if* a physician or chiropractor ~~*[Except as otherwise provided in section 2 of this act, if a health care provider]*~~ is removed from the panel established pursuant to NRS 616C.090 or from participation in a plan for managed care established pursuant to NRS 616B.527, the physician or chiropractor, as applicable, ~~*[health care provider]*~~ must not be paid for any services rendered to the injured employee after the date of the removal.

~~*[3. As used in this section, "health care provider" has the meaning ascribed to it in section 2 of this act.]*~~

Sec. 7. ~~[NRS 616C.075 is hereby amended to read as follows:~~

~~616C.075 1. If an employee is properly directed to submit to a physical examination and the employee refuses to permit the treating [physician or chiropractor] *health care provider* to make an examination and to render medical attention as may be required immediately, no compensation may be paid for the injury claimed to result from the accident.~~

~~*2. As used in this section, "health care provider" has the meaning ascribed to it in section 2 of this act.]*~~ (Deleted by amendment.)

Sec. 8. NRS 616C.090 is hereby amended to read as follows:

616C.090 1. The Administrator shall establish , *maintain and update not less frequently than annually on or before July 1 of each year,* a panel of physicians and chiropractors ~~*[health care providers]*~~ who have demonstrated special competence and interest in industrial health to treat injured employees under chapters 616A to 616D, inclusive, or chapter 617 of NRS. *The Administrator shall maintain the following information relating to each* ~~*[health care provider]*~~ *physician and chiropractor on the panel:*

(a) The name of the ~~*[health care provider.]*~~ *physician or chiropractor.*

(b) The title or degree of the ~~[health care provider.]~~ physician or chiropractor.

(c) The legal name of the ~~[health care provider's]~~ practice of the physician or chiropractor and the name under which the practice does business.

(d) The street address of the location of every office of the ~~[health care provider.]~~ physician or chiropractor.

(e) The telephone number of every office of the ~~[health care provider.]~~ physician or chiropractor.

(f) Every discipline and specialization practiced by the ~~[health care provider.]~~ physician or chiropractor.

(g) Every condition and part of the body which the ~~[health care provider]~~ physician or chiropractor will treat.

2. Every employer whose insurer has not entered into a contract with an organization for managed care or with providers of health care ~~[services]~~ pursuant to NRS 616B.527 shall maintain a list of those physicians and chiropractors ~~*[health care providers]*~~ on the panel who are reasonably accessible to his or her employees.

~~[2.]~~ *3.* An injured employee whose employer's insurer has not entered into a contract with an organization for managed care or with providers of health care ~~[services]~~ pursuant to NRS 616B.527 may choose a treating physician or chiropractor ~~*[health care provider]*~~ from the panel of physicians and chiropractors. ~~*[health care providers.]*~~ If the injured employee is not satisfied with the first physician or chiropractor ~~*[health care provider]*~~ he or she so chooses, the injured employee may make an alternative choice of physician or chiropractor ~~*[health care provider]*~~ from the panel if the choice is made within 90 days after his or her injury. The insurer shall notify the first physician or chiropractor ~~*[health care provider]*~~ in writing. The notice must be postmarked within 3 working days after the insurer receives knowledge of the change. The first physician or chiropractor ~~*[health care provider]*~~ must be reimbursed only for the services the physician or chiropractor, as applicable, ~~*[health care provider]*~~ rendered to the injured employee up to and including the date of notification. Except as otherwise provided in this subsection, any further change is subject to the approval of the insurer ~~[, which]~~ *or by order of a hearing officer or appeals officer. A request for a change of ~~[health care provider]~~ physician or chiropractor* must be granted or denied within 10 days after a written request for such a change is received from the injured employee. If *the insurer takes* no action ~~[is taken]~~ on the request within 10 days, the request shall be deemed granted. Any request for a change of physician or chiropractor ~~*[health care provider]*~~ must include the name of the new physician or chiropractor ~~*[health care provider]*~~ chosen by the injured employee. If the treating physician or chiropractor ~~*[health care provider]*~~ refers the injured employee to a specialist for treatment, the ~~[treating physician or chiropractor]~~ *insurer* shall provide to the injured employee a list that includes the name of each physician or chiropractor ~~*[health care provider]*~~ with that specialization who is on the panel. ~~[After]~~ *Not later than 14 days*

after receiving the list, the injured employee shall ~~[, at the time the referral is made,]~~ select a physician or chiropractor ~~*[health care provider]*~~ from the list.

~~[3.]~~ *4.* An injured employee whose employer's insurer has entered into a contract with an organization for managed care or with providers of health care ~~[services]~~ pursuant to NRS 616B.527 must choose a treating physician or chiropractor ~~*[health care provider]*~~ pursuant to the terms of that contract. If the injured employee is not satisfied with the first physician or chiropractor ~~*[health care provider]*~~ he or she so chooses, the injured employee may make an alternative choice of physician or chiropractor ~~*[health care provider]*~~ pursuant to the terms of the contract without the approval of the insurer if the choice is made within 90 days after his or her injury. *Except as otherwise provided in this subsection, any further change is subject to the approval of the insurer or by order of a hearing officer or appeals officer. A request for a change of* ~~*[health care provider]*~~ *physician or chiropractor must be granted or denied within 10 days after a written request for such a change is received from the injured employee. If the insurer takes no action on the request within 10 days, the request shall be deemed granted.* If the injured employee, after choosing a treating physician or chiropractor, ~~*[health care provider,]*~~ moves to a county which is not served by the organization for managed care or providers of health care ~~[services]~~ named in the contract and the insurer determines that it is impractical for the injured employee to continue treatment with the physician or chiropractor, ~~*[health care provider,]*~~ the injured employee must choose a treating physician or chiropractor ~~*[health care provider]*~~ who has agreed to the terms of that contract unless the insurer authorizes the injured employee to choose another physician or chiropractor. ~~*[health care provider.]*~~ If the treating physician or chiropractor ~~*[health care provider]*~~ refers the injured employee to a specialist for treatment, the ~~[treating physician or chiropractor]~~ *insurer* shall provide to the injured employee a list that includes the name of each physician or chiropractor ~~*[health care provider]*~~ with that specialization who is available pursuant to the terms of the contract with the organization for managed care or with providers of health care ~~[services]~~ pursuant to NRS 616B.527, as appropriate. ~~[After]~~ *Not later than 14 days after* receiving the list, the injured employee shall ~~[, at the time the referral is made,]~~ select a physician or chiropractor ~~*[health care provider]*~~ from the list. If the employee fails to select a physician or chiropractor, ~~*[health care provider,]*~~ the insurer may select a physician or chiropractor ~~*[health care provider]*~~ with that specialization. If a physician or chiropractor ~~*[health care provider]*~~ with that specialization is not available pursuant to the terms of the contract, the organization for managed care or the provider of health care ~~[services]~~ may select a physician or chiropractor ~~*[health care provider]*~~ with that specialization.

~~[4.]~~ *5.* If the injured employee is not satisfied with the physician or chiropractor ~~*[health care provider]*~~ selected by himself or herself or by the insurer, the organization for managed care or the provider of health care ~~[services]~~ pursuant to subsection ~~[3,]~~ *4*, the injured employee may make an

alternative choice of physician or chiropractor ~~[health care provider]~~ pursuant to the terms of the contract. A change in the treating physician or chiropractor ~~[health care provider]~~ may be made at any time but is subject to the approval of the insurer ~~[, which]~~ *or by order of a hearing officer or appeals officer. A request for a change of* ~~[health care provider]~~ *physician or chiropractor* must be granted or denied within 10 days after a written request for such a change is received from the injured employee. If no action is taken on the request within 10 days, the request shall be deemed granted. Any request for a change of physician or chiropractor ~~[health care provider]~~ must include the name of the new physician or chiropractor ~~[health care provider]~~ chosen by the injured employee. If the insurer denies a request for a change in the treating physician or chiropractor ~~[health care provider]~~ under this subsection, the insurer must include in a written notice of denial to the injured employee the specific reason for the denial of the request.

~~[5.]~~ *6.* Except when emergency medical care is required and except as otherwise provided in NRS 616C.055, the insurer is not responsible for any charges for medical treatment or other accident benefits furnished or ordered by any physician, chiropractor ~~[health care provider]~~ or other person selected by the injured employee in disregard of the provisions of this section or for any compensation for any aggravation of the injured employee's injury attributable to improper treatments by such physician, chiropractor ~~[health care provider]~~ or other person.

~~[6.]~~ *7.* The Administrator may order necessary changes in a panel of physicians and chiropractors ~~[health care providers]~~ and shall suspend or remove any physician or chiropractor ~~[health care provider]~~ from a panel for good cause shown ~~[.~~

~~7.]~~ *in accordance with section 2 of this act.*

8. An injured employee may receive treatment by more than one physician or chiropractor if *:* ~~[health care provider:]~~

(a) If the insurer provides written authorization for such treatment ~~[.~~

~~8.]~~ *; or*

(b) By order of a hearing officer or appeals officer.

9. The Administrator shall design a form that notifies injured employees of their right pursuant to subsections ~~[2,]~~ 3 , ~~[and]~~ 4 *and 5* to select an alternative treating physician or chiropractor ~~[health care provider]~~ and make the form available to insurers for distribution pursuant to subsection 2 of NRS 616C.050.

~~[10. As used in this section, "health care provider" has the meaning ascribed to it in section 2 of this act.]~~

Sec. 9. ~~[NRS 616C.095 is hereby amended to read as follows:~~

~~616C.095 1. The [physician or chiropractor]~~ *health care provider* ~~shall inform the injured employee of the injured employee's rights under chapters 616A to 616D, inclusive, or chapter 617 of NRS and lend all necessary assistance in making application for compensation and such proof~~

~~of other matters as required by the rules of the Division, without charge to the employee.~~

~~2. *As used in this section, "health care provider" has the meaning ascribed to it in section 2 of this act.]~~ (Deleted by amendment.)

Sec. 10. ~~[NRS 616C.098 is hereby amended to read as follows:~~

~~616C.098 1. Certain phrases relating to a claim for compensation for an industrial injury or occupational disease and used by a [physician or chiropractor]~~ *health care provider* ~~when determining the causation of an industrial injury or occupational disease are deemed to be equivalent and may be used interchangeably. Those phrases are:~~

~~[1.]~~ *(a)* ~~"Directly connect this injury or occupational disease as job incurred"; and~~

~~[2.]~~ *(b)* ~~"A degree of reasonable medical probability that the condition in question was caused by the industrial injury."~~

~~2. *As used in this section, "health care provider" has the meaning ascribed to it in section 2 of this act.]~~ (Deleted by amendment.)

Sec. 11. ~~[NRS 616C.130 is hereby amended to read as follows:~~

~~616C.130 1. The insurer shall not authorize the payment of any money to a [physician or chiropractor]~~ *health care provider* ~~for services rendered by the [physician or chiropractor, as applicable,]~~ *health care provider* ~~in attending an injured employee until an itemized statement for the services has been received by the insurer accompanied by a certificate of the [physician or chiropractor]~~ *health care provider* ~~stating that a duplicate of the itemized statement has been filed with the employer of the injured employee.~~

~~2. *As used in this section, "health care provider" has the meaning ascribed to it in section 2 of this act.]~~ (Deleted by amendment.)

Sec. 12. ~~[NRS 616C.140 is hereby amended to read as follows:~~

~~616C.140 1. Any employee who is entitled to receive compensation under chapters 616A to 616D, inclusive, of NRS shall, if:~~

~~(a) Requested by the insurer or employer; or~~

~~(b) Ordered by an appeals officer or a hearing officer,~~

~~submit to a medical examination at a time and from time to time at a place reasonably convenient for the employee, and as may be provided by the regulations of the Division.~~

~~2. If the insurer has reasonable cause to believe that an injured employee who is receiving compensation for a permanent total disability is no longer disabled, the insurer may request the employee to submit to an annual medical examination to determine whether the disability still exists. The insurer shall pay the costs of the examination.~~

~~3. The request or order for an examination must fix a time and place therefor, with due regard for the nature of the medical examination, the convenience of the employee, the employee's physical condition and the employee's ability to attend at the time and place fixed.~~

~~4. The employee is entitled to have a [physician or chiropractor,] *health care provider*, provided and paid for by the employee, present at any such examination.~~

~~5. If the employee refuses to submit to an examination ordered or requested pursuant to subsection 1 or 2 or obstructs the examination, the right of the employee to compensation is suspended until the examination has taken place, and no compensation is payable during or for the period of suspension.~~

~~6. Any [physician or chiropractor] *health care provider* who makes or is present at any such examination may be required to testify as to the result thereof.~~

~~7. *As used in this section, "health care provider" has the meaning ascribed to it in section 2 of this act.]~~ (Deleted by amendment.)

Sec. 13. ~~[NRS 616C.145 is hereby amended to read as follows:~~

~~616C.145 1. An injured employee may obtain an independent medical examination:~~

~~(a) Except as otherwise provided in subsections 2 and 3, whenever a dispute arises from a determination issued by the insurer regarding the approval of care, the direction of a treatment plan or the scope of the claim;~~

~~(b) Within 30 days after an injured employee receives any report generated pursuant to a medical examination requested by the insurer pursuant to NRS 616C.140; or~~

~~(c) At any time by leave of a hearing officer or appeals officer after the denial of any therapy or treatment.~~

~~2. An injured employee is entitled to an independent medical examination pursuant to paragraph (a) of subsection 1 only:~~

~~(a) For a claim for compensation that is open;~~

~~(b) When the closure of a claim for compensation is under dispute pursuant to NRS 616C.235; or~~

~~(c) When a hearing or appeal is pending pursuant to NRS 616C.330 or 616C.360.~~

~~3. An injured employee is entitled to only one independent medical examination per calendar year pursuant to paragraph (a) of subsection 1.~~

~~4. Except as otherwise provided in subsection 5, an independent medical examination must not involve treatment and must be conducted by a physician or chiropractor selected by the injured employee from the panel of [physicians and chiropractors] *health care providers* established pursuant to subsection 1 of NRS 616C.090. *As used in this subsection, "health care provider" has the meaning ascribed to it in section 2 of this act.*~~

~~5. If the dispute concerns the rating of a permanent disability, an independent medical examination may be conducted by a rating physician or chiropractor. The injured employee must select the next rating physician or chiropractor in rotation from the list of qualified physicians and chiropractors maintained by the Administrator pursuant to subsection 2 of NRS 616C.490, unless the insurer and the injured employee otherwise agree to a rating physician or chiropractor.~~

~~6. The insurer shall:~~

~~(a) Pay the costs of any independent medical examination conducted pursuant to this section in accordance with NRS 616C.260; and~~

~~(b) Upon request, receive a copy of any report or other document that is generated as a result of the independent medical examination.~~

~~7. The provisions of this section do not apply to an independent medical examination ordered by a hearing officer pursuant to subsection 3 of NRS 616C.330 or by an appeals officer pursuant to subsection 3 of NRS 616C.360.]~~ (Deleted by amendment.)

Sec. 14. ~~[NRS 616C.160 is hereby amended to read as follows:~~

~~616C.160~~ ~~1.~~ If, after a claim for compensation is filed pursuant to NRS 616C.020:

~~[1.]~~ ~~(a)~~ The injured employee seeks treatment from a ~~[physician or chiropractor]~~ ~~*health care provider*~~ for a newly developed injury or disease; and

~~[2.]~~ ~~(b)~~ The employee's medical records for the injury reported do not include a reference to the injury or disease for which treatment is being sought, or there is no documentation indicating that there was possible exposure to an injury described in paragraph (b), (c) or (d) of subsection 2 of NRS 616A.265,

~~,~~ the injury or disease for which treatment is being sought must not be considered part of the employee's original claim for compensation unless the ~~[physician or chiropractor]~~ ~~*health care provider*~~ establishes by medical evidence a causal relationship between the injury or disease for which treatment is being sought and the original accident.

~~2. As used in this section, "health care provider" has the meaning ascribed to it in section 2 of this act.]~~ (Deleted by amendment.)

Sec. 15. ~~[NRS 616C.230 is hereby amended to read as follows:~~

~~616C.230 1. Compensation is not payable pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS for an injury:~~

~~(a) Caused by the employee's willful intention to injure himself or herself.~~

~~(b) Caused by the employee's willful intention to injure another.~~

~~(c) That occurred while the employee was in a state of intoxication, unless the employee can prove by clear and convincing evidence that his or her state of intoxication was not the proximate cause of the injury. For the purposes of this paragraph, an employee is in a state of intoxication if the level of alcohol in the bloodstream of the employee meets or exceeds the limits set forth in subsection 1 of NRS 484C.110.~~

~~(d) That occurred while the employee was under the influence of a controlled or prohibited substance, unless the employee can prove by clear and convincing evidence that his or her being under the influence of a controlled or prohibited substance was not the proximate cause of the injury. For the purposes of this paragraph, an employee is under the influence of a controlled or prohibited substance if the employee had an amount of a controlled or prohibited substance in his or her system at the time of his or her injury that was equal to or greater than the limits set forth in subsection 3 or 4 of~~

~~NRS 484C.110 and for which the employee did not have a current and lawful prescription issued in the employee's name.~~

~~2. For the purposes of paragraphs (c) and (d) of subsection 1:~~

~~(a) The affidavit or declaration of an expert or other person described in NRS 50.310, 50.315 or 50.320 is admissible to prove the existence of an impermissible quantity of alcohol or the existence, quantity or identity of an impermissible controlled or prohibited substance in an employee's system. If the affidavit or declaration is to be so used, it must be submitted in the manner prescribed in NRS 616C.355.~~

~~(b) When an examination requested or ordered includes testing for the use of alcohol or a controlled or prohibited substance, the laboratory that conducts the testing must be licensed pursuant to the provisions of chapter 652 of NRS.~~

~~(c) The results of any testing for the use of alcohol or a controlled or prohibited substance, irrespective of the purpose for performing the test, must be made available to an insurer or employer upon request, to the extent that doing so does not conflict with federal law.~~

~~3. No compensation is payable for the death, disability or treatment of an employee if the employee's death is caused by, or insofar as the employee's disability is aggravated, caused or continued by, an unreasonable refusal or neglect to submit to or to follow any competent and reasonable surgical treatment or medical aid.~~

~~4. If any employee persists in an unsanitary or injurious practice that imperils or retards his or her recovery, or refuses to submit to such medical or surgical treatment as is necessary to promote his or her recovery, the employee's compensation may be reduced or suspended.~~

~~5. An injured employee's compensation, other than accident benefits, must be suspended if:~~

~~(a) A [physician or chiropractor] *health care provider* determines that the employee is unable to undergo treatment, testing or examination for the industrial injury solely because of a condition or injury that did not arise out of and in the course of employment; and~~

~~(b) It is within the ability of the employee to correct the nonindustrial condition or injury.~~

~~→ The compensation must be suspended until the injured employee is able to resume treatment, testing or examination for the industrial injury. The insurer may elect to pay for the treatment of the nonindustrial condition or injury.~~

~~6. As used in this section [, "prohibited] :~~

~~*(a) "Health care provider" has the meaning ascribed to it in section 2 of this act.*~~

~~*(b) "Prohibited* substance" has the meaning ascribed to it in NRS 484C.080.~~] (Deleted by amendment.)

Sec. 16. NRS 616C.260 is hereby amended to read as follows:

616C.260 1. All fees and charges for accident benefits must not:

(a) Exceed the amounts usually billed and paid in the State for similar treatment.

(b) Be unfairly discriminatory as between persons legally qualified to provide the particular service for which the fees or charges are asked.

2. The Administrator shall, giving consideration to the fees and charges being billed and paid in the State, establish a schedule of reasonable fees and charges allowable for accident benefits provided to injured employees whose insurers have not contracted with an organization for managed care or with providers of health care ~~[services]~~ pursuant to NRS 616B.527. The Administrator shall review and revise the schedule on or before February 1 of each year. In the revision, the Administrator shall adjust the schedule by the corresponding annual change in the Consumer Price Index, Medical Care Component.

3. The Administrator shall designate a vendor who compiles data on a national basis concerning fees and charges that are billed and paid for treatment or services similar to the treatment and services that qualify as accident benefits in this State to provide the Administrator with such information as the Administrator deems necessary to carry out the provisions of subsection 2. The designation must be made pursuant to reasonable competitive bidding procedures established by the Administrator. In addition, the Administrator may request a health insurer, health maintenance organization or provider of accident benefits, an agent or employee of such a person, or an agency of the State to provide the Administrator with information concerning fees and charges that are billed and paid in this State for similar services as the Administrator deems necessary to carry out the provisions of subsection 2. The Administrator shall require a health insurer, health maintenance organization or provider of accident benefits, an agent or employee of such a person, or an agency of the State that provides records or reports of fees and charges billed and paid pursuant to this section to provide interpretation and identification concerning the information delivered. The Administrator may impose an administrative fine of $500 on a health insurer, health maintenance organization or provider of accident benefits, or an agent or employee of such a person for each refusal to provide the information requested pursuant to this subsection.

4. The Division may adopt reasonable regulations necessary to carry out the provisions of this section. The regulations must include provisions concerning:

(a) Standards for the development of the schedule of fees and charges that are billed and paid; and

(b) The monitoring of compliance by providers of benefits with the schedule of fees and charges.

5. The Division shall adopt regulations requiring the use of a system of billing codes as recommended by the American Medical Association.

Sec. 17. ~~[NRS 616C.270 is hereby amended to read as follows:~~

~~616C.270 1. Every employer who has elected to provide accident benefits for his or her injured employees shall prepare and submit a written report to the Administrator:~~

~~(a) Within 6 days after any accident if an injured employee is examined *by a physician or chiropractor* or treated by a [physician or chiropractor;] *health care provider*; and~~

~~(b) If the injured employee receives additional medical services.~~

~~2. The Administrator shall review each report to determine whether the employer is furnishing the accident benefits required by chapters 616A to 616D, inclusive, of NRS.~~

~~3. The content and form of the written reports must be prescribed by the Administrator.~~

~~*4. As used in this section, "health care provider" has the meaning ascribed to it in section 2 of this act.]~~ (Deleted by amendment.)

Sec. 18. ~~[NRS 616C.275 is hereby amended to read as follows:~~

~~616C.275 1. If the Administrator finds that the employer is furnishing the requirements of accident benefits in such a manner that there are reasonable grounds for believing that the health, life or recovery of the employee is being endangered or impaired thereby, or that an employer has failed to provide benefits pursuant to NRS 616C.265 for which he or she has made arrangements, the Administrator may, upon application of the employee, or upon the Administrator's own motion, order a change of [physicians or chiropractors] *health care providers* or of any other requirements of accident benefits.~~

~~2. If the Administrator orders a change of [physicians or chiropractors] *health care providers* or of any other accident benefits, the cost of the change must be borne by the insurer.~~

~~3. The cause of action of an injured employee against an employer insured by a private carrier must be assigned to the private carrier.~~

~~*4. As used in this section, "health care provider" has the meaning ascribed to it in section 2 of this act.]~~ (Deleted by amendment.)

Sec. 19. ~~[NRS 616C.280 is hereby amended to read as follows:~~

~~616C.280 *1.* The Administrator may withdraw his or her approval of an employer's providing accident benefits for his or her employees and require the employer to pay the premium collected pursuant to NRS 616C.255 if the employer intentionally:~~

~~[1.] *(a)* Determines incorrectly that a claimed injury did not arise out of and in the course of the employee's employment;~~

~~[2.] *(b)* Fails to advise an injured employee of the employee's rights under chapters 616A to 616D, inclusive, or chapter 617 of NRS;~~

~~[3.] *(c)* Impedes the determination of disability or benefits by delaying a needed change of an injured employee's [physician or chiropractor;~~

~~4.] *health care provider;*~~

~~*(d)* Causes an injured employee to file a legal action to recover any compensation or other medical benefits due the employee from the employer;~~

~~[5.] *(e)* Violates any of the Administrator's or the Division's regulations regarding the provision of accident benefits by employers; or~~

~~[6.] *(f)* Discriminates against an employee who claims benefits under chapters 616A to 616D, inclusive, or chapter 617 of NRS.~~

~~2. *As used in this section, "health care provider" has the meaning ascribed to it in section 2 of this act.]~~ (Deleted by amendment.)

Sec. 20. ~~[NRS 616C.330 is hereby amended to read as follows:~~

~~616C.330 1. The hearing officer shall:~~

~~(a) Except as otherwise provided in subsection 2 of NRS 616C.315, within 5 days after receiving a request for a hearing, set the hearing for a date and time within 30 days after his or her receipt of the request at a place in Carson City, Nevada, or Las Vegas, Nevada, or upon agreement of one or more of the parties to pay all additional costs directly related to an alternative location, at any other place of convenience to the parties, at the discretion of the hearing officer;~~

~~(b) Give notice by mail or by personal service to all interested parties to the hearing at least 15 days before the date and time scheduled; and~~

~~(c) Conduct hearings expeditiously and informally.~~

~~2. The notice must include a statement that the injured employee may be represented by a private attorney or seek assistance and advice from the Nevada Attorney for Injured Workers.~~

~~3. If necessary to resolve a medical question concerning an injured employee's condition or to determine the necessity of treatment for which authorization for payment has been denied, the hearing officer may order an independent medical examination, which must not involve treatment, and refer the employee to a physician or chiropractor of his or her choice who has demonstrated special competence to treat the particular medical condition of the employee, whether or not the physician or chiropractor is on the insurer's panel of providers of health care. If the medical question concerns the rating of a permanent disability, the hearing officer may refer the employee to a rating physician or chiropractor. The rating physician or chiropractor must be selected in rotation from the list of qualified physicians and chiropractors maintained by the Administrator pursuant to subsection 2 of NRS 616C.490, unless the insurer and injured employee otherwise agree to a rating physician or chiropractor. The insurer shall pay the costs of any medical examination requested by the hearing officer.~~

~~4. The hearing officer may consider the opinion of an examining physician or chiropractor, in addition to the opinion of an authorized treating [physician or chiropractor,] *health care provider*, in determining the compensation payable to the injured employee. *As used in this subsection, "health care provider" has the meaning ascribed to it in section 2 of this act.*~~

~~5. If an injured employee has requested payment for the cost of obtaining a second determination of his or her percentage of disability pursuant to NRS 616C.100, the hearing officer shall decide whether the determination of the higher percentage of disability made pursuant to NRS 616C.100 is appropriate and, if so, may order the insurer to pay to the employee an amount equal to the maximum allowable fee established by the Administrator pursuant~~

~~to NRS 616C.260 for the type of service performed, or the usual fee of that physician or chiropractor for such service, whichever is less.~~

~~— 6. The hearing officer shall order an insurer, organization for managed care or employer who provides accident benefits for injured employees pursuant to NRS 616C.265 to pay to the appropriate person the charges of a provider of health care if the conditions of NRS 616C.138 are satisfied.~~

~~— 7. The hearing officer may allow or forbid the presence of a court reporter and the use of a tape recorder in a hearing.~~

~~— 8. The hearing officer shall render his or her decision within 15 days after:~~

~~— (a) The hearing; or~~

~~— (b) The hearing officer receives a copy of the report from the medical examination the hearing officer requested.~~

~~— 9. The hearing officer shall render a decision in the most efficient format developed by the Chief of the Hearings Division of the Department of Administration.~~

~~— 10. The hearing officer shall give notice of the decision to each party by mail. The hearing officer shall include with the notice of the decision the necessary forms for appealing from the decision.~~

~~— 11. Except as otherwise provided in NRS 616C.380, the decision of the hearing officer is not stayed if an appeal from that decision is taken unless an application for a stay is submitted by a party. If such an application is submitted, the decision is automatically stayed until a determination is made on the application. A determination on the application must be made within 30 days after the filing of the application. If, after reviewing the application, a stay is not granted by the hearing officer or an appeals officer, the decision must be complied with within 10 days after the refusal to grant a stay.]~~ (Deleted by amendment.)

Sec. 21. ~~[NRS 616C.350 is hereby amended to read as follows:~~

~~— 616C.350 — 1. Any [physician or chiropractor]~~ *health care provider* ~~who attends an employee within the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS in a professional capacity, may be required to testify before an appeals officer. A [physician or chiropractor]~~ *health care provider* ~~who testifies is entitled to receive the same fees as witnesses in civil cases and, if the appeals officer so orders at his or her own discretion, a fee equal to that authorized for a consultation by the appropriate schedule of fees for [physicians or chiropractors.]~~ *health care providers who practice in that discipline or specialization.* ~~These fees must be paid by the insurer.~~

~~— 2. Information gained by the attending [physician or chiropractor]~~ *health care provider* ~~while in attendance on the injured employee is not a privileged communication if:~~

~~— (a) Required by an appeals officer for a proper understanding of the case and a determination of the rights involved; or~~

~~— (b) The information is related to any fraud that has been or is alleged to have been committed in violation of the provisions of this chapter or chapter 616A, 616B, 616D or 617 of NRS.~~

~~3. As used in this section, "health care provider" has the meaning ascribed to it in section 2 of this act.]~~ (Deleted by amendment.)

Sec. 22. ~~[NRS 616C.360 is hereby amended to read as follows:~~

~~616C.360 1. A stenographic or electronic record must be kept of the hearing before the appeals officer and the rules of evidence applicable to contested cases under chapter 233B of NRS apply to the hearing.~~

~~2. The appeals officer must hear any matter raised before him or her on its merits, including new evidence bearing on the matter.~~

~~3. If there is a medical question or dispute concerning an injured employee's condition or concerning the necessity of treatment for which authorization for payment has been denied, the appeals officer may:~~

~~(a) Order an independent medical examination and refer the employee to a physician or chiropractor of his or her choice who has demonstrated special competence to treat the particular medical condition of the employee, whether or not the physician or chiropractor is on the insurer's panel of providers of health care. If the medical question concerns the rating of a permanent disability, the appeals officer may refer the employee to a rating physician or chiropractor. The rating physician or chiropractor must be selected in rotation from the list of qualified physicians or chiropractors maintained by the Administrator pursuant to subsection 2 of NRS 616C.490, unless the insurer and the injured employee otherwise agree to a rating physician or chiropractor. The insurer shall pay the costs of any examination requested by the appeals officer.~~

~~(b) If the medical question or dispute is relevant to an issue involved in the matter before the appeals officer and all parties agree to the submission of the matter to an independent review organization, submit the matter to an independent review organization in accordance with NRS 616C.363 and any regulations adopted by the Commissioner.~~

~~4. The appeals officer may consider the opinion of an examining physician or chiropractor, in addition to the opinion of an authorized treating [physician or chiropractor,]~~ *health care provider*, ~~in determining the compensation payable to the injured employee.~~ *As used in this subsection, "health care provider" has the meaning ascribed to it in section 2 of this act.*

~~5. If an injured employee has requested payment for the cost of obtaining a second determination of his or her percentage of disability pursuant to NRS 616C.100, the appeals officer shall decide whether the determination of the higher percentage of disability made pursuant to NRS 616C.100 is appropriate and, if so, may order the insurer to pay to the employee an amount equal to the maximum allowable fee established by the Administrator pursuant to NRS 616C.260 for the type of service performed, or the usual fee of that physician or chiropractor for such service, whichever is less.~~

~~6. The appeals officer shall order an insurer, organization for managed care or employer who provides accident benefits for injured employees pursuant to NRS 616C.265 to pay to the appropriate person the charges of a provider of health care if the conditions of NRS 616C.138 are satisfied.~~

~~7. Any party to the appeal or contested case or the appeals officer may order a transcript of the record of the hearing at any time before the seventh day after the hearing. The transcript must be filed within 30 days after the date of the order unless the appeals officer otherwise orders.~~

~~8. Except as otherwise provided in subsection 9, the appeals officer shall render a decision:~~

~~(a) If a transcript is ordered within 7 days after the hearing, within 30 days after the transcript is filed; or~~

~~(b) If a transcript has not been ordered, within 30 days after the date of the hearing.~~

~~9. The appeals officer shall render a decision on a contested claim submitted pursuant to subsection 2 of NRS 616C.345 within 15 days after:~~

~~(a) The date of the hearing; or~~

~~(b) If the appeals officer orders an independent medical examination, the date the appeals officer receives the report of the examination,~~

~~↵ unless both parties to the contested claim agree to a later date.~~

~~10. The appeals officer may affirm, modify or reverse any decision made by a hearing officer and issue any necessary and proper order to give effect to his or her decision.]~~ (Deleted by amendment.)

Sec. 23. ~~[NRS 616C.363 is hereby amended to read as follows:~~

~~616C.363 1. Not later than 5 business days after the date that an independent review organization receives a request for an external review, the independent review organization shall:~~

~~(a) Review the documents and materials submitted for the external review; and~~

~~(b) Notify the injured employee, his or her employer and the insurer whether the independent review organization needs any additional information to conduct the external review.~~

~~2. The independent review organization shall render a decision on the matter not later than 15 business days after the date that it receives all information that is necessary to conduct the external review.~~

~~3. In conducting the external review, the independent review organization shall consider, without limitation:~~

~~(a) The medical records of the insured;~~

~~(b) Any recommendations of the [physician] *health care provider, as defined in section 2 of this act*, of the insured; and~~

~~(c) Any other information approved by the Commissioner for consideration by an independent review organization.~~

~~4. In its decision, the independent review organization shall specify the reasons for its decision. The independent review organization shall submit a copy of its decision to:~~

~~(a) The injured employee;~~

~~(b) The employer;~~

~~(c) The insurer; and~~

~~(d) The appeals officer, if any.~~

~~5. The insurer shall pay the costs of the services provided by the independent review organization.~~

~~6. The Commissioner may adopt regulations to govern the process of external review and to carry out the provisions of this section. Any regulations adopted pursuant to this section must provide that:~~

~~(a) All parties must agree to the submission of a matter to an independent review organization before a request for external review may be submitted;~~

~~(b) A party may not be ordered to submit a matter to an independent review organization; and~~

~~(c) The findings and decisions of an independent review organization are not binding.]~~ (Deleted by amendment.)

Sec. 24. ~~[NRS 616C.390 is hereby amended to read as follows:~~

~~616C.390 Except as otherwise provided in NRS 616C.392:~~

~~1. If an application to reopen a claim to increase or rearrange compensation is made in writing more than 1 year after the date on which the claim was closed, the insurer shall reopen the claim if:~~

~~(a) A change of circumstances warrants an increase or rearrangement of compensation during the life of the claimant;~~

~~(b) The primary cause of the change of circumstances is the injury for which the claim was originally made; and~~

~~(c) The application is accompanied by the certificate of a [physician or a chiropractor]~~ *health care provider* ~~showing a change of circumstances which would warrant an increase or rearrangement of compensation.~~

~~2. After a claim has been closed, the insurer, upon receiving an application and for good cause shown, may authorize the reopening of the claim for medical investigation only. The application must be accompanied by a written request for treatment from the [physician or chiropractor]~~ *health care provider* ~~treating the claimant, certifying that the treatment is indicated by a change in circumstances and is related to the industrial injury sustained by the claimant.~~

~~3. If a claimant applies for a claim to be reopened pursuant to subsection 1 or 2 and a final determination denying the reopening is issued, the claimant shall not reapply to reopen the claim until at least 1 year after the date on which the final determination is issued.~~

~~4. Except as otherwise provided in subsection 5, if an application to reopen a claim is made in writing within 1 year after the date on which the claim was closed, the insurer shall reopen the claim only if:~~

~~(a) The application is supported by medical evidence demonstrating an objective change in the medical condition of the claimant; and~~

~~(b) There is clear and convincing evidence that the primary cause of the change of circumstances is the injury for which the claim was originally made.~~

~~5. An application to reopen a claim must be made in writing within 1 year after the date on which the claim was closed if:~~

~~(a) The claimant did not meet the minimum duration of incapacity as set forth in NRS 616C.400 as a result of the injury; and~~

~~(b) The claimant did not receive benefits for a permanent partial disability.~~

~~→ If an application to reopen a claim to increase or rearrange compensation is made pursuant to this subsection, the insurer shall reopen the claim if the requirements set forth in paragraphs (a), (b) and (c) of subsection 1 are met.~~

~~6. If an employee's claim is reopened pursuant to this section, the employee is not entitled to vocational rehabilitation services or benefits for a temporary total disability if, before the claim was reopened, the employee:~~

~~(a) Retired; or~~

~~(b) Otherwise voluntarily removed himself or herself from the workforce,~~

~~→ for reasons unrelated to the injury for which the claim was originally made.~~

~~7. One year after the date on which the claim was closed, an insurer may dispose of the file of a claim authorized to be reopened pursuant to subsection 5, unless an application to reopen the claim has been filed pursuant to that subsection.~~

~~8. An increase or rearrangement of compensation is not effective before an application for reopening a claim is made unless good cause is shown. The insurer shall, upon good cause shown, allow the cost of emergency treatment the necessity for which has been certified by a [physician or a chiropractor.]~~ ~~*health care provider*~~~~.~~

~~9. A claim that closes pursuant to subsection 2 of NRS 616C.235 and is not appealed or is unsuccessfully appealed pursuant to the provisions of NRS 616C.305 and 616C.315 to 616C.385, inclusive, may not be reopened pursuant to this section.~~

~~10. The provisions of this section apply to any claim for which an application to reopen the claim or to increase or rearrange compensation is made pursuant to this section, regardless of the date of the injury or accident to the claimant. If a claim is reopened pursuant to this section, the amount of any compensation or benefits provided must be determined in accordance with the provisions of NRS 616C.425.~~

~~11. As used in this section:~~

~~(a) "Governmental program" means any program or plan under which a person receives payments from a public form of retirement. Such payments from a public form of retirement include, without limitation:~~

~~(1) Social security received as a result of the Social Security Act, as defined in NRS 287.120;~~

~~(2) Payments from the Public Employees' Retirement System, as established by NRS 286.110;~~

~~(3) Payments from the Retirees' Fund, as defined in NRS 287.04064;~~

~~(4) A disability retirement allowance, as defined in NRS 1A.040 and 286.031;~~

~~(5) A retirement allowance, as defined in NRS 218C.080; and~~

~~(6) A service retirement allowance, as defined in NRS 1A.080 and 286.080.~~

~~(b)~~ ~~*"Health care provider" has the meaning ascribed to it in section 2 of this act*~~~~.~~

~~*(c)* "Retired" means a person who, on the date he or she filed for reopening a claim pursuant to this section:~~

~~(1) Is not employed or earning wages; and~~

~~(2) Receives benefits or payments for retirement from a:~~

~~(I) Pension or retirement plan;~~

~~(II) Governmental program; or~~

~~(III) Plan authorized by 26 U.S.C. § 401(a), 401(k), 403(b), 457 or 3121.~~

~~[(c)] *(d)* "Wages" means any remuneration paid by an employer to an employee for the personal services of the employee, including, without limitation:~~

~~(1) Commissions and bonuses; and~~

~~(2) Remuneration payable in any medium other than cash.]~~ (Deleted by amendment.)

Sec. 25. NRS 616C.475 is hereby amended to read as follows:

616C.475 1. Except as otherwise provided in this section, NRS 616C.175 and 616C.390, every employee in the employ of an employer, within the provisions of chapters 616A to 616D, inclusive, of NRS, who is injured by accident arising out of and in the course of employment, or his or her dependents, is entitled to receive for the period of temporary total disability, 66 2/3 percent of the average monthly wage.

2. Except as otherwise provided in NRS 616B.028 and 616B.029, an injured employee or his or her dependents are not entitled to accrue or be paid any benefits for a temporary total disability during the time the injured employee is incarcerated. The injured employee or his or her dependents are entitled to receive such benefits when the injured employee is released from incarceration if the injured employee is certified as temporarily totally disabled by a physician or chiropractor.

3. If a claim for the period of temporary total disability is allowed, the first payment pursuant to this section must be issued by the insurer within 14 working days after receipt of the initial certification of disability and regularly thereafter.

4. Any increase in compensation and benefits effected by the amendment of subsection 1 is not retroactive.

5. Payments for a temporary total disability must cease when:

(a) A physician or chiropractor determines that the employee is physically capable of any gainful employment for which the employee is suited, after giving consideration to the employee's education, training and experience;

(b) The employer offers the employee light-duty employment or employment that is modified according to the limitations or restrictions imposed by a physician or chiropractor ~~*[, or the employee's treating health care provider,]*~~ pursuant to subsection 7; or

(c) Except as otherwise provided in NRS 616B.028 and 616B.029, the employee is incarcerated.

6. Each insurer may, with each check that it issues to an injured employee for a temporary total disability, include a form approved by the Division for the injured employee to request continued compensation for the temporary total disability.

7. A certification of disability issued by a physician or chiropractor ~~*[for the employee's treating health care provider]*~~ must:

(a) Include the period of disability and a description of any physical limitations or restrictions imposed upon the work of the employee;

(b) Specify whether the limitations or restrictions are permanent or temporary; and

(c) Be signed by the treating physician or chiropractor ~~*[, or the employee's treating health care provider]*~~ authorized pursuant to NRS 616B.527 or appropriately chosen pursuant to subsection ~~[3 or]~~ 4 *or 5* of NRS 616C.090.

8. If the certification of disability specifies that the physical limitations or restrictions are temporary, the employer of the employee at the time of the employee's accident may offer temporary, light-duty employment to the employee. If the employer makes such an offer, the employer shall confirm the offer in writing within 10 days after making the offer. The making, acceptance or rejection of an offer of temporary, light-duty employment pursuant to this subsection does not affect the eligibility of the employee to receive vocational rehabilitation services, including compensation, and does not exempt the employer from complying with NRS 616C.545 to 616C.575, inclusive, and 616C.590 or the regulations adopted by the Division governing vocational rehabilitation services. Any offer of temporary, light-duty employment made by the employer must specify a position that:

(a) Is substantially similar to the employee's position at the time of his or her injury in relation to the location of the employment and the hours the employee is required to work;

(b) Provides a gross wage that is:

(1) If the position is in the same classification of employment, equal to the gross wage the employee was earning at the time of his or her injury; or

(2) If the position is not in the same classification of employment, substantially similar to the gross wage the employee was earning at the time of his or her injury; and

(c) Has the same employment benefits as the position of the employee at the time of his or her injury.

~~*[9. As used in this section, "health care provider" has the meaning ascribed to it in section 2 of this act.]*~~

Sec. 26. NRS 616C.490 is hereby amended to read as follows:

616C.490 1. Except as otherwise provided in NRS 616C.175, every employee, in the employ of an employer within the provisions of chapters 616A to 616D, inclusive, of NRS, who is injured by an accident arising out of and in the course of employment is entitled to receive the compensation provided for permanent partial disability. As used in this

section, "disability" and "impairment of the whole person" are equivalent terms.

2. *Except as otherwise provided in subsection 3:*

(a) Within 30 days after receiving from a physician or chiropractor a report indicating that the injured employee may have suffered a permanent disability and is stable and ratable, the insurer shall schedule an appointment with the rating physician or chiropractor selected pursuant to this subsection to determine the extent of the employee's disability.

(b) Unless the insurer and the injured employee otherwise agree to a rating physician or chiropractor:

~~[(a)]~~ *(1)* The insurer shall select the rating physician or chiropractor from the list of qualified rating physicians and chiropractors designated by the Administrator, to determine the percentage of disability in accordance with the American Medical Association's Guides to the Evaluation of Permanent Impairment as adopted and supplemented by the Division pursuant to NRS 616C.110.

~~[(b)]~~ *(2)* Rating physicians and chiropractors must be selected in rotation from the list of qualified physicians and chiropractors designated by the Administrator, according to their area of specialization and the order in which their names appear on the list unless the next physician or chiropractor is currently an employee of the insurer making the selection, in which case the insurer must select the physician or chiropractor who is next on the list and who is not currently an employee of the insurer.

3. *Notwithstanding any other provision of law, an injured employee or the legal representative of an injured employee may, at any time, without limitation, request that the Administrator select a rating physician or chiropractor from the list of qualified physicians and chiropractors designated by the Administrator. The Administrator, upon receipt of the request, shall immediately select for the injured employee the rating physician or chiropractor who is next in rotation on the list, according to the area of specialization.*

4. If an insurer contacts ~~[the]~~ *a* treating physician or chiropractor to determine whether an injured employee has suffered a permanent disability, the insurer shall deliver to the treating physician or chiropractor that portion or a summary of that portion of the American Medical Association's Guides to the Evaluation of Permanent Impairment as adopted by the Division pursuant to NRS 616C.110 that is relevant to the type of injury incurred by the employee.

~~[4.]~~ *5.* At the request of the insurer, the injured employee shall, before an evaluation by a rating physician or chiropractor is performed, notify the insurer of:

(a) Any previous evaluations performed to determine the extent of any of the employee's disabilities; and

(b) Any previous injury, disease or condition sustained by the employee which is relevant to the evaluation performed pursuant to this section.

➥ The notice must be on a form approved by the Administrator and provided to the injured employee by the insurer at the time of the insurer's request.

~~[5.]~~ *6.* Unless the regulations adopted pursuant to NRS 616C.110 provide otherwise, a rating evaluation must include an evaluation of the loss of motion, sensation and strength of an injured employee if the injury is of a type that might have caused such a loss. Except in the case of claims accepted pursuant to NRS 616C.180, no factors other than the degree of physical impairment of the whole person may be considered in calculating the entitlement to compensation for a permanent partial disability.

~~[6.]~~ *7.* The rating physician or chiropractor shall provide the insurer with his or her evaluation of the injured employee. After receiving the evaluation, the insurer shall, within 14 days, provide the employee with a copy of the evaluation and notify the employee:

(a) Of the compensation to which the employee is entitled pursuant to this section; or

(b) That the employee is not entitled to benefits for permanent partial disability.

~~[7.]~~ *8.* Each 1 percent of impairment of the whole person must be compensated by a monthly payment:

(a) Of 0.5 percent of the claimant's average monthly wage for injuries sustained before July 1, 1981;

(b) Of 0.6 percent of the claimant's average monthly wage for injuries sustained on or after July 1, 1981, and before June 18, 1993;

(c) Of 0.54 percent of the claimant's average monthly wage for injuries sustained on or after June 18, 1993, and before January 1, 2000; and

(d) Of 0.6 percent of the claimant's average monthly wage for injuries sustained on or after January 1, 2000.

➥ Compensation must commence on the date of the injury or the day following the termination of temporary disability compensation, if any, whichever is later, and must continue on a monthly basis for 5 years or until the claimant is 70 years of age, whichever is later.

~~[8.]~~ *9.* Compensation benefits may be paid annually to claimants who will be receiving less than $100 a month.

~~[9.]~~ *10.* Except as otherwise provided in subsection ~~[10,]~~ *11,* if there is a previous disability, as the loss of one eye, one hand, one foot, or any other previous permanent disability, the percentage of disability for a subsequent injury must be determined by computing the percentage of the entire disability and deducting therefrom the percentage of the previous disability as it existed at the time of the subsequent injury.

~~[10.]~~ *11.* If a rating evaluation was completed for a previous disability involving a condition, organ or anatomical structure that is identical to the condition, organ or anatomical structure being evaluated for the present disability, the percentage of disability for a subsequent injury must be determined by deducting the percentage of the previous disability from the percentage of the present disability, regardless of the edition of the American

Medical Association's Guides to the Evaluation of Permanent Impairment as adopted by the Division pursuant to NRS 616C.110 used to determine the percentage of the previous disability. The compensation awarded for a permanent disability on a subsequent injury must be reduced only by the awarded or agreed upon percentage of disability actually received by the injured employee for the previous injury regardless of the percentage of the previous disability.

~~[11.]~~ *12.* The Division may adopt schedules for rating permanent disabilities resulting from injuries sustained before July 1, 1973, and reasonable regulations to carry out the provisions of this section.

~~[12.]~~ *13.* The increase in compensation and benefits effected by the amendment of this section is not retroactive for accidents which occurred before July 1, 1973.

~~[13.]~~ *14.* This section does not entitle any person to double payments for the death of an employee and a continuation of payments for a permanent partial disability, or to a greater sum in the aggregate than if the injury had been fatal.

Sec. 27. NRS 616C.495 is hereby amended to read as follows:

616C.495 1. Except as otherwise provided in NRS 616C.380, an award for a permanent partial disability may be paid in a lump sum under the following conditions:

(a) A claimant injured on or after July 1, 1973, and before July 1, 1981, who incurs a disability that does not exceed 12 percent may elect to receive his or her compensation in a lump sum. A claimant injured on or after July 1, 1981, and before July 1, 1995, who incurs a disability that does not exceed 30 percent may elect to receive his or her compensation in a lump sum.

(b) The spouse, or in the absence of a spouse, any dependent child of a deceased claimant injured on or after July 1, 1973, who is not entitled to compensation in accordance with NRS 616C.505, is entitled to a lump sum equal to the present value of the deceased claimant's undisbursed award for a permanent partial disability.

(c) Any claimant injured on or after July 1, 1981, and before July 1, 1995, who incurs a disability that exceeds 30 percent may elect to receive his or her compensation in a lump sum equal to the present value of an award for a disability of 30 percent. If the claimant elects to receive compensation pursuant to this paragraph, the insurer shall pay in installments to the claimant that portion of the claimant's disability in excess of 30 percent.

(d) Any claimant injured on or after July 1, 1995, and before January 1, 2016, who incurs a disability that:

(1) Does not exceed 25 percent may elect to receive his or her compensation in a lump sum.

(2) Exceeds 25 percent may:

(I) Elect to receive his or her compensation in a lump sum equal to the present value of an award for a disability of 25 percent. If the claimant elects to receive compensation pursuant to this sub-subparagraph, the insurer shall

pay in installments to the claimant that portion of the claimant's disability in excess of 25 percent.

(II) To the extent that the insurer has offered to provide compensation in a lump sum up to the present value of an award for disability of 30 percent, elect to receive his or her compensation in a lump sum up to the present value of an award for a disability of 30 percent. If the claimant elects to receive compensation pursuant to this sub-subparagraph, the insurer shall pay in installments to the claimant that portion of the claimant's disability in excess of 30 percent.

(e) Any claimant injured on or after January 1, 2016, and before July 1, 2017, who incurs a disability that:

(1) Does not exceed 30 percent may elect to receive his or her compensation in a lump sum.

(2) Exceeds 30 percent may elect to receive his or her compensation in a lump sum equal to the present value of an award for a disability of 30 percent. If the claimant elects to receive compensation pursuant to this subparagraph, the insurer shall pay in installments to the claimant that portion of the claimant's disability in excess of 30 percent.

(f) Any claimant injured on or after July 1, 2017, who incurs a disability that exceeds 30 percent may elect to receive his or her compensation in a lump sum equal to the present value of an award for a disability of up to 30 percent. If the claimant elects to receive compensation pursuant to this paragraph, the insurer shall pay in installments to the claimant that portion of the claimant's disability in excess of 30 percent.

(g) If the permanent partial disability rating of a claimant seeking compensation pursuant to this section would, when combined with any previous permanent partial disability rating of the claimant that resulted in an award of benefits to the claimant, result in the claimant having a total permanent partial disability rating in excess of 100 percent, the claimant's disability rating upon which compensation is calculated must be reduced by such percentage as required to limit the total permanent partial disability rating of the claimant for all injuries to not more than 100 percent.

2. If the claimant elects to receive his or her payment for a permanent partial disability in a lump sum pursuant to subsection 1, all of the claimant's benefits for compensation terminate. The claimant's acceptance of that payment constitutes a final settlement of all factual and legal issues in the case. By so accepting the claimant waives all of his or her rights regarding the claim, including the right to appeal from the closure of the case or the percentage of his or her disability, except:

(a) The right of the claimant to:

(1) Reopen his or her claim in accordance with the provisions of NRS 616C.390; or

(2) Have his or her claim considered by his or her insurer pursuant to NRS 616C.392;

(b) Any counseling, training or other rehabilitative services provided by the insurer; and

(c) The right of the claimant to receive a benefit penalty in accordance with NRS 616D.120.

➥ The claimant, when he or she demands payment in a lump sum, must be provided with a written notice which prominently displays a statement describing the effects of accepting payment in a lump sum of an entire permanent partial disability award, any portion of such an award or any uncontested portion of such an award, and that the claimant has 20 days after the mailing or personal delivery of the notice within which to retract or reaffirm the demand, before payment may be made and the claimant's election becomes final.

3. Any lump-sum payment which has been paid on a claim incurred on or after July 1, 1973, must be supplemented if necessary to conform to the provisions of this section.

4. Except as otherwise provided in this subsection, the total lump-sum payment for disablement must not be less than one-half the product of the average monthly wage multiplied by the percentage of disability. If the claimant received compensation in installment payments for his or her permanent partial disability before electing to receive payment for that disability in a lump sum, the lump-sum payment must be calculated for the remaining payment of compensation.

5. The lump sum payable must be equal to the present value of the compensation awarded, less any advance payment or lump sum previously paid. The present value must be calculated using monthly payments in the amounts prescribed in subsection ~~[7]~~ *8* of NRS 616C.490 and actuarial annuity tables adopted by the Division. The tables must be reviewed annually by a consulting actuary and must be adjusted accordingly on July 1 of each year by the Division using:

(a) The most recent unisex "Static Mortality Tables for Defined Benefit Pension Plans" published by the Internal Revenue Service; and

(b) The average 30-Year Treasury Constant Maturity Rate for March of the current year as reported by the Board of Governors of the Federal Reserve System.

6. If a claimant would receive more money by electing to receive compensation in a lump sum than the claimant would if he or she receives installment payments, the claimant may elect to receive the lump-sum payment.

Sec. 28. ~~[NRS 616C.545 is hereby amended to read as follows:~~

~~— 616C.545 — *1.* — If an employee does not return to work for 28 consecutive calendar days as a result of an injury arising out of and in the course of his or her employment or an occupational disease, the insurer shall contact the treating [physician or chiropractor] *health care provider* to determine whether:~~

~~— [1.] *(a)* There are physical limitations on the injured employee's ability to work; and~~

~~[2.] *(b)* The limitations, if any, are permanent or temporary.~~

~~2. *As used in this section, "health care provider" has the meaning ascribed to it in section 2 of this act.]~~ (Deleted by amendment.)

Sec. 29. ~~[NRS 616C.550 is hereby amended to read as follows:~~

~~616C.550 1. If benefits for a temporary total disability will be paid to an injured employee for more than 90 days, the insurer or the injured employee may request a vocational rehabilitation counselor to prepare a written assessment of the injured employee's ability or potential to return to:~~

~~(a) The position the employee held at the time that he or she was injured; or~~

~~(b) Any other gainful employment.~~

~~2. Before completing the written assessment, the counselor shall:~~

~~(a) Contact the injured employee and:~~

~~(1) Identify the injured employee's educational background, work experience and career interests; and~~

~~(2) Determine whether the injured employee has any existing marketable skills.~~

~~(b) Contact the injured employee's treating [physician or chiropractor] *health care provider* and determine:~~

~~(1) Whether the employee has any temporary or permanent physical limitations;~~

~~(2) The estimated duration of the limitations;~~

~~(3) Whether there is a plan for continued medical treatment; and~~

~~(4) When the employee may return to the position that the employee held at the time of his or her injury or to any other position. The treating [physician or chiropractor] *health care provider* shall determine whether an employee may return to the position that the employee held at the time of his or her injury.~~

~~3. Except as otherwise provided in NRS 616C.542 and 616C.547, a vocational rehabilitation counselor shall prepare a written assessment not more than 30 days after receiving a request for a written assessment pursuant to subsection 1. The written assessment must contain a determination as to whether the employee is eligible for vocational rehabilitation services pursuant to NRS 616C.590. If the insurer, with the assistance of the counselor, determines that the employee is eligible for vocational rehabilitation services, a plan for a program of vocational rehabilitation must be completed pursuant to NRS 616C.555.~~

~~4. The Division may, by regulation, require a written assessment to include additional information.~~

~~5. If an insurer determines that a written assessment requested pursuant to subsection 1 is impractical because of the expected duration of the injured employee's total temporary disability, the insurer shall:~~

~~(a) Complete a written report which specifies the insurer's reasons for the decision; and~~

~~(b) Review the claim at least once every 60 days.~~

~~6. The insurer shall deliver a copy of the written assessment or the report completed pursuant to subsection 5 to the injured employee, his or her employer, the treating [physician or chiropractor] *health care provider* and the injured employee's attorney or representative, if applicable.~~

~~7. For the purposes of this section, "existing marketable skills" include, but are not limited to:~~

~~(a) Completion of:~~

~~(1) A program at a trade school;~~

~~(2) A program which resulted in an associate's degree; or~~

~~(3) A course of study for certification,~~

~~whether if the program or course of study provided the skills and training necessary for the injured employee to be gainfully employed on a reasonably continuous basis in an occupation that is reasonably available in this State.~~

~~(b) Completion of a 2-year or 4-year program at a college or university which resulted in a degree.~~

~~(c) Completion of any portion of a program for a graduate's degree at a college or university.~~

~~(d) Skills acquired in previous employment, including those acquired during an apprenticeship or a program for on-the-job training.~~

~~The skills set forth in paragraphs (a) to (d), inclusive, must have been acquired within the preceding 7 years and be compatible with the physical limitations of the injured employee to be considered existing marketable skills.~~

~~8. Each written assessment of an injured employee must be signed by a certified vocational rehabilitation counselor.~~

~~9. *As used in this section, "health care provider" has the meaning ascribed to it in section 2 of this act.]~~* (Deleted by amendment.)

Sec. 30. ~~[NRS 616C.555 is hereby amended to read as follows:~~

~~616C.555 1. A vocational rehabilitation counselor shall develop a plan for a program of vocational rehabilitation for each injured employee who is eligible for vocational rehabilitation services pursuant to NRS 616C.590. The counselor shall work with the insurer and the injured employee to develop a program that is compatible with the injured employee's age, sex and physical condition.~~

~~2. If the counselor determines in a written assessment requested pursuant to NRS 616C.550 that the injured employee has existing marketable skills, the plan must consist of job placement assistance only. When practicable, the goal of job placement assistance must be to aid the employee in finding a position which pays a gross wage that is equal to or greater than 80 percent of the gross wage that the employee was earning at the time of his or her injury. An injured employee must not receive job placement assistance for more than 6 months after the date on which the injured employee was notified that he or she is eligible only for job placement assistance because:~~

~~(a) The injured employee was physically capable of returning to work; or~~

~~(b) It was determined that the injured employee had existing marketable skills.~~

~~3. If the counselor determines in a written assessment requested pursuant to NRS 616C.550 that the injured employee does not have existing marketable skills, the plan must consist of a program which trains or educates the injured employee and provides job placement assistance. Except as otherwise provided in NRS 616C.560, such a program must not exceed:~~

~~(a) If the injured employee has incurred a permanent disability as a result of which permanent restrictions on the ability of the injured employee to work have been imposed but no permanent physical impairment rating has been issued, or a permanent disability with a permanent physical impairment of 1 percent or more but less than 6 percent, 9 months.~~

~~(b) If the injured employee has incurred a permanent physical impairment of 6 percent or more, but less than 11 percent, 1 year.~~

~~(c) If the injured employee has incurred a permanent physical impairment of 11 percent or more, 18 months.~~

~~The percentage of the injured employee's permanent physical impairment must be determined pursuant to NRS 616C.490.~~

~~4. A plan for a program of vocational rehabilitation must comply with the requirements set forth in NRS 616C.585.~~

~~5. A plan created pursuant to subsection 2 or 3 must assist the employee in finding a job or train or educate the employee and assist the employee in finding a job that is a part of an employer's regular business operations and from which the employee will gain skills that would generally be transferable to a job with another employer.~~

~~6. A program of vocational rehabilitation must not commence before the treating [physician or chiropractor,] *health care provider* or an examining physician or chiropractor determines that the injured employee is capable of safely participating in the program.~~

~~7. If, based upon the opinion of a treating *health care provider* or an examining physician or chiropractor, the counselor determines that an injured employee is not eligible for vocational rehabilitation services, the counselor shall provide a copy of the opinion to the injured employee, the injured employee's employer and the insurer.~~

~~8. A plan for a program of vocational rehabilitation must be signed by a certified vocational rehabilitation counselor.~~

~~9. If an initial program of vocational rehabilitation pursuant to this section is unsuccessful, an injured employee may submit a written request for the development of a second program of vocational rehabilitation which relates to the same injury. An insurer shall authorize a second program for an injured employee upon good cause shown.~~

~~10. If a second program of vocational rehabilitation pursuant to subsection 9 is unsuccessful, an injured employee may submit a written request for the development of a third program of vocational rehabilitation which relates to the same injury. The insurer, with the approval of the employer who was the injured employee's employer at the time of his or her injury, may authorize a third program for the injured employee. If such an employer has~~

~~terminated operations, the employer's approval is not required for authorization of a third program. An insurer's determination to authorize or deny a third program of vocational rehabilitation may not be appealed.~~

~~11. The Division shall adopt regulations to carry out the provisions of this section. The regulations must specify the contents of a plan for a program of vocational rehabilitation.~~

~~*12. As used in this section, "health care provider" has the meaning ascribed to it in section 2 of this act.]~~ (Deleted by amendment.)

Sec. 31. ~~[NRS 616C.590 is hereby amended to read as follows:~~

~~616C.590 1. Except as otherwise provided in this section, an injured employee is not eligible for vocational rehabilitation services, unless:~~

~~(a) The treating [physician or chiropractor]~~ *health care provider* ~~approves the return of the injured employee to work but imposes permanent restrictions that prevent the injured employee from returning to the position that the employee held at the time of his or her injury;~~

~~(b) The injured employee's employer does not offer employment that:~~

~~(1) The employee is eligible for considering the restrictions imposed pursuant to paragraph (a);~~

~~(2) Provides a gross wage that is equal to or greater than 80 percent of the gross wage that the employee was earning at the time of injury; and~~

~~(3) Has the same employment benefits as the position of the employee at the time of his or her injury; and~~

~~(c) The injured employee is unable to return to gainful employment with any other employer at a gross wage that is equal to or greater than 80 percent of the gross wage that the employee was earning at the time of his or her injury.~~

~~2. If the treating [physician or chiropractor]~~ *health care provider* ~~imposes permanent restrictions on the injured employee for the purposes of paragraph (a) of subsection 1, he or she shall specify in writing:~~

~~(a) The medically objective findings upon which his or her determination is based; and~~

~~(b) A detailed description of the restrictions.~~

~~The treating [physician or chiropractor]~~ *health care provider* ~~shall deliver a copy of the findings and the description of the restrictions to the insurer.~~

~~3. If there is a question as to whether the restrictions imposed upon the injured employee are permanent, the employee may receive vocational rehabilitation services until a final determination concerning the duration of the restrictions is made.~~

~~4. Vocational rehabilitation services must cease as soon as the injured employee is no longer eligible for the services pursuant to subsection 1.~~

~~5. An injured employee is not entitled to vocational rehabilitation services solely because the position that the employee held at the time of his or her injury is no longer available.~~

~~6. An injured employee or the dependents of the injured employee are not entitled to accrue or be paid any money for vocational rehabilitation services during the time the injured employee is incarcerated.~~

~~— 7. Any injured employee eligible for compensation other than accident benefits may not be paid those benefits if the injured employee refuses counseling, training or other vocational rehabilitation services offered by the insurer. Except as otherwise provided in NRS 616B.028 and 616B.029, an injured employee shall be deemed to have refused counseling, training and other vocational rehabilitation services while the injured employee is incarcerated.~~

~~— 8. If an insurer cannot locate an injured employee for whom it has ordered vocational rehabilitation services, the insurer may close his or her claim 21 days after the insurer determines that the employee cannot be located. The insurer shall make a reasonable effort to locate the employee.~~

~~— 9. The reappearance of the injured employee after his or her claim has been closed does not automatically reinstate his or her eligibility for vocational rehabilitation benefits. If the employee wishes to re-establish his or her eligibility for those benefits, the injured employee must file a written application with the insurer to reinstate the claim. The insurer shall reinstate the employee's claim if good cause is shown for the employee's absence.~~

~~— *10. As used in this section, "health care provider" has the meaning ascribed to it in section 2 of this act.]~~ (Deleted by amendment.)

Sec. 32. ~~[NRS 616D.330 is hereby amended to read as follows:~~

~~— 616D.330 — 1. An insurer, an employer, an organization for managed care, a third-party administrator or the representative of any of those persons, the Nevada Attorney for Injured Workers or an attorney or other compensated representative of an injured employee shall not initiate:~~

~~— (a) Any oral communication relating to the medical disposition of the claim of an injured employee with the injured employee's *treating health care provider or* examining [or treating] physician or chiropractor unless the initiator of the oral communication:~~

~~— (1) Maintains, in written form or in a form from which a written record may be produced, a log that includes the date, time and subject matter of the communication; and~~

~~— (2) Makes the log available, upon request, to each insurer, organization for managed care and third-party administrator interested in the claim or the representative of each of those persons, the Administrator and the injured employee, the injured employee's representative and the injured employee's employer; or~~

~~— (b) Any written communication relating to the medical disposition of the claim with the injured employee's *treating health care provider or* examining [or treating] physician or chiropractor unless a copy of the communication is submitted to the injured employee or the injured employee's representative in a timely manner.~~

~~— 2. If the Administrator determines that a person has violated the provisions of this section, the Administrator shall:~~

~~— (a) For an initial violation, issue a notice of correction.~~

~~(b) For a second violation, impose an administrative fine of not more than $250.~~

~~(c) For a third or subsequent violation, impose an administrative fine of not more than $1,000.~~

~~*3. As used in this section, "health care provider" has the meaning ascribed to it in section 2 of this act.]~~ (Deleted by amendment.)

Sec. 33. ~~[NRS 617.352 is hereby amended to read as follows:~~

~~617.352 1. Except as otherwise provided in this section, a treating [physician or chiropractor] *health care provider* shall, within 3 working days after first providing treatment to an employee who has incurred an occupational disease, complete and file a claim for compensation with the employer of the employee and the employer's insurer. If the employer is a self-insured employer, the treating [physician or chiropractor] *health care provider* shall file the claim for compensation with the employer's third-party administrator. If the [physician or chiropractor] *health care provider* files the claim for compensation by electronic transmission, the [physician or chiropractor] *health care provider* shall, upon request, mail to the insurer or third-party administrator the form that contains the original signatures of the employee and the [physician or chiropractor.] *health care provider.* The form must be mailed within 7 days after receiving such a request.~~

~~2. A [physician or chiropractor] *health care provider* who has a duty to file a claim for compensation pursuant to subsection 1 may delegate the duty to a medical facility. If the [physician or chiropractor] *health care provider* delegates the duty to a medical facility:~~

~~(a) The medical facility must comply with the filing requirements set forth in this section; and~~

~~(b) The delegation must be in writing and signed by:~~

~~(1) The [physician or chiropractor;] *health care provider;* and~~

~~(2) An authorized representative of the medical facility.~~

~~3. A claim for compensation required by subsection 1 must be filed on a form prescribed by the Administrator.~~

~~4. If a claim for compensation is accompanied by a certificate of disability, the certificate must include a description of any limitation or restrictions on the employee's ability to work.~~

~~5. Each [physician, chiropractor] *health care provider* and medical facility that treats employees who have incurred occupational diseases, each insurer, third-party administrator and employer, and the Division shall maintain at their offices a sufficient supply of the forms prescribed by the Administrator for filing a claim for compensation.~~

~~6. The Administrator may impose an administrative fine of not more than $1,000 for each violation of subsection 1 on:~~

~~(a) A [physician or chiropractor;] *health care provider;* or~~

~~(b) A medical facility if the duty to file the claim for compensation has been delegated to the medical facility pursuant to this section.~~

~~7. As used in this section, "health care provider" has the meaning ascribed to it in section 2 of this act.]~~ (Deleted by amendment.)

Sec. 34. ~~[NRS 617.354 is hereby amended to read as follows:~~

~~617.354 1. Except as otherwise provided in NRS 616B.727, within 6 working days after the receipt of a claim for compensation from a [physician or chiropractor,] *health care provider*, or a medical facility if the duty to file the claim for compensation has been delegated to the medical facility pursuant to NRS 617.352, an employer shall complete and file with the employer's insurer or third-party administrator an employer's report of industrial injury or occupational disease.~~

~~2. The report must:~~

~~(a) Be filed on a form prescribed by the Administrator;~~

~~(b) Be signed by the employer or the employer's designee;~~

~~(c) Contain specific answers to all questions required by the regulations of the Administrator; and~~

~~(d) Be accompanied by a statement of the wages of the employee if the claim for compensation received from the treating [physician or chiropractor,] *health care provider*, or a medical facility if the duty to file the claim for compensation has been delegated to the medical facility pursuant to NRS 617.352, indicates that the employee is expected to be off work for 5 days or more.~~

~~3. An employer who files the report required by subsection 1 by electronic transmission shall, upon request, mail to the insurer or third-party administrator the form that contains the original signature of the employer or the employer's designee. The form must be mailed within 7 days after receiving such a request.~~

~~4. The Administrator shall impose an administrative fine of not more than $1,000 against an employer for each violation of this section.~~

~~5. As used in this section, "health care provider" has the meaning ascribed to it in section 2 of this act.]~~ (Deleted by amendment.)

Sec. 35. ~~[NRS 617.364 is hereby amended to read as follows:~~

~~617.364 1. If, after a claim for compensation is filed pursuant to NRS 617.344:~~

~~[1.] (a) The employee seeks treatment from a [physician or chiropractor] *health care provider* for a newly developed injury or disease; and~~

~~[2.] (b) The employee's medical records for the occupational disease reported do not include a reference to the injury or disease for which treatment is being sought,~~

~~→ the injury or disease for which treatment is being sought must not be considered part of the employee's original claim for compensation unless the [physician or chiropractor] *health care provider* establishes by medical evidence a causal relationship between the injury and disease for which treatment is being sought and the occupational disease reported pursuant to NRS 617.344.~~

~~*2. As used in this section, "health care provider" has the meaning ascribed to it in section 2 of this act.]*~~ (Deleted by amendment.)

Sec. 36. The amendatory provisions of this act apply prospectively with regard to any claim pursuant to chapters 616A to 616D, inclusive, or 617 of NRS which is open on the effective date of this act.

Sec. 37. This act becomes effective ~~[upon passage and approval.]~~ on January 1, 2020.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Senate Amendment No. 1055 to Senate Bill No. 381 replaces all references to "health care providers" with "physician" or "chiropractor" as currently set forth in existing statutes.

Amendment adopted.

Bill read third time.

Remarks by Senator Cannizzaro.

Senate Bill No. 381 establishes the substantive right of an injured employee to choose a treating physician or chiropractor under the Nevada Industrial Insurance Act or the Nevada Occupational Diseases Act. It revises provisions governing the panel of treating physicians and chiropractors established by the Administrator of the Division of Industrial Relations to require inclusion of certain physicians and chiropractors, and it authorizes the Administrator to select a rating physician or chiropractor for an injured employee upon request.

Roll call on Senate Bill No. 381:

YEAS—21.

NAYS—None.

Senate Bill No. 381 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 388.

Bill read third time.

Remarks by Senators Denis, Seevers Gansert, Pickard, Spearman and Hardy.

SENATOR DENIS:

Senate Bill No. 388 provides that a record or portion of a record is confidential if it contains personally identifiable information collected by automated means over the Internet or other digital network by a governmental entity as part of the electronic collection of information from the general public and the governmental entity determines that disclosure of the personally identifiable information could create negative consequences for the person to whom it pertains. The entity must allow such records to be inspected or copied if there is a compelling operational, administrative, legal or educational reason that outweighs the risk of the potential negative consequences. The entity must also maintain a list of records that were determined to be confidential and prepare an annual report to the Legislature regarding such records. This was brought forth because local government is trying to protect meta data they are collecting.

SENATOR SEEVERS GANSERT:

The definition of personal identifiable information is not consistent with what we usually see. Usually, these are things such as name, address and social security number. In section 1.1, the language says, "… by automated means over the Internet or other digital network." When that requirement is added, it makes everything else provided not to be confidential. This opens it up for personal identifying information to become not confidential if it is not automated or through a

digital network. I am concerned about the language because I do not think it accomplishes the objective.

SENATOR DENIS:

That reference in section 1.1 makes reference to subsection 3 which says, "… except if the disclosure is otherwise prohibited by the State or federal law … ." That was put in so the data being collected by clerks in local governments would not be impacted.

SENATOR SEEVERS GANSERT:

The other concern is the broad language in section 1.1 that talks about when it should be confidential and goes through a list that seems subjective and includes negative consequences, financial loss, stigmatization, harm to reputation and anxiety. We usually try to keep information confidential if it is personal identifying information such as a social security number. This is subjective.

SENATOR PICKARD:

I have similar concerns about the broad language. I understand the intent of the bill. We have a specific thing but are using broad language to describe the specific thing. I am concerned by not only the subjectiveness of the consequences we are trying to address but also the breadth of the records that could be contained in this. Could this be any government record collected through any automated means over the Internet or other digital network whereby the State is collecting the information, particularly if we are talking about things that would generally be public and discoverable through either legal process or a FOIA request? I do not think the intent of this is to make every government record confidential. If so, where can we point in this document to show that is not the ultimate result?

SENATOR DENIS:

That is the reason in section 1.3 it says, "… except if the disclosure is otherwise prohibited by the State or federal law, governmental entities shall grant a request pursuant to NRS 239.010 to inspect or copy record … ." There was a concern from local government clerks and others this would open that up so it is why we put that piece in.

SENATOR PICKARD:

This confirms and creates concern in my mind. Subsection 3 seems to raise the bar. Where it used to be a simple FOIA request would obtain the information, now, a requestor has to demonstrate a compelling operational, administrative, legal or educational justification which is a significant enhancement or raising of the bar for the requestor. Now, a mere request is enough. I am about transparency. I supported the bill to allow us to protect first responders and members of the judiciary and others related to them to ensure they are not targeted, but this goes beyond that type of protection and makes it difficult for people to obtain information, particularly if it is already a government record. I agree we should be protecting personalized information, but this language goes beyond that. I will be a "no" on this.

SENATOR SPEARMAN:

Most arguments, when it comes around public records and information, deal with retirement pay. If you do not retire from public service, you do not have to reveal your pay. I am not sure if this is what people are getting at, but I know two nights ago we voted on a bill some of my colleagues objected to because it had too much personal information in it. Just because someone retires from public services does not mean others should be able to go out and get their salary. Most of the people who work in public service do not do so in order to buy a yacht when they retire; they do so because they are committed. I feel there is a bit of duplicity here. The bill, as written, protects privacy and allows people who need necessary information to get it.

SENATOR HARDY:

I am concerned this will create a one-record-at-a-time review. The governmental entity, if they determine it is personally identifiable, could potentially create negative consequences including, "… without limitation, financial loss, stigmatization, harm to reputation, anxiety, embarrassment,

fear or other physical or emotional harm … ." It would be almost impossible to figure that out one record at a time.

SENATOR DENIS:

As we move into the future, local governments are creating what we call "smart cities." Due to these smart cities, there are sensors all over collecting meta data that could be aggregated to get personal information if someone could get access to it. That is what we are trying to protect; the possibility of someone, for example a commercial entity, asking for a public records request for the license numbers of cars going through a certain intersection. They could then track who the owner of a vehicle is and what locations they visit. This are what we are trying to protect people from and how we came to where we are on this bill. We added the amendment to clarify it for public clerks and those who had concerns about the broader respects. This tightens the bill more.

Roll call on Senate Bill No. 388:

YEAS—15.

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

Senate Bill No. 388 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

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

Motion carried.

Senate in recess at 8:34 p.m.

SENATE IN SESSION

At 11:52 p.m.

President Marshall presiding.

Quorum present.

REPORTS OF COMMITTEE

Madam President:

Your Committee on Finance, to which was re-referred Senate Bill No. 123, 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*

Madam President:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 486, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID R. PARKS, *Chair*

Madam President:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 444, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OHRENSCHALL, *Chair*

Madam President:

Your Committee on Revenue and Economic Development, to which were referred Assembly Bills Nos. 446, 535, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN DONDERO LOOP, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, June 1, 2019

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 19, 196.

Also, I have the honor to inform your honorable body that the Assembly on this day appointed Assemblymen Flores, Benitez-Thompson and Leavitt as a Conference Committee concerning Assembly Bill No. 70.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Legislative Operations and Elections:

Senate Concurrent Resolution No. 10—Directing the Legislative Commission to study the feasibility, viability and design of a public healthcare insurance plan that may be offered to all residents of this State.

Senator Ohrenschall moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 19.

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

Motion carried.

Assembly Bill No. 196.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 444.

Bill read second time.

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

Amendment No. 1084.

SUMMARY—Creates the Legislative Committee on Tax Expenditures and Incentives for Economic Development. (BDR 17-767)

AN ACT relating to legislative affairs; creating the Legislative Committee on Tax Expenditures and Incentives for Economic Development; setting forth the composition and administration of the Committee; prescribing the powers and duties of the Committee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 5 of this bill creates the Legislative Committee on Tax Expenditures and Incentives for Economic Development and prescribes the appointment of its membership. Section 6 of this bill sets forth requirements for meetings of the Committee and provides ~~[that members serve without]~~ for per diem ~~[allowances,]~~ allowance, compensation and travel expenses ~~[or any other compensation.]~~ for the members.

Existing law requires the Board of Economic Development to review and evaluate all programs of economic development in Nevada and to make recommendations to the Legislature for legislation to improve the effectiveness of those programs in implementing the State Plan for Economic Development. (NRS 231.037) Section 7 of this bill requires the Legislative Committee on Tax Expenditures and Incentives for Economic Development to: (1) identify and evaluate all incentives for economic development in this State; (2) determine whether the businesses receiving abatements are complying with the statutes specifying requirements for wages and health care; and (3) provide the Legislature with a report concerning its activities. Section 8 of this bill authorizes the Committee to evaluate, review and comment on tax expenditures and to make recommendations for the addition, modification or elimination of a tax expenditure or incentive for economic development.

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

Section 1. Chapter 218E of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. *As used in sections 2 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Committee" means the Legislative Committee on Tax Expenditures and Incentives for Economic Development.*

Sec. 4. *"Tax expenditure" has the meaning ascribed to it in NRS 360.137.*

Sec. 5. *1. The Legislative Committee on Tax Expenditures and Incentives for Economic Development, consisting of six legislative members, is hereby created. The membership of the Committee consists of:*

(a) Two members of the Senate appointed by the Majority Leader of the Senate;

(b) One member of the Senate appointed by the Minority Leader of the Senate;

(c) Two members of the Assembly appointed by the Speaker of the Assembly; and

(d) One member of the Assembly appointed by the Minority Leader of the Assembly.

➥ *In making appointments pursuant to this subsection, first preference must be given to members of the standing committees of the Legislature with primary jurisdiction over matters relating to taxation and second preference to members of the standing committees of the Legislature with primary jurisdiction over matters relating to budgets and finances.*

2. The Majority Leader of the Senate and the Speaker of the Assembly shall jointly select the Chair and Vice Chair of the Committee from among the members of the Committee, with first preference given to members who are members of the standing committees of the Legislature with primary jurisdiction over matters relating to taxation, if any, and second preference to members who are members of the standing committees of the Legislature with

primary jurisdiction over matters relating to budgets and finances, if any. After the initial selection, each Chair and Vice Chair holds office for a term of 2 years commencing on July 1 of each odd-numbered year. The office of Chair of the Committee must alternate each biennium between the Houses. If a vacancy occurs in the office of Chair or Vice Chair, the vacancy must be filed in the same manner as the original selection for the remainder of the unexpired term.

3. The Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or work program.

4. Any member of the Committee who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular or special session convenes.

5. A vacancy on the Committee must be filled in the same manner as the original appointment for the remainder of the unexpired term.

Sec. 6. *1. Except as otherwise ordered by the Legislative Commission, the members of the Committee shall meet not earlier than November 1 of each odd-numbered year and not later than August 31 of the following even-numbered year at the times and places specified by a call of the Chair or a majority of the Committee.*

2. The Director or his or her designee shall act as the nonvoting recording Secretary of the Committee.

3. Four members of the Committee constitute a quorum, and a quorum may exercise all the power and authority conferred upon the Committee.

4. ~~[Members]~~ Except during a regular or special session, for each day or portion of a day during which a member of the Committee ~~[serve without per diem allowances, travel]~~ attends a meeting of the Committee or is otherwise engaged in the business of the Committee, the member is entitled to receive:

(a) The compensation provided for a majority of the Legislators during the first 60 days of the preceding regular session;

(b) The per diem allowance provided for state officers and employees generally; and

(c) The travel expenses ~~[for any other compensation.]~~ provided pursuant to NRS 218A.655.

5. All such compensation, per diem allowances and travel expenses must be paid from the Legislative Fund.

Sec. 7. *The Committee shall:*

1. Meet at least once each biennium to review the most recent tax expenditure report submitted by the Executive Director of the Department of Taxation pursuant to NRS 360.137.

2. Review any other reports submitted to the Legislature relating to tax expenditures and incentives for economic development.

3. Identify all incentives for economic development provided for by law in this State, including, without limitation, tax incentives, grants, loans and initiatives for workforce development.

4. Evaluate and review each incentive for economic development identified pursuant to subsection 3 at least once every 6 years. The Committee shall examine, review and comment on, without limitation:

(a) The purpose, intent or goal of the incentive for economic development.

(b) Whether the incentive for economic development is accomplishing its purpose, intent or goal.

(c) Whether there is a more effective method to achieve the goal of the incentive for economic development.

(d) The cost of the incentive for economic development to the State, including, without limitation, administrative costs and lost revenue.

(e) The impact of the incentive for economic development on the revenues of and services provided by local governments.

(f) The economic and fiscal impact of the incentive for economic development, including, without limitation:

(1) The extent to which the incentive changes business behavior;

(2) The results of the incentive for the state and local economies, including, without limitation, both positive direct and indirect impacts and any negative impacts on businesses in this State; and

(3) A comparison to the results of other incentives or programs for economic development with similar goals.

(g) Any other matters that, in the determination of the Committee, concern incentives for economic development in this State.

5. Evaluate all available information to determine whether the businesses receiving abatements are complying with the wage and health-care requirements provided by law.

6. On or before January 15 of each odd-numbered year, submit to the Director for transmittal to the Legislature a report concerning the activities of the Committee during the applicable legislative interim. The Committee shall present its findings to the standing committees of the Legislature with primary jurisdiction over matters relating to taxation during the next regular session of the Legislature.

Sec. 8. *The Committee may:*

1. Evaluate, review and comment upon any tax expenditure within the State, including, without limitation:

(a) The purpose, intent or goal of the tax expenditure.

(b) The intended beneficiaries of the tax expenditure.

(c) Whether the tax expenditure is accomplishing its purpose, intent or goal.

(d) The manner in which the tax expenditure compares to similar tax expenditures in other states.

(e) Whether there are other tax expenditures in this State that have the same or a similar purpose, intent or goal as the tax expenditure being reviewed and the manner in which the two tax expenditures are coordinated, including,

without limitation, whether the coordination between the two tax expenditures could be improved or if there are any redundancies that could be eliminated.

(f) Whether the evaluation of the tax expenditure is hindered by the unavailability of certain data.

(g) The cost and benefit of the tax expenditure, including, without limitation, administrative costs and lost revenue of the State and local governments, and an evaluation of the extent to which the tax expenditure is a cost-effective use of resources compared to other methods of accomplishing the same purpose or goal.

(h) Opportunities to improve the effectiveness of the tax expenditure.

2. Contract with private consultants or academic institutions to complete the reviews provided for by this section and section 7 of this act.

3. Request that the Legislative Counsel Bureau assist in the research, investigations, hearings and reviews of the Committee.

4. Request that a representative of the Office of Economic Development within the Office of the Governor or a representative of the Office of Energy within the Office of the Governor appear before the Committee and provide information on programs for economic development, including, without limitation:

(a) The number of entities applying or approved for a particular program for economic development;

(b) The number of entities approved for a particular incentive for economic development;

(c) The number of entities who have used a particular incentive for economic development; and

(d) The projected and actual benefits of the programs for economic development in this State.

5. Request books, papers, records and other information from state or local governmental agencies, including, without limitation, the Nevada System of Higher Education.

6. Apply for any available grants and accept any gifts, grants or donations to assist the Committee in carrying out its duties.

7. Make recommendations to the Legislature concerning the addition, elimination or modification of tax expenditures and incentives for economic development.

Sec. 9. ~~[NRS 218A.655 is hereby amended to read as follows:~~

~~218A.655 1. Except as otherwise provided in NRS 218A.645 [,] *and section 6 of this act*, each Legislator is entitled to receive an allowance for travel in the transaction of legislative business authorized by specific statute or the Legislative Commission, whether within or outside of the municipality or other area in which the Legislator's principal office is located. Transportation must be by the most economical means, considering total cost, time spent in transit and the availability of state-owned automobiles. The allowance is:~~

~~(a) If the travel is by private conveyance, the standard mileage reimbursement rate for which a deduction is allowed for the purposes of federal income tax.~~

~~(b) If the travel is not by private conveyance, the actual amount expended.~~

~~2. Claims for expenses made pursuant to this section must be paid from the Legislative Fund unless otherwise provided by specific statute. A claim for travel expenses must not be paid unless the Legislator submits a signed statement affirming:~~

~~(a) The date of travel; and~~

~~(b) The places of departure and arrival and, if the travel is by private conveyance, the actual miles traveled. If the travel is not by private conveyance, the claim must include a receipt or other evidence of the expenditure.~~] (Deleted by amendment.)

Sec. 10. 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. 11. This act becomes effective upon passage and approval.

Senator Ohrenschall moved the adoption of the amendment.

Remarks by Senators Ohrenschall and Hardy.

SENATOR OHRENSCHALL:

Amendment No. 1084 to Assembly Bill No. 444 removes language in the bill that would have prohibited legislative members from receiving per-diem-travel expenses and compensation.

SENATOR HARDY:

On page 5 of the amendment, it says compensation is provided for a majority of the Legislators during the first 60 days. Is there a rationale for the "majority of legislators" where it is better defined somewhere else?

SENATOR OHRENSCHALL:

That language refers to the normal salary a Legislator would receive during a regular Session during the first 60 days. This would be a possible entitlement for salary for a Legislator who serves on this committee should it pass and be enacted into law.

SENATOR HARDY:

Why does it not say "all Legislators" as opposed to the majority of the Legislators?

SENATOR OHRENSCHALL:

I agree the language is confusing. The salary the Legislator would be eligible to receive if they serve on this committee for that day of service would be the salary they would receive during the first 60 days of the proceeding regular Session. That is how I read it.

Amendment adopted.

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

Assembly Bill No. 446.

Bill read second time and ordered to third reading.

Assembly Bill No. 486.

Bill read second time and ordered to third reading.

Assembly Bill No. 535.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 123.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1076.

SUMMARY—Revises provisions relating to elections. (BDR 24-726)

AN ACT relating to elections; ~~[authorizing an elector to register to vote on the day of certain elections at certain polling places; setting forth requirements for such registration;]~~ enacting provisions governing the security and integrity of elections; revising provisions relating to candidates and declarations of candidacy; revising provisions regarding local elections; revising provisions regarding voter registration; making various other changes relating to elections; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Secretary of State serves as the Chief Officer of Elections and is responsible for the execution and enforcement of state and federal law relating to Nevada's elections. (NRS 293.124) Existing law also requires the Secretary of State to adopt regulations relating to the security and integrity of Nevada's elections. (NRS 293.247) Sections 3, 4, 6-9 and 86 of this bill establish additional requirements regarding the security and integrity of such elections.

Section 3 of this bill defines the term "information system" to mean any computer or other system used to collect, process, distribute or store information, and section 4 of this bill defines "security of an information system" to include the security of: (1) the physical infrastructure of the system; and (2) the information on the system.

Section 6 of this bill requires each county or city clerk and their staff members who administer elections to complete an annual training class on cybersecurity. Section 6 also requires any county or city clerk or other local election official to immediately notify the Secretary of State if there has been an attack or attempted attack on the security of an election information system.

Under existing law, any records of state agencies or local governments relating to a suspected or confirmed threat or attack on the security of an information system are confidential and not public records and may be disclosed only under certain limited circumstances. (NRS 480.940) Consistently with this existing law, section 7 of this bill provides that any records of the Secretary of State or county or city clerk relating to the security of an election information system, including records relating to the prevention of a threat or attack on the security of an election information system, are confidential and not public records and may be disclosed only under certain limited circumstances.

Section 8 of this bill requires the Secretary of State to adopt regulations for conducting risk-limiting audits of elections. Section 8 defines "risk-limiting audit" as an audit that uses statistical principles and methods to limit the risk of certifying an incorrect election outcome. Section 86 of this bill requires the Secretary of State to establish a pilot program for conducting risk-limiting audits of the results of the 2020 general election. Section 9 of this bill, which becomes effective January 1, 2022, requires each county clerk to conduct risk-limiting audits of elections in accordance with the regulations adopted by the Secretary of State.

Existing federal law establishes the United States Election Assistance Commission and charges the federal agency with various duties, including the development of standards for voting systems. (52 U.S.C. §§ 20921, 21081) Existing state law requires the Secretary of State and each county and city clerk to ensure that each voting system used in this State meets or exceeds the standards for voting systems established by the United States Election Assistance Commission. (NRS 293.2696) Section 5 of this bill defines the term "United States Election Assistance Commission" for Nevada's elections laws, and sections 33, 38, 41 and 42 of this bill change certain existing references in Nevada's elections laws so they properly refer to the United States Election Assistance Commission.

Under existing law, with certain exceptions, in order for a person to be named as a candidate on an official ballot at any election, the person must file a declaration of candidacy with the appropriate filing officer. (NRS 293.057, 293.165, 293.166, 293.177, 293.185, 293C.145, 293C.175 and 293C.185) Section 2 of this bill defines the term "declaration of candidacy" for Nevada's elections laws.

Under existing law, ten or more registered voters may file a certificate of candidacy designating a qualified person as a candidate for an office, and if the person named in the certificate files an acceptance of candidacy and pays the required fee, the person becomes a candidate as if he or she had filed a declaration of candidacy. (NRS 293.180) Section 85 of this bill repeals this existing law. Based on this repeal, the terms "acceptance of candidacy" and "certificate of candidacy" are removed from existing law by various sections of this bill, and the term "declaration of candidacy" remains as the appropriate term for the official document that a person must file to be named as a candidate on an official ballot at any election.

Under existing law, in even-numbered years, the first day that judicial candidates may file a declaration of candidacy is the first Monday in January, and the first day that nonjudicial candidates may file a declaration of candidacy is the first Monday in March. (NRS 293.177) However, in cities that hold their city elections in odd-numbered years, the first day that judicial and nonjudicial candidates may file a declaration of candidacy is 70 days before the applicable election. (NRS 293C.145, 293C.175 and 293C.185) Existing law also: (1) requires the Secretary of State to forward certain information to each county clerk after deadlines calculated by using the filing dates for certain

candidates; and (2) prohibits counties, cities and other political subdivisions from making certain changes to election districts after deadlines calculated by using the filing dates for certain candidates. (NRS 293.187, 293.209) Sections 22 and 29 of this bill clarify these deadlines so they are calculated by using the filing dates for nonjudicial candidates.

Existing law requires election boards to have rosters of registered voters in polling places. (NRS 293.275) Sections 34 and 43 of this bill require that, in a county or city which uses electronic rosters, the county or city clerk must complete a test of the electronic rosters to ensure their functionality before the first day of early voting.

Under existing law, if there has been a tie vote for certain county, city or other local offices, the winner is determined by lot. (NRS 293.400) Section 35 of this bill provides that when a tie vote occurs in a primary election for nonpartisan office: (1) if the candidates with the tie vote received the highest number of votes in the primary election, those candidates must be declared the nominees and placed on the ballot for the general election; or (2) if the candidates with the tie vote received the second highest number of votes in the primary election, those candidates, along with the candidate who received the highest number of votes in the primary election, must be declared the nominees and placed on the ballot for the general election. Section 32 of this bill makes conforming changes.

Existing law authorizes the county or city clerk to rent privately owned locations to be designated as polling places on election day. (NRS 293.437) Section 37 of this bill provides that the legal rights and remedies of the owner or lessor of such private property are not impaired or affected by renting the property for use as a polling place.

Existing law requires the county clerk or field registrar of voters to list a person's political party as nonpartisan if the person does not indicate a political party affiliation on an application to preregister or register to vote. (NRS 293.518) Section 38 of this bill provides that if a person who is already preregistered or registered to vote in a county submits a new application in the same county but does not make any indications about political party affiliation on the new application, the county clerk or field registrar of voters must not change the person's existing political party affiliation that was established by his or her prior application and is listed in the current records of the county clerk.

Existing law sets forth different deadlines for registering to vote depending on whether the method used for registration is by mail, computer or appearing in person at the office of ~~[a]~~ the county or city clerk. Existing law also requires the county or city clerk to publish a notice in a newspaper in the county or city indicating the day and time that registration will close, but existing law does not explicitly require the notice to indicate the day and time that each different method of registration will close. (NRS 293.560, 293C.527) ~~[The last day to register to vote for a primary election, primary city election, general election or general city election: (1) by mail is the fourth Tuesday preceding the~~

~~election; (2) by appearing in person at the office of the county or city clerk, as applicable, is the third Tuesday preceding the election; and (3) by computer is the Thursday preceding the first day of the period for early voting for the election. Sections 1 and 21 of this bill authorize an elector to register to vote in person for a primary election, primary city election, general election or general city election on the day of the election at certain polling places required to be designated by the county or city clerk as a site for registering to vote on election day. To register to vote, an elector must appear at such a site, complete an application to register to vote and provide proof of identity and residence. Upon completion of the application and verification of identity and residence, the elector: (1) is deemed registered to vote; (2) may vote in that election only at the polling place at which he or she registered to vote; and (3) must vote by casting a provisional ballot. Sections 1.5-10, 12-20, 22-26 and 28-32 of this bill make conforming changes.~~

~~Existing law provides that the counties and certain cities must complete the canvass of the election returns in the county or city, respectively, on or before the sixth working day following the election. (NRS 293.387, 293.393, 293C.387) However, various city charters set different periods for certain cities to complete the canvass of the election returns following the election. Sections 11.2, 11.4, 27.5 and 33-45 of this bill provide that all counties and cities must complete the canvass of the election returns on or before the 10th day following the election.~~] Sections 40 and 50 of this bill clarify that the notice must: (1) indicate the day and time that each different method of registration will close; and (2) be published once each week for 4 consecutive weeks next preceding the day that the last method of registration will close.

Under the Nevada Constitution, persons may circulate different types of petitions for initiative or referendum that propose changes in state law, such as amendments to the Nevada Constitution or Nevada Revised Statutes. If the petitions receive a sufficient number of valid signatures, they are placed on the ballot for approval or disapproval by the voters. (Nev. Const. Art. 19, §§ 1, 2) Existing law requires a copy of each petition to be placed on file with the Secretary of State before it may be circulated for signatures. (NRS 295.015) Section 57 of this bill requires the Secretary of State to assign to each petition that is placed on file a unique identifier that must: (1) consist of a serial number or letter, or both; and (2) distinguish among each different type of petition received.

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

Delete existing sections 1 through 48 of this bill and replace with the following new sections 1 through 88:

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *"Declaration of candidacy" means a declaration of candidacy that a person must file with the appropriate filing officer pursuant to this title in order to be named as a candidate on an official ballot at any election.*

Sec. 3. *"Information system" has the meaning ascribed to it in NRS 480.906.*

Sec. 4. *"Security of an information system" has the meaning ascribed to it in NRS 480.910.*

Sec. 5. *"United States Election Assistance Commission" means the Election Assistance Commission created pursuant to 52 U.S.C. § 20921, as amended, or any successor agency.*

Sec. 6. *1. At least once each year, each county or city clerk and all members of their staff whose duties include administering an election must complete a training class on cybersecurity that is approved by the Secretary of State.*

2. If any county or city clerk or other local election official identifies or is informed of a confirmed attack or attempted attack on the security of an information system used by the county or city clerk or other local election official, the county or city clerk or other local election official shall immediately notify the Secretary of State regarding such attack or attempted attack.

Sec. 7. *1. Any records of the Secretary of State or a county or city clerk that relate to the security of an information system used for elections are confidential and are not public records pursuant to chapter 239 of NRS. Such records include, without limitation:*

(a) Risk assessments;

(b) Vulnerability assessments; and

(c) Any other information that identifies the preparation for or prevention of a threat or attack on an information system used for elections.

2. The Secretary of State or a county or city clerk shall not disclose any records that are confidential pursuant to this section, except that such records may be provided confidentially to:

(a) Any state agency or local government;

(b) A cybersecurity incident response team appointed pursuant to NRS 480.928; or

(c) Appropriate law enforcement officers or prosecuting attorneys,

➥ but only for the purpose of preparing for and mitigating risks to or otherwise protecting the security of elections or as part of a criminal investigation.

Sec. 8. *1. The Secretary of State shall adopt regulations for conducting a risk-limiting audit of an election, which may include, without limitation:*

(a) Procedures to conduct a risk-limiting audit;

(b) Criteria for which elections must be audited; and

(c) Criteria to determine the scope of the risk-limiting audit.

2. As used in this section, "risk-limiting audit" means an audit protocol that:

(a) Makes use of statistical principles and methods; and

(b) Is designed to limit the risk of certifying an incorrect election outcome.

Sec. 9. Section 8 of this act is hereby amended to read as follows:

1. The Secretary of State shall adopt regulations for conducting a risk-limiting audit of an election, which may include, without limitation:

(a) Procedures to conduct a risk-limiting audit;

(b) Criteria for which elections must be audited; and

(c) Criteria to determine the scope of the risk-limiting audit.

2. *In accordance with the regulations adopted by the Secretary of State pursuant to this section, each county clerk shall conduct a risk-limiting audit of the results of an election prior to the certification of the results of the election pursuant to NRS 293.395.*

3. As used in this section, "risk-limiting audit" means an audit protocol that:

(a) Makes use of statistical principles and methods; and

(b) Is designed to limit the risk of certifying an incorrect election outcome.

Sec. 10. NRS 293.010 is hereby amended to read as follows:

293.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 293.013 to 293.121, inclusive, *and sections 2 to 5, inclusive, of this act* have the meanings ascribed to them in those sections.

Sec. 11. NRS 293.12758 is hereby amended to read as follows:

293.12758 1. The county clerk shall issue a receipt to any person who submits a petition for the verification of signatures ~~[or]~~ *pursuant to the election laws of this State, including, without limitation,* a petition ~~[, declaration of or acceptance]~~ of candidacy. The receipt must state:

(a) The number of documents submitted;

(b) The number of pages of each document; and

(c) The number of signatures which the person declares are on the petition.

2. If a petition consists of more than one document, all of the documents must be submitted to the county clerk for verification at the same time.

3. The county clerk shall not accept a petition unless each page of the petition is numbered.

4. Each signature on the petition must be signed in ink. The county clerk shall disregard any signature which is not signed in ink.

5. As used in this section, "document" includes material which is separately compiled and bound together and may consist of one or more sheets of paper.

Sec. 12. NRS 293.165 is hereby amended to read as follows:

293.165 1. Except as otherwise provided in NRS 293.166, a vacancy occurring in a major or minor political party nomination for a partisan office may be filled by a candidate designated by the party central committee of the county or State, as the case may be, of the major political party or by the executive committee of the minor political party subject to the provisions of subsections 3, 4 and 5.

2. A vacancy occurring in a nonpartisan office or nomination for a nonpartisan office after the close of filing and before 5 p.m. of the fourth Friday in July of the year in which the general election is held must be filled by the person who receives or received the next highest vote for the nomination

in the primary election if a primary election was held for that nonpartisan office. If no primary election was held for that nonpartisan office or if there was not more than one person who was seeking the nonpartisan nomination in the primary election, a person may become a candidate for the nonpartisan office at the general election if the person files a declaration of candidacy ~~[or acceptance of candidacy,]~~ *with the appropriate filing officer* and pays the *filing* fee required by NRS 293.193 ~~[, on or]~~ after 8 a.m. on the third Monday in June and before 5 p.m. on the fourth Friday in July.

3. If a vacancy occurs in a major political party nomination for a partisan office after the primary election and before 5 p.m. on the fourth Friday in July of the year in which the general election is held and:

(a) The vacancy occurs because the nominee dies or is adjudicated insane or mentally incompetent, the vacancy may be filled by a candidate designated by the party central committee of the county or State, as the case may be, of the major political party.

(b) The vacancy occurs for a reason other than the reasons described in paragraph (a), the nominee's name must remain on the ballot for the general election and, if elected, a vacancy exists.

4. No change may be made on the ballot for the general election after 5 p.m. on the fourth Friday in July of the year in which the general election is held. If, after that time and date:

(a) A nominee dies or is adjudicated insane or mentally incompetent; or

(b) A vacancy in the nomination is otherwise created,

➥ the nominee's name must remain on the ballot for the general election and, if elected, a vacancy exists.

5. ~~[All designations]~~ *Each designation of a candidate* provided for in this section must be filed ~~[on or]~~ *with the appropriate filing officer* before 5 p.m. on the fourth Friday in July of the year in which the general election is held. In each case, *the candidate must file a declaration of candidacy with the appropriate filing officer and pay* the ~~[statutory]~~ filing fee ~~[must be paid and an acceptance of the designation must be filed on or]~~ *required by NRS 293.193* before 5 p.m. on the date the designation is filed.

Sec. 13. NRS 293.166 is hereby amended to read as follows:

293.166 1. A vacancy occurring in a party nomination for the office of State Senator, Assemblyman or Assemblywoman from a legislative district comprising more than one county may be filled as follows, subject to the provisions of subsections 2, 3 and 4. The county commissioners of each county, all or part of which is included within the legislative district, shall meet to appoint a person who is of the same political party as the former nominee and who actually, as opposed to constructively, resides in the district to fill the vacancy, with the chair of the board of county commissioners of the county whose population residing within the district is the greatest presiding. Each board of county commissioners shall first meet separately and determine the single candidate it will nominate to fill the vacancy. Then, the boards shall meet jointly and the chairs on behalf of the boards shall cast a proportionate

number of votes according to the percent, rounded to the nearest whole percent, which the population of its county is of the population of the entire district. Populations must be determined by the last decennial census or special census conducted by the Bureau of the Census of the United States Department of Commerce. The person who receives a plurality of these votes is appointed to fill the vacancy. If no person receives a plurality of the votes, the boards of county commissioners of the respective counties shall each as a group select one candidate, and the nominee must be chosen by drawing lots among the persons so selected.

2. If a vacancy occurs in a party nomination for the office of State Senator, Assemblyman or Assemblywoman from a legislative district comprising more than one county after the primary election and before 5 p.m. on the fourth Friday in July of the year in which the general election is held and:

(a) The vacancy occurs because the nominee dies or is adjudicated insane or mentally incompetent, the vacancy may be filled pursuant to the provisions of subsection 1.

(b) The vacancy occurs for a reason other than the reasons described in paragraph (a), the nominee's name must remain on the ballot for the general election and, if elected, a vacancy exists.

3. No change may be made on the ballot for the general election after 5 p.m. on the fourth Friday in July of the year in which the general election is held. If, after that time and date:

(a) A nominee dies or is adjudicated insane or mentally incompetent; or

(b) A vacancy in the nomination is otherwise created,

➥ the nominee's name must remain on the ballot for the general election and, if elected, a vacancy exists.

4. ~~[The]~~ *Each* designation of a ~~[nominee pursuant to]~~ *candidate provided for in* this section must be filed with the ~~[Secretary of State on or]~~ *appropriate filing officer* before 5 p.m. on the fourth Friday in July of the year in which the general election is held*.* ~~[,]~~ *In each case, the candidate must file a declaration of candidacy with the appropriate filing officer* and *pay* the ~~[statutory]~~ filing fee ~~[must be paid with]~~ *required by NRS 293.193 before 5 p.m. on the date* the designation ~~[.]~~ *is filed.*

Sec. 14. NRS 293.1725 is hereby amended to read as follows:

293.1725 1. Except as otherwise provided in subsection 4, a minor political party that wishes to place its candidates for partisan office on the ballot for a general election and:

(a) Is entitled to do so pursuant to paragraph (a) or (b) of subsection 2 of NRS 293.1715; or

(b) Files or will file a petition pursuant to paragraph (c) of subsection 2 of NRS 293.1715,

➥ must file with the Secretary of State a list of its candidates for partisan office not earlier than the first Monday in March preceding the election ~~[nor]~~ *and not* later than 5 p.m. on the second Friday after the first Monday in March. The list must be signed by the person so authorized in the certificate of existence of the

minor political party before a notary public or other person authorized to take acknowledgments. The list may be amended not later than 5 p.m. on the second Friday after the first Monday in March.

2. The Secretary of State shall immediately forward a certified copy of the list of candidates for partisan office of each minor political party to the filing officer with whom each candidate must file his or her declaration of candidacy.

3. Each candidate on the list must file his or her declaration of candidacy with the appropriate filing officer and pay the *filing* fee required by NRS 293.193 not earlier than the date on which the list of candidates for partisan office of the minor political party is filed with the Secretary of State ~~[nor]~~ *and not* later than 5 p.m. on the second Friday after the first Monday in March.

4. A minor political party that wishes to place candidates for the offices of President and Vice President of the United States on the ballot and has qualified to place the names of its candidates for partisan office on the ballot for the general election pursuant to subsection 2 of NRS 293.1715 must file with the Secretary of State a certificate of nomination for these offices not later than the last Tuesday in August.

Sec. 15. NRS 293.1755 is hereby amended to read as follows:

293.1755 1. In addition to any other requirement provided by law, no person may be a candidate for any office unless, for at least the 30 days immediately preceding the date of the close of filing of declarations of candidacy ~~[or acceptances of candidacy]~~ for the office which the person seeks, the person has, in accordance with NRS 281.050, actually, as opposed to constructively, resided in the State, district, county, township or other area prescribed by law to which the office pertains and, if elected, over which he or she will have jurisdiction or will represent.

2. Any person who knowingly and willfully files a declaration of candidacy ~~[or acceptance of candidacy]~~ which contains a false statement regarding the person's residency in violation of this section is guilty of a gross misdemeanor.

3. The provisions of this section do not apply to candidates for:

(a) Any federal office.

(b) The office of district attorney.

Sec. 16. NRS 293.177 is hereby amended to read as follows:

293.177 1. Except as otherwise provided in NRS 293.165 and 293.166, a name may not be printed on a ballot to be used at a primary election unless the person named has filed a declaration of candidacy ~~[or an acceptance of candidacy,]~~ *with the appropriate filing officer* and ~~[has]~~ paid the *filing* fee required by NRS 293.193 not earlier than:

(a) For a candidate for judicial office, the first Monday in January of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in January; and

(b) For all other candidates, the first Monday in March of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in March.

2. A declaration of candidacy ~~[or an acceptance of candidacy]~~ required to be filed ~~[by]~~ *pursuant to* this ~~[section]~~ *chapter* must be in substantially the following form:

(a) For partisan office:

DECLARATION OF CANDIDACY OF .... FOR THE OFFICE OF .....

State of Nevada

County of .....

For the purpose of having my name placed on the official ballot as a candidate for the ..... Party nomination for the office of ……, I, the undersigned ……., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ……., in the City or Town of ……., County of ……., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am registered as a member of the ..... Party; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that I have not, in violation of the provisions of NRS 293.176, changed the designation of my political party or political party affiliation on an official application to register to vote in any state since December 31 before the closing filing date for this election; that I generally believe in and intend to support the concepts found in the principles and policies of that political party in the coming election; that if nominated as a candidate of the ..... Party at the ensuing election, I will accept that nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy ~~[or acceptance of candidacy]~~ which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the

duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ... day of the month of ... of the year ...

.....
Notary Public or other person
authorized to administer an oath

(b) For nonpartisan office:

DECLARATION OF CANDIDACY OF .... FOR THE OFFICE OF .....

State of Nevada
County of .....

For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ……, in the City or Town of ……., County of ……, State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a nonpartisan candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy ~~[or acceptance of candidacy]~~ which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)
.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ... day of the month of ... of the year ...
.....
Notary Public or other person
authorized to administer an oath

3. The address of a candidate which must be included in the declaration of candidacy ~~[or acceptance of candidacy]~~ pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration ~~[or acceptance]~~ of candidacy must not be accepted for filing if the candidate fails to comply with the following provisions of this subsection or, if applicable, the provisions of subsection 4:

(a) The candidate shall not list the candidate's address as a post office box unless a street address has not been assigned to his or her residence; and

(b) Except as otherwise provided in subsection 4, the candidate shall present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card issued pursuant to NRS 293.517.

4. If the candidate executes an oath or affirmation under penalty of perjury stating that the candidate is unable to present to the filing officer the proof of residency required by subsection 3 because a street address has not been assigned to the candidate's residence or because the rural or remote location of the candidate's residence makes it impracticable to present the proof of residency required by subsection 3, the candidate shall present to the filing officer:

(a) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate; and

(b) Alternative proof of the candidate's residential address that the filing officer determines is sufficient to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050. The Secretary of State may adopt regulations establishing the forms of alternative proof of the candidate's residential address that the filing officer may accept to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050.

5. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to subsection 3 or 4. Such a copy:

(a) May not be withheld from the public; and

(b) Must not contain the social security number, driver's license or identification card number or account number of the candidate.

6. By filing the declaration ~~[or acceptance]~~ of candidacy, the candidate shall be deemed to have appointed the filing officer for the office as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293.182. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration ~~[or acceptance]~~ of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the filing officer duplicate copies of the process. The filing officer shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the filing officer a different address for that purpose, in which case the filing officer shall mail the copy to the last address so designated.

7. If the filing officer receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the filing officer:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored by a court of competent jurisdiction; and

(b) Shall transmit the credible evidence and the findings from such investigation to the Attorney General, if the filing officer is the Secretary of State, or to the district attorney, if the filing officer is a person other than the Secretary of State.

8. The receipt of information by the Attorney General or district attorney pursuant to subsection 7 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293.182 to which the provisions of NRS 293.2045 apply.

9. Any person who knowingly and willfully files a declaration of candidacy ~~[or acceptance of candidacy]~~ which contains a false statement in violation of this section is guilty of a gross misdemeanor.

Sec. 17. NRS 293.181 is hereby amended to read as follows:

293.181 1. A candidate for the office of State Senator, Assemblyman or Assemblywoman must execute and file , with his or her declaration of candidacy , ~~[or acceptance of candidacy]~~ a declaration of residency which must be in substantially the following form:

> I, the undersigned, do swear or affirm under penalty of perjury that I have been a citizen resident of this State as required by NRS 218A.200; that I understand that knowingly and willfully filing a declaration of residency which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I have actually, as opposed to constructively, resided at the following residence or residences since November 1 of the preceding year:

.....	.....
Street Address	Street Address
.....	.....
City or Town	City or Town
.....	.....
State	State
From.....To.....	From ..... To .....
Dates of Residency	Dates of Residency
.....	.....
Street Address	Street Address
.....	.....
City or Town	City or Town
.....	.....
State	State
From.....To.....	From .....To.....
Dates of Residency.....	Dates of Residency.....

(Attach additional sheet or sheets of residences as necessary)

2. Each address of a candidate which must be included in the declaration of residency pursuant to subsection 1 must be the street address of the residence where the candidate actually, as opposed to constructively, resided or resides in accordance with NRS 281.050, if one has been assigned. The declaration of residency must not be accepted for filing if any of the candidate's addresses are listed as a post office box unless a street address has not been assigned to the residence.

3. Any person who knowingly and willfully files a declaration of residency which contains a false statement in violation of this section is guilty of a gross misdemeanor.

Sec. 18. NRS 293.182 is hereby amended to read as follows:

293.182 1. After a person files a declaration of candidacy ~~[or an acceptance of candidacy]~~ to be a candidate for an office, and not later than 5 days after the last day the person may withdraw his or her candidacy pursuant to NRS 293.202, an elector may file with the filing officer for the office a written challenge of the person on the grounds that the person fails to meet any qualification required for the office pursuant to the Constitution or laws of this State. Before accepting the challenge from the elector, the filing officer shall notify the elector that if the challenge is found by a court to be frivolous, the elector may be required to pay the reasonable attorney's fees and court costs of the person who is being challenged.

2. A challenge filed pursuant to subsection 1 must:

(a) Indicate each qualification the person fails to meet;

(b) Have attached all documentation and evidence supporting the challenge; and

(c) Be in the form of an affidavit, signed by the elector under penalty of perjury.

3. Upon receipt of a challenge pursuant to subsection 1:

(a) The Secretary of State shall immediately transmit the challenge to the Attorney General.

(b) A filing officer other than the Secretary of State shall immediately transmit the challenge to the district attorney.

4. If the Attorney General or district attorney determines that probable cause exists to support the challenge, the Attorney General or district attorney shall, not later than 5 working days after receiving the challenge, petition a court of competent jurisdiction to order the person to appear before the court. Upon receipt of such a petition, the court shall enter an order directing the person to appear before the court at a hearing, at a time and place to be fixed by the court in the order, to show cause why the challenge is not valid. A certified copy of the order must be served upon the person. The court shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.

5. If, at the hearing, the court determines by a preponderance of the evidence that the challenge is valid or that the person otherwise fails to meet any qualification required for the office pursuant to the Constitution or laws of this State, or if the person fails to appear at the hearing, the person is subject to the provisions of NRS 293.2045.

6. If, at the hearing, the court determines that the challenge is frivolous, the court may order the elector who filed the challenge to pay the reasonable attorney's fees and court costs of the person who was challenged.

Sec. 19. NRS 293.184 is hereby amended to read as follows:

293.184 1. In addition to any other remedy or penalty provided by law, if a person knowingly and willfully files a declaration of candidacy ~~[or acceptance of candidacy]~~ which contains a false statement:

(a) The name of the person must not appear on any ballot for the election for which the person filed the declaration of ~~[candidacy or acceptance of]~~ candidacy, except that if the statutory deadline for making changes to the ballot has passed, the provisions of subsection 2 apply; and

(b) The person is disqualified from entering upon the duties of the office for which the person filed the declaration of ~~[candidacy or acceptance of]~~ candidacy.

2. If the name of a person who is disqualified from entering upon the duties of an office pursuant to subsection 1 appears on a ballot for the election because the statutory deadline for making changes to the ballot has passed, the appropriate election officers shall post a sign at each polling place where the person's name will appear on the ballot informing voters that the person is disqualified from entering upon the duties of the office.

3. The provisions of this section may be enforced in any preelection action to which the provisions of NRS 293.2045 apply.

Sec. 20. NRS 293.185 is hereby amended to read as follows:

293.185 ~~[The]~~ *A* declaration of candidacy ~~[, the certificate of candidacy and the acceptance of candidacy]~~ must be filed *with the appropriate filing officer*, during regular office hours, as follows:

1. For United States Senator, Representative in Congress, statewide offices, State Senators, Assemblymen and Assemblywomen to be elected from districts comprising more than one county, and all other offices whose districts comprise more than one county, with the Secretary of State.

2. For Representative in Congress and district offices voted for wholly within one county, State Senators, Assemblymen and Assemblywomen to be elected from districts comprising but one or part of one county, county and township officers, with the county clerk.

Sec. 21. NRS 293.186 is hereby amended to read as follows:

293.186 The Secretary of State and each county clerk, or the registrar of voters of the county if one was appointed pursuant to NRS 244.164, or city clerk who receives from a candidate for public office a declaration of candidacy ~~[, acceptance of candidacy or certificate of candidacy]~~ shall give to the candidate:

1. If the candidate is a candidate for judicial office, the form prescribed by the Administrative Office of the Courts for the making of a financial disclosure statement;

2. If the candidate is not a candidate for judicial office and is required to file electronically the financial disclosure statement, access to the electronic form prescribed by the Secretary of State; or

3. If the candidate is not a candidate for judicial office, is required to submit the financial disclosure statement electronically and has submitted an affidavit to the Secretary of State pursuant to NRS 281.572, the form prescribed by the Secretary of State,

➥ accompanied by instructions on how to complete the form and the time by which it must be filed.

Sec. 22. NRS 293.187 is hereby amended to read as follows:

293.187 1. Not later than 5 working days after the last day on which ~~[any]~~ *a* candidate *for nonjudicial office* may withdraw his or her candidacy pursuant to NRS 293.202:

(a) The Secretary of State shall forward to each county clerk a certified list containing the name and mailing address of each person for whom candidacy papers *for judicial and nonjudicial office* have been filed in the Office of the Secretary of State, and who is entitled to be voted for in the county at the next succeeding primary election, together with the title of the office for which the person is a candidate and the party or principles he or she represents; and

(b) Each county clerk shall forward to the Secretary of State a certified list containing the name and mailing address of each person for whom candidacy papers *for judicial and nonjudicial office* have been filed in the office of the county clerk, and who is entitled to be voted for in the county at the next succeeding primary election, together with the title of the office for which the person is a candidate and the party or principles he or she represents.

2. There must be a party designation only for candidates for partisan offices.

Sec. 23. NRS 293.193 is hereby amended to read as follows:

293.193 1. Fees as listed in this section for filing declarations of candidacy ~~[or acceptances of candidacy]~~ must be paid to the filing officer by cash, cashier's check or certified check.

United States Senator	$500
Representative in Congress	300
Governor	300
Justice of the Supreme Court	300
Any state office, other than Governor or Justice of the Supreme Court	200
District judge	150
Justice of the peace	100
Any county office	100
State Senator	100
Assemblyman or Assemblywoman	100
Any district office other than district judge	30
Constable or other town or township office	30

For the purposes of this subsection, trustee of a county school district, hospital or hospital district is not a county office.

2. No filing fee may be required from a candidate for an office the holder of which receives no compensation.

3. The county clerk shall pay to the county treasurer all filing fees received from candidates. The county treasurer shall deposit the money to the credit of the general fund of the county.

4. Except as otherwise provided in NRS 293.194, a filing fee paid pursuant to this section is not refundable.

Sec. 24. NRS 293.194 is hereby amended to read as follows:

293.194 The filing fee of an independent candidate who files a petition pursuant to NRS 293.200 or 298.109, of a candidate of a minor political party or of a candidate of a new major political party, must be returned to the candidate by the ***filing*** officer to whom the fee was paid within 10 days after the date on which a final determination is made that the petition of the candidate, minor political party or new major political party failed to contain the required number of signatures.

Sec. 25. NRS 293.200 is hereby amended to read as follows:

293.200 1. An independent candidate for partisan office must file with the appropriate filing officer as set forth in NRS 293.185:

(a) A copy of the petition of candidacy that he or she intends to subsequently circulate for signatures. The copy must be filed not earlier than the January 2 preceding the date of the election and not later than 10 working days before the last day to file the petition pursuant to subsection 4. The copy of the petition must be filed with the appropriate filing officer before the petition may be circulated for signatures.

(b) Either of the following:

(1) A petition of candidacy signed by a number of registered voters equal to at least 1 percent of the total number of ballots cast in:

(I) This State for that office at the last preceding general election in which a person was elected to that office, if the office is a statewide office;

(II) The county for that office at the last preceding general election in which a person was elected to that office, if the office is a county office; or

(III) The district for that office at the last preceding general election in which a person was elected to that office, if the office is a district office.

(2) A petition of candidacy signed by 250 registered voters if the candidate is a candidate for statewide office, or signed by 100 registered voters if the candidate is a candidate for any office other than a statewide office.

2. The petition may consist of more than one document. Each document must bear the name of the county in which it was circulated, and only registered voters of that county may sign the document. If the office is not a statewide office, only the registered voters of the county, district or municipality in question may sign the document. The documents that are circulated for signature in a county must be submitted to that county clerk for verification in the manner prescribed in NRS 293.1276 to 293.1279, inclusive, not later than 10 working days before the last day to file the petition pursuant to subsection 4. Each person who signs the petition shall add to his or her signature the address of the place at which the person actually resides, the date that he or she signs the petition and the name of the county where he or she is registered to vote. The person who circulates each document of the petition shall sign an affidavit attesting that the signatures on the document are genuine to the best of his or her knowledge and belief and were signed in his or her presence by persons registered to vote in that county.

3. The petition of candidacy may state the principle, if any, which the person qualified represents.

4. Petitions of candidacy must be filed not earlier than the first Monday in March preceding the general election and not later than 5 p.m. on the third Friday in June.

5. No petition of candidacy may contain the name of more than one candidate for each office to be filled.

6. A person may not file as an independent candidate if he or she is proposing to run as the candidate of a political party.

7. The names of independent candidates must be placed on the general election ballot and must not appear on the primary election ballot.

8. If the sufficiency of the petition of the candidacy of any person seeking to qualify pursuant to this section is challenged, all affidavits and documents in support of the challenge must be filed not later than 5 p.m. on the fourth Friday in June. Any judicial proceeding resulting from the challenge must be set for hearing not more than 5 days after the fourth Friday in June.

9. Any challenge pursuant to subsection 8 must be filed with:

(a) The First Judicial District Court if the petition of candidacy was filed with the Secretary of State.

(b) The district court for the county where the petition of candidacy was filed if the petition was filed with a county clerk.

10. The district court in which the challenge is filed shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.

11. An independent candidate for partisan office must file a declaration of candidacy with the appropriate filing officer and pay the *filing* fee required by NRS 293.193 not earlier than the first Monday in March of the year in which the election is held ~~[nor]~~ *and not* later than 5 p.m. on the second Friday after the first Monday in March.

Sec. 26. NRS 293.203 is hereby amended to read as follows:293.203 Immediately upon receipt by the county clerk of the certified list of candidates *for judicial and nonjudicial office* from the Secretary of State ~~[,]~~ *pursuant to NRS 293.187,* the county clerk shall publish a notice of primary election or general election in a newspaper of general circulation in the county once a week for 2 successive weeks. If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest Nevada county. The notice must contain:

1. The date of the election.
2. The location of the polling places.
3. The hours during which the polling places will be open for voting.
4. The names of the candidates.
5. A list of the offices to which the candidates seek nomination or election.

➥ The notice required for a general election pursuant to this section may be published in conjunction with the notice required for a proposed constitution or constitutional amendment pursuant to NRS 293.253. If the notices are combined in this manner, they must be published three times in accordance with subsection 3 of NRS 293.253.

Sec. 27. NRS 293.204 is hereby amended to read as follows:

293.204 ~~[If]~~ *Except as otherwise provided in NRS 306.110, if* a special election is held pursuant to the provisions of this title, the Secretary of State shall prescribe the ~~[time]~~ *period* during which a candidate must file a declaration ~~[or acceptance]~~ of candidacy ~~[.]~~ *with the appropriate filing officer and pay the filing fee required by NRS 293.193.*

Sec. 28. NRS 293.2045 is hereby amended to read as follows:

293.2045 1. In addition to any other remedy or penalty provided by law, but except as otherwise provided in NRS 293.1265, if a court of competent jurisdiction finds in any preelection action that a person who is a candidate for any office fails to meet any qualification required for the office pursuant to the Constitution or laws of this State:

(a) The name of the person must not appear on any ballot for the election for which the person filed a declaration of ~~[candidacy or acceptance of]~~ candidacy, except that if the statutory deadline for making changes to the ballot has passed, the provisions of subsection 2 apply; and

(b) The person is disqualified from entering upon the duties of the office for which the person filed a declaration of ~~[candidacy or acceptance of]~~ candidacy.

2. If the name of a person who is disqualified from entering upon the duties of an office pursuant to subsection 1 appears on a ballot for the election because the statutory deadline for making changes to the ballot has passed, the appropriate election officers shall post a sign at each polling place where the person's name will appear on the ballot informing voters that the person is disqualified from entering upon the duties of the office.

3. The provisions of this section apply to any preelection action brought to challenge a person who is a candidate for any office on the grounds that the person fails to meet any qualification required for the office pursuant to the Constitution or laws of this State, including, without limitation, any action brought pursuant to NRS 281.050, 293.182 or 293C.186 or any action brought for:

(a) Declaratory or injunctive relief pursuant to chapter 30 or 33 of NRS;

(b) Writ relief pursuant to chapter 34 of NRS; or

(c) Any other legal or equitable relief.

Sec. 29. NRS 293.209 is hereby amended to read as follows:

293.209 *1.* A political subdivision of this State shall not create, divide, change the boundaries of, abolish or consolidate an election district after the first day of filing by candidates *for nonjudicial office* during any year in which a general election or *general* city ~~[general]~~ election is held for that election district.

2. This section does not prohibit a political subdivision from annexing territory in a year in which a general election or *general* city ~~[general]~~ election is held for that election district.

Sec. 30. NRS 293.247 is hereby amended to read as follows:

293.247 1. The Secretary of State shall adopt regulations, not inconsistent with the election laws of this State, for the conduct of primary, general, special and district elections in all cities and counties. Permanent regulations of the Secretary of State that regulate the conduct of a primary, general, special or district election and are effective on or before the last business day of February immediately preceding a primary, general, special or district election govern the conduct of that election.

2. The Secretary of State shall prescribe the forms for a declaration of candidacy ~~[, certificate of candidacy, acceptance of candidacy]~~ and any petition which is filed pursuant to the ~~[general]~~ election laws of this State.

3. The regulations must prescribe:

(a) The manner of printing ballots and the number of ballots to be distributed to precincts and districts;

(b) The form and placement of instructions to voters;

(c) The disposition of election returns;

(d) The procedures to be used for canvasses, ties, recounts and contests, including, without limitation, the appropriate use of a paper record created when a voter casts a ballot on a mechanical voting system that directly records the votes electronically;

(e) The procedures to be used to ensure the security of the ballots from the time they are transferred from the polling place until they are stored pursuant to the provisions of NRS 293.391 or 293C.390;

(f) The procedures to be used to ensure the security and accuracy of computer programs and tapes used for elections;

(g) The procedures to be used for the testing, use and auditing of a mechanical voting system which directly records the votes electronically and which creates a paper record when a voter casts a ballot on the system;

(h) The acceptable standards for the sending and receiving of applications, forms and ballots, by approved electronic transmission, by the county clerks and the electors, registered voters or other persons who are authorized to use approved electronic transmission pursuant to the provisions of this title;

(i) The forms for applications to preregister and register to vote and any other forms necessary for the administration of this title; and

(j) Such other matters as determined necessary by the Secretary of State.

4. The Secretary of State may provide interpretations and take other actions necessary for the effective administration of the statutes and regulations governing the conduct of primary, general, special and district elections in this State.

5. The Secretary of State shall prepare and distribute to each county and city clerk copies of:

(a) Laws and regulations concerning elections in this State;

(b) Interpretations issued by the Secretary of State's Office; and

(c) Any Attorney General's opinions or any state or federal court decisions which affect state election laws or regulations whenever any of those opinions or decisions become known to the Secretary of State.

Sec. 31. NRS 293.257 is hereby amended to read as follows:

293.257 1. There must be a separate primary ballot for each major political party. The names of candidates for partisan offices who have designated a major political party in the declaration of candidacy ~~[or acceptance of candidacy]~~ must appear on the primary ballot of the major political party designated.

2. The county clerk may choose to place the names of candidates for nonpartisan offices on the ballots for each major political party or on a separate nonpartisan primary ballot, but the arrangement which the county clerk selects must permit all registered voters to vote on them.

3. A registered voter may cast a primary ballot for a major political party at a primary election only if the registered voter designated on his or her application to register to vote an affiliation with that major political party.

Sec. 32. NRS 293.260 is hereby amended to read as follows:

293.260 1. If there is no contest of election for nomination to a particular office, neither the title of the office nor the name of the candidate may appear on the ballot at the primary election.

2. If a major political party has two or more candidates for a particular office, the person who receives the highest number of votes at the primary

election must be declared the nominee of that major political party for the office.

3. If not more than the number of candidates to be elected have filed for nomination for:

(a) Any partisan office or the office of judge of a district court, judge of the Court of Appeals or justice of the Supreme Court, the names of those candidates must be omitted from all ballots for a primary election and placed on all ballots for the general election;

(b) Any nonpartisan office, other than the office of judge of a district court, judge of the Court of Appeals, justice of the Supreme Court or member of a town advisory board, the names of those candidates must appear on the ballot for a primary election unless the candidates were nominated pursuant to subsection 2 of NRS 293.165. If a candidate receives one or more votes at the primary election, the candidate must be declared elected to the office and his or her name must not be placed on the ballot for the general election. If a candidate does not receive one or more votes at the primary election, his or her name must be placed on the ballot for the general election; and

(c) The office of member of a town advisory board, the candidate must be declared elected to the office and no election must be held for that office.

4. If there are not more than twice the number of candidates to be elected to a nonpartisan office, the candidates must, without a primary election, be declared the nominees for the office, and the names of the candidates must be omitted from all ballots for a primary election and placed on all ballots for the general election.

5. If there are more than twice the number of candidates to be elected to a nonpartisan office, the names of the candidates must appear on the ballot for a primary election. ~~[Those]~~ *Except as otherwise provided in NRS 293.400, those* candidates who receive the highest number of votes at the primary election, not to exceed twice the number to be elected, must be declared nominees for the office and the names of those candidates must be placed on the ballot for the general election, except that if one of those candidates receives a majority of the votes cast in the primary election for:

(a) The office of judge of a district court, judge of the Court of Appeals or justice of the Supreme Court, the candidate must be declared the only nominee for the office and only his or her name must be placed on the ballot for the general election.

(b) Any other nonpartisan office, the candidate must be declared elected to the office and his or her name must not be placed on the ballot for the general election.

Sec. 33. NRS 293.2696 is hereby amended to read as follows:

293.2696 The Secretary of State and each county and city clerk shall ensure that each voting system used in this State:

1. Secures to each voter privacy and independence in the act of voting, including, without limitation, confidentiality of the ballot of the voter;

2. Allows each voter to verify privately and independently the votes selected by the voter on the ballot before the ballot is cast and counted;

3. Provides each voter with the opportunity, in a private and independent manner, to change the ballot and to correct any error before the ballot is cast and counted, including, without limitation, the opportunity to correct an error through the issuance of a replacement ballot if the voter is otherwise unable to change the ballot or correct the error;

4. Provides a permanent paper record with a manual audit capacity; and

5. Meets or exceeds the standards for voting systems established by the ~~[Federal]~~ *United States* Election *Assistance* Commission, including, without limitation, the error rate standards.

Sec. 34. NRS 293.275 is hereby amended to read as follows:

293.275 ~~[No]~~

1. An election board may *not* perform its duty in serving registered voters at any polling place in any election provided for in this title, unless it has before it the roster for the polling place.

2. If a county clerk uses an electronic roster, not earlier than 2 weeks before and not later than 5 p.m. on the day before the first day of the period for early voting by personal appearance, the county clerk shall complete a test of the electronic roster to ensure its functionality in accordance with regulations adopted by the Secretary of State.

Sec. 35. NRS 293.400 is hereby amended to read as follows:

293.400 1. If, after the completion of the canvass of the returns of any election, two or more persons receive an equal number of votes, which is sufficient for the election of one or more but fewer than all of them to the office, the person or persons elected must be determined as follows:

(a) In a general election for a United States Senator, Representative in Congress, state officer who is elected statewide or by district, district judge, or district officer whose district includes area in more than one county, the Legislature shall, by joint vote of both houses, elect one of those persons to fill the office.

(b) In a primary election for a United States Senator, Representative in Congress, state officer who is elected statewide or by district, district judge, or district officer whose district includes area in more than one county, the Secretary of State shall summon the candidates who have received the tie votes to appear before the Secretary of State at a time and place designated by the Secretary of State and the Secretary of State shall determine the tie by lot. If the tie vote is for the office of Secretary of State, the Governor shall perform these duties.

(c) ~~[For]~~ *In a general election for* any office of a county, township, incorporated city, city organized under a special charter where the charter is silent as to determination of a tie vote, or district which is wholly located within one county, the county clerk shall summon the candidates who have received the tie votes to appear before the county clerk at a time and place designated by the county clerk and determine the tie by lot. If the tie vote is

for the office of county clerk, the board of county commissioners shall perform these duties.

(d) In a primary election for a nonpartisan office of a county, township, incorporated city, city organized under a special charter where the charter is silent as to determination of a tie vote, or district which is wholly located within one county:

(1) If the candidates who received the tie votes received the highest number of votes at the primary election, all of those candidates must be declared nominees for the office and placed on the ballot for the general election.

(2) If the candidates who have received the tie votes did not receive the highest number of votes but received the next highest number of votes, the candidate who received the highest number of votes at the primary election and the candidates who received the tie votes at the primary election must be declared the nominees for the office and placed on the ballot for the general election.

2. The summons mentioned in this section must be mailed to the address of the candidate as it appears upon the candidate's declaration of candidacy at least 5 days before the day fixed for the determination of the tie vote and must contain the time and place where the determination will take place.

3. The right to a recount extends to all candidates in case of a tie.

Sec. 36. NRS 293.403 is hereby amended to read as follows:

293.403 1. A candidate defeated at any election may demand and receive a recount of the vote for the office for which he or she is a candidate to determine the number of votes received for the candidate and the number of votes received for the person who won the election if within 3 working days after the canvass of the vote and the certification by the county clerk or city clerk of the abstract of votes the candidate who demands the recount:

(a) Files in writing a demand with the officer with whom the candidate filed his or her declaration of ~~[candidacy or acceptance of]~~ candidacy; and

(b) Deposits in advance the estimated costs of the recount with that officer.

2. Any voter at an election may demand and receive a recount of the vote for a ballot question if within 3 working days after the canvass of the vote and the certification by the county clerk or city clerk of the abstract of votes, the voter:

(a) Files in writing a demand with:

(1) The Secretary of State, if the demand is for a recount of a ballot question affecting more than one county; or

(2) The county or city clerk who will conduct the recount, if the demand is for a recount of a ballot question affecting only one county or city; and

(b) Deposits in advance the estimated costs of the recount with the person to whom the demand was made.

3. The estimated costs of the recount must be determined by the person with whom the advance is deposited based on regulations adopted by the Secretary of State defining the term "costs."

4. As used in this section, "canvass" means:

(a) In any primary election, the canvass by the board of county commissioners of the returns for a candidate or ballot question voted for in one county or the canvass by the board of county commissioners last completing its canvass of the returns for a candidate or ballot question voted for in more than one county.

(b) In any primary city election, the canvass by the city council of the returns for a candidate or ballot question voted for in the city.

(c) In any general election:

(1) The canvass by the Supreme Court of the returns for a candidate for a statewide office or a statewide ballot question; or

(2) The canvass of the board of county commissioners of the returns for any other candidate or ballot question, as provided in paragraph (a).

(d) In any general city election, the canvass by the city council of the returns for a candidate or ballot question voted for in the city.

~~[Sec. 16.]~~ *Sec. 37.* NRS 293.437 is hereby amended to read as follows:

293.437 1. The county or city clerk may designate any building, public or otherwise, or any portion of a building, as the site for any polling place or any number of polling places for any of the precincts or districts in the county or city.

2. If, in the opinion of the county or city clerk, the convenience and comfort of the voters and election officers will be best served by putting two or more polling places in any such building, or if, in the opinion of the county or city clerk, the expense to the county or city for polling places can be diminished by putting two or more polling places in any such building, the county or city clerk may so provide.

3. In precincts where there are no public buildings or other appropriate locations owned by the State, county, township, city, town or precinct, privately owned locations may be rented at a rate not to exceed $35 for each election if only one precinct is involved and at a rate not to exceed $50 for each election if more than one precinct is involved.

4. The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a polling place pursuant to subsection 3, except to the extent necessary to conduct voting at that location.

Sec. 38. NRS 293.518 is hereby amended to read as follows:

293.518 1. Except as otherwise provided in sections 3 and 4 of the 2018 Ballot Question No. 5, the Automatic Voter Registration Initiative, at the time a person preregisters or an elector registers to vote, the person or elector must indicate:

(a) A political party affiliation; or

(b) That he or she is not affiliated with a political party.

➥ A person or an elector who indicates that he or she is "independent" shall be deemed not affiliated with a political party.

2. If a person or an elector indicates that he or she is not affiliated with a political party, or is independent, the county clerk or field registrar of voters shall list the person's or elector's political party as nonpartisan.

3. If a person or an elector indicates an affiliation with a major political party or a minor political party that has filed a certificate of existence with the Secretary of State, the county clerk or field registrar of voters shall list the person's or elector's political party as indicated by the person or elector.

4. If a person or an elector indicates an affiliation with a minor political party that has not filed a certificate of existence with the Secretary of State, the county clerk or field registrar of voters shall:

(a) List the person's or elector's political party as the party indicated in the application to preregister or register to vote, as applicable.

(b) When compiling data related to preregistration and voter registration for the county, report the person's or elector's political party as "other party."

5. ~~If~~ *Except as otherwise provided in subsection 6, if* a person or an elector does not make any of the indications described in subsection 1, the county clerk or field registrar of voters shall:

(a) List the person's or elector's political party as nonpartisan; and

(b) Mail to the person or elector a notice setting forth that the person has been preregistered or the elector has been registered to vote, as applicable, as a nonpartisan because he or she did not make any of the indications described in subsection 1.

6. Except as otherwise provided in subsection 7, if a person who is preregistered or registered to vote:

(a) Submits a new paper application to preregister or register to vote in the same county in which the person is preregistered or registered to vote; and

(b) The person does not make any of the indications described in subsection 1 on the new paper application,

➥ the county clerk or field registrar of voters shall not change the person's existing political party affiliation that was established by his or her prior application pursuant to this section and is listed in the current records of the county clerk.

7. The provisions of subsection 6 do not apply to a voter who registers to vote using the National Mail Voter Registration Application promulgated by the United States Election Assistance Commission pursuant to the National Voter Registration Act, 52 U.S.C. § 20501 et seq., as amended.

Sec. 39. NRS 293.5235 is hereby amended to read as follows:

293.5235 1. Except as otherwise provided in NRS 293.502 and chapter 293D of NRS, a person may preregister or register to vote by mailing an application to preregister or register to vote to the county clerk of the county in which the person resides or may preregister or register to vote by computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to preregister or register to vote. The county clerk shall, upon request, mail an application to preregister or register to vote to an applicant. The county clerk shall make the applications available at various public places

in the county. An application to preregister to vote may be used to correct information in a previous application. An application to register to vote may be used to correct information in the registrar of voters' register.

2. An application to preregister or register to vote which is mailed to an applicant by the county clerk or made available to the public at various locations or voter registration agencies in the county may be returned to the county clerk by mail or in person. For the purposes of this section, an application which is personally delivered to the county clerk shall be deemed to have been returned by mail.

3. The applicant must complete the application, including, without limitation, checking the boxes described in paragraphs (b) and (c) of subsection 10 and signing the application.

4. The county clerk shall, upon receipt of an application, determine whether the application is complete.

5. If the county clerk determines that the application is complete, he or she shall, within 10 days after receiving the application, mail to the applicant:

(a) A notice that the applicant is preregistered or registered to vote, as applicable. If the applicant is registered to vote, the county clerk must also mail to the applicant a voter registration card as required by subsection 6 of NRS 293.517; or

(b) A notice that the person's application to preregister to vote or the registrar of voters' register has been corrected to reflect any changes indicated on the application.

6. Except as otherwise provided in ~~[subsection]~~ *subsections* 5 *and 6* of NRS 293.518, if the county clerk determines that the application is not complete, the county clerk shall, as soon as possible, mail a notice to the applicant that additional information is required to complete the application. If the applicant provides the information requested by the county clerk within 15 days after the county clerk mails the notice, the county clerk shall, within 10 days after receiving the information, mail to the applicant:

(a) A notice that the applicant is:

(1) Preregistered to vote; or

(2) Registered to vote and a voter registration card as required by subsection 6 of NRS 293.517; or

(b) A notice that the person's application to preregister to vote or the registrar of voters' register has been corrected to reflect any changes indicated on the application.

➥ If the applicant does not provide the additional information within the prescribed period, the application is void.

7. The applicant shall be deemed to be preregistered or registered or to have corrected the information in the application to preregister to vote or the registrar of voters' register on the date the application is postmarked or received by the county clerk, whichever is earlier.

8. If the applicant fails to check the box described in paragraph (b) of subsection 10, the application shall not be considered invalid and the county

clerk shall provide a means for the applicant to correct the omission at the time the applicant appears to vote in person at the assigned polling place.

9. The Secretary of State shall prescribe the form for applications to preregister or register to vote by:

(a) Mail, which must be used to preregister or register to vote by mail in this State.

(b) Computer, which must be used to preregister or register to vote in a county if the county clerk has established a system pursuant to NRS 293.506 for using a computer to preregister or register to vote.

10. The application to preregister or register to vote by mail must include:

(a) A notice in at least 10-point type which states:

NOTICE: You are urged to return your application to the County Clerk in person or by mail. If you choose to give your completed application to another person to return to the County Clerk on your behalf, and the person fails to deliver the application to the County Clerk, you will not be preregistered or registered to vote, as applicable. Please retain the duplicate copy or receipt from your application to preregister or register to vote.

(b) The question, "Are you a citizen of the United States?" and boxes for the applicant to check to indicate whether or not the applicant is a citizen of the United States.

(c) If the application is to:

(1) Preregister to vote, the question, "Are you at least 17 years of age and not more than 18 years of age?" and boxes to indicate whether or not the applicant is at least 17 years of age and not more than 18 years of age.

(2) Register to vote, the question, "Will you be at least 18 years of age on or before election day?" and boxes for the applicant to check to indicate whether or not the applicant will be at least 18 years of age or older on election day.

(d) A statement instructing the applicant not to complete the application if the applicant checked "no" in response to the question set forth in:

(1) If the application is to preregister to vote, paragraph (b) or subparagraph (1) of paragraph (c).

(2) If the application is to register to vote, paragraph (b) or subparagraph (2) of paragraph (c).

(e) A statement informing the applicant that if the application is submitted by mail and the applicant is preregistering or registering to vote for the first time, the applicant must submit the information set forth in paragraph (a) of subsection 2 of NRS 293.2725 to avoid the requirements of subsection 1 of NRS 293.2725 upon voting for the first time.

11. Except as otherwise provided in ~~[subsection]~~ *subsections* 5 *and 6* of NRS 293.518, the county clerk shall not preregister or register a person to vote pursuant to this section unless that person has provided all of the information required by the application.

12. The county clerk shall mail, by postcard, the notices required pursuant to subsections 5 and 6. If the postcard is returned to the county clerk by the United States Postal Service because the address is fictitious or the person does not live at that address, the county clerk shall attempt to determine whether the person's current residence is other than that indicated on the application to preregister or register to vote in the manner set forth in NRS 293.530.

13. A person who, by mail, preregisters or registers to vote pursuant to this section may be assisted in completing the application to preregister or register to vote by any other person. The application must include the mailing address and signature of the person who assisted the applicant. The failure to provide the information required by this subsection will not result in the application being deemed incomplete.

14. An application to preregister or register to vote must be made available to all persons, regardless of political party affiliation.

15. An application must not be altered or otherwise defaced after the applicant has completed and signed it. An application must be mailed or delivered in person to the office of the county clerk within 10 days after it is completed.

16. A person who willfully violates any of the provisions of subsection 13, 14 or 15 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

17. The Secretary of State shall adopt regulations to carry out the provisions of this section.

Sec. 40. NRS 293.560 is hereby amended to read as follows:

293.560 1. Except as otherwise provided in NRS 293.502, 293D.230 and 293D.300:

(a) For a primary or general election, or a recall or special election that is held on the same day as a primary or general election, the last day to register to vote:

(1) By mail is the fourth Tuesday preceding the primary or general election.

(2) By appearing in person at the office of the county clerk or, if open, a county facility designated pursuant to NRS 293.5035, is the third Tuesday preceding the primary or general election.

(3) By computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters, is the Thursday preceding the first day of the period for early voting.

(b) If a recall or special election is not held on the same day as a primary or general election, the last day to register to vote for the recall or special election by any ~~[means]~~ *method of registration* is the third Saturday preceding the recall or special election.

2. For a primary or special election, the office of the county clerk must be open until 7 p.m. during the last 2 days on which a person may register to vote in person. In a county whose population is less than 100,000, the office of the

county clerk may close at 5 p.m. during the last 2 days a person may register to vote in person if approved by the board of county commissioners.

3. For a general election:

(a) In a county whose population is less than 100,000, the office of the county clerk must be open until 7 p.m. during the last 2 days on which a person may register to vote in person. The office of the county clerk may close at 5 p.m. if approved by the board of county commissioners.

(b) In a county whose population is 100,000 or more, the office of the county clerk must be open during the last 4 days on which a person may register to vote in person, according to the following schedule:

(1) On weekdays until 9 p.m.; and

(2) A minimum of 8 hours on Saturdays, Sundays and legal holidays.

4. Except for a special election held pursuant to chapter 306 or 350 of NRS:

(a) The county clerk of each county shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the county indicating:

(1) The day and time that *each method of* registration *for the election, as set forth in subsection 1,* will be closed; and

(2) If the county clerk has designated a county facility pursuant to NRS 293.5035, the location of that facility.

➥ If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest county in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the ~~[close]~~ *day that the last method* of registration for ~~[any]~~ *the* election ~~[.]~~ *, as set forth in subsection 1, will be closed.*

5. The offices of the county clerk, a county facility designated pursuant to NRS 293.5035 and other ex officio registrars may remain open on the last Friday in October in each even-numbered year.

6. A county facility designated pursuant to NRS 293.5035 may be open during the periods described in this section for such hours of operation as the county clerk may determine, as set forth in subsection 3 of NRS 293.5035.

Sec. 41. NRS 293B.063 is hereby amended to read as follows:

293B.063 No mechanical voting system may be used in this State unless it meets or exceeds the standards for voting systems established by the ~~[Federal]~~ *United States* Election *Assistance* Commission . ~~[pursuant to federal law.]~~

Sec. 42. NRS 293B.104 is hereby amended to read as follows:

293B.104 The Secretary of State shall not approve any mechanical voting system which does not meet or exceed the standards for voting systems established by the ~~[Federal]~~ *United States* Election *Assistance* Commission . ~~[pursuant to federal law.]~~

Sec. 43. Chapter 293C of NRS is hereby amended by adding thereto a new section to read as follows:

1. An election board may not perform its duty in serving registered voters at any polling place in any election provided for in this title, unless it has before it the roster for the polling place.

2. If a city clerk uses an electronic roster, not earlier than 2 weeks before and not later than 5 p.m. on the day before the first day of the period for early voting by personal appearance, the city clerk shall complete a test of the electronic roster to ensure its functionality in accordance with regulations adopted by the Secretary of State.

Sec. 44. NRS 293C.185 is hereby amended to read as follows:

293C.185 1. Except as otherwise provided in NRS 293C.115 and 293C.190, a name may not be printed on a ballot to be used at a primary city election unless the person named has filed a declaration of candidacy ~~[or an acceptance of candidacy]~~ *with the appropriate filing officer* and ~~[has]~~ paid the *filing* fee established by the governing body of the city not earlier than 70 days before the primary city election and not later than 5 p.m. on the 60th day before the primary city election.

2. A declaration of candidacy required to be filed ~~[by]~~ *pursuant to* this ~~[section]~~ *chapter* must be in substantially the following form:

DECLARATION OF CANDIDACY OF .... FOR THE OFFICE OF .....

State of Nevada

City of .....

For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, ..., the undersigned do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the city, township or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a candidate at the ensuing election I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy ~~[or acceptance of candidacy]~~ which contains a false statement is a crime punishable as a gross misdemeanor

and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ... day of the month of ... of the year ...

.....
Notary Public or other person
authorized to administer an oath

3. The address of a candidate that must be included in the declaration ~~[or acceptance]~~ of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration ~~[or acceptance]~~ of candidacy must not be accepted for filing if the candidate fails to comply with the following provisions of this subsection or, if applicable, the provisions of subsection 4:

(a) The candidate shall not list the candidate's address as a post office box unless a street address has not been assigned to the residence; and

(b) Except as otherwise provided in subsection 4, the candidate shall present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card issued pursuant to NRS 293.517.

4. If the candidate executes an oath or affirmation under penalty of perjury stating that the candidate is unable to present to the filing officer the proof of residency required by subsection 3 because a street address has not been assigned to the candidate's residence or because the rural or remote location of the candidate's residence makes it impracticable to present the proof of residency required by subsection 3, the candidate shall present to the filing officer:

(a) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate; and

(b) Alternative proof of the candidate's residential address that the filing officer determines is sufficient to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050. The Secretary of State may adopt regulations establishing the forms of alternative proof of the candidate's residential address that the filing officer may accept to

verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050.

5. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to subsection 3 or 4. Such a copy:

(a) May not be withheld from the public; and

(b) Must not contain the social security number, driver's license or identification card number or account number of the candidate.

6. By filing the declaration ~~[or acceptance]~~ of candidacy, the candidate shall be deemed to have appointed the city clerk as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293C.186. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration ~~[or acceptance]~~ of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the city clerk duplicate copies of the process. The city clerk shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the city clerk a different address for that purpose, in which case the city clerk shall mail the copy to the last address so designated.

7. If the city clerk receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the city clerk:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored by a court of competent jurisdiction; and

(b) Shall transmit the credible evidence and the findings from such investigation to the city attorney.

8. The receipt of information by the city attorney pursuant to subsection 7 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293C.186 to which the provisions of NRS 293.2045 apply.

9. Any person who knowingly and willfully files a declaration of candidacy ~~[or acceptance of candidacy]~~ which contains a false statement in violation of this section is guilty of a gross misdemeanor.

Sec. 45. NRS 293C.186 is hereby amended to read as follows:

293C.186 1. After a person files a declaration of candidacy ~~[or an acceptance of candidacy]~~ to be a candidate for an office, and not later than 5 days after the last day the person may withdraw his or her candidacy pursuant to NRS 293C.195, an elector may file with the city clerk a written challenge of the person on the grounds that the person fails to meet any qualification required for the office pursuant to the Constitution or laws of this State. Before accepting the challenge from the elector, the filing officer shall notify the elector that if the challenge is found by a court to be frivolous, the elector may be required to pay the reasonable attorney's fees and court costs of the person who is being challenged.

2. A challenge filed pursuant to subsection 1 must:

(a) Indicate each qualification the person fails to meet;

(b) Have attached all documentation and evidence supporting the challenge; and

(c) Be in the form of an affidavit, signed by the elector under penalty of perjury.

3. Upon receipt of a challenge pursuant to subsection 1, the city clerk shall immediately transmit the challenge to the city attorney.

4. If the city attorney determines that probable cause exists to support the challenge, the city attorney shall, not later than 5 working days after receiving the challenge, petition a court of competent jurisdiction to order the person to appear before the court. Upon receipt of such a petition, the court shall enter an order directing the person to appear before the court at a hearing, at a time and place to be fixed by the court in the order, to show cause why the challenge is not valid. A certified copy of the order must be served upon the person. The court shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.

5. If, at the hearing, the court determines by a preponderance of the evidence that the challenge is valid or that the person otherwise fails to meet any qualification required for the office pursuant to the Constitution or laws of this State, or if the person fails to appear at the hearing, the person is subject to the provisions of NRS 293.2045.

6. If, at the hearing, the court determines that the challenge is frivolous, the court may order the elector who filed the challenge to pay the reasonable attorney's fees and court costs of the person who was challenged.

Sec. 46. NRS 293C.1865 is hereby amended to read as follows:

293C.1865 1. In addition to any other remedy or penalty provided by law, if a person knowingly and willfully files a declaration of candidacy ~~[or acceptance of candidacy]~~ which contains a false statement:

(a) The name of the person must not appear on any ballot for the election for which the person filed the declaration of ~~[candidacy or acceptance of]~~ candidacy, except that if the statutory deadline for making changes to the ballot has passed, the provisions of subsection 2 apply; and

(b) The person is disqualified from entering upon the duties of the office for which the person filed the declaration of ~~[candidacy or acceptance of]~~ candidacy.

2. If the name of a person who is disqualified from entering upon the duties of an office pursuant to subsection 1 appears on a ballot for the election because the statutory deadline for making changes to the ballot has passed, the appropriate election officers shall post a sign at each polling place where the person's name will appear on the ballot informing voters that the person is disqualified from entering upon the duties of the office.

3. The provisions of this section may be enforced in any preelection action to which the provisions of NRS 293.2045 apply.

Sec. 47. NRS 293C.190 is hereby amended to read as follows:

293C.190 1. Except as otherwise provided in NRS 293C.115, a vacancy occurring in a nomination for a city office after the close of filing and on or

before 5 p.m. of the first Tuesday after the first Monday in March ~~[in a]~~ *of the* year in which ~~[a]~~ *the* general city election is held must be filled by filing a nominating petition that is signed by at least 1 percent of the persons who are registered to vote and who voted for that office at the last preceding general city election. Except as otherwise provided in NRS 293C.115, the petition must be filed not earlier than the third Tuesday in February and not later than the third Tuesday after the third Monday in March ~~[.]~~ *of the year in which the general city election is held.* A candidate nominated pursuant to the provisions of this subsection may be elected only at a general city election, and the candidate's name must not appear on the ballot for a primary city election.

2. Except as otherwise provided in NRS 293C.115, a vacancy occurring in a nomination for a city office after 5 p.m. of the first Tuesday after the first Monday in March and on or before 5 p.m. of the second Tuesday after the second Monday in April *of the year in which the general city election is held* must be filled by the person who received the next highest vote for the nomination in the primary city election.

3. Except to place a candidate nominated pursuant to subsection 1 on the ballot and except as otherwise provided in NRS 293C.115, no change may be made on the ballot for the general city election after 5 p.m. of the second Tuesday after the second Monday in April of the year in which the general city election is held. If a nominee dies after that time and date, the nominee's name must remain on the ballot for the general city election and, if elected, a vacancy exists.

4. Except as otherwise provided in NRS 293C.115, ~~[all designations provided for in this section must be filed on or before 5 p.m. on the second Tuesday after the second Monday in April of the year in which the general city election is held. The]~~ *a candidate nominated pursuant to subsection 1 must file a declaration of candidacy with the appropriate filing officer and pay the* filing fee ~~[must be paid and an acceptance of the designation must be filed]~~ *established by the governing body of the city* on or before 5 p.m. on ~~[that]~~ *the* date ~~[.]~~ *on which the nominating petition is filed pursuant to subsection 1 or on the third Tuesday after the third Monday in March of the year in which the general city election is held, whichever occurs first.*

Sec. 48. NRS 293C.195 is hereby amended to read as follows:

293C.195 A withdrawal of candidacy for a city office must be in writing and presented to the city clerk by the candidate in person within 2 days, excluding Saturdays, Sundays and holidays, after the last day for filing a declaration of ~~[candidacy or an acceptance of]~~ candidacy.

Sec. 49. NRS 293C.200 is hereby amended to read as follows:

293C.200 1. In addition to any other requirement provided by law, no person may be a candidate for a city office unless, for at least the 30 days immediately preceding the date of the close of filing of declarations ~~[or acceptances]~~ of candidacy for the office that the person seeks, the person has in accordance with NRS 281.050, actually, as opposed to constructively,

resided in the city or other area prescribed by law to which the office pertains and, if elected, over which he or she will have jurisdiction or which he or she will represent.

2. Any person who knowingly and willfully files a declaration of candidacy ~~[or acceptance of candidacy]~~ which contains a false statement regarding the person's residency in violation of this section is guilty of a gross misdemeanor.

Sec. 50. NRS 293C.527 is hereby amended to read as follows:

293C.527 1. Except as otherwise provided in NRS 293.502, 293D.230 and 293D.300:

(a) For a primary city election or general city election, or a recall or special election that is held on the same day as a primary city election or general city election, the last day to register to vote:

(1) By mail is the fourth Tuesday preceding the primary city election or general city election.

(2) By appearing in person at the office of the city clerk or, if open, a municipal facility designated pursuant to NRS 293C.520, is the third Tuesday preceding the primary city election or general city election.

(3) By computer, if the county clerk of the county in which the city is located has established a system pursuant to NRS 293.506 for using a computer to register voters and:

(I) The governing body of the city has provided for early voting by personal appearance pursuant to paragraph (b) of subsection 2 of NRS 293C.110, is the Thursday preceding the first day of the period for early voting.

(II) The governing body of the city has not provided for early voting by personal appearance pursuant to paragraph (b) of subsection 2 of NRS 293C.110, is the third Tuesday preceding any primary city election or general city election.

(b) If a recall or special election is not held on the same day as a primary city election or general city election, the last day to register to vote for the recall or special election by any ~~[means]~~ *method of registration* is the third Saturday preceding the recall or special election.

2. For a primary city election or special city election, the office of the city clerk must be open until 7 p.m. during the last 2 days on which a person may register to vote in person. In a city whose population is less than 25,000, the office of the city clerk may close at 5 p.m. if approved by the governing body of the city.

3. For a general election:

(a) In a city whose population is less than 25,000, the office of the city clerk must be open until 7 p.m. during the last 2 days on which a person may register to vote in person. The office of the city clerk may close at 5 p.m. if approved by the governing body of the city.

(b) In a city whose population is 25,000 or more, the office of the city clerk must be open during the last 4 days on which a person may register to vote in person, according to the following schedule:

(1) On weekdays until 9 p.m.; and

(2) A minimum of 8 hours on Saturdays, Sundays and legal holidays.

4. Except for a special election held pursuant to chapter 306 or 350 of NRS:

(a) The city clerk of each city shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the city indicating:

(1) The day and time that *each method of* registration *for the election, as set forth in subsection 1,* will be closed; and

(2) If the city clerk has designated a municipal facility pursuant to NRS 293C.520, the location of that facility.

➥ If no newspaper is of general circulation in that city, the publication may be made in a newspaper of general circulation in the nearest city in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the ~~[close]~~ *day on which the last method* of registration for ~~[any]~~ *the* election ~~[.]~~ *, as set forth in subsection 1, will be closed.*

5. A municipal facility designated pursuant to NRS 293C.520 may be open during the periods described in this section for such hours of operation as the city clerk may determine, as set forth in subsection 3 of NRS 293C.520.

Sec. 51. NRS 294A.0035 is hereby amended to read as follows:

294A.0035 "Campaign expenses" means:

1. All expenses incurred by a candidate for a campaign, including, without limitation:

(a) Office expenses;

(b) Expenses related to volunteers;

(c) Expenses related to travel;

(d) Expenses related to advertising;

(e) Expenses related to paid staff;

(f) Expenses related to consultants;

(g) Expenses related to polling;

(h) Expenses related to special events;

(i) Expenses related to a legal defense fund;

(j) Contributions made to another candidate, a nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225, a committee for political action that is registered or required to be registered pursuant to NRS 294A.230 or a committee for the recall of a public officer that is registered or required to be registered pursuant to NRS 294A.250;

(k) Fees for filing declarations of ~~[candidacy or acceptances of]~~ candidacy; and

(l) Repayment or forgiveness of a loan.

2. Expenditures, as defined in NRS 294A.0075.

3. The disposal of any unspent contributions pursuant to NRS 294A.160.

Sec. 52. NRS 294A.005 is hereby amended to read as follows:

294A.005 "Candidate" means any person:

1. Who files a declaration of candidacy;

2. ~~[Who files an acceptance of candidacy;~~

~~3.]~~ Whose name appears on an official ballot at any election; or

~~[4.]~~ 3. Who has received one or more contributions in excess of $100, regardless of whether:

(a) The person has filed a declaration of ~~[candidacy or an acceptance of]~~ candidacy; or

(b) The name of the person appears on an official ballot at any election.

Sec. 53. NRS 294A.160 is hereby amended to read as follows:

294A.160 1. It is unlawful for a candidate to spend money received as a contribution for the candidate's personal use.

2. Notwithstanding the provisions of NRS 294A.286, a candidate or public officer may use contributions to pay for any legal expenses that the candidate or public officer incurs in relation to a campaign or serving in public office without establishing a legal defense fund. Any such candidate or public officer shall report any expenditure of contributions to pay for legal expenses in the same manner and at the same time as the report filed pursuant to NRS 294A.120 or 294A.200. A candidate or public officer shall not use contributions to satisfy a civil or criminal penalty imposed by law.

3. Every candidate for office at a primary election, general election or special election who is elected to that office and received contributions that were not spent or committed for expenditure before the primary election, general election or special election shall dispose of the money through one or any combination of the following methods:

(a) Return the unspent money to contributors;

(b) Use the money in the candidate's next election or for the payment of other expenses related to public office or his or her campaign, regardless of whether he or she is a candidate for a different office in the candidate's next election;

(c) Contribute the money to:

(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;

(2) A political party; or

(3) Any combination of persons or groups set forth in subparagraphs (1) and (2);

(d) Donate the money to any tax-exempt nonprofit entity; or

(e) Donate the money to any governmental entity or fund of this State or a political subdivision of this State. A candidate who donates money pursuant to this paragraph may request that the money be used for a specific purpose.

4. Every candidate for office at a primary election, general election or special election who withdraws pursuant to NRS 293.202 or 293C.195 after filing a declaration of ~~[candidacy or an acceptance of]~~ candidacy, is removed from the ballot by court order or is defeated for or otherwise not elected to that office and who received contributions that were not spent or committed for

expenditure before the primary election, general election or special election shall, not later than the 15th day of the second month after the election, dispose of the money through one or any combination of the following methods:

(a) Return the unspent money to contributors;

(b) Contribute the money to:

(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;

(2) A political party; or

(3) Any combination of persons or groups set forth in subparagraphs (1) and (2);

(c) Donate the money to any tax-exempt nonprofit entity; or

(d) Donate the money to any governmental entity or fund of this State or a political subdivision of this State. A candidate who donates money pursuant to this paragraph may request that the money be used for a specific purpose.

5. Every candidate for office who withdraws after filing a declaration of ~~[candidacy or an acceptance of]~~ candidacy, is defeated for that office at a primary election or is removed from the ballot by court order before a primary election or general election and who received a contribution from a person in excess of $5,000 shall, not later than the 15th day of the second month after the primary election or general election, as applicable, return any money in excess of $5,000 to the contributor.

6. Except for a former public officer who is subject to the provisions of subsection 10, every person who qualifies as a candidate by receiving one or more qualifying contributions in excess of $100 but who, within 4 years after the date of receiving the first of those qualifying contributions, does not:

(a) File a declaration of ~~[candidacy or an acceptance of]~~ candidacy; or

(b) Appear on an official ballot at any election,

➥ shall, not later than the 15th day of the month after the end of the 4-year period, dispose of all contributions that have not been spent or committed for expenditure through one or any combination of the methods set forth in subsection 4.

7. Except as otherwise provided in subsection 8, every public officer who:

(a) Does not run for reelection to the office which he or she holds;

(b) Is not a candidate for any other office and does not qualify as a candidate by receiving one or more qualifying contributions in excess of $100; and

(c) Has contributions that are not spent or committed for expenditure remaining from a previous election,

➥ shall, not later than the 15th day of the second month after the expiration of the public officer's term of office, dispose of those contributions in the manner provided in subsection 4.

8. Every public officer who:

(a) Resigns from his or her office;

(b) Is not a candidate for any other office and does not qualify as a candidate by receiving one or more qualifying contributions in excess of $100; and

(c) Has contributions that are not spent or committed for expenditure remaining from a previous election,

➥ shall, not later than the 15th day of the second month after the effective date of the resignation, dispose of those contributions in the manner provided in subsection 4.

9. Except as otherwise provided in subsection 10, every public officer who:

(a) Does not run for reelection to the office which he or she holds or who resigns from his or her office;

(b) Is a candidate for any other office or qualifies as a candidate by receiving one or more qualifying contributions in excess of $100; and

(c) Has contributions that are not spent or committed for expenditure remaining from a previous election,

➥ may use the unspent contributions in a future election. Such a public officer is subject to the reporting requirements set forth in NRS 294A.120, 294A.125, 294A.128, 294A.200 and 294A.362 for as long as the public officer is a candidate for any office or qualifies as a candidate by receiving one or more qualifying contributions in excess of $100.

10. Every former public officer described in subsection 9 who qualifies as a candidate by receiving one or more qualifying contributions in excess of $100 but who, within 4 years after the date of receiving the first of those qualifying contributions, does not:

(a) File a declaration of ~~[candidacy or an acceptance of]~~ candidacy; or

(b) Appear on an official ballot at any election,

➥ shall, not later than the 15th day of the month after the end of the 4-year period, dispose of all contributions that have not been spent or committed for expenditure through one or any combination of the methods set forth in subsection 4.

11. In addition to the methods for disposing of the unspent money set forth in this section, a Legislator may donate not more than $500 of that money to the Nevada Silver Haired Legislative Forum created pursuant to NRS 427A.320.

12. Any contributions received before a candidate for office at a primary election, general election or special election dies that were not spent or committed for expenditure before the death of the candidate must be disposed of in the manner provided in subsection 4.

13. The court shall, in addition to any penalty which may be imposed pursuant to NRS 294A.420, order the candidate or public officer to dispose of any remaining contributions in the manner provided in this section.

14. As used in this section:

(a) "Contribution" includes, without limitation, any interest and other income earned on a contribution.

(b) "Qualifying contribution" means the receipt of a contribution that causes a person to qualify as a candidate pursuant to subsection ~~[4]~~ *3* of NRS 294A.005.

Sec. 54. NRS 294A.290 is hereby amended to read as follows:

294A.290 1. The filing officer shall give to each candidate who files a declaration of candidacy ~~[or acceptance of candidacy]~~ a copy of the form set forth in subsection 2. The filing officer shall inform the candidate that subscription to the Code is voluntary.

2. The Code must be in the following form:

CODE OF FAIR CAMPAIGN PRACTICES

There are basic principles of decency, honesty and fair play which every candidate for public office in the State of Nevada has a moral obligation to observe and uphold, in order that, after vigorously contested but fairly conducted campaigns, the voters may exercise their constitutional right to vote for the candidate of their choice and that the will of the people may be fully and clearly expressed on the issues.

THEREFORE:

1. I will conduct my campaign openly and publicly and limit attacks against my opponent to legitimate challenges to my opponent's voting record or qualifications for office.

2. I will not use character defamation or other false attacks on a candidate's personal or family life.

3. I will not use campaign material which misrepresents, distorts or otherwise falsifies the facts, nor will I use malicious or unfounded accusations which are intended to create or exploit doubts, without justification, about the personal integrity of my opposition.

4. I will not condone any dishonest or unethical practice which undermines the American system of free elections or impedes or prevents the full and free expression of the will of the voters.

I, the undersigned, as a candidate for election to public office in the State of Nevada, hereby voluntarily pledge myself to conduct my campaign in accordance with the principles and practices set forth in this Code.

....

Date Signature of Candidate

3. A candidate who subscribes to the Code and submits the form set forth in subsection 2 to the filing officer may indicate on the candidate's campaign materials that he or she subscribes to the Code.

4. The Secretary of State shall provide a sufficient number of copies of the form to the county clerks, registrar of voters and other filing officers.

Sec. 55. NRS 294A.365 is hereby amended to read as follows:

294A.365 1. Each report required pursuant to NRS 294A.210, 294A.220 and 294A.280 must consist of a list of each expenditure in excess of $100 or $1,000, as is appropriate, that was made during the periods for reporting. Each report required pursuant to NRS 294A.125 and 294A.200 must consist of a list of each campaign expense in excess of $100 that was incurred during the periods for reporting. The list in each report must state the category and

amount of the campaign expense or expenditure and the date on which the campaign expense was incurred or the expenditure was made.

2. The categories of campaign expense or expenditure for use on the report of campaign expenses or expenditures are:

(a) Office expenses;

(b) Expenses related to volunteers;

(c) Expenses related to travel;

(d) Expenses related to advertising;

(e) Expenses related to paid staff;

(f) Expenses related to consultants;

(g) Expenses related to polling;

(h) Expenses related to special events;

(i) Expenses related to a legal defense fund;

(j) Except as otherwise provided in NRS 294A.362, goods and services provided in kind for which money would otherwise have been paid;

(k) Contributions made to another candidate, a nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225, a committee for political action that is registered or required to be registered pursuant to NRS 294A.230 or a committee for the recall of a public officer that is registered or required to be registered pursuant to NRS 294A.250;

(l) Fees for filing declarations ~~[of candidacy or acceptances]~~ of candidacy;

(m) Repayments or forgiveness of loans;

(n) The disposal of unspent contributions pursuant to NRS 294A.160; and

(o) Other miscellaneous expenses.

3. Each report of campaign expenses or expenditures described in subsection 1 must:

(a) List the disposition of any unspent contributions using the categories set forth in subsection 3 of NRS 294A.160 or subsection 3 of NRS 294A.286, as applicable; and

(b) For any campaign expense or expenditure that is paid for using a credit card or debit card, itemize each transaction and identify the business or other entity from whom the purchase of the campaign expense or expenditure was made.

Sec. 56. NRS 294A.390 is hereby amended to read as follows:

294A.390 The officer from whom a candidate or entity requests a form for:

1. A declaration of candidacy;

2. ~~[An acceptance of candidacy;~~

~~3.]~~ The registration of a nonprofit corporation pursuant to NRS 294A.225, a committee for political action pursuant to NRS 294A.230 or a committee for the recall of a public officer pursuant to NRS 294A.250; or

~~[4.]~~ 3. The reporting of the creation of a legal defense fund pursuant to NRS 294A.286,

➥ shall furnish the candidate or entity with the necessary forms for reporting and copies of the regulations adopted by the Secretary of State pursuant to this

chapter. An explanation of the applicable provisions of NRS 294A.100, 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270 or 294A.280 relating to the making, accepting or reporting of contributions, campaign expenses or expenditures and the penalties for a violation of those provisions as set forth in NRS 294A.100 or 294A.420, and an explanation of NRS 294A.286 and 294A.287 relating to the accepting or reporting of contributions received by and expenditures made from a legal defense fund and the penalties for a violation of those provisions as set forth in NRS 294A.287 and 294A.420, must be developed by the Secretary of State and provided upon request. The candidate or entity shall acknowledge receipt of the material.

Sec. 57. NRS 295.015 is hereby amended to read as follows:

295.015 1. Before a petition for initiative or referendum may be presented to the registered voters for their signatures, the person who intends to circulate the petition must:

(a) File a copy of the petition for initiative or referendum, including the description *of the effect of the initiative or referendum* required pursuant to NRS 295.009, with the Secretary of State.

(b) Submit to the Secretary of State on a form prescribed by the Secretary of State:

(1) The name and signature of the person.

(2) If the person has formed a committee for political action for the purposes of advocating the passage of the initiative or referendum, the name of that committee for political action.

(3) The names of not more than three persons who are authorized to withdraw the petition or submit an amended petition.

2. If a petition for initiative or referendum or ~~[a]~~ *the* description of the effect of ~~[an]~~ *the* initiative or referendum required pursuant to NRS 295.009 is amended after the petition is placed on file with the Secretary of State pursuant to subsection 1:

(a) The revised petition must be placed on file with the Secretary of State before it is presented to the registered voters for their signatures;

(b) Any signatures that were collected on the original petition before it was amended are not valid; and

(c) The requirements for submission of the petition to each county clerk set forth in NRS 295.056 apply to the revised petition.

3. Upon receipt of a petition for initiative or referendum placed on file pursuant to subsection 1 or 2:

(a) *The Secretary of State shall assign to the petition for initiative or referendum a unique identifier that must:*

(1) Consist of a serial number or letter, or both; and

(2) Distinguish among each different type of petition received.

(b) The Secretary of State shall consult with the Fiscal Analysis Division of the Legislative Counsel Bureau to determine ~~[if]~~ *whether* the *petition for* initiative or referendum may have any anticipated financial effect on the State

or local governments if the initiative or referendum is approved by the voters. If the Fiscal Analysis Division determines that the *petition for* initiative or referendum may have an anticipated financial effect on the State or local governments if the initiative or referendum is approved by the voters, the *Fiscal Analysis* Division must prepare a fiscal note *regarding the petition* that includes an explanation of any such effect.

~~[(b)]~~ *(c)* The Secretary of State shall consult with the Legislative Counsel regarding the petition for initiative or referendum. The Legislative Counsel may provide technical suggestions regarding the petition for initiative or referendum.

4. Not later than 10 business days after the Secretary of State receives a petition for initiative or referendum filed pursuant to subsection 1 or 2, the Secretary of State shall post *on the Secretary of State's Internet website* a copy of the petition, including ~~[the]~~ *:*

(a) The description *of the effect of the initiative or referendum* required pursuant to NRS 295.009 ~~[, any]~~ *;*

(b) The unique identifier assigned to the petition by the Secretary of State pursuant to subsection 3;

(c) Any fiscal note *regarding the petition* prepared *by the Fiscal Analysis Division* pursuant to subsection 3 *;* and ~~[any]~~

(d) Any suggestions *regarding the petition* made by the Legislative Counsel pursuant to subsection 3*.* ~~[, on the Secretary of State's Internet website.]~~

Sec. 58. NRS 304.240 is hereby amended to read as follows:

304.240 1. If the Governor issues an election proclamation calling for a special election pursuant to NRS 304.230, no primary election may be held.

2. Except as otherwise provided in this ~~[subsection,]~~ *this section,* a candidate must be nominated in the manner provided in chapter 293 of NRS and must file a declaration ~~[or acceptance]~~ of candidacy *with the appropriate filing officer and pay the filing fee required by NRS 293.193* within the time prescribed by the Secretary of State pursuant to NRS 293.204, which must be established to allow a sufficient amount of time for the mailing of election ballots.

3. A candidate of a major political party is nominated by filing a declaration ~~[or acceptance]~~ of candidacy *with the appropriate filing officer and paying the filing fee required by NRS 293.193* within the time prescribed by the Secretary of State pursuant to NRS 293.204.

4. A minor political party that wishes to place its candidates on the ballot must file a list of its candidates with the Secretary of State not more than 46 days before the special election and not less than 32 days before the special election.

5. To have his or her name appear on the ballot, an independent candidate must file a petition of candidacy with the appropriate filing officer not more than 46 days before the special election and not less than 32 days before the special election.

~~[2.]~~ *6.* Except as otherwise provided in NRS 304.200 to 304.250, inclusive:

(a) The election must be conducted pursuant to the provisions of chapter 293 of NRS.

(b) The general election laws of this State apply to the election.

Sec. 59. NRS 306.015 is hereby amended to read as follows:

306.015 1. Before a petition to recall a public officer is circulated, the persons proposing to circulate the petition must file a notice of intent with the filing officer ~~[.]~~ *with whom the public officer filed his or her declaration of candidacy.*

2. The notice of intent:

(a) Must be signed by three registered voters who actually voted in this State or in the county, district or municipality electing the officer at the last preceding general election.

(b) Must be signed before a person authorized by law to administer oaths that the statements and signatures contained in the notice are true.

(c) Is valid until the date on which the call for a special election is issued, as set forth in NRS 306.040.

3. The petition may consist of more than one document. The persons filing the notice of intent shall submit the petition that was circulated for signatures to the filing officer within 90 days after the date on which the notice of intent was filed. The filing officer shall immediately submit the petition to the county clerk for verification pursuant to NRS 306.035. Any person who fails to submit the petition to the filing officer as required by this subsection is guilty of a misdemeanor. Copies of the petition are not valid for any subsequent petition.

4. The county clerk shall, upon completing the verification of the signatures on the petition, file the petition with the filing officer.

5. Any person who signs a petition to recall any public officer may request that the county clerk remove the person's name from the petition by submitting a request in writing to the county clerk at any time before the petition is submitted for the verification of the signatures thereon pursuant to NRS 306.035.

6. A person who signs a notice of intent pursuant to subsection 1 or a petition to recall a public officer is immune from civil liability for conduct related to the exercise of the person's right to participate in the recall of a public officer.

~~[7. As used in this section, "filing officer" means the officer with whom the public officer to be recalled filed his or her declaration of candidacy or acceptance of candidacy pursuant to NRS 293.185, 293C.145 or 293C.175.]~~

Sec. 60. NRS 306.110 is hereby amended to read as follows:

306.110 1. A petition to nominate other candidates for the office must be signed by registered voters of the State, or of the county, district or municipality holding the election, equal in number to 25 percent of the number of registered voters who voted in the State, or in the county, district or municipality holding the election at the general election at which the public

officer was elected. Each petition may consist of more than one document. Each document must bear the name of one county and must not be signed by a person who is not a registered voter of that county.

2. The nominating petition must be filed, at least 20 days before the date of the special election, with the *filing* officer with whom the recall petition is filed. Each document of the petition must be submitted for verification pursuant to NRS 293.1276 to 293.1279, inclusive, to the county clerk of the county named on the document.

3. ~~[Each]~~ *A* candidate who is nominated for office *pursuant to this section* must file ~~[an acceptance]~~ *a declaration* of candidacy with the appropriate filing officer and pay the *filing* fee required by NRS 293.193 or by the governing body of a city at least 20 days before the date of the special election.

Sec. 61. NRS 217.468 is hereby amended to read as follows:

217.468 1. Except as otherwise provided in subsections 2 and 3, the Division shall cancel the fictitious address of a participant 4 years after the date on which the Division approved the application.

2. The Division shall not cancel the fictitious address of a participant if, before the fictitious address of the participant is cancelled, the participant shows to the satisfaction of the Division that the participant remains in imminent danger of becoming a victim of domestic violence, human trafficking, sexual assault or stalking.

3. The Division may cancel the fictitious address of a participant at any time if:

(a) The participant changes his or her confidential address from the one listed in the application and fails to notify the Division within 48 hours after the change of address;

(b) The Division determines that false or incorrect information was knowingly provided in the application; or

(c) The participant files a declaration ~~[or acceptance]~~ of candidacy ~~[pursuant to NRS 293.177 or 293C.185.]~~ *, as defined in section 2 of this act.*

Sec. 62. Chapter 218A of NRS is hereby amended by adding thereto a new section to read as follows:

"Declaration of candidacy" has the meaning ascribed to it in section 2 of this act.

Sec. 63. NRS 218A.003 is hereby amended to read as follows:

218A.003 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 218A.006 to 218A.090, inclusive, *and section 62 of this act* have the meanings ascribed to them in those sections.

Sec. 64. NRS 218A.635 is hereby amended to read as follows:

218A.635 1. Except as otherwise provided in subsections 2 and 4, for each day or portion of a day during which a Legislator attends a presession orientation conference, a training session conducted pursuant to NRS 218A.285 or a conference, meeting, seminar or other gathering at which the Legislator officially represents the State of Nevada or its Legislature, the Legislator is entitled to receive:

(a) The compensation provided for a majority of the Legislators during the first 60 days of the preceding regular session;

(b) The per diem allowance provided for state officers and employees generally; and

(c) The travel expenses provided pursuant to NRS 218A.655.

2. A nonreturning Legislator must not be paid the compensation or per diem allowance and travel expenses provided in subsection 1 for attendance at a conference, meeting, seminar or other gathering unless:

(a) It is conducted by a statutory committee or a legislative committee and the Legislator is a member of that committee; or

(b) The Majority Leader of the Senate or Speaker of the Assembly designates the Legislator to attend because of the Legislator's knowledge or expertise.

3. For the purposes of this section, "nonreturning Legislator" means a Legislator who, in the year that the Legislator's term of office expires:

(a) Has not filed a declaration ~~[or an acceptance]~~ of candidacy within the time allowed for filing for election as a member of the Senate or the Assembly;

(b) Has failed to win nomination as a candidate for the Senate or the Assembly at the primary election; or

(c) Has withdrawn as a candidate for the Senate or the Assembly.

4. This section does not apply:

(a) During a regular or special session; or

(b) To any Legislator who is otherwise entitled to receive a salary and the per diem allowance and travel expenses.

Sec. 65. NRS 218A.660 is hereby amended to read as follows:

218A.660 1. Except as otherwise provided in this section and NRS 218A.655, each Legislator is entitled to receive, during the legislative interim, an allowance for travel within the State to participate in a meeting of a legislative committee or subcommittee of which the Legislator is not a member or with an officer, employee, agency, board, bureau, commission, department, division, district or other unit of federal, state or local government or any other public entity regarding an issue relating to the State.

2. The allowance for travel payable pursuant to this section applies only to trips whose one-way distance is 50 miles or more or whose round-trip distance is 100 miles or more.

3. The maximum allowance for travel payable to each Legislator pursuant to this section during a legislative interim is $3,000, except that no allowance for travel pursuant to this section is payable to a Legislator for travel that occurs during the legislative interim at any time after the date on which the Legislator has filed a declaration ~~[or an acceptance]~~ of candidacy for an elective office and remains a candidate for that office.

4. Transportation must be by the most economical means, considering total cost and time spent in transit. The allowance is:

(a) If the travel is by private conveyance, the standard mileage reimbursement rate for which a deduction is allowed for the purposes of federal income tax.

(b) If the travel is not by private conveyance, the actual amount expended.

5. Claims made pursuant to this section must be paid from the Legislative Fund unless otherwise provided by specific statute. A claim must not be paid unless the Legislator submits a signed statement affirming:

(a) The date of travel;

(b) The purpose of the travel and of the participant's attendance; and

(c) The places of departure and arrival and, if the travel is by private conveyance, the actual miles traveled. If the travel is not by private conveyance, the claim must include a receipt or other evidence of the expenditure.

Sec. 66. NRS 218D.150 is hereby amended to read as follows:

218D.150 1. Except as otherwise provided in this section, each:

(a) Incumbent member of the Assembly may request the drafting of:

(1) Not more than 4 legislative measures submitted to the Legislative Counsel on or before August 1 preceding a regular session;

(2) Not more than 5 legislative measures submitted to the Legislative Counsel after August 1 but on or before December 10 preceding a regular session; and

(3) Not more than 1 legislative measure submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

(b) Incumbent member of the Senate may request the drafting of:

(1) Not more than 8 legislative measures submitted to the Legislative Counsel on or before August 1 preceding a regular session;

(2) Not more than 10 legislative measures submitted to the Legislative Counsel after August 1 but on or before December 10 preceding a regular session; and

(3) Not more than 2 legislative measures submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

(c) Newly elected member of the Assembly may request the drafting of:

(1) Not more than 5 legislative measures submitted to the Legislative Counsel on or before December 10 preceding a regular session; and

(2) Not more than 1 legislative measure submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

(d) Newly elected member of the Senate may request the drafting of:

(1) Not more than 10 legislative measures submitted to the Legislative Counsel on or before December 10 preceding a regular session; and

(2) Not more than 2 legislative measures submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

2. Except as otherwise provided in this subsection, on or before the first day of a regular session, each:

(a) Incumbent member of the Assembly must:

(1) Prefile at least 4 of the legislative measures that he or she requested pursuant to subparagraphs (1) and (2) of paragraph (a) of subsection 1; or

(2) Inform the Legislative Counsel of which 4 legislative measures that he or she requested pursuant to subparagraphs (1) and (2) of paragraph (a) of subsection 1 that he or she withdraws.

➥ If an incumbent member of the Assembly does not request the maximum number of legislative measures authorized by subparagraphs (1) and (2) of paragraph (a) of subsection 1, the number of legislative measures that he or she must prefile or withdraw pursuant to this paragraph is reduced by that number of unused requests.

(b) Incumbent member of the Senate must:

(1) Prefile at least 8 of the legislative measures that he or she requested pursuant to subparagraphs (1) and (2) of paragraph (b) of subsection 1; or

(2) Inform the Legislative Counsel of which 8 legislative measures that he or she requested pursuant to subparagraphs (1) and (2) of paragraph (b) of subsection 1 that he or she withdraws.

➥ If an incumbent member of the Senate does not request the maximum number of legislative measures authorized by subparagraphs (1) and (2) of paragraph (b) of subsection 1, the number of legislative measures that he or she must prefile or withdraw pursuant to this paragraph is reduced by that number of unused requests.

(c) Newly elected member of the Assembly must:

(1) Prefile at least 2 of the legislative measures that he or she requested pursuant to subparagraph (1) of paragraph (c) of subsection 1; or

(2) Inform the Legislative Counsel of which 2 legislative measures that he or she requested pursuant to subparagraph (1) of paragraph (c) of subsection 1 that he or she withdraws.

➥ If a newly elected member of the Assembly does not request the maximum number of legislative measures authorized by subparagraph (1) of paragraph (c) of subsection 1, the number of legislative measures that he or she must prefile or withdraw pursuant to this paragraph is reduced by that number of unused requests.

(d) Newly elected member of the Senate must:

(1) Prefile at least 4 of the legislative measures that he or she requested pursuant to subparagraph (1) of paragraph (d) of subsection 1; or

(2) Inform the Legislative Counsel of which 4 legislative measures that he or she requested pursuant to subparagraph (1) of paragraph (d) of subsection 1 that he or she withdraws.

➥ If a newly elected member of the Senate does not request the maximum number of legislative measures authorized by subparagraph (1) of paragraph (d) of subsection 1, the number of legislative measures that he or

she must prefile or withdraw pursuant to this paragraph is reduced by that number of unused requests.

3. A Legislator may not request the drafting of a legislative measure pursuant to subsection 1 on or after the date on which the Legislator becomes a nonreturning Legislator. For the purposes of this subsection, "nonreturning Legislator" means a Legislator who, in the year that the Legislator's term of office expires:

(a) Has not filed a declaration ~~[or an acceptance]~~ of candidacy within the time allowed for filing for election as a member of the Senate or the Assembly;

(b) Has failed to win nomination as a candidate for the Senate or the Assembly at the primary election; or

(c) Has withdrawn as a candidate for the Senate or the Assembly.

4. A Legislator may not request the drafting of a legislative measure pursuant to paragraph (a) or (b) of subsection 1 on or after the date on which the Legislator files a declaration ~~[or an acceptance]~~ of candidacy for election to the House in which he or she is not currently a member. If the Legislator is elected to the other House, any request that he or she submitted pursuant to paragraph (a) or (b) of subsection 1 before filing his or her declaration ~~[or acceptance]~~ of candidacy for election counts against the applicable limitation set forth in paragraph (c) or (d) of subsection 1 for the House in which the Legislator is a newly elected member.

5. In addition to the number of requests authorized pursuant to subsection 1:

(a) The chair of each standing committee of the immediately preceding regular session, or a person designated in the place of the chair by the Speaker of the Assembly or the Majority Leader of the Senate, may request before the date of the general election preceding a regular session the drafting of not more than 1 legislative measure for introduction by the committee in a subject within the jurisdiction of the committee for every 18 legislative measures that were referred to the respective standing committee during the immediately preceding regular session.

(b) A person designated after the general election as a chair of a standing committee for the next regular session, or a person designated in the place of a chair by the person designated as the Speaker of the Assembly or the Majority Leader of the Senate for the next regular session, may request on or before December 10 preceding that regular session the drafting of the remaining number of the legislative measures allowed for the respective standing committee that were not requested by the previous chair or designee.

6. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.

Sec. 67. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615,

87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524,

634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and section 7 of this act,* sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 68. NRS 244.027 is hereby amended to read as follows:

244.027 1. Whenever two or more members of a board of county commissioners are to be elected at the same election for the same term in any county in this state having less than 100,000 population, and the county has not been divided into commissioner districts in the manner provided by NRS 244.050, the county clerk shall designate the offices to be filled alphabetically or numerically. ~~[Such]~~ *The* designation ~~[shall]~~ *must* be made on or before the first Monday in June of the year in which ~~[such]~~ *the* election is held.

2. For purposes of election , the offices ~~[shall]~~ *must* be considered separate offices and no declaration of candidacy ~~[or acceptance of candidacy shall]~~ *, as defined in section 2 of this act, must* be accepted unless ~~[such]~~ *the* declaration ~~[or acceptance]~~ *of candidacy* indicates the particular office for which ~~[the declaration or acceptance]~~ *it* is filed.

Sec. 69. NRS 248.005 is hereby amended to read as follows:

248.005 1. No person is eligible to the office of sheriff unless the person:

(a) Will have attained the age of 21 years on the date he or she would take office if so elected;

(b) Is a qualified elector; and

(c) On or after January 1, 2010, meets the requirements set forth in subsection 2 or 3, as applicable.

2. If a person described in paragraph (c) of subsection 1 is a candidate for the office of sheriff in a county whose population is 100,000 or more, the person must meet the following requirements at the time he or she files his or her declaration of candidacy ~~[or acceptance of candidacy]~~ for the office:

(a) He or she has a history of at least 5 consecutive years of employment or service:

(1) As a peace officer;

(2) As a law enforcement officer of an agency of the United States;

(3) As a law enforcement officer of another state or political subdivision thereof; or

(4) In any combination of the positions described in subparagraphs (1), (2) and (3); and

(b) He or she has:

(1) Been certified as a category I peace officer by the Commission;

(2) Been certified as a category I peace officer or its equivalent by the certifying authority of another state that, as determined by the Commission, imposes requirements for certification as a category I peace officer in this State; or

(3) Successfully completed a federal law enforcement training program approved by the Commission.

3. If a person described in paragraph (c) of subsection 1 is a candidate for the office of sheriff in a county whose population is less than 100,000, the person is not required to meet any requirements with respect to employment, service, certification or training at the time he or she files his or her declaration of candidacy ~~[or acceptance of candidacy]~~ for the office. However, such a person forfeits his or her office if, within 1 year after the date on which the person takes office, the person fails to earn certification by the Commission as a category I peace officer, category II peace officer or category III peace officer.

4. A person who has been convicted of a felony in this State or any other state is not qualified to be a candidate for or elected or appointed to the office of sheriff regardless of whether the person has been restored to his or her civil rights.

5. As used in this section:

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

(b) "Category II peace officer" has the meaning ascribed to it in NRS 289.470.

(c) "Category III peace officer" has the meaning ascribed to it in NRS 289.480.

(d) "Commission" means the Peace Officers' Standards and Training Commission created pursuant to NRS 289.500.

(e) *"Declaration of candidacy" has the meaning ascribed to it in section 2 of this act.*

(f) "Peace officer" has the meaning ascribed to it in NRS 289.010.

Sec. 70. NRS 266.038 is hereby amended to read as follows:

266.038 A person who wishes to become a candidate for an elective office of a newly created city must:

1. Reside within the boundaries of the newly created city; and

2. File a declaration of candidacy *, as defined in section 2 of this act,* with the county clerk not less than 30 days ~~[nor]~~ *and not* more than 90 days before the date of the election.

Sec. 71. NRS 281.050 is hereby amended to read as follows:

281.050 1. The residence of a person with reference to his or her eligibility to any office is the person's actual residence within the State, county, district, ward, subdistrict or any other unit prescribed by law, as the case may be, during all the period for which residence is claimed by the person.

2. Except as otherwise provided in subsections 3 and 4, if any person absents himself or herself from the jurisdiction of that person's actual residence with the intention in good faith to return without delay and continue such actual residence, the period of absence must not be considered in determining the question of residence.

3. If a person who has filed a declaration of candidacy ~~[or acceptance of candidacy]~~ for any elective office moves the person's actual residence out of the State, county, district, ward, subdistrict or any other unit prescribed by law,

as the case may be, in which the person is required actually, as opposed to constructively, to reside in order for the person to be eligible to the office, a vacancy is created thereby and the appropriate action for filling the vacancy must be taken.

4. Once a person's actual residence is fixed, the person shall be deemed to have moved the person's actual residence for the purposes of this section if:

(a) The person has acted affirmatively and has actually removed himself or herself from the place of permanent habitation where the person actually resided and was legally domiciled;

(b) The person has an intention to abandon the place of permanent habitation where the person actually resided and was legally domiciled; and

(c) The person has an intention to remain in another place of permanent habitation where the person actually resides and is legally domiciled.

5. Except as otherwise provided in this subsection and NRS 293.1265, the district court has jurisdiction to determine the question of residence in any preelection action for declaratory judgment brought against a person who has filed a declaration of candidacy ~~[or acceptance of candidacy]~~ for any elective office. If the question of residence relates to whether an incumbent meets any qualification concerning residence required for the term of office in which the incumbent is presently serving, the district court does not have jurisdiction to determine the question of residence in an action for declaratory judgment brought by a person pursuant to this section but has jurisdiction to determine the question of residence only in an action to declare the office vacant that is authorized by NRS 283.040 and brought by the Attorney General or the appropriate district attorney pursuant to that section.

6. Except as otherwise provided in NRS 293.1265, if in any preelection action for declaratory judgment, the district court finds that a person who has filed a declaration of candidacy ~~[or acceptance of candidacy]~~ for any elective office fails to meet any qualification concerning residence required for the office pursuant to the Constitution or laws of this State, the person is subject to the provisions of NRS 293.2045.

7. For the purposes of this section, in determining whether a place of permanent habitation is the place where a person actually resides and is legally domiciled:

(a) It is the public policy of this State to avoid sham residences and to ensure that the person actually, as opposed to constructively, resides in the area prescribed by law for the office so the person has an actual connection with the constituents who reside in the area and has particular knowledge of their concerns.

(b) The person may have more than one residence but only one legal domicile, and the person's legal domicile requires both the fact of actual living in the place and the intention to remain there as a permanent residence. If the person temporarily leaves the person's legal domicile, or leaves for a particular purpose, and does not take up a permanent residence in another place, then the person's legal domicile has not changed. Once the person's legal domicile is

fixed, the fact of actual living in another place, the intention to remain in the other place and the intention to abandon the former legal domicile must all exist before the person's legal domicile can change.

(c) Evidence of the person's legal domicile includes, without limitation:

(1) The place where the person lives the majority of the time and the length of time the person has lived in that place.

(2) The place where the person lives with the person's spouse or domestic partner, if any.

(3) The place where the person lives with the person's children, dependents or relatives, if any.

(4) The place where the person lives with any other individual whose relationship with the person is substantially similar to a relationship with a spouse, domestic partner, child, dependent or relative.

(5) The place where the person's dogs, cats or other pets, if any, live.

(6) The place listed as the person's residential address on the voter registration card issued to the person pursuant to NRS 293.517.

(7) The place listed as the person's residential address on any driver's license or identification card issued to the person by the Department of Motor Vehicles, any passport or military identification card issued to the person by the United States or any other form of identification issued to the person by a governmental agency.

(8) The place listed as the person's residential address on any registration for a motor vehicle issued to the person by the Department of Motor Vehicles or any registration for another type of vehicle or mode of transportation, including, without limitation, any aircraft, vessels or watercraft, issued to the person by a governmental agency.

(9) The place listed as the person's residential address on any applications for issuance or renewal of any license, certificate, registration, permit or similar type of authorization issued to the person by a governmental agency which has the authority to regulate an occupation or profession.

(10) The place listed as the person's residential address on any document which the person is authorized or required by law to file or record with a governmental agency, including, without limitation, any deed, declaration of homestead or other record of real or personal property, any applications for services, privileges or benefits or any tax documents, forms or returns, but excluding the person's declaration of ~~[candidacy or acceptance of]~~ candidacy.

(11) The place listed as the person's residential address on any type of check, payment, benefit or reimbursement issued to the person by a governmental agency or by any type of company that provides insurance, workers' compensation, health care or medical benefits or any self-insured employer or third-party administrator.

(12) The place listed as the person's residential address on the person's paycheck, paystub or employment records.

(13) The place listed as the person's residential address on the person's bank statements, insurance statements, mortgage statements, loan statements,

financial accounts, credit card accounts, utility accounts or other billing statements or accounts.

(14) The place where the person receives mail or deliveries from the United States Postal Service or commercial carriers.

(d) The evidence listed in paragraph (c) is intended to be illustrative and is not intended to be exhaustive or exclusive. The presence or absence of any particular type of evidence listed in paragraph (c) is not, by itself, determinative of the person's legal domicile, but such a determination must be based upon all the facts and circumstances of the person's particular case.

8. As used in this section:

(a) "Actual residence" means the place of permanent habitation where a person actually resides and is legally domiciled. If the person maintains more than one place of permanent habitation, the place the person declares to be the person's principal permanent habitation when filing a declaration of candidacy ~~[or acceptance of candidacy]~~ for any elective office must be the place where the person actually resides and is legally domiciled in order for the person to be eligible to the office.

(b) "Declaration of ~~[candidacy or acceptance of]~~ candidacy" ~~[means a declaration of candidacy or acceptance of candidacy filed pursuant to chapter 293 or 293C of NRS.]~~ *has the meaning ascribed to it in section 2 of this act.*

Sec. 72. Chapter 281 of NRS is hereby amended by adding thereto a new section to read as follows:

"Declaration of candidacy" has the meaning ascribed to it in section 2 of this act.

Sec. 73. NRS 281.556 is hereby amended to read as follows:

281.556 As used in NRS 281.556 to 281.581, inclusive, unless the context otherwise requires, the words and terms defined in NRS 281.558 to 281.5587, inclusive, *and section 72 of this act* have the meanings ascribed to them in those sections.

Sec. 74. NRS 281.558 is hereby amended to read as follows:

281.558 1. "Candidate" means any person who seeks to be elected to a public office and:

(a) Who files a declaration of candidacy; *or*

(b) ~~[Who files an acceptance of candidacy; or~~

~~(c)]~~ Whose name appears on an official ballot at any election.

2. The term does not include a candidate for judicial office who is subject to the requirements of the Nevada Code of Judicial Conduct.

Sec. 75. NRS 281.574 is hereby amended to read as follows:

281.574 1. A list of each public officer who is required to file a financial disclosure statement must be submitted electronically to the Secretary of State, in a form prescribed by the Secretary of State, on or before December 1 of each year by:

(a) Each county clerk for all public officers of the county and other local governments within the county other than cities;

(b) Each city clerk for all public officers of the city;

(c) The Director of the Legislative Counsel Bureau for all public officers of the Legislative Branch; and

(d) The Director of the Department of Administration for all public officers of the Executive Branch.

2. Each county clerk, or the registrar of voters of the county if one was appointed pursuant to NRS 244.164, and each city clerk shall submit electronically to the Secretary of State, in a form prescribed by the Secretary of State, a list of each candidate who filed a declaration of candidacy ~~[or acceptance of candidacy]~~ with that officer within 10 days after the last day to qualify as a candidate for the applicable office.

Sec. 76. Chapter 281A of NRS is hereby amended by adding thereto a new section to read as follows:

"Declaration of candidacy" has the meaning ascribed to it in section 2 of this act.

Sec. 77. NRS 281A.030 is hereby amended to read as follows:

281A.030 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 281A.032 to 281A.170, inclusive, *and section 76 of this act* have the meanings ascribed to them in those sections.

Sec. 78. NRS 281A.050 is hereby amended to read as follows:

281A.050 "Candidate" means any person:

1. Who files a declaration of candidacy; *or*

2. ~~[Who files an acceptance of candidacy; or~~

~~3.]~~ Whose name appears on an official ballot at any election.

Sec. 79. NRS 281A.520 is hereby amended to read as follows:

281A.520 1. Except as otherwise provided in subsections 4 and 5, a public officer or employee shall not request or otherwise cause a governmental entity to incur an expense or make an expenditure to support or oppose:

(a) A ballot question.

(b) A candidate.

2. For the purposes of paragraph (b) of subsection 1, an expense incurred or an expenditure made by a governmental entity shall be considered an expense incurred or an expenditure made in support of a candidate if:

(a) The expense is incurred or the expenditure is made for the creation or dissemination of a pamphlet, brochure, publication, advertisement or television programming that prominently features the activities of a current public officer of the governmental entity who is a candidate for a state, local or federal elective office; and

(b) The pamphlet, brochure, publication, advertisement or television programming described in paragraph (a) is created or disseminated during the period specified in subsection 3.

3. The period during which the provisions of subsection 2 apply to a particular governmental entity begins when a current public officer of that governmental entity files a declaration of candidacy ~~[or acceptance of candidacy]~~ and ends on the date of the general election, general city election

or special election for the office for which the current public officer of the governmental entity is a candidate.

4. The provisions of this section do not prohibit the creation or dissemination of, or the appearance of a candidate in or on, as applicable, a pamphlet, brochure, publication, advertisement or television programming that:

(a) Is made available to the public on a regular basis and merely describes the functions of:

(1) The public office held by the public officer who is the candidate; or

(2) The governmental entity by which the public officer who is the candidate is employed; or

(b) Is created or disseminated in the course of carrying out a duty of:

(1) The public officer who is the candidate; or

(2) The governmental entity by which the public officer who is the candidate is employed.

5. The provisions of this section do not prohibit an expense or an expenditure incurred to create or disseminate a television program that provides a forum for discussion or debate regarding a ballot question, if persons both in support of and in opposition to the ballot question participate in the television program.

6. As used in this section:

(a) "Governmental entity" means:

(1) The government of this State;

(2) An agency of the government of this State;

(3) A political subdivision of this State; and

(4) An agency of a political subdivision of this State.

(b) "Pamphlet, brochure, publication, advertisement or television programming" includes, without limitation, a publication, a public service announcement and any programming on a television station created to provide community access to cable television. The term does not include:

(1) A press release issued to the media by a governmental entity; or

(2) The official website of a governmental entity.

Sec. 80. NRS 318.09523 is hereby amended to read as follows:

318.09523 In any election for a general improvement district, if at 5:00 p.m. on the last day for filing a declaration of ~~[candidacy or an acceptance of]~~ candidacy, *as defined in section 2 of this act*, there is only one candidate nominated for the office, that candidate must be declared elected and no election may be held for that office.

Sec. 81. NRS 386.250 is hereby amended to read as follows:

386.250 ~~[1. Candidates]~~ *A candidate* for the office of trustee ~~[shall be]~~ *of a county school district must:*

1. Be nominated in the manner provided by the primary election laws of this ~~[state.]~~ *State; and*

2. ~~[The]~~ *File a* declaration of candidacy ~~[and the acceptance of a candidacy by candidates for the office of trustee of county school districts shall~~

~~be filed]~~ , *as defined in section 2 of this act,* with the county clerk of the county whose boundaries are conterminous with the *boundaries of the* county school district . ~~[boundaries.]~~

Sec. 82. NRS 474.140 is hereby amended to read as follows:

474.140 1. Except as otherwise provided in subsection 2:

(a) At the next general election and in conjunction therewith after the organization of any district, and in conjunction with every general election thereafter, an election, to be known as the biennial election of the district, must be held.

(b) The general election laws of this State govern the nomination and election of the members of the board of directors. The election must be conducted under the supervision of the county clerk or registrar of voters. The returns of the election must be certified to and canvassed as provided by the general law concerning elections. The candidate or candidates, according to the number of directors to be elected, receiving the most votes, are elected. Any new member of the board must qualify in the same manner as members of the first board qualify.

2. If at 5 p.m. on the last day for filing a declaration of candidacy ~~[or an acceptance of candidacy]~~ , *as defined in section 2 of this act,* for the office of director, there is only one candidate nominated for the office, that candidate must be declared elected and no election may be held for that office.

Sec. 83. Section 8 of Assembly Bill No. 50 of this session is hereby amended to read as follows:

Sec. 8. NRS 293C.185 is hereby amended to read as follows:

293C.185 1. Except as otherwise provided in NRS 293C.190, a name may not be printed on a ballot to be used at a primary or general city election unless the person named has, in accordance with NRS 293C.145 or 293C.175, as applicable, timely filed a declaration of candidacy ~~[or an acceptance of candidacy]~~ *with the appropriate filing officer* and paid the *filing* fee established by the governing body of the city.

2. A declaration ~~[or acceptance]~~ of candidacy required to be filed pursuant to this chapter must be in substantially the following form:

DECLARATION OF CANDIDACY OF .... FOR THE OFFICE OF .....

State of Nevada
City of

For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, ..., the undersigned do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the city, township or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive

mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a candidate at the ensuing election I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy ~~[or acceptance of candidacy]~~ which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ... day of the month of ... of the year ...

.....
Notary Public or other person
authorized to administer an oath

3. The address of a candidate that must be included in the declaration ~~[or acceptance]~~ of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration ~~[or acceptance]~~ of candidacy must not be accepted for filing if the candidate fails to comply with the following provisions of this subsection or, if applicable, the provisions of subsection 4:

(a) The candidate shall not list the candidate's address as a post office box unless a street address has not been assigned to the residence; and

(b) Except as otherwise provided in subsection 4, the candidate shall present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card issued pursuant to NRS 293.517.

4. If the candidate executes an oath or affirmation under penalty of perjury stating that the candidate is unable to present to the filing officer the proof of residency required by subsection 3 because a street address has not been assigned to the candidate's residence or because the rural or remote location of the candidate's residence makes it impracticable to present the proof of residency required by subsection 3, the candidate shall present to the filing officer:

(a) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate; and

(b) Alternative proof of the candidate's residential address that the filing officer determines is sufficient to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050. The Secretary of State may adopt regulations establishing the forms of alternative proof of the candidate's residential address that the filing officer may accept to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050.

5. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to subsection 3 or 4. Such a copy:

(a) May not be withheld from the public; and

(b) Must not contain the social security number, driver's license or identification card number or account number of the candidate.

6. By filing the declaration ~~[or acceptance]~~ of candidacy, the candidate shall be deemed to have appointed the city clerk as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293C.186. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration ~~[or acceptance]~~ of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the city clerk duplicate copies of the process. The city clerk shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the city clerk a different address for that purpose, in which case the city clerk shall mail the copy to the last address so designated.

7. If the city clerk receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the city clerk:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored by a court of competent jurisdiction; and

(b) Shall transmit the credible evidence and the findings from such investigation to the city attorney.

8. The receipt of information by the city attorney pursuant to subsection 7 must be treated as a challenge of a candidate pursuant to

subsections 4 and 5 of NRS 293C.186 to which the provisions of NRS 293.2045 apply.

9. Any person who knowingly and willfully files a declaration of candidacy ~~[or acceptance of candidacy]~~ which contains a false statement in violation of this section is guilty of a gross misdemeanor.

Sec. 84. Section 9 of Assembly Bill No. 50 of this session is hereby amended to read as follows:

Sec. 9. NRS 293C.190 is hereby amended to read as follows:

293C.190 1. ~~[Except as otherwise provided in NRS 293C.115, a vacancy occurring in a nomination for a city office after the close of filing and on or before 5 p.m. of the first Tuesday after the first Monday in March of the year in which the general city election is held must be filled by filing a nominating petition that is signed by at least 1 percent of the persons who are registered to vote and who voted for that office at the last preceding general city election. Except as otherwise provided in NRS 293C.115, the petition must be filed not earlier than the third Tuesday in February and not later than the third Tuesday after the third Monday in March of the year in which the general city election is held. A candidate nominated pursuant to the provisions of this subsection may be elected only at a general city election, and the candidate's name must not appear on the ballot for a primary city election.~~

~~2. Except as otherwise provided in NRS 293C.115, a]~~ *A* vacancy occurring in a nomination for a city office ~~[after 5 p.m. of the first Tuesday after the first Monday in March and on or]~~ before 5 p.m. of the ~~[second Tuesday after the second Monday in April]~~ *fourth Friday in July* of the year in which the general city election is held must be filled by the person who received the next highest vote for the nomination in the primary city election ~~[.~~

~~3. Except to place a candidate nominated pursuant to subsection 1 on the ballot and except as otherwise provided in NRS 293C.115, no]~~ *if a primary city election was held for that city office. If no primary city election was held for that city office or if there was not more than one person who was seeking the nomination in the primary city election, a person may become a candidate for the city office at the general city election if the person files a declaration of candidacy with the appropriate filing officer and pays the filing fee established by the governing body of the city before 5 p.m. on the fourth Friday in July.*

2. No change may be made on the ballot for the general city election after 5 p.m. ~~[of the second Tuesday after the second Monday in April]~~ *on the fourth Friday in July* of the year in which the general city election is held. If ~~[a]~~ *, after that time and date:*

(a) A nominee dies ~~[after that time and date,]~~ *or is adjudicated insane or mentally incompetent; or*

(b) A vacancy in the nomination is otherwise created,

➥ the nominee's name must remain on the ballot for the general city election and, if elected, a vacancy exists.

~~[4. Except as otherwise provided in NRS 293C.115, a candidate nominated pursuant to subsection 1 must file a declaration of candidacy with the appropriate filing officer and pay the filing fee established by the governing body of the city on or before 5 p.m. on the date on which the nominating petition is filed pursuant to subsection 1 or on the third Tuesday after the third Monday in March of the year in which the general city election is held, whichever occurs first.]~~

Sec. 85. NRS 293.180 is hereby repealed.

Sec. 86. 1. The Secretary of State shall develop a pilot program for conducting a risk-limiting audit of the results of the 2020 general election.

2. The Secretary of State may require each county clerk to participate in the pilot program developed pursuant to subsection 1 and conduct a risk-limiting audit of the results of the 2020 general election.

3. As used in this section, "risk-limiting audit" has the meaning ascribed to it in section 8 of this act.

Sec. 87. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 88. 1. This section and sections 1 to 8, inclusive, 10 to 83, inclusive, 85, 86 and 87 of this act become effective on July 1, 2019.

2. Section 84 of this act becomes effective on July 1, 2021.

3. Section 9 of this act becomes effective on January 1, 2022.

TEXT OF REPEALED SECTION

293.180 Certificates of candidacy: Requirements; filing; acceptance of candidacy.

1. Ten or more registered voters may file a certificate of candidacy designating any registered voter as a candidate for:

(a) Their major political party's nomination for any partisan elective office, or as a candidate for nomination for any nonpartisan office other than a judicial office, not earlier than the first Monday in February of the year in which the election is to be held nor later than 5 p.m. on the first Friday in March; or

(b) Nomination for a judicial office, not earlier than the first Monday in December of the year immediately preceding the year in which the election is to be held nor later than 5 p.m. on the first Friday in January of the year in which the election is to be held.

2. When the certificate has been filed, the officer in whose office it is filed shall notify the person named in the certificate. If the person named in the certificate files an acceptance of candidacy and pays the required fee, as provided by law, he or she is a candidate in the primary election in like manner as if he or she had filed a declaration of candidacy.

3. If a certificate of candidacy relates to a partisan office, all of the signers must be of the same major political party as the candidate designated.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 1076 to Senate Bill No. 123 deletes the contents of the measure in its entirety. It adds provisions relating to election security, including requiring the Secretary of State to establish a pilot program to conduct risk-limiting audits of the pilot 2020 General Election, making such audits permanent beginning with 2022 General Election. It requires the Secretary of State to adopt regulations for conducting risk-limiting audits of an election and setting forth procedures and protocols for local election officials to follow as part of these audits and requires the security testing of electronic poll books. It deletes or amends obsolete provisions that reference the "Federal Elections Commission," "acceptance of candidacy" and "certificate of candidacy." It sets forth provisions to determine the winner of a tie vote in certain primary city elections; establishes protections for property owners who rent out their private property for use as a polling places. It revises provisions relating to the selection of a political party affiliation when registering to vote. It also requires the Secretary of State to assign a title and a unique identifier to a petition for initiative or referendum for purposes of tracking such petitions.

Amendment adopted.

Bill read third time.

Remarks by Senator Ohrenschall.

Senate Bill No. 123 makes various changes to provisions relating to election security. The measure requires the Secretary of State to establish a pilot program to conduct risk-limiting audits of the 2020 General Election. Such audits become permanent beginning with the 2022 General Election. The measure requires the Secretary of State to adopt regulations for conducting a risk-limiting audit of an election and sets forth procedures and protocols for local election officials to follow as part of these audits. Moreover, the bill requires the security testing of electronic poll books, which is not required under current law. Senate Bill No. 123 deletes or amends obsolete provisions that reference the "Federal Elections Commission," "acceptable candidacy" and "certificate of candidacy." The measure sets forth provisions to determine the winner of a tie vote in certain primary city elections and establishes protections for private property owners who rent out their private property for use as a polling place. Senate Bill No. 123 also revises provisions relating to the selection of a political party affiliation when an affiliation is not selected when someone registers to vote. Finally, Senate Bill No. 123 requires the Secretary of State to assign a title and a unique identifier to a petition for an initiative or referendum for purposes of tracking such petitions at the Secretary of State's office.

Roll call on Senate Bill No. 123:

YEAS—20.

Nays—None.

EXCUSED—Pickard.

Senate Bill No. 123 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS
CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 151.

The following Assembly amendments were read:

Amendment No. 780.

SUMMARY—Revises provisions related to certain proceedings concerning property. (BDR 3-516)

AN ACT relating to property; removing and revising certain provisions relating to actions for summary eviction; reorganizing procedures for summary eviction of a tenant of a commercial premise; revising provisions governing

notices to surrender possession of real property or a mobile home; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for a summary eviction procedure when the tenant of any dwelling, apartment, mobile home, recreational vehicle or commercial premises with periodic rent due by the month or a shorter period defaults in the payment of the rent. (NRS 40.253) Section 1.7 of this bill removes the provisions governing the summary eviction procedure for a tenant of a commercial premise, thereby making section 1.7 solely applicable to summary eviction for the tenant of any dwelling, apartment, mobile home or recreational vehicle. Section 1 of this bill reorganizes the summary eviction procedure for a tenant of a commercial premise.

Existing law requires the landlord or the landlord's agent to serve or have served a notice in writing informing the tenant that he or she must pay the rent or surrender the premises at or before the fifth full day following the day of service. (NRS 40.253) Section 1.7 of this bill : (1) authorizes the landlord or landlord's agent to cause the notice to be served upon the tenant; and (2) increases the period ~~[of time]~~ that a tenant has to act after receiving such notice from ~~[5 full days]~~ at or before noon on the fifth full day to ~~[7]~~ before the close of business of the court that has jurisdiction on the seventh judicial ~~[days.]~~ day.

Existing law authorizes a court, in an action for summary eviction, to order the removal of a tenant in default for rental payments. Existing law requires a sheriff or constable to remove such a tenant within 24 hours after the court issues such an order. (NRS 40.253) Section 1.7 revises the period of time before the removal of the tenant. Section 1.7 requires a sheriff or constable to post the order for removal in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. Section 1.7 then requires the sheriff or constable to remove the tenant not earlier than 24 hours but not later than 36 hours after the posting of the order by the sheriff or constable.

Existing law authorizes a landlord to utilize procedures for summary eviction when a tenant of a dwelling unit, part of a low-rent housing program operated by a public housing authority, a mobile home or a recreational vehicle is guilty of certain unlawful detainers. (NRS 40.254) Section 2 of this bill eliminates the ability of a landlord of a low-rent housing program operated by a public housing authority to utilize such procedures for summary eviction. Section 2 also provides that the term "dwelling unit" does not include a unit of ~~[a low-income housing project.]~~ conventional public housing. Section 1.7 also provides that its provisions do not apply to ~~[a low-income housing project.]~~ conventional public housing. Sections 1.7 and 2 define ~~["low-income housing project"]~~ "conventional public housing" for such purposes.

Existing law provides that a person who holds over and continues in possession of real property or a mobile home which has been foreclosed or sold under certain circumstances may be removed pursuant to certain

proceedings after a 3-day notice to surrender has been served. (NRS 40.255) Section 3 of this bill additionally provides that an existing lease of residential property will remain in effect if the property is transferred or sold to a new owner under certain circumstances. Section 3 provides for the duties and obligations of the tenant and the new owner.

Existing law requires a tenant to be served with certain notices to surrender. Existing law authorizes such service: (1) by delivering a copy of the notice to the tenant personally, in the presence of a witness, or by a sheriff, constable or certain other persons; (2) by leaving the notice with a person who meets certain qualifications at the place of residence or business of the tenant; or (3) by posting the notice on the rental property, delivering the notice to the person living there, if possible, and mailing a copy to the tenant. Existing law requires that proof of service of such notices must be filed with the court before the court orders removal or issues a writ of restitution. (NRS 40.280) Section 4 of this bill provides that a notice to surrender the premises must be served by a sheriff, a constable, certain persons licensed as a process server or the agent of an attorney under certain circumstances. Section 4 of this bill prescribes certain requirements for proof of service. Sections 4.5- ~~[7.5]~~ 7.3 of this bill make conforming changes.

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

Section 1. Chapter 40 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to the remedy provided in NRS 40.2512 and 40.290 to 40.420, inclusive, when the tenant of any commercial premises with periodic rent reserved by the month or any shorter period is in default in payment of the rent, the landlord or the landlord's agent, unless otherwise agreed in writing, may serve or have served a notice in writing, requiring in the alternative the payment of the rent or the surrender of the premises:

(a) At or before noon of the fifth full day following the day of service; or

(b) If the landlord chooses not to proceed in the manner set forth in paragraph (a) and the rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days, at or before noon of the fourth full day following the day of service.

➥ As used in this subsection, "day of service" means the day the landlord or the landlord's agent personally delivers the notice to the tenant. If personal service was not so delivered, the "day of service" means the day the notice is delivered, after posting and mailing pursuant to subsection 2, to the sheriff or constable for service if the request for service is made before noon. If the request for service by the sheriff or constable is made after noon, the "day of service" shall be deemed to be the day next following the day that the request is made for service by the sheriff or constable.

2. A landlord or the landlord's agent who serves a notice to a tenant pursuant to paragraph (b) of subsection 1 shall attempt to deliver a copy of the notice to the tenant personally, in the presence of a witness. If service is

accomplished by the sheriff, constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, the presence of a witness is not required. If the notice cannot be delivered in person, the landlord or the landlord's agent:

(a) Shall post a copy of the notice in a conspicuous place on the premises and mail the notice by overnight mail; and

(b) After the notice has been posted and mailed, may deliver the notice to the sheriff or constable for service in the manner set forth in subsection 1 of NRS 40.280. The sheriff or constable shall not accept the notice for service unless it is accompanied by written evidence, signed by the tenant when the tenant took possession of the premises, that the landlord or the landlord's agent informed the tenant of the provisions of this section which set forth the lawful procedures for eviction from a short-term tenancy. Upon acceptance, the sheriff or constable shall serve the notice within 48 hours after the request for service was made by the landlord or the landlord's agent.

3. A notice served pursuant to subsection 1 or 2 must:

(a) Identify the court that has jurisdiction over the matter; and

(b) Advise the tenant:

(1) Of the tenant's right to contest the matter by filing, within the time specified in subsection 1 for the payment of the rent or surrender of the premises, an affidavit with the court that has jurisdiction over the matter stating that the tenant has tendered payment or is not in default in the payment of the rent; and

(2) That if the court determines that the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant, directing the sheriff or constable of the county to remove the tenant within 24 hours after receipt of the order.

4. If the tenant files an affidavit pursuant to paragraph (b) of subsection 3 at or before the time stated in the notice, the landlord or the landlord's agent, after receipt of a file-stamped copy of the affidavit, shall not provide for the nonadmittance of the tenant to the premises by locking or otherwise.

5. Upon noncompliance of the tenant with a notice served pursuant to subsection 1 or 2:

(a) The landlord or the landlord's agent may apply by affidavit of complaint for eviction to the justice court of the township in which the commercial premises is located or to the district court of the county in which the commercial premises is located, whichever has jurisdiction over the matter. The court may thereupon issue an order directing the sheriff or constable of the county to remove the tenant within 24 hours after receipt of the order. The affidavit must state or contain:

(1) The date the tenancy commenced.

(2) The amount of periodic rent reserved.

(3) The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant.

(4) The date the rental payments became delinquent.

(5) The length of time the tenant has remained in possession without paying rent.

(6) The amount of rent claimed due and delinquent.

(7) A statement that the written notice was served on the tenant pursuant to subsection 1 or 2 or in accordance with NRS 40.280.

(8) A copy of the written notice served on the tenant.

(9) A copy of the signed written rental agreement, if any.

(b) Except when the tenant has timely filed an affidavit described in paragraph (b) of subsection 3 and a file-stamped copy of the affidavit has been received by the landlord or the landlord's agent, the landlord or the landlord's agent may, in a peaceable manner, provide for the nonadmittance of the tenant to the premises by locking or otherwise.

6. Upon the filing by the tenant of an affidavit pursuant to paragraph (b) of subsection 3, regardless of the information contained in the affidavit ~~[or]~~ and the filing by the landlord of an affidavit pursuant to paragraph ~~[(b)]~~ (a) of subsection 5, the justice court or the district court shall hold a hearing, after service of notice of the hearing upon the parties, to determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If the court determines that there is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant. If the court determines that there is a legal defense as to the alleged unlawful detainer, the court shall refuse to grant either party any relief and, except as otherwise provided in this subsection, shall require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive. The issuance of a summary order for removal of the tenant does not preclude an action by the tenant for any damages or other relief to which the tenant may be entitled. If the alleged unlawful detainer was based upon subsection 5 of NRS 40.2514, the refusal by the court to grant relief does not preclude the landlord thereafter from pursuing an action for unlawful detainer in accordance with NRS 40.251.

7. A tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court, on a form provided by the clerk of the court, to dispute the amount of the costs, if any, claimed by the landlord pursuant to NRS 118C.230 for the inventory, moving and storage of personal property left on the premises. The motion must be filed within 20 days after the summary order for removal of the tenant or the abandonment of the premises by the tenant, or within 20 days after:

(a) The tenant has vacated or been removed from the premises; and

(b) A copy of those charges has been requested by or provided to the tenant,
➥ whichever is later.

8. Upon the filing of a motion pursuant to subsection 7, the court shall schedule a hearing on the motion. The hearing must be held within 10 days after the filing of the motion. The court shall affix the date of the hearing to

the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

(a) Determine the costs due, if any, claimed by the landlord pursuant to 118C.230 and any accumulating daily costs; and

(b) Order the release of the tenant's property upon the payment of the costs determined to be due or if no charges are determined to be due.

9. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served or had served a notice pursuant to subsection 1 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable charge for late payments of rent or dishonored checks.

Sec. 1.3. NRS 40.215 is hereby amended to read as follows:

40.215 As used in NRS 40.215 to 40.425, inclusive, *and section 1 of this act*, unless the context requires otherwise:

1. "Dwelling" or "dwelling unit" means a structure or part thereof that is occupied, or designed or intended for occupancy, as a residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.

2. "Landlord's agent" means a person who is hired or authorized by the landlord or owner of real property to manage the property or dwelling unit, to enter into a rental agreement on behalf of the landlord or owner of the property or who serves as a person within this State who is authorized to act for and on behalf of the landlord or owner for the purposes of service of process or receiving notices and demands. A landlord's agent may also include a successor landlord or a property manager as defined in NRS 645.0195.

3. "Mobile home" means every vehicle, including equipment, which is constructed, reconstructed or added to in such a way as to have an enclosed room or addition occupied by one or more persons as a residence or sleeping place and which has no foundation other than wheels, jacks, skirting or other temporary support.

4. "Mobile home lot" means a portion of land within a mobile home park which is rented or held out for rent to accommodate a mobile home.

5. "Mobile home park" or "park" means an area or tract of land where two or more mobile homes or mobile home lots are rented or held out for rent. "Mobile home park" or "park" does not include those areas or tracts of land, whether within or outside of a park, where the lots are held out for rent on a nightly basis.

6. "Premises" includes a mobile home.

7. "Recreational vehicle" means a vehicular structure primarily designed as temporary living quarters for travel, recreational or camping use, which may be self-propelled or mounted upon or drawn by a motor vehicle.

8. "Recreational vehicle lot" means a portion of land within a recreational vehicle park, or a portion of land so designated within a mobile home park, which is rented or held out for rent to accommodate a recreational vehicle overnight or for less than 3 months.

9. "Recreational vehicle park" means an area or tract of land where lots are rented or held out for rent to accommodate a recreational vehicle overnight or for less than 3 months.

10. "Short-term tenancy" means a tenancy in which rent is reserved by a period of 1 week and the tenancy has not continued for more than 45 days.

Sec. 1.7. NRS 40.253 is hereby amended to read as follows:

40.253 1. Except as otherwise provided in subsection 10, in addition to the remedy provided in NRS 40.2512 and 40.290 to 40.420, inclusive, when the tenant of any dwelling, apartment, mobile home ~~[,]~~ *or* recreational vehicle ~~[or commercial premises]~~ with periodic rent reserved by the month or any shorter period is in default in payment of the rent, the landlord or the landlord's agent ~~[, unless otherwise agreed in writing,]~~ may ~~[serve or have]~~ *cause to be* served a notice in writing, requiring in the alternative the payment of the rent or the surrender of the premises:

(a) ~~[At *On or before* noon of *5 p.m.]*~~ *Before the close of business on* the ~~[fifth full]~~ *seventh judicial* day following the day of service; or

(b) If the landlord chooses not to proceed in the manner set forth in paragraph (a) and the rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days, at or before noon of the fourth full day following the day of service.

➥ As used in this subsection, "day of service" means the day the landlord or the landlord's agent personally delivers the notice to the tenant. If personal service was not so delivered, the "day of service" means the day the notice is delivered, after posting and mailing pursuant to subsection 2, to the sheriff or constable for service if the request for service is made before noon. If the request for service by the sheriff or constable is made after noon, the "day of service" shall be deemed to be the day next following the day that the request is made for service by the sheriff or constable.

2. A landlord or the landlord's agent who serves a notice to a tenant pursuant to paragraph (b) of subsection 1 shall attempt to deliver the notice in person in the manner set forth in ~~[paragraph (a) of]~~ subsection ~~[1]~~ *2* of ~~[NRS 40.280.]~~ *section 1 of this act.* If the notice cannot be delivered in person, the landlord or the landlord's agent:

(a) Shall post a copy of the notice in a conspicuous place on the premises and mail the notice by overnight mail; and

(b) After the notice has been posted and mailed, may deliver the notice to the sheriff or constable for service in the manner set forth in subsection 1 of NRS 40.280. The sheriff or constable shall not accept the notice for service unless it is accompanied by written evidence, signed by the tenant when the tenant took possession of the premises, that the landlord or the landlord's agent informed the tenant of the provisions of this section which set forth the lawful procedures for eviction from a short-term tenancy. Upon acceptance, the sheriff or constable shall serve the notice within 48 hours after the request for service was made by the landlord or the landlord's agent.

3. A notice served pursuant to subsection 1 or 2 must:

(a) Identify the court that has jurisdiction over the matter; and

(b) Advise the tenant:

(1) Of the tenant's right to contest the matter by filing, within the time specified in subsection 1 for the payment of the rent or surrender of the premises, an affidavit with the court that has jurisdiction over the matter stating that the tenant has tendered payment or is not in default in the payment of the rent;

(2) That if the court determines that the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant, directing the sheriff or constable of the county to *post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. The sheriff or constable shall* remove *the* tenant ~~[within 24]~~ *not earlier than 24* hours *but not later than 36 hours* after ~~[receipt]~~ *the posting* of the order; and

(3) That, pursuant to NRS 118A.390, a tenant may seek relief if a landlord unlawfully removes the tenant from the premises or excludes the tenant by blocking or attempting to block the tenant's entry upon the premises or willfully interrupts or causes or permits the interruption of an essential service required by the rental agreement or chapter 118A of NRS.

4. If the tenant files such an affidavit at or before the time stated in the notice, the landlord or the landlord's agent, after receipt of a file-stamped copy of the affidavit which was filed, shall not provide for the nonadmittance of the tenant to the premises by locking or otherwise.

5. Upon noncompliance with the notice:

(a) The landlord or the landlord's agent may apply by affidavit of complaint for eviction to the justice court of the township in which the dwelling, apartment, mobile home ~~[,]~~ *or* recreational vehicle ~~[or commercial premises]~~ are located or to the district court of the county in which the dwelling, apartment, mobile home ~~[,]~~ *or* recreational vehicle ~~[or commercial premises]~~ are located, whichever has jurisdiction over the matter. The court may thereupon issue an order directing the sheriff or constable of the county to *post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. The sheriff or constable shall* remove the tenant ~~[within 24]~~ *not earlier than 24* hours *but not later than 36 hours* after ~~[receipt]~~ *the posting* of the order. The affidavit must state or contain:

(1) The date the tenancy commenced.

(2) The amount of periodic rent reserved.

(3) The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant.

(4) The date the rental payments became delinquent.

(5) The length of time the tenant has remained in possession without paying rent.

(6) The amount of rent claimed due and delinquent.

(7) A statement that the written notice was served on the tenant in accordance with NRS 40.280.

(8) A copy of the written notice served on the tenant.

(9) A copy of the signed written rental agreement, if any.

(b) Except when the tenant has timely filed the affidavit described in subsection 3 and a file-stamped copy of it has been received by the landlord or the landlord's agent, and except when the landlord is prohibited pursuant to NRS 118A.480, the landlord or the landlord's agent may, in a peaceable manner, provide for the nonadmittance of the tenant to the premises by locking or otherwise.

6. Upon the filing by the tenant of the affidavit permitted in subsection 3, regardless of the information contained in the affidavit, and the filing by the landlord of the affidavit permitted by subsection 5, the justice court or the district court shall hold a hearing, after service of notice of the hearing upon the parties, to determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If the court determines that there is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant. If the court determines that there is a legal defense as to the alleged unlawful detainer, the court shall refuse to grant either party any relief, and, except as otherwise provided in this subsection, shall require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive. The issuance of a summary order for removal of the tenant does not preclude an action by the tenant for any damages or other relief to which the tenant may be entitled. If the alleged unlawful detainer was based upon subsection 5 of NRS 40.2514, the refusal by the court to grant relief does not preclude the landlord thereafter from pursuing an action for unlawful detainer in accordance with NRS 40.251.

7. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court, on a form provided by the clerk of the court, to dispute the amount of the costs, if any, claimed by the landlord pursuant to NRS 118A.460 ~~[or 118C.230]~~ for the inventory, moving and storage of personal property left on the premises. The motion must be filed within 20 days after the summary order for removal of the tenant or the abandonment of the premises by the tenant, or within 20 days after:

(a) The tenant has vacated or been removed from the premises; and

(b) A copy of those charges has been requested by or provided to the tenant,

➥ whichever is later.

8. Upon the filing of a motion pursuant to subsection 7, the court shall schedule a hearing on the motion. The hearing must be held within 10 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

(a) Determine the costs, if any, claimed by the landlord pursuant to NRS 118A.460 ~~[or 118C.230]~~ and any accumulating daily costs; and

(b) Order the release of the tenant's property upon the payment of the charges determined to be due or if no charges are determined to be due.

9. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served or had served a notice pursuant to subsection 1 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable charge for late payments of rent or dishonored checks, or a security. As used in this subsection, "security" has the meaning ascribed to it in NRS 118A.240.

10. This section does not apply to the tenant of ~~[~~a~~]~~ *:*

(a) A mobile home lot in a mobile home park or to the tenant of a recreational vehicle lot in an area of a mobile home park in this State other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 8 of NRS 40.215 ~~[.]~~ *; or*

(b) ~~*[A low-income housing project.]*~~ *Conventional public housing.*

11. As used in this section ~~*[, "low-income housing project" has the meaning ascribed to it in 42 U.S.C. § 1437a(b)(1).]*~~ *:*

(a) "Close of business" means the close of business of the court that has jurisdiction over the matter.

(b) "Conventional public housing":

(1) Means any public housing program established pursuant to the United States Housing Act of 1937, 42 U.S.C. §§ 1437 et seq., in which the program subsidy is tied to the dwelling unit, and the housing is operated by a housing authority. For the purpose of this subparagraph, "housing authority" has the meaning ascribed to it in NRS 315.021.

(2) The term does not include housing rented through the use of housing assistance pursuant to section 8 of the United States Housing Act of 1937, 42 U.S.C. § 1437f.

Sec. 2. NRS 40.254 is hereby amended to read as follows:

40.254 1. Except as otherwise provided by specific statute, in addition to the remedy provided in NRS 40.290 to 40.420, inclusive, when the tenant of a dwelling unit, ~~[part of a low-rent housing program operated by a public housing authority,]~~ a mobile home or a recreational vehicle is guilty of an unlawful detainer pursuant to NRS 40.250, 40.251, 40.2514 or 40.2516, the landlord or the landlord's agent may utilize the summary procedures for eviction as provided in NRS 40.253 except that written notice to surrender the premises must:

(a) Be given to the tenant in accordance with the provisions of NRS 40.280;

(b) Advise the tenant of the court that has jurisdiction over the matter; and

(c) Advise the tenant of the tenant's right to:

(1) Contest the notice by filing before the court's close of business on the fifth judicial day after the day of service of the notice an affidavit with the court that has jurisdiction over the matter stating the reasons why the tenant is not guilty of an unlawful detainer; or

(2) Request that the court stay the execution of the order for removal of the tenant or order providing for nonadmittance of the tenant for a period not exceeding 10 days pursuant to subsection 2 of NRS 70.010, stating the reasons why such a stay is warranted.

2. The affidavit of the landlord or the landlord's agent submitted to the justice court or the district court must state or contain:

(a) The date when the tenancy commenced, the term of the tenancy and, if any, a copy of the rental agreement. If the rental agreement has been lost or destroyed, the landlord or the landlord's agent may attach an affidavit or declaration, signed under penalty of perjury, stating such loss or destruction.

(b) The date when the tenancy or rental agreement allegedly terminated.

(c) The date when written notice to surrender was given to the tenant pursuant to the provisions of NRS 40.251, 40.2514 or 40.2516, together with any facts supporting the notice.

(d) The date when the written notice was given, a copy of the notice and a statement that notice was served in accordance with NRS 40.280 and, if applicable, a copy of the notice of change of ownership served on the tenant pursuant to NRS 40.255 if the property has been purchased as a residential foreclosure.

(e) A statement that the claim for relief was authorized by law.

3. If the tenant is found guilty of unlawful detainer as a result of the tenant's violation of any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, the landlord is entitled to be awarded any reasonable attorney's fees incurred by the landlord or the landlord's agent as a result of a hearing, if any, held pursuant to subsection 6 of NRS 40.253 wherein the tenant contested the eviction.

4. For the purpose of this section, the term "dwelling unit" does not include a unit of ~~[a low-income housing project.]~~ conventional public housing. As used in this subsection, ~~["low-income housing project" has the meaning ascribed to it in 42 U.S.C. § 1437a(b)(1).]~~ "conventional public housing" has the meaning ascribed to it in NRS 40.253.

Sec. 2.5. NRS 40.2545 is hereby amended to read as follows:

40.2545 1. In any action for summary eviction pursuant to NRS 40.253 or 40.254 ~~[,]~~ *or section 1 of this act*, the eviction case court file is sealed automatically and not open to inspection:

(a) Upon the entry of a court order which denies or dismisses the action for summary eviction; or

(b) Thirty-one days after the tenant has filed an affidavit described in subsection 3 of NRS 40.253 ~~[,]~~ *or subsection 3 of section 1 of this act*, if the landlord has failed to file an affidavit of complaint pursuant to subsection 5 of NRS 40.253 *or subsection 5 of section 1 of this act* within 30 days after the tenant filed the affidavit.

2. In addition to the provisions for the automatic sealing of an eviction case court file pursuant to subsection 1, the court may order the sealing of an eviction case court file:

(a) Upon the filing of a written stipulation by the landlord and the tenant to set aside the order of eviction and seal the eviction case court file; or

(b) Upon motion of the tenant and decision by the court if the court finds that:

(1) The eviction should be set aside pursuant to Rule 60 of the Justice Court Rules of Civil Procedure; or

(2) Sealing the eviction case court file is in the interests of justice and those interests are not outweighed by the public's interest in knowing about the contents of the eviction case court file, after considering, without limitation, the following factors:

(I) Circumstances beyond the control of the tenant that led to the eviction;

(II) Other extenuating circumstances under which the order of eviction was granted; and

(III) The amount of time that has elapsed between the granting of the order of eviction and the filing of the motion to seal the eviction case court file.

3. If the court orders the eviction case court file sealed pursuant to this section, all proceedings recounted in the eviction case court file shall be deemed never to have occurred.

4. As used in this section, "eviction case court file" means all records relating to an action for summary eviction which are maintained by the court, including, without limitation, the affidavit of complaint and any other pleadings, proof of service, findings of the court, any order made on motion as provided in Nevada Rules of Civil Procedure, Justice Court Rules of Civil Procedure and local rules of practice and all other papers, records, proceedings and evidence, including exhibits and transcript of the testimony.

Sec. 3. NRS 40.255 is hereby amended to read as follows:

40.255 1. Except as otherwise provided in subsections 2 , *4* and ~~[7,]~~ *9*, in any of the following cases, a person who holds over and continues in possession of real property or a mobile home after a 3-day written notice to surrender has been served upon the person may be removed as prescribed in NRS 40.290 to 40.420, inclusive:

(a) Where the property or mobile home has been sold under an execution against the person, or against another person under whom the person claims, and the title under the sale has been perfected;

(b) Where the property or mobile home has been sold upon the foreclosure of a mortgage, or under an express power of sale contained therein, executed by the person, or by another person under whom the person claims, and the title under the sale has been perfected;

(c) Where the property or mobile home has been sold under a power of sale granted by NRS 107.080 to the trustee of a deed of trust executed by the person, or by another person under whom the person claims, and the title under such sale has been perfected; or

(d) Where the property or mobile home has been sold by the person, or by another person under whom the person claims, and the title under the sale has been perfected.

2. *Except as otherwise provided in subsection 4, if the property has been transferred or sold as a residential sale, absent an agreement between the new owner and the tenant to modify or terminate an existing lease:*

(a) The new owner has the rights, obligations and liabilities of the previous owner or landlord pursuant to chapter 118A of NRS under the lease or rental agreement which the previous owner or landlord entered into with the tenant or subtenant regarding the property;

(b) The tenant or subtenant continues to have the rights, obligations and liabilities that the tenant or subtenant had pursuant to chapter 118A of NRS under the lease or rental agreement which the tenant or subtenant entered into with the previous owner or landlord regarding the property; and

(c) Upon termination of the previous owner's interest in the property by residential transfer or sale, the previous owner shall transfer the security deposit in the manner set forth in paragraph (a) of subsection 1 of NRS 118A.244. The successor has the rights, obligations and liabilities of the former landlord as to any securities which are owed under this section or NRS 118A.242 at the time of transfer.

3. The new owner pursuant to subsection 2 must provide a notice to the tenant or subtenant within 30 days after the date of the transfer or sale:

(a) Providing the contact information of the new owner to whom rent should be remitted;

(b) Notifying the tenant or subtenant that the lease or rental agreement the tenant or subtenant entered into with the previous owner or landlord of the property continues in effect through the period of the lease term and states the amount held by the new owner for the security deposit; and

(c) Notifying the tenant or subtenant that failure to pay rent to the new owner or comply with any other term of the agreement or applicable law constitutes a breach of the lease or rental agreement and may result in eviction proceedings, including, without limitation, proceedings conducted pursuant to NRS 40.253 and 40.254.

4. If the property has been sold as a residential foreclosure, a tenant or subtenant in actual occupation of the premises, other than a person whose name appears on the mortgage or deed, who holds over and continues in possession of real property or a mobile home in any of the cases described in paragraph (b) or (c) of subsection 1 may be removed as prescribed in NRS 40.290 to 40.420, inclusive, after receiving a notice of the change of ownership of the real property or mobile home and after the expiration of a notice period beginning on the date the notice was received by the tenant or subtenant and expiring:

(a) For all periodic tenancies with a period of less than 1 month, after not less than the number of days in the period; and

(b) For all other periodic tenancies or tenancies at will, after not less than 60 days.

~~[3.]~~ *5.* During the notice period described in subsection ~~[2.]~~ *4:*

(a) The new owner has the rights, obligations and liabilities of the previous owner or landlord pursuant to chapter 118A of NRS under the lease or rental agreement which the previous owner or landlord entered into with the tenant or subtenant regarding the property; and

(b) The tenant or subtenant continues to have the rights, obligations and liabilities that the tenant or subtenant had pursuant to chapter 118A of NRS under the lease or rental agreement which the tenant or subtenant entered into with the previous owner or landlord regarding the property.

~~[4.]~~ *6.* The notice described in subsection ~~[2]~~ *4* must contain a statement:

(a) Providing the contact information of the new owner to whom rent should be remitted;

(b) Notifying the tenant or subtenant that the lease or rental agreement the tenant or subtenant entered into with the previous owner or landlord of the property continues in effect through the notice period described in subsection ~~[2;]~~ *4;* and

(c) Notifying the tenant or subtenant that failure to pay rent to the new owner or comply with any other term of the agreement or applicable law constitutes a breach of the lease or rental agreement and may result in eviction proceedings, including, without limitation, proceedings conducted pursuant to NRS 40.253 and 40.254.

~~[5.]~~ *7.* If the property has been sold as a residential foreclosure in any of the cases described in paragraph (b) or (c) of subsection 1, no person may enter a record of eviction for a tenant or subtenant who vacates a property during the notice period described in subsection ~~[2.]~~ *4.*

~~[6.]~~ *8.* If the property has been sold as a residential foreclosure in any of the cases described in paragraphs (b) or (c) of subsection 1, nothing in this section shall be deemed to prohibit:

(a) The tenant from vacating the property at any time before the expiration of the notice period described in subsection ~~[2]~~ *4* without any obligation to the new owner of a property purchased pursuant to a foreclosure sale or trustee's sale; or

(b) The new owner of a property purchased pursuant to a foreclosure sale or trustee's sale from:

(1) Negotiating a new purchase, lease or rental agreement with the tenant or subtenant; or

(2) Offering a payment to the tenant or subtenant in exchange for vacating the premises on a date earlier than the expiration of the notice period described in subsection ~~[2.]~~ *4.*

~~[7.]~~ *9.* This section does not apply to the tenant of a mobile home lot in a mobile home park.

~~[8.]~~ *10.* As used in this section, "residential foreclosure" means the sale of a single family residence pursuant to NRS 40.430 or under a power of sale granted by NRS 107.080. As used in this subsection, "single family residence" means a structure that is comprised of not more than four units.

Sec. 4. NRS 40.280 is hereby amended to read as follows:

40.280 1. Except as otherwise provided in NRS 40.253 ~~[,]~~ *and section 1 of this act,* the notices required by NRS 40.251 to 40.260, inclusive, must be served ~~[:~~

~~(a) By delivering a copy to the tenant personally, in the presence of a witness. If service is accomplished]~~ by the sheriff, *a* constable , ~~[or]~~ a person who is licensed as a process server pursuant to chapter 648 of NRS ~~[, the presence of a witness is not required.]~~ *or the agent of an attorney licensed to practice in this State:*

(a) By delivering a copy to the tenant personally.

(b) If the tenant is absent from the tenant's place of residence or from the tenant's 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 tenant at the tenant's place of residence or place of business.

(c) 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 leased property, delivering a copy to a person there residing, if the person can be found, and mailing a copy to the tenant at the place where the leased property is situated.

2. The notices required by NRS 40.230, 40.240 and 40.414 must be served upon an unlawful or unauthorized occupant:

(a) Except as otherwise provided in this paragraph and paragraph (b), by delivering a copy to the unlawful or unauthorized occupant personally, in the presence of a witness. If service is accomplished by the sheriff, constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, the presence of a witness is not required.

(b) If the unlawful or unauthorized occupant is absent from the real property, by leaving a copy with a person of suitable age and discretion at the property and mailing a copy to the unlawful or unauthorized occupant at the place where the property is situated. If the occupant is unknown, the notice must be addressed to "Current Occupant."

(c) If a person of suitable age or discretion cannot be found at the real property, by posting a copy in a conspicuous place on the property and mailing a copy to the unlawful or unauthorized occupant at the place where the property is situated. If the occupant is unknown, the notice must be addressed to "Current Occupant."

3. Service upon a subtenant may be made in the same manner as provided in subsection 1.

4. Proof of service of any notice required by NRS 40.230 to 40.260, inclusive, must be filed with the court before:

(a) An order for removal of a tenant is issued pursuant to NRS 40.253 or 40.254;

(b) An order for removal of an unlawful or unauthorized occupant is issued pursuant to NRS 40.414; ~~[or]~~

(c) A writ of restitution is issued pursuant to NRS 40.290 to 40.420, inclusive ~~[.]~~ *; or*

(d) An order for removal of a commercial tenant pursuant to section 1 of this act.

5. Proof of service of *notice pursuant to NRS 40.230 to 40.260, inclusive, that must be filed before the court may issue* an order or writ filed pursuant to *paragraph (a), (b) or (c) of* subsection 4 must consist of:

(a) Except as otherwise provided in ~~[paragraphs]~~ *paragraph* (b) *:* ~~[and (c):]~~

(1) If the notice was served pursuant to ~~[paragraph (a) of]~~ subsection 1 ~~[or]~~ *, a written statement, endorsed by the person who served the notice, stating the date and manner of service. The statement must also include the number of the badge or license of the person who served the notice. If the notice was served by the agent of an attorney licensed in this State, the statement must be accompanied by a declaration, signed by the attorney and bearing the license number of the attorney, stating that the attorney:*

(I) Was retained by the landlord in an action pursuant to NRS 40.230 to 40.420, inclusive;

(II) Reviewed the date and manner of service by the agent; and

(III) Believes to the best of his or her knowledge that such service complies with the requirements of this section.

(2) If the notice was served pursuant to paragraph (a) of subsection 2, an affidavit or declaration signed by the tenant or the unlawful or unauthorized occupant, as applicable, and a witness, signed under penalty of perjury by the server, acknowledging that the tenant or occupant received the notice on a specified date.

~~[(2)]~~ *(3)* If the notice was served pursuant to ~~[paragraph (b) or (c) of subsection 1 or]~~ paragraph (b) or (c) of subsection 2, an affidavit or declaration signed under penalty of perjury by the person who served the notice, stating the date and manner of service and accompanied by a confirmation of delivery or certificate of mailing issued by the United States Postal Service or confirmation of actual delivery by a private postal service.

(b) ~~[If the notice was served by a sheriff, a constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, a written statement, endorsed by the person who served the notice, stating the date and manner of service. The statement must also include the number of the badge or license of the person who served the notice.~~

~~(c)]~~ For a short-term tenancy, if service of the notice was not delivered in person:

(1) A certificate of mailing issued by the United States Postal Service or by a private postal service to the landlord or the landlord's agent; or

(2) The endorsement of a sheriff or constable stating the:

(I) Time and date the request for service was made by the landlord or the landlord's agent;

(II) Time, date and manner of the service; and

(III) Fees paid for the service.

6. Proof of service of notice pursuant to NRS 40.230 to 40.260, inclusive, that must be filed before the court may issue an order filed pursuant to paragraph (d) of subsection 4 must consist of:

(a) Except as otherwise provided in paragraphs (b) and (c):

(1) If the notice was served pursuant to subsection 2 of section 1 of this act, an affidavit or declaration signed by the tenant or the unlawful or unauthorized occupant, and a witness, as applicable, signed under penalty of perjury by the server, acknowledging that the tenant or occupant received the notice on a specified date.

(2) If the notice was served pursuant to paragraph (b) or (c) of subsection 1, an affidavit or declaration signed under penalty of perjury by the person who served the notice, stating the date and manner of service and accompanied by a confirmation of delivery or certificate of mailing issued by the United States Postal Service or confirmation of actual delivery by a private postal service.

(b) If the notice was served by a sheriff, a constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, a written statement, endorsed by the person who served the notice, stating the date and manner of service. The statement must also include the number of the badge or license of the person who served the notice.

(c) For a short-term tenancy, if service of the notice was not delivered in person:

(1) A certificate of mailing issued by the United States Postal Service or by a private postal service to the landlord or the landlord's agent; or

(2) The endorsement of a sheriff or constable stating the:

(I) Time and date the request for service was made by the landlord or the landlord's agent;

(II) Time, date and manner of the service; and

(III) Fees paid for the service.

7. For the purpose of this section, an agent of an attorney licensed in this State shall only serve notice pursuant to subsection 1 if:

(a) The landlord has retained the attorney an action pursuant to NRS 40.290 to 40.420, inclusive; and

(b) The agent is acting at the direction and under the direct supervision of the attorney.

Sec. 4.5. NRS 40.385 is hereby amended to read as follows:

40.385 Upon an appeal from an order entered pursuant to NRS 40.253 ~~[.]~~ *or section 1 of this act:*

1. Except as otherwise provided in this subsection, a stay of execution may be obtained by filing with the trial court a bond in the amount of $250 to cover the expected costs on appeal. A surety upon the bond submits to the jurisdiction of the appellate court and irrevocably appoints the clerk of that court as the surety's agent upon whom papers affecting the surety's liability upon the bond may be served. Liability of a surety may be enforced, or the bond may be released, on motion in the appellate court without independent

action. A tenant of commercial property may obtain a stay of execution only upon the issuance of a stay pursuant to Rule 8 of the Nevada Rules of Appellate Procedure and the posting of a supersedeas bond in the amount of 100 percent of the unpaid rent claim of the landlord.

2. A tenant who retains possession of the premises that are the subject of the appeal during the pendency of the appeal shall pay to the landlord rent in the amount provided in the underlying contract between the tenant and the landlord as it becomes due. If the tenant fails to pay such rent, the landlord may initiate new proceedings for a summary eviction by serving the tenant with a new notice pursuant to NRS 40.253 ~~[.]~~ *or section 1 of this act.*

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 21.130 is hereby amended to read as follows:

21.130 1. Before the sale of property on execution, notice of the sale, in addition to the notice required pursuant to NRS 21.075 and 21.076, must be given as follows:

(a) In cases of perishable property, by posting written notice of the time and place of sale in three public places at the township or city where the sale is to take place, for such a time as may be reasonable, considering the character and condition of the property.

(b) In case of other personal property, by posting a similar notice in three public places of the township or city where the sale is to take place, not less than 5 or more than 10 days before the sale, and, in case of sale on execution issuing out of a district court, by the publication of a copy of the notice in a newspaper, if there is one in the county, at least twice, the first publication being not less than 10 days before the date of the sale.

(c) In case of real property, by:

(1) Personal service upon each judgment debtor or by registered mail to the last known address of each judgment debtor and, if the property of the judgment debtor is operated as a facility licensed under chapter 449 of NRS, upon the State Board of Health;

(2) Posting a similar notice particularly describing the property, for 20 days successively, in three public places of the township or city where the property is situated and where the property is to be sold;

(3) Publishing a copy of the notice three times, once each week, for 3 successive weeks, in a newspaper, if there is one in the county. The cost of publication must not exceed the rate for legal advertising as provided in NRS 238.070. If the newspaper authorized by this section to publish the notice of sale neglects or refuses from any cause to make the publication, then the posting of notices as provided in this section shall be deemed sufficient notice. Notice of the sale of property on execution upon a judgment for any sum less than $500, exclusive of costs, must be given only by posting in three public places in the county, one of which must be the courthouse;

(4) Recording a copy of the notice in the office of the county recorder; and

(5) If the sale of property is a residential foreclosure, posting a copy of the notice in a conspicuous place on the property. In addition to the requirements of NRS 21.140, the notice 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.

2. If the sale of property is a residential foreclosure, the notice must include, without limitation:

(a) The physical address of the property; and

(b) The contact information of the party who is authorized to provide information relating to the foreclosure status of the property.

3. If the sale of property is a residential foreclosure, 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 judgment debtor, in actual occupation of the premises not later than 3 business days after the notice of the sale is given pursuant to subsection 1. 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 sheriff shall not conduct a sale of the property on execution or deliver the judgment debtor's property to the judgment creditor if the judgment debtor or any other person entitled to notice has not been properly notified as required in this section and NRS 21.075 and 21.076.

5. As used in this section, "residential foreclosure" means the sale of a single family residence pursuant to NRS 40.430. As used in this subsection, "single family residence" means a structure that is comprised of not more than four units.

Sec. 7. 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. 7.1. NRS 118.205 is hereby amended to read as follows:

118.205 A notice provided by a landlord to a tenant pursuant to NRS 118.195:

1. Must advise the tenant of the provisions of that section and specify:

(a) The address or other location of the property;

(b) The date upon which the property will be deemed abandoned and the rental agreement terminated; and

(c) An address for payment of the rent due and delivery of notice to the landlord.

2. Must be served pursuant to subsection 1 of NRS 40.280.

3. May be included in the notice required by subsection 1 of NRS 40.253 ~~.~~ *or subsection 1 of section 1 of this act, as applicable.*

Sec. 7.3. NRS 118C.230 is hereby amended to read as follows:

118C.230 1. Except as otherwise provided in subsection 3, a landlord who leases or subleases any commercial premises under a rental agreement that has been terminated for any reason may, in accordance with the following provisions, dispose of any abandoned personal property, regardless of its character, left on the commercial premises without incurring any civil or criminal liability:

(a) The landlord may dispose of the abandoned personal property and recover his or her reasonable costs out of the abandoned personal property or the value thereof if the landlord has notified the tenant in writing of the landlord's intention to dispose of the abandoned personal property and 14 days have elapsed since the notice was mailed to the tenant. The notice must be mailed, by certified mail, return receipt requested, to the tenant at the tenant's

present address, and if that address is unknown, then at the tenant's last known address.

(b) The landlord may charge and collect the reasonable and actual costs of inventory, moving and safe storage, if necessary, before releasing the abandoned personal property to the tenant or his or her authorized representative rightfully claiming the abandoned personal property within the appropriate period set forth in paragraph (a).

(c) Vehicles must be disposed of in the manner provided in chapter 487 of NRS for abandoned vehicles.

2. A tenant of commercial premises is presumed to have abandoned the premises if:

(a) Goods, equipment or other property, in an amount substantial enough to indicate a probable intent to abandon the commercial premises, is being or has been removed from the commercial premises; and

(b) The removal is not within the normal course of business of the tenant.

3. If a written agreement between a landlord and a person who has an ownership interest in any abandoned personal property of the tenant contains provisions which relate to the removal and disposal of abandoned personal property, the provisions of the agreement determine the rights and obligations of the landlord and the person with respect to the removal and disposal of the abandoned personal property.

4. Any dispute relating to the amount of the costs claimed by the landlord pursuant to paragraph (b) of subsection 1 may be resolved using the procedure provided in subsection 7 of ~~[NRS 40.253.]~~ *section 1 of this act.*

Sec. 7.5. ~~[NRS 645H.520 is hereby amended to read as follows:~~

~~645H.520 1. Subject to the provisions of NRS 645H.770, the services an asset management company may provide include, without limitation:~~

~~(a) Securing real property in foreclosure once it has been determined to be abandoned and all notice provisions required by law have been complied with;~~

~~(b) Providing maintenance for real property in foreclosure, including landscape and pool maintenance;~~

~~(c) Cleaning the interior or exterior of real property in foreclosure;~~

~~(d) Providing repair or improvements for real property in foreclosure; and~~

~~(e) Removing trash and debris from real property in foreclosure and the surrounding property.~~

~~2. An asset management company may dispose of personal property abandoned on the premises of a residence in foreclosure or left on the premises after the eviction of a homeowner or a tenant of a homeowner without incurring civil or criminal liability in the following manner:~~

~~(a) The asset management company shall reasonably provide for the safe storage of the property for 30 days after the abandonment or eviction and may charge and collect the reasonable and actual costs of inventory, moving and storage before releasing the property to the homeowner or the tenant of the homeowner or his or her authorized representative rightfully claiming the property within that period. The asset management company is liable to the~~

~~homeowner or the tenant of the homeowner only for the asset management company's negligent or wrongful acts in storing the property.~~

~~(b) After the expiration of the 30-day period, the asset management company may dispose of the property and recover his or her reasonable costs from the property or the value thereof if the asset management company has made reasonable efforts to locate the homeowner or the tenant of the homeowner, has notified the homeowner or the tenant of the homeowner in writing of his or her intention to dispose of the property and 14 days have elapsed since the notice was given to the homeowner or the tenant of the homeowner. The notice must be mailed to the homeowner or the tenant of the homeowner at the present address of the homeowner or the tenant of the homeowner and, if that address is unknown, then at the last known address of the homeowner or the tenant of the homeowner.~~

~~(c) Vehicles must be disposed of in the manner provided in chapter 487 of NRS for abandoned vehicles.~~

~~3. Any dispute relating to the amount of the costs claimed by the asset management company pursuant to paragraph (a) of subsection 2 may be resolved using the procedure provided in subsection 7 of NRS 40.253 [.] or *section 1 of this act, as applicable.]*~~ (Deleted by amendment.)

Sec. 8. This act becomes effective on July 1, 2019.

The following Assembly amendment was read:

Amendment No. 850.

SUMMARY—Revises provisions related to certain proceedings concerning property. (BDR 3-516)

AN ACT relating to property; removing and revising certain provisions relating to actions for summary eviction; reorganizing procedures for summary eviction of a tenant of a commercial premise; revising provisions governing notices to surrender possession of real property or a mobile home; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for a summary eviction procedure when the tenant of any dwelling, apartment, mobile home, recreational vehicle or commercial premises with periodic rent due by the month or a shorter period defaults in the payment of the rent. (NRS 40.253) Section 1.7 of this bill removes the provisions governing the summary eviction procedure for a tenant of a commercial premise, thereby making section 1.7 solely applicable to summary eviction for the tenant of any dwelling, apartment, mobile home or recreational vehicle. Section 1 of this bill reorganizes the summary eviction procedure for a tenant of a commercial premise.

Existing law requires the landlord or the landlord's agent to serve or have served a notice in writing informing the tenant that he or she must pay the rent or surrender the premises at or before the fifth full day following the day of service. (NRS 40.253) Section 1.7 of this bill: (1) authorizes the landlord or landlord's agent to cause the notice to be served upon the tenant; and (2) increases the period that a tenant has to act after receiving such notice from

at or before noon on the fifth full day to before the close of business of the court that has jurisdiction on the seventh judicial day.

Existing law authorizes a court, in an action for summary eviction, to order the removal of a tenant in default for rental payments. Existing law requires a sheriff or constable to remove such a tenant within 24 hours after the court issues such an order. (NRS 40.253) Section 1.7 revises the period of time before the removal of the tenant. Section 1.7 requires a sheriff or constable to post the order for removal in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. Section 1.7 then requires the sheriff or constable to remove the tenant not earlier than 24 hours but not later than 36 hours after the posting of the order by the sheriff or constable.

~~[Existing law authorizes a landlord to utilize procedures for summary eviction when a tenant of a dwelling unit, part of a low-rent housing program operated by a public housing authority, a mobile home or a recreational vehicle is guilty of certain unlawful detainers. (NRS 40.254) Section 2 of this bill eliminates the ability of a landlord of a low-rent housing program operated by a public housing authority to utilize such procedures for summary eviction. Section 2 also provides that the term "dwelling unit" does not include a unit of conventional public housing. Section 1.7 also provides that its provisions do not apply to conventional public housing. Sections 1.7 and 2 define "conventional public housing" for such purposes.]~~

Existing law provides that a person who holds over and continues in possession of real property or a mobile home which has been foreclosed or sold under certain circumstances may be removed pursuant to certain proceedings after a 3-day notice to surrender has been served. (NRS 40.255) Section 3 of this bill additionally provides that an existing lease of residential property will remain in effect if the property is transferred or sold to a new owner under certain circumstances. Section 3 provides for the duties and obligations of the tenant and the new owner.

Existing law requires a tenant to be served with certain notices to surrender. Existing law authorizes such service: (1) by delivering a copy of the notice to the tenant personally, in the presence of a witness, or by a sheriff, constable or certain other persons; (2) by leaving the notice with a person who meets certain qualifications at the place of residence or business of the tenant; or (3) by posting the notice on the rental property, delivering the notice to the person living there, if possible, and mailing a copy to the tenant. Existing law requires that proof of service of such notices must be filed with the court before the court orders removal or issues a writ of restitution. (NRS 40.280) Section 4 of this bill provides that a notice to surrender the premises must be served by a sheriff, a constable, certain persons licensed as a process server or the agent of an attorney under certain circumstances. Section 4 of this bill prescribes certain requirements for proof of service. Sections 4.5-7.3 of this bill make conforming changes.

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

Section 1. Chapter 40 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to the remedy provided in NRS 40.2512 and 40.290 to 40.420, inclusive, when the tenant of any commercial premises with periodic rent reserved by the month or any shorter period is in default in payment of the rent, the landlord or the landlord's agent, unless otherwise agreed in writing, may serve or have served a notice in writing, requiring in the alternative the payment of the rent or the surrender of the premises:

(a) At or before noon of the fifth full day following the day of service; or

(b) If the landlord chooses not to proceed in the manner set forth in paragraph (a) and the rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days, at or before noon of the fourth full day following the day of service.

➥ *As used in this subsection, "day of service" means the day the landlord or the landlord's agent personally delivers the notice to the tenant. If personal service was not so delivered, the "day of service" means the day the notice is delivered, after posting and mailing pursuant to subsection 2, to the sheriff or constable for service if the request for service is made before noon. If the request for service by the sheriff or constable is made after noon, the "day of service" shall be deemed to be the day next following the day that the request is made for service by the sheriff or constable.*

2. A landlord or the landlord's agent who serves a notice to a tenant pursuant to paragraph (b) of subsection 1 shall attempt to deliver a copy of the notice to the tenant personally, in the presence of a witness. If service is accomplished by the sheriff, constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, the presence of a witness is not required. If the notice cannot be delivered in person, the landlord or the landlord's agent:

(a) Shall post a copy of the notice in a conspicuous place on the premises and mail the notice by overnight mail; and

(b) After the notice has been posted and mailed, may deliver the notice to the sheriff or constable for service in the manner set forth in subsection 1 of NRS 40.280. The sheriff or constable shall not accept the notice for service unless it is accompanied by written evidence, signed by the tenant when the tenant took possession of the premises, that the landlord or the landlord's agent informed the tenant of the provisions of this section which set forth the lawful procedures for eviction from a short-term tenancy. Upon acceptance, the sheriff or constable shall serve the notice within 48 hours after the request for service was made by the landlord or the landlord's agent.

3. A notice served pursuant to subsection 1 or 2 must:

(a) Identify the court that has jurisdiction over the matter; and

(b) Advise the tenant:

(1) Of the tenant's right to contest the matter by filing, within the time specified in subsection 1 for the payment of the rent or surrender of the premises, an affidavit with the court that has jurisdiction over the matter stating that the tenant has tendered payment or is not in default in the payment of the rent; and

(2) That if the court determines that the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant, directing the sheriff or constable of the county to remove the tenant within 24 hours after receipt of the order.

4. If the tenant files an affidavit pursuant to paragraph (b) of subsection 3 at or before the time stated in the notice, the landlord or the landlord's agent, after receipt of a file-stamped copy of the affidavit, shall not provide for the nonadmittance of the tenant to the premises by locking or otherwise.

5. Upon noncompliance of the tenant with a notice served pursuant to subsection 1 or 2:

(a) The landlord or the landlord's agent may apply by affidavit of complaint for eviction to the justice court of the township in which the commercial premises is located or to the district court of the county in which the commercial premises is located, whichever has jurisdiction over the matter. The court may thereupon issue an order directing the sheriff or constable of the county to remove the tenant within 24 hours after receipt of the order. The affidavit must state or contain:

(1) The date the tenancy commenced.

(2) The amount of periodic rent reserved.

(3) The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant.

(4) The date the rental payments became delinquent.

(5) The length of time the tenant has remained in possession without paying rent.

(6) The amount of rent claimed due and delinquent.

(7) A statement that the written notice was served on the tenant pursuant to subsection 1 or 2 or in accordance with NRS 40.280.

(8) A copy of the written notice served on the tenant.

(9) A copy of the signed written rental agreement, if any.

(b) Except when the tenant has timely filed an affidavit described in paragraph (b) of subsection 3 and a file-stamped copy of the affidavit has been received by the landlord or the landlord's agent, the landlord or the landlord's agent may, in a peaceable manner, provide for the nonadmittance of the tenant to the premises by locking or otherwise.

6. Upon the filing by the tenant of an affidavit pursuant to paragraph (b) of subsection 3, regardless of the information contained in the affidavit and the filing by the landlord of an affidavit pursuant to paragraph (a) of subsection 5, the justice court or the district court shall hold a hearing, after service of notice of the hearing upon the parties, to determine the truthfulness

and sufficiency of any affidavit or notice provided for in this section. If the court determines that there is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant. If the court determines that there is a legal defense as to the alleged unlawful detainer, the court shall refuse to grant either party any relief and, except as otherwise provided in this subsection, shall require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive. The issuance of a summary order for removal of the tenant does not preclude an action by the tenant for any damages or other relief to which the tenant may be entitled. If the alleged unlawful detainer was based upon subsection 5 of NRS 40.2514, the refusal by the court to grant relief does not preclude the landlord thereafter from pursuing an action for unlawful detainer in accordance with NRS 40.251.

7. A tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court, on a form provided by the clerk of the court, to dispute the amount of the costs, if any, claimed by the landlord pursuant to NRS 118C.230 for the inventory, moving and storage of personal property left on the premises. The motion must be filed within 20 days after the summary order for removal of the tenant or the abandonment of the premises by the tenant, or within 20 days after:

(a) The tenant has vacated or been removed from the premises; and

(b) A copy of those charges has been requested by or provided to the tenant, whichever is later.

8. Upon the filing of a motion pursuant to subsection 7, the court shall schedule a hearing on the motion. The hearing must be held within 10 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

(a) Determine the costs due, if any, claimed by the landlord pursuant to 118C.230 and any accumulating daily costs; and

(b) Order the release of the tenant's property upon the payment of the costs determined to be due or if no charges are determined to be due.

9. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served or had served a notice pursuant to subsection 1 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable charge for late payments of rent or dishonored checks.

Sec. 1.3. NRS 40.215 is hereby amended to read as follows:

40.215 As used in NRS 40.215 to 40.425, inclusive, *and section 1 of this act*, unless the context requires otherwise:

1. "Dwelling" or "dwelling unit" means a structure or part thereof that is occupied, or designed or intended for occupancy, as a residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.

2. "Landlord's agent" means a person who is hired or authorized by the landlord or owner of real property to manage the property or dwelling unit, to enter into a rental agreement on behalf of the landlord or owner of the property or who serves as a person within this State who is authorized to act for and on behalf of the landlord or owner for the purposes of service of process or receiving notices and demands. A landlord's agent may also include a successor landlord or a property manager as defined in NRS 645.0195.

3. "Mobile home" means every vehicle, including equipment, which is constructed, reconstructed or added to in such a way as to have an enclosed room or addition occupied by one or more persons as a residence or sleeping place and which has no foundation other than wheels, jacks, skirting or other temporary support.

4. "Mobile home lot" means a portion of land within a mobile home park which is rented or held out for rent to accommodate a mobile home.

5. "Mobile home park" or "park" means an area or tract of land where two or more mobile homes or mobile home lots are rented or held out for rent. "Mobile home park" or "park" does not include those areas or tracts of land, whether within or outside of a park, where the lots are held out for rent on a nightly basis.

6. "Premises" includes a mobile home.

7. "Recreational vehicle" means a vehicular structure primarily designed as temporary living quarters for travel, recreational or camping use, which may be self-propelled or mounted upon or drawn by a motor vehicle.

8. "Recreational vehicle lot" means a portion of land within a recreational vehicle park, or a portion of land so designated within a mobile home park, which is rented or held out for rent to accommodate a recreational vehicle overnight or for less than 3 months.

9. "Recreational vehicle park" means an area or tract of land where lots are rented or held out for rent to accommodate a recreational vehicle overnight or for less than 3 months.

10. "Short-term tenancy" means a tenancy in which rent is reserved by a period of 1 week and the tenancy has not continued for more than 45 days.

Sec. 1.7. NRS 40.253 is hereby amended to read as follows:

40.253 1. Except as otherwise provided in subsection 10, in addition to the remedy provided in NRS 40.2512 and 40.290 to 40.420, inclusive, when the tenant of any dwelling, apartment, mobile home ~~[,]~~ *or* recreational vehicle ~~[or commercial premises]~~ with periodic rent reserved by the month or any shorter period is in default in payment of the rent, the landlord or the landlord's agent ~~[, unless otherwise agreed in writing,]~~ may ~~[serve or have]~~ *cause to be* served a notice in writing, requiring in the alternative the payment of the rent or the surrender of the premises:

(a) ~~[At or before noon of]~~ *Before the close of business on* the ~~[fifth full]~~ *seventh judicial* day following the day of service; or

(b) If the landlord chooses not to proceed in the manner set forth in paragraph (a) and the rent is reserved by a period of 1 week or less and the

tenancy has not continued for more than 45 days, at or before noon of the fourth full day following the day of service.

➥ As used in this subsection, "day of service" means the day the landlord or the landlord's agent personally delivers the notice to the tenant. If personal service was not so delivered, the "day of service" means the day the notice is delivered, after posting and mailing pursuant to subsection 2, to the sheriff or constable for service if the request for service is made before noon. If the request for service by the sheriff or constable is made after noon, the "day of service" shall be deemed to be the day next following the day that the request is made for service by the sheriff or constable.

2. A landlord or the landlord's agent who serves a notice to a tenant pursuant to paragraph (b) of subsection 1 shall attempt to deliver the notice in person in the manner set forth in ~~[paragraph (a) of]~~ subsection ~~[1]~~ *2* of ~~[NRS 40.280.]~~ *section 1 of this act.* If the notice cannot be delivered in person, the landlord or the landlord's agent:

(a) Shall post a copy of the notice in a conspicuous place on the premises and mail the notice by overnight mail; and

(b) After the notice has been posted and mailed, may deliver the notice to the sheriff or constable for service in the manner set forth in subsection 1 of NRS 40.280. The sheriff or constable shall not accept the notice for service unless it is accompanied by written evidence, signed by the tenant when the tenant took possession of the premises, that the landlord or the landlord's agent informed the tenant of the provisions of this section which set forth the lawful procedures for eviction from a short-term tenancy. Upon acceptance, the sheriff or constable shall serve the notice within 48 hours after the request for service was made by the landlord or the landlord's agent.

3. A notice served pursuant to subsection 1 or 2 must:

(a) Identify the court that has jurisdiction over the matter; and

(b) Advise the tenant:

(1) Of the tenant's right to contest the matter by filing, within the time specified in subsection 1 for the payment of the rent or surrender of the premises, an affidavit with the court that has jurisdiction over the matter stating that the tenant has tendered payment or is not in default in the payment of the rent;

(2) That if the court determines that the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant, directing the sheriff or constable of the county to *post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. The sheriff or constable shall* remove *the* tenant ~~[within 24]~~ *not earlier than 24* hours *but not later than 36 hours* after ~~[receipt]~~ *the posting* of the order; and

(3) That, pursuant to NRS 118A.390, a tenant may seek relief if a landlord unlawfully removes the tenant from the premises or excludes the tenant by blocking or attempting to block the tenant's entry upon the premises

or willfully interrupts or causes or permits the interruption of an essential service required by the rental agreement or chapter 118A of NRS.

4. If the tenant files such an affidavit at or before the time stated in the notice, the landlord or the landlord's agent, after receipt of a file-stamped copy of the affidavit which was filed, shall not provide for the nonadmittance of the tenant to the premises by locking or otherwise.

5. Upon noncompliance with the notice:

(a) The landlord or the landlord's agent may apply by affidavit of complaint for eviction to the justice court of the township in which the dwelling, apartment, mobile home ~~[,]~~ *or* recreational vehicle ~~[or commercial premises]~~ are located or to the district court of the county in which the dwelling, apartment, mobile home ~~[,]~~ *or* recreational vehicle ~~[or commercial premises]~~ are located, whichever has jurisdiction over the matter. The court may thereupon issue an order directing the sheriff or constable of the county to *post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. The sheriff or constable shall* remove the tenant ~~[within 24]~~ *not earlier than 24* hours *but not later than 36 hours* after ~~[receipt]~~ *the posting* of the order. The affidavit must state or contain:

(1) The date the tenancy commenced.

(2) The amount of periodic rent reserved.

(3) The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant.

(4) The date the rental payments became delinquent.

(5) The length of time the tenant has remained in possession without paying rent.

(6) The amount of rent claimed due and delinquent.

(7) A statement that the written notice was served on the tenant in accordance with NRS 40.280.

(8) A copy of the written notice served on the tenant.

(9) A copy of the signed written rental agreement, if any.

(b) Except when the tenant has timely filed the affidavit described in subsection 3 and a file-stamped copy of it has been received by the landlord or the landlord's agent, and except when the landlord is prohibited pursuant to NRS 118A.480, the landlord or the landlord's agent may, in a peaceable manner, provide for the nonadmittance of the tenant to the premises by locking or otherwise.

6. Upon the filing by the tenant of the affidavit permitted in subsection 3, regardless of the information contained in the affidavit, and the filing by the landlord of the affidavit permitted by subsection 5, the justice court or the district court shall hold a hearing, after service of notice of the hearing upon the parties, to determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If the court determines that there is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the

tenant or an order providing for the nonadmittance of the tenant. If the court determines that there is a legal defense as to the alleged unlawful detainer, the court shall refuse to grant either party any relief, and, except as otherwise provided in this subsection, shall require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive. The issuance of a summary order for removal of the tenant does not preclude an action by the tenant for any damages or other relief to which the tenant may be entitled. If the alleged unlawful detainer was based upon subsection 5 of NRS 40.2514, the refusal by the court to grant relief does not preclude the landlord thereafter from pursuing an action for unlawful detainer in accordance with NRS 40.251.

7. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court, on a form provided by the clerk of the court, to dispute the amount of the costs, if any, claimed by the landlord pursuant to NRS 118A.460 ~~[or 118C.230]~~ for the inventory, moving and storage of personal property left on the premises. The motion must be filed within 20 days after the summary order for removal of the tenant or the abandonment of the premises by the tenant, or within 20 days after:

(a) The tenant has vacated or been removed from the premises; and

(b) A copy of those charges has been requested by or provided to the tenant, ➥ whichever is later.

8. Upon the filing of a motion pursuant to subsection 7, the court shall schedule a hearing on the motion. The hearing must be held within 10 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

(a) Determine the costs, if any, claimed by the landlord pursuant to NRS 118A.460 ~~[or 118C.230]~~ and any accumulating daily costs; and

(b) Order the release of the tenant's property upon the payment of the charges determined to be due or if no charges are determined to be due.

9. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served or had served a notice pursuant to subsection 1 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable charge for late payments of rent or dishonored checks, or a security. As used in this subsection, "security" has the meaning ascribed to it in NRS 118A.240.

10. This section does not apply to the tenant of a ~~*[:*~~

~~*(a) A]*~~ mobile home lot in a mobile home park or to the tenant of a recreational vehicle lot in an area of a mobile home park in this State other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 8 of NRS 40.215 . ~~*[; or*~~

~~*(b) Conventional public housing.]*~~

11. As used in this section ~~[:~~

~~*(a) "Close]*~~ *, "close of business" means the close of business of the court that has jurisdiction over the matter.* ~~*[*~~

~~*(b) "Conventional public housing":*~~

~~*(1) Means any public housing program established pursuant to the United States Housing Act of 1937, 42 U.S.C. §§ 1437 et seq., in which the program subsidy is tied to the dwelling unit, and the housing is operated by a housing authority. For the purpose of this subparagraph, "housing authority" has the meaning ascribed to it in NRS 315.021.*~~

~~*(2) The term does not include housing rented through the use of housing assistance pursuant to section 8 of the United States Housing Act of 1937, 42 U.S.C. § 1437f.]*~~

Sec. 2. ~~[NRS 40.254 is hereby amended to read as follows:~~

~~40.254 1. Except as otherwise provided by specific statute, in addition to the remedy provided in NRS 40.290 to 40.420, inclusive, when the tenant of a dwelling unit, [part of a low-rent housing program operated by a public housing authority,] a mobile home or a recreational vehicle is guilty of an unlawful detainer pursuant to NRS 40.250, 40.251, 40.2514 or 40.2516, the landlord or the landlord's agent may utilize the summary procedures for eviction as provided in NRS 40.253 except that written notice to surrender the premises must:~~

~~(a) Be given to the tenant in accordance with the provisions of NRS 40.280;~~

~~(b) Advise the tenant of the court that has jurisdiction over the matter; and~~

~~(c) Advise the tenant of the tenant's right to:~~

~~(1) Contest the notice by filing before the court's close of business on the fifth judicial day after the day of service of the notice an affidavit with the court that has jurisdiction over the matter stating the reasons why the tenant is not guilty of an unlawful detainer; or~~

~~(2) Request that the court stay the execution of the order for removal of the tenant or order providing for nonadmittance of the tenant for a period not exceeding 10 days pursuant to subsection 2 of NRS 70.010, stating the reasons why such a stay is warranted.~~

~~2. The affidavit of the landlord or the landlord's agent submitted to the justice court or the district court must state or contain:~~

~~(a) The date when the tenancy commenced, the term of the tenancy and, if any, a copy of the rental agreement. If the rental agreement has been lost or destroyed, the landlord or the landlord's agent may attach an affidavit or declaration, signed under penalty of perjury, stating such loss or destruction.~~

~~(b) The date when the tenancy or rental agreement allegedly terminated.~~

~~(c) The date when written notice to surrender was given to the tenant pursuant to the provisions of NRS 40.251, 40.2514 or 40.2516, together with any facts supporting the notice.~~

~~(d) The date when the written notice was given, a copy of the notice and a statement that notice was served in accordance with NRS 40.280 and, if applicable, a copy of the notice of change of ownership served on the tenant pursuant to NRS 40.255 if the property has been purchased as a residential foreclosure.~~

~~(e) A statement that the claim for relief was authorized by law.~~

~~3. If the tenant is found guilty of unlawful detainer as a result of the tenant's violation of any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, the landlord is entitled to be awarded any reasonable attorney's fees incurred by the landlord or the landlord's agent as a result of a hearing, if any, held pursuant to subsection 6 of NRS 40.253 wherein the tenant contested the eviction.~~

~~*4. For the purpose of this section, the term "dwelling unit" does not include a unit of conventional public housing. As used in this subsection, "conventional public housing" has the meaning ascribed to it in NRS 40.253.]*~~ (Deleted by amendment.)

Sec. 2.5. NRS 40.2545 is hereby amended to read as follows:

40.2545 1. In any action for summary eviction pursuant to NRS 40.253 or 40.254 ~~[,]~~ *or section 1 of this act*, the eviction case court file is sealed automatically and not open to inspection:

(a) Upon the entry of a court order which denies or dismisses the action for summary eviction; or

(b) Thirty-one days after the tenant has filed an affidavit described in subsection 3 of NRS 40.253 ~~[,]~~ *or subsection 3 of section 1 of this act*, if the landlord has failed to file an affidavit of complaint pursuant to subsection 5 of NRS 40.253 *or subsection 5 of section 1 of this act* within 30 days after the tenant filed the affidavit.

2. In addition to the provisions for the automatic sealing of an eviction case court file pursuant to subsection 1, the court may order the sealing of an eviction case court file:

(a) Upon the filing of a written stipulation by the landlord and the tenant to set aside the order of eviction and seal the eviction case court file; or

(b) Upon motion of the tenant and decision by the court if the court finds that:

(1) The eviction should be set aside pursuant to Rule 60 of the Justice Court Rules of Civil Procedure; or

(2) Sealing the eviction case court file is in the interests of justice and those interests are not outweighed by the public's interest in knowing about the contents of the eviction case court file, after considering, without limitation, the following factors:

(I) Circumstances beyond the control of the tenant that led to the eviction;

(II) Other extenuating circumstances under which the order of eviction was granted; and

(III) The amount of time that has elapsed between the granting of the order of eviction and the filing of the motion to seal the eviction case court file.

3. If the court orders the eviction case court file sealed pursuant to this section, all proceedings recounted in the eviction case court file shall be deemed never to have occurred.

4. As used in this section, "eviction case court file" means all records relating to an action for summary eviction which are maintained by the court, including, without limitation, the affidavit of complaint and any other pleadings, proof of service, findings of the court, any order made on motion as provided in Nevada Rules of Civil Procedure, Justice Court Rules of Civil Procedure and local rules of practice and all other papers, records, proceedings and evidence, including exhibits and transcript of the testimony.

Sec. 3. NRS 40.255 is hereby amended to read as follows:

40.255 1. Except as otherwise provided in subsections 2 , *4* and ~~[7,]~~ *9*, in any of the following cases, a person who holds over and continues in possession of real property or a mobile home after a 3-day written notice to surrender has been served upon the person may be removed as prescribed in NRS 40.290 to 40.420, inclusive:

(a) Where the property or mobile home has been sold under an execution against the person, or against another person under whom the person claims, and the title under the sale has been perfected;

(b) Where the property or mobile home has been sold upon the foreclosure of a mortgage, or under an express power of sale contained therein, executed by the person, or by another person under whom the person claims, and the title under the sale has been perfected;

(c) Where the property or mobile home has been sold under a power of sale granted by NRS 107.080 to the trustee of a deed of trust executed by the person, or by another person under whom the person claims, and the title under such sale has been perfected; or

(d) Where the property or mobile home has been sold by the person, or by another person under whom the person claims, and the title under the sale has been perfected.

2. *Except as otherwise provided in subsection 4, if the property has been transferred or sold as a residential sale, absent an agreement between the new owner and the tenant to modify or terminate an existing lease:*

(a) The new owner has the rights, obligations and liabilities of the previous owner or landlord pursuant to chapter 118A of NRS under the lease or rental agreement which the previous owner or landlord entered into with the tenant or subtenant regarding the property;

(b) The tenant or subtenant continues to have the rights, obligations and liabilities that the tenant or subtenant had pursuant to chapter 118A of NRS under the lease or rental agreement which the tenant or subtenant entered into with the previous owner or landlord regarding the property; and

(c) Upon termination of the previous owner's interest in the property by residential transfer or sale, the previous owner shall transfer the security deposit in the manner set forth in paragraph (a) of subsection 1 of NRS 118A.244. The successor has the rights, obligations and liabilities of the former landlord as to any securities which are owed under this section or NRS 118A.242 at the time of transfer.

3. The new owner pursuant to subsection 2 must provide a notice to the tenant or subtenant within 30 days after the date of the transfer or sale:

(a) Providing the contact information of the new owner to whom rent should be remitted;

(b) Notifying the tenant or subtenant that the lease or rental agreement the tenant or subtenant entered into with the previous owner or landlord of the property continues in effect through the period of the lease term and states the amount held by the new owner for the security deposit; and

(c) Notifying the tenant or subtenant that failure to pay rent to the new owner or comply with any other term of the agreement or applicable law constitutes a breach of the lease or rental agreement and may result in eviction proceedings, including, without limitation, proceedings conducted pursuant to NRS 40.253 and 40.254.

4. If the property has been sold as a residential foreclosure, a tenant or subtenant in actual occupation of the premises, other than a person whose name appears on the mortgage or deed, who holds over and continues in possession of real property or a mobile home in any of the cases described in paragraph (b) or (c) of subsection 1 may be removed as prescribed in NRS 40.290 to 40.420, inclusive, after receiving a notice of the change of ownership of the real property or mobile home and after the expiration of a notice period beginning on the date the notice was received by the tenant or subtenant and expiring:

(a) For all periodic tenancies with a period of less than 1 month, after not less than the number of days in the period; and

(b) For all other periodic tenancies or tenancies at will, after not less than 60 days.

~~[3.]~~ *5.* During the notice period described in subsection ~~[2.]~~ *4:*

(a) The new owner has the rights, obligations and liabilities of the previous owner or landlord pursuant to chapter 118A of NRS under the lease or rental agreement which the previous owner or landlord entered into with the tenant or subtenant regarding the property; and

(b) The tenant or subtenant continues to have the rights, obligations and liabilities that the tenant or subtenant had pursuant to chapter 118A of NRS under the lease or rental agreement which the tenant or subtenant entered into with the previous owner or landlord regarding the property.

~~[4.]~~ *6.* The notice described in subsection ~~[2]~~ *4* must contain a statement:

(a) Providing the contact information of the new owner to whom rent should be remitted;

(b) Notifying the tenant or subtenant that the lease or rental agreement the tenant or subtenant entered into with the previous owner or landlord of the property continues in effect through the notice period described in subsection ~~[2;]~~ *4;* and

(c) Notifying the tenant or subtenant that failure to pay rent to the new owner or comply with any other term of the agreement or applicable law constitutes a breach of the lease or rental agreement and may result in eviction

proceedings, including, without limitation, proceedings conducted pursuant to NRS 40.253 and 40.254.

~~[5.]~~ *7.* If the property has been sold as a residential foreclosure in any of the cases described in paragraph (b) or (c) of subsection 1, no person may enter a record of eviction for a tenant or subtenant who vacates a property during the notice period described in subsection ~~[2.]~~ *4*.

~~[6.]~~ *8.* If the property has been sold as a residential foreclosure in any of the cases described in paragraphs (b) or (c) of subsection 1, nothing in this section shall be deemed to prohibit:

(a) The tenant from vacating the property at any time before the expiration of the notice period described in subsection ~~[2]~~ *4* without any obligation to the new owner of a property purchased pursuant to a foreclosure sale or trustee's sale; or

(b) The new owner of a property purchased pursuant to a foreclosure sale or trustee's sale from:

(1) Negotiating a new purchase, lease or rental agreement with the tenant or subtenant; or

(2) Offering a payment to the tenant or subtenant in exchange for vacating the premises on a date earlier than the expiration of the notice period described in subsection ~~[2.]~~ *4*.

~~[7.]~~ *9.* This section does not apply to the tenant of a mobile home lot in a mobile home park.

~~[8.]~~ *10.* As used in this section, "residential foreclosure" means the sale of a single family residence pursuant to NRS 40.430 or under a power of sale granted by NRS 107.080. As used in this subsection, "single family residence" means a structure that is comprised of not more than four units.

Sec. 4. NRS 40.280 is hereby amended to read as follows:

40.280 1. Except as otherwise provided in NRS 40.253 ~~[,]~~ *and section 1 of this act,* the notices required by NRS 40.251 to 40.260, inclusive, must be served ~~[:~~

~~(a) By delivering a copy to the tenant personally, in the presence of a witness. If service is accomplished]~~ by the sheriff, *a* constable , ~~[or]~~ a person who is licensed as a process server pursuant to chapter 648 of NRS ~~[, the presence of a witness is not required.]~~ *or the agent of an attorney licensed to practice in this State:*

(a) By delivering a copy to the tenant personally.

(b) If the tenant is absent from the tenant's place of residence or from the tenant's 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 tenant at the tenant's place of residence or place of business.

(c) 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 leased property, delivering a copy to a person there residing, if the person can be found, and mailing a copy to the tenant at the place where the leased property is situated.

2. The notices required by NRS 40.230, 40.240 and 40.414 must be served upon an unlawful or unauthorized occupant:

(a) Except as otherwise provided in this paragraph and paragraph (b), by delivering a copy to the unlawful or unauthorized occupant personally, in the presence of a witness. If service is accomplished by the sheriff, constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, the presence of a witness is not required.

(b) If the unlawful or unauthorized occupant is absent from the real property, by leaving a copy with a person of suitable age and discretion at the property and mailing a copy to the unlawful or unauthorized occupant at the place where the property is situated. If the occupant is unknown, the notice must be addressed to "Current Occupant."

(c) If a person of suitable age or discretion cannot be found at the real property, by posting a copy in a conspicuous place on the property and mailing a copy to the unlawful or unauthorized occupant at the place where the property is situated. If the occupant is unknown, the notice must be addressed to "Current Occupant."

3. Service upon a subtenant may be made in the same manner as provided in subsection 1.

4. Proof of service of any notice required by NRS 40.230 to 40.260, inclusive, must be filed with the court before:

(a) An order for removal of a tenant is issued pursuant to NRS 40.253 or 40.254;

(b) An order for removal of an unlawful or unauthorized occupant is issued pursuant to NRS 40.414; ~~[or]~~

(c) A writ of restitution is issued pursuant to NRS 40.290 to 40.420, inclusive ~~[.]~~ *; or*

(d) An order for removal of a commercial tenant pursuant to section 1 of this act.

5. Proof of service of *notice pursuant to NRS 40.230 to 40.260, inclusive, that must be filed before the court may issue* an order or writ filed pursuant to *paragraph (a), (b) or (c) of* subsection 4 must consist of:

(a) Except as otherwise provided in ~~[paragraphs]~~ *paragraph* (b) *:* ~~[and (c):]~~

(1) If the notice was served pursuant to ~~[paragraph (a) of]~~ subsection 1 ~~[or]~~ *, a written statement, endorsed by the person who served the notice, stating the date and manner of service. The statement must also include the number of the badge or license of the person who served the notice. If the notice was served by the agent of an attorney licensed in this State, the statement must be accompanied by a declaration, signed by the attorney and bearing the license number of the attorney, stating that the attorney:*

(I) Was retained by the landlord in an action pursuant to NRS 40.230 to 40.420, inclusive;

(II) Reviewed the date and manner of service by the agent; and

(III) Believes to the best of his or her knowledge that such service complies with the requirements of this section.

(2) If the notice was served pursuant to paragraph (a) of subsection 2, an affidavit or declaration signed by the tenant or the unlawful or unauthorized occupant, as applicable, and a witness, signed under penalty of perjury by the server, acknowledging that the tenant or occupant received the notice on a specified date.

~~[(2)]~~ *(3)* If the notice was served pursuant to ~~[paragraph (b) or (c) of subsection 1 or]~~ paragraph (b) or (c) of subsection 2, an affidavit or declaration signed under penalty of perjury by the person who served the notice, stating the date and manner of service and accompanied by a confirmation of delivery or certificate of mailing issued by the United States Postal Service or confirmation of actual delivery by a private postal service.

(b) ~~[If the notice was served by a sheriff, a constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, a written statement, endorsed by the person who served the notice, stating the date and manner of service. The statement must also include the number of the badge or license of the person who served the notice.~~

~~(c)]~~ For a short-term tenancy, if service of the notice was not delivered in person:

(1) A certificate of mailing issued by the United States Postal Service or by a private postal service to the landlord or the landlord's agent; or

(2) The endorsement of a sheriff or constable stating the:

(I) Time and date the request for service was made by the landlord or the landlord's agent;

(II) Time, date and manner of the service; and

(III) Fees paid for the service.

6. Proof of service of notice pursuant to NRS 40.230 to 40.260, inclusive, that must be filed before the court may issue an order filed pursuant to paragraph (d) of subsection 4 must consist of:

(a) Except as otherwise provided in paragraphs (b) and (c):

(1) If the notice was served pursuant to subsection 2 of section 1 of this act, an affidavit or declaration signed by the tenant or the unlawful or unauthorized occupant, and a witness, as applicable, signed under penalty of perjury by the server, acknowledging that the tenant or occupant received the notice on a specified date.

(2) If the notice was served pursuant to paragraph (b) or (c) of subsection 1, an affidavit or declaration signed under penalty of perjury by the person who served the notice, stating the date and manner of service and accompanied by a confirmation of delivery or certificate of mailing issued by the United States Postal Service or confirmation of actual delivery by a private postal service.

(b) If the notice was served by a sheriff, a constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, a written statement, endorsed by the person who served the notice, stating the date and manner of service. The statement must also include the number of the badge or license of the person who served the notice.

(c) For a short-term tenancy, if service of the notice was not delivered in person:

(1) A certificate of mailing issued by the United States Postal Service or by a private postal service to the landlord or the landlord's agent; or

(2) The endorsement of a sheriff or constable stating the:

(I) Time and date the request for service was made by the landlord or the landlord's agent;

(II) Time, date and manner of the service; and

(III) Fees paid for the service.

7. For the purpose of this section, an agent of an attorney licensed in this State shall only serve notice pursuant to subsection 1 if:

(a) The landlord has retained the attorney an action pursuant to NRS 40.290 to 40.420, inclusive; and

(b) The agent is acting at the direction and under the direct supervision of the attorney.

Sec. 4.5. NRS 40.385 is hereby amended to read as follows:

40.385 Upon an appeal from an order entered pursuant to NRS 40.253 ~~[.]~~ *or section 1 of this act:*

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

2. A tenant who retains possession of the premises that are the subject of the appeal during the pendency of the appeal shall pay to the landlord rent in the amount provided in the underlying contract between the tenant and the landlord as it becomes due. If the tenant fails to pay such rent, the landlord may initiate new proceedings for a summary eviction by serving the tenant with a new notice pursuant to NRS 40.253 ~~[.]~~ *or section 1 of this act.*

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 21.130 is hereby amended to read as follows:

21.130 1. Before the sale of property on execution, notice of the sale, in addition to the notice required pursuant to NRS 21.075 and 21.076, must be given as follows:

(a) In cases of perishable property, by posting written notice of the time and place of sale in three public places at the township or city where the sale is to take place, for such a time as may be reasonable, considering the character and condition of the property.

(b) In case of other personal property, by posting a similar notice in three public places of the township or city where the sale is to take place, not less than 5 or more than 10 days before the sale, and, in case of sale on execution issuing out of a district court, by the publication of a copy of the notice in a newspaper, if there is one in the county, at least twice, the first publication being not less than 10 days before the date of the sale.

(c) In case of real property, by:

(1) Personal service upon each judgment debtor or by registered mail to the last known address of each judgment debtor and, if the property of the judgment debtor is operated as a facility licensed under chapter 449 of NRS, upon the State Board of Health;

(2) Posting a similar notice particularly describing the property, for 20 days successively, in three public places of the township or city where the property is situated and where the property is to be sold;

(3) Publishing a copy of the notice three times, once each week, for 3 successive weeks, in a newspaper, if there is one in the county. The cost of publication must not exceed the rate for legal advertising as provided in NRS 238.070. If the newspaper authorized by this section to publish the notice of sale neglects or refuses from any cause to make the publication, then the posting of notices as provided in this section shall be deemed sufficient notice. Notice of the sale of property on execution upon a judgment for any sum less than $500, exclusive of costs, must be given only by posting in three public places in the county, one of which must be the courthouse;

(4) Recording a copy of the notice in the office of the county recorder; and

(5) If the sale of property is a residential foreclosure, posting a copy of the notice in a conspicuous place on the property. In addition to the requirements of NRS 21.140, the notice 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.

2. If the sale of property is a residential foreclosure, the notice must include, without limitation:

(a) The physical address of the property; and

(b) The contact information of the party who is authorized to provide information relating to the foreclosure status of the property.

3. If the sale of property is a residential foreclosure, 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 judgment debtor, in actual occupation of the premises not later than 3 business days after the notice of the sale is given pursuant to subsection 1. 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 sheriff shall not conduct a sale of the property on execution or deliver the judgment debtor's property to the judgment creditor if the judgment debtor or any other person entitled to notice has not been properly notified as required in this section and NRS 21.075 and 21.076.

5. As used in this section, "residential foreclosure" means the sale of a single family residence pursuant to NRS 40.430. As used in this subsection, "single family residence" means a structure that is comprised of not more than four units.

Sec. 7. 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. 7.1. NRS 118.205 is hereby amended to read as follows:

118.205 A notice provided by a landlord to a tenant pursuant to NRS 118.195:

1. Must advise the tenant of the provisions of that section and specify:

(a) The address or other location of the property;

(b) The date upon which the property will be deemed abandoned and the rental agreement terminated; and

(c) An address for payment of the rent due and delivery of notice to the landlord.

2. Must be served pursuant to subsection 1 of NRS 40.280.

3. May be included in the notice required by subsection 1 of NRS 40.253 ~~[.]~~ *or subsection 1 of section 1 of this act, as applicable.*

Sec. 7.3. NRS 118C.230 is hereby amended to read as follows:

118C.230 1. Except as otherwise provided in subsection 3, a landlord who leases or subleases any commercial premises under a rental agreement that has been terminated for any reason may, in accordance with the following provisions, dispose of any abandoned personal property, regardless of its character, left on the commercial premises without incurring any civil or criminal liability:

(a) The landlord may dispose of the abandoned personal property and recover his or her reasonable costs out of the abandoned personal property or the value thereof if the landlord has notified the tenant in writing of the landlord's intention to dispose of the abandoned personal property and 14 days have elapsed since the notice was mailed to the tenant. The notice must be mailed, by certified mail, return receipt requested, to the tenant at the tenant's present address, and if that address is unknown, then at the tenant's last known address.

(b) The landlord may charge and collect the reasonable and actual costs of inventory, moving and safe storage, if necessary, before releasing the abandoned personal property to the tenant or his or her authorized

representative rightfully claiming the abandoned personal property within the appropriate period set forth in paragraph (a).

(c) Vehicles must be disposed of in the manner provided in chapter 487 of NRS for abandoned vehicles.

2. A tenant of commercial premises is presumed to have abandoned the premises if:

(a) Goods, equipment or other property, in an amount substantial enough to indicate a probable intent to abandon the commercial premises, is being or has been removed from the commercial premises; and

(b) The removal is not within the normal course of business of the tenant.

3. If a written agreement between a landlord and a person who has an ownership interest in any abandoned personal property of the tenant contains provisions which relate to the removal and disposal of abandoned personal property, the provisions of the agreement determine the rights and obligations of the landlord and the person with respect to the removal and disposal of the abandoned personal property.

4. Any dispute relating to the amount of the costs claimed by the landlord pursuant to paragraph (b) of subsection 1 may be resolved using the procedure provided in subsection 7 of ~~[NRS 40.253.]~~ *section 1 of this act.*

Sec. 7.5. (Deleted by amendment.)

Sec. 8. This act becomes effective on July 1, 2019.

Senator Cannizzaro moved that the Senate do not concur in Assembly Amendment Nos. 780, 850 to Senate Bill No. 151.

Remarks by Senator Cannizzaro.

There is still some work that needs to be done on amendments 780 and 850 to Senate Bill No. 151.

Motion carried.

Bill ordered transmitted to the Assembly.

REPORTS OF CONFERENCE COMMITTEES

Madam President:

The Conference Committee concerning Senate Bill No. 203, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 811 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 3, which is attached to and hereby made a part of this report.

Conference Amendment No.3

SUMMARY—Revises provisions governing programs for children who are blind, visually impaired, deaf or hard of hearing. (BDR 38-77)

AN ACT relating to persons with disabilities; authorizing the establishment of a program to negotiate discounts and rebates for hearing devices and related costs for children who are deaf or hard of hearing; requiring the establishment of a program to provide hearing aids at no charge to certain children who reside in low-income households; providing for the establishment of criteria for evaluating the development of language and literacy skills by certain young children who are deaf, hard of hearing, blind, visually impaired or both deaf and blind; requiring the Department of Education to develop a resource for parents or guardians to measure the development of such skills by such children; requiring a team developing certain plans and programs for such children to use

the established criteria to measure the development of such skills by such children; requiring the Department to publish an annual report concerning the development of such skills by such children; providing for an interim study of the feasibility of establishing a public school for pupils who are blind, visually impaired, deaf or hard of hearing; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes a program to provide assistive technology and interpreters for persons who are deaf or hard of hearing. Existing law imposes a surcharge of not more than 8 cents per month on each access line of each customer to the local exchange of any telephone company, the funds from which are used to cover the costs of the program, fund the centers established by the program and cover certain other costs. (NRS 427A.797) Section 3.2 of this bill authorizes the Director of the Department of Health and Human Services to establish a program to negotiate discounts and rebates for hearing devices and related costs for children in this State who are deaf or hard of hearing on behalf of public and private insurers, residents of this State and other entities that provide health coverage or otherwise purchase hearing devices for such children.

Section 3.3 of this bill requires the Aging and Disability Services Division of the Department to develop and administer a program whereby any child under 13 years of age who is hard of hearing may apply to obtain a hearing aid at no charge if the child resides in a home with a household income that is at or below 400 percent of the federal poverty level and does not have access to affordable insurance coverage for a hearing aid. Section 3.3 requires the Division to establish by regulation the manner in which to apply to receive a hearing aid from the program and requires applications to be awarded to the extent money is available, in the order in which the applications are received. Section 3.3 additionally requires the Division to annually submit a report to the Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired that sets forth the number of applications received and approved during the previous calendar year and the number of children on the waiting list for a hearing aid. Section 3.3 authorizes the Division to accept gifts, grants and donations to pay for the program. Section 3.8 requires the Division, in consultation with the Commission, to designate annually an amount of money in the Account for Services for Persons With Impaired Speech or Hearing that the Division must use in that calendar year to cover the costs of the program to provide assistive technology and interpreters for persons who are deaf or hard of hearing and, after designating such money, authorizes the Division to use the remaining money in the Account for certain other purposes. Such purposes include paying the costs of the program established by section 3.3 to provide hearing aids to low-income children. Section 3.5 of this bill makes conforming changes.

Existing law requires public schools to provide special programs and services for pupils with disabilities. (NRS 388.419, 388.429) Section 9 of this bill requires the Superintendent of Public Instruction to establish the Advisory Committee on Language Development for Children Who Are Deaf, Hard of Hearing, Blind or Visually Impaired. Section 10 of this bill requires the Committee to recommend to the State Board of Education criteria for the development of language and literacy skills by children who are less than 6 years of age and are deaf, hard of hearing, blind or visually impaired. Section 11 of this bill requires the State Board of Education to: (1) make any revisions necessary so that the criteria recommended by the Committee meet certain requirements; (2) adopt those criteria; and (3) develop a resource for use by the parents or guardians to evaluate the development of language and literacy skills by children who are less than 6 years of age and are deaf, hard of hearing, blind or visually impaired. Section 10 also requires the Committee to make recommendations concerning certain other matters, including criteria for use by school employees and providers of services to assess the development of language and literacy skills by children who are less than 6 years of age and are deaf, hard of hearing, blind or visually impaired. Section 12 of this bill requires the State Board to adopt such criteria after considering the recommendations of the Committee. Section 12 also requires the Department of Education to provide to certain persons and entities that provide educational services to children who are less than 6 years of age and are deaf, hard of hearing, blind or visually impaired with: (1) a summary of the criteria; and (2) training in the use of the criteria.

Existing federal law requires: (1) a local educational agency to develop an individualized education program prescribing special education and related services and supplementary aids and services for a child with a disability who is between 3 and 9 years of age; and (2) a state to establish

an individualized family service plan prescribing early intervention services for a child with a disability who is less than 3 years of age. (20 U.S.C. §§ 1414, 1436) Sections 3 and 14 of this bill require a team developing such a program or plan for a child who is deaf, hard of hearing, blind or visually impaired to use the criteria adopted by the State Board to evaluate the child's development of language and literacy skills.

Section 13 of this bill requires the Department of Education, in collaboration with the Aging and Disability Services Division, to publish an annual report of aggregated data comparing the development of language and literacy skills by children in this State who are less than 6 years of age and are deaf, hard of hearing, blind or visually impaired with the development of such skills by such children who do not have a disability.

Section 15 of this bill requires the Legislative Commission to appoint a committee of legislators to conduct an interim study of the feasibility of establishing a public school for pupils who are blind, visually impaired, deaf or hard of hearing.

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

Section 1. Chapter 427A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 3.3, inclusive, of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. *1. When developing an individualized family service plan for a child who is deaf, hard of hearing, blind or visually impaired, including, without limitation, a child who is both deaf and blind, the child's individualized family service plan team shall use the criteria prescribed pursuant to section 12 of this act, in addition to any methods of assessment required by federal law, to evaluate the child's development of language and literacy skills and to determine whether to modify the individualized family service plan. If the team determines that the child is not progressing properly in his or her development of language and literacy skills, the team must include in the plan:*

(a) A detailed explanation of the reasons that the child is not making adequate progress; and

(b) Recommendations for services and programs to assist the child's development of language and literacy skills.

2. As used in this section:

(a) "Individualized family service plan" has the meaning ascribed to it in 20 U.S.C. § 1436.

(b) "Individualized family service plan team" means a multidisciplinary team assembled to develop an individualized family service plan pursuant to 20 U.S.C. § 1436(a)(3).

Sec. 3.2. *1. The Director may establish a program to negotiate discounts and rebates for hearing devices and related costs, including, without limitation, ear molds, batteries and FM systems, for children in this State who are deaf or hard of hearing on behalf of entities described in subsection 2 who participate in the program.*

2. The following persons and entities may participate in a program established pursuant to subsection 1:

(a) The Public Employees' Benefits Program;

(b) A governing body of a county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency that provides health coverage to employees through a self-insurance reserve fund pursuant to NRS 287.010;

(c) An insurer ~~[licensed]~~ that holds a certificate of authority to transact insurance in this State pursuant to ~~[title 57]~~ chapter 680A of NRS;

(d) An employer or employee organization based in this State that provides health coverage to employees through a self-insurance reserve fund;

(e) A governmental agency or nonprofit organization that purchases hearing devices for children in this State who are deaf or hard of hearing;

(f) A resident of this State who does not have coverage for hearing devices; and

(g) Any other person or entity that provides health coverage or otherwise purchases hearing devices for children in this State who are deaf or hard of hearing.

3. A person or entity described in subsection 2 may participate in any program established pursuant to subsection 1 by submitting an application to the Department in the form prescribed by the Department.

Sec. 3.3. *1. The Division shall develop and administer a program whereby any child who is less than 13 years of age whom the Division determines is hard of hearing may apply to obtain a hearing aid at no charge to the child if the child:*

(a) Resides in a home in which the household income is at or below 400 percent of the federally designated level signifying poverty; and

(b) Does not have access to affordable insurance coverage for a hearing aid.

2. The Division shall establish by regulation the manner in which a person may apply to receive a hearing aid pursuant to subsection 1 and the manner in which hearing aids may be provided by the program. Applications must be approved to the extent money is available in the order in which the applications are received.

3. The Division may accept gifts, grants and donations for the purpose of carrying out the provisions of this section.

4. On or before February 15 of each year, the Division shall:

(a) Prepare a report concerning the program developed pursuant to subsection 1 which must include, without limitation, the number of applications received pursuant to subsection 1 in the previous calendar year, the number of applications that were approved, the number of children who are on the waiting list to receive a hearing aid and any other information deemed appropriate by the Division; and

(b) Submit a copy of the report to the Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired, the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislature.

Sec. 3.5. NRS 427A.040 is hereby amended to read as follows:

427A.040 1. The Division shall, consistent with the priorities established by the Commission pursuant to NRS 427A.038:

(a) Serve as a clearinghouse for information related to problems of the aged and aging.

(b) Assist the Director in all matters pertaining to problems of the aged and aging.

(c) Develop plans, conduct and arrange for research and demonstration programs in the field of aging.

(d) Provide technical assistance and consultation to political subdivisions with respect to programs for the aged and aging.

(e) Prepare, publish and disseminate educational materials dealing with the welfare of older persons.

(f) Gather statistics in the field of aging which other federal and state agencies are not collecting.

(g) Stimulate more effective use of existing resources and available services for the aged and aging.

(h) Develop and coordinate efforts to carry out a comprehensive State Plan for Providing Services to Meet the Needs of Older Persons. In developing and revising the State Plan, the Division shall consider, among other things, the amount of money available from the Federal Government for services to aging persons and the conditions attached to the acceptance of such money, and the limitations of legislative appropriations for services to aging persons.

(i) Coordinate all state and federal funding of service programs to the aging in the State.

2. The Division shall:

(a) Provide access to information about services or programs for persons with disabilities that are available in this State.

(b) Work with persons with disabilities, persons interested in matters relating to persons with disabilities and state and local governmental agencies in:

(1) Developing and improving policies of this State concerning programs or services for persons with disabilities, including, without limitation, policies concerning the manner in which complaints relating to services provided pursuant to specific programs should be addressed; and

(2) Making recommendations concerning new policies or services that may benefit persons with disabilities.

(c) Serve as a liaison between state governmental agencies that provide services or programs to persons with disabilities to facilitate communication and the coordination of information and any other matters relating to services or programs for persons with disabilities.

(d) Serve as a liaison between local governmental agencies in this State that provide services or programs to persons with disabilities to facilitate communication and the coordination of information and any other matters relating to services or programs for persons with disabilities. To inform local governmental agencies in this State of services and programs of other local governmental agencies in this State for persons with disabilities pursuant to this subsection, the Division shall:

(1) Provide technical assistance to local governmental agencies, including, without limitation, assistance in establishing an electronic network that connects the Division to each of the local governmental agencies that provides services or programs to persons with disabilities;

(2) Work with counties and other local governmental entities in this State that do not provide services or programs to persons with disabilities to establish such services or programs; and

(3) Assist local governmental agencies in this State to locate sources of funding from the Federal Government and other private and public sources to establish or enhance services or programs for persons with disabilities.

(e) Administer the following programs in this State that provide services for persons with disabilities:

(1) The program established pursuant to NRS 427A.791, 427A.793 and 427A.795 to provide services for persons with physical disabilities;

(2) The programs established pursuant to NRS 427A.800, 427A.850 and 427A.860 to provide services to persons with traumatic brain injuries;

(3) *The program established pursuant to section 3.3 of this act to provide hearing aids to children who are hard of hearing;*

(4) The program established pursuant to NRS 427A.797 to provide devices for telecommunication to persons who are deaf and persons with impaired speech or hearing;

~~[(4)]~~ *(5)* Any state program for independent living established pursuant to 29 U.S.C. §§ 796 et seq., with the Rehabilitation Division of the Department of Employment, Training and Rehabilitation acting as the designated state ~~[unit,]~~ *entity*, as that term is defined in ~~[34]~~ *45* C.F.R. § ~~[364.4;]~~ *1329.4;* and

~~[(5)]~~ *(6)* Any state program established pursuant to the Assistive Technology Act of 1998, 29 U.S.C. §§ 3001 et seq.

(f) Provide information to persons with disabilities on matters relating to the availability of housing for persons with disabilities and identify sources of funding for new housing opportunities for persons with disabilities.

(g) Before establishing policies or making decisions that will affect the lives of persons with disabilities, consult with persons with disabilities and members of the public in this State through the use of surveys, focus groups, hearings or councils of persons with disabilities to receive:

(1) Meaningful input from persons with disabilities regarding the extent to which such persons are receiving services, including, without limitation, services described in their individual service plans, and their satisfaction with those services; and

(2) Public input regarding the development, implementation and review of any programs or services for persons with disabilities.

(h) Publish and make available to governmental entities and the general public a biennial report which:

(1) Provides a strategy for the expanding or restructuring of services in the community for persons with disabilities that is consistent with the need for such expansion or restructuring;

(2) Reports the progress of the Division in carrying out the strategic planning goals for persons with disabilities identified pursuant to chapter 541, Statutes of Nevada 2001;

(3) Documents significant problems affecting persons with disabilities when accessing public services, if the Division is aware of any such problems;

(4) Provides a summary and analysis of the status of the practice of interpreting and the practice of realtime captioning, including, without limitation, the number of persons engaged in the practice of interpreting in an educational setting in each professional classification established pursuant to NRS 656A.100 and the number of persons engaged in the practice of realtime captioning in an educational setting; and

(5) Recommends strategies and, if determined necessary by the Division, legislation for improving the ability of the State to provide services to persons with disabilities and advocate for the rights of persons with disabilities.

3. The Division shall confer with the Department as the sole state agency in the State responsible for administering the provisions of this chapter and chapter 435 of NRS.

4. The Division shall administer the provisions of chapters 435, 437 and 656A of NRS.

5. The Division may contract with any appropriate public or private agency, organization or institution, in order to carry out the provisions of this chapter and chapter 435 of NRS.

Sec. 3.8. NRS 427A.797 is hereby amended to read as follows:

427A.797 1. The Division shall develop and administer a program whereby:

(a) Any person who is a customer of a telephone company which provides service through a local exchange or a customer of a company that provides wireless phone service and who is certified by the Division to be deaf or to have severely impaired speech or hearing may obtain a device for telecommunication or other assistive technology capable of serving the needs of such persons at no charge to the customer beyond the rate for basic service;

(b) Any person who is deaf or has severely impaired speech or hearing may communicate by telephone, including, without limitation, a wireless phone, or other means with other persons through a dual-party relay system or other assistive technology; and

(c) Interpreters are made available, when possible, to the Executive, Judicial and Legislative Departments of State Government to assist those departments in providing access to persons who are deaf or hard of hearing. The Division shall, to the extent money is available, employ one or more interpreters in the unclassified service of the State for the purposes of this paragraph.

2. The program developed pursuant to subsection 1 must include the establishment of centers for persons who are deaf or hard of hearing that provide services which must include, without limitation:

(a) Facilitating the provision and distribution of devices for telecommunication and other assistive technology to persons with impaired speech or hearing;

(b) Assisting persons who are deaf or have severely impaired speech or hearing in accessing assistive devices, including, without limitation, hearing aids, electrolarynxes and devices for telecommunication and other assistive technology;

(c) Expanding the capacity for service using devices for telecommunication and other assistive technology in areas where there is a need for such devices and technology and services for persons with impaired speech or hearing are not available;

(d) Providing instruction in language acquisition to persons determined by the center to be eligible for services; and

(e) Providing programs designed to increase access to education, employment and health and social services.

3. A surcharge of not more than 8 cents per month is hereby imposed on each access line of each customer to the local exchange of any telephone company providing such lines in this State and on each personal wireless access line of each customer of any company that provides wireless phone services in this State. The surcharge must be used to:

(a) Cover the costs of the program;

(b) Fund the centers for persons who are deaf or hard of hearing established pursuant to subsection 2; and

(c) Cover the costs incurred by the Division to carry out the provisions of chapter 656A of NRS that are not covered by the civil penalties received by the Division pursuant to NRS 656A.800.

➥ The Public Utilities Commission of Nevada shall establish by regulation the amount to be charged. Those companies shall collect the surcharge from their customers and transfer the money collected to the Commission pursuant to regulations adopted by the Commission.

4. The Account for Services for Persons With Impaired Speech or Hearing is hereby created within the State General Fund and must be administered by the Division. Any money collected from the surcharge imposed pursuant to subsection 3 must be deposited in the State Treasury for credit to the Account.

5. The *Division shall, in consultation with the Commission, designate annually an amount of money in the Account to be used by the Division in that calendar year only to cover the costs of the program developed pursuant to subsection 1.*

6. After designating the amount of money to use pursuant to subsection 5, the Division may use the remaining money in the Account ~~[may be used]~~ only:

(a) For the purchase, maintenance, repair and distribution of the devices for telecommunication and other assistive technology, including the distribution of such devices and technology to state agencies and nonprofit organizations;

(b) To establish and maintain the dual-party relay system;

(c) To reimburse telephone companies and companies that provide wireless phone services for the expenses incurred in collecting and transferring to the Public Utilities Commission of Nevada the surcharge imposed by the Commission;

(d) For the general administration of the program developed and administered pursuant to subsection 1;

(e) To train persons in the use of the devices for telecommunication and other assistive technology;

(f) To fund the centers for persons who are deaf or hard of hearing established pursuant to subsection 2; ~~[and]~~

(g) To cover the costs incurred by the Division to carry out the provisions of chapter 656A of NRS that are not covered by the civil penalties received by the Division pursuant to NRS 656A.800 ~~[.]~~ *; and*

(h) To cover the costs of the program established pursuant to section 3.3 of this act to provide hearing aids to children who are hard of hearing.

~~[5.]~~ *7.* For the purposes of this section:

(a) *"Account" means the Account for Services for Persons With Impaired Speech or Hearing.*

(b) "Device for telecommunication" means a device which is used to send messages through the telephone system, including, without limitation, the wireless phone system, which visually displays or prints messages received and which is compatible with the system of telecommunication with which it is being used.

~~[(b)]~~ *(c)* "Dual-party relay system" means a system whereby persons who have impaired speech or hearing, and who have been furnished with devices for telecommunication, may relay communications through third parties to persons who do not have access to such devices.

Sec. 4. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 to 13, inclusive, of this act.

Sec. 5. *As used in sections 5 to 13, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 6, 7 and 8 of this act have the meanings ascribed to them in those sections.*

Sec. 6. *"Individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).*

Sec. 7. *"Individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).*

Sec. 8. *"Individualized family service plan" has the meaning ascribed to it in 20 U.S.C. § 1436.*

Sec. 9. *1. The Superintendent of Public Instruction shall establish within the Department the Advisory Committee on Language Development for Children Who Are Deaf, Hard of Hearing, Blind or Visually Impaired.*

2. The Superintendent shall appoint to the Committee 13 members who are the parents of pupils who are deaf, hard of hearing, blind or visually impaired, including, without limitation, pupils who are both deaf and blind, specialize in teaching or providing services to such children or perform research in a field relating to such children. The Committee must include, without limitation:

(a) At least seven members who are deaf, hard of hearing, blind or visually impaired;

(b) Members who communicate verbally using both American Sign Language and spoken English; and

(c) Members who communicate verbally using only spoken English.

3. The Superintendent of Public Instruction shall appoint a Chair of the Committee. The Committee shall meet at the call of the Chair. A majority of the members of the Committee constitutes a quorum and is required to transact any business of the Committee.

4. The members of the Committee serve without compensation and are not entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

5. A member of the Committee who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation to prepare for and attend meetings of the Committee and perform any work necessary to carry out the duties of the Committee in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Committee to:

(a) Make up the time he or she is absent from work to carry out his or her duties as a member of the Committee; or

(b) Take annual leave or compensatory time for the absence.

Sec. 10. *The Advisory Committee on Language Development for Children Who Are Deaf, Hard of Hearing, Blind or Visually Impaired shall:*

1. Recommend to the State Board criteria for use by parents or guardians to evaluate the development of language and literacy skills by children who are less than 6 years of age and are deaf, hard of hearing, blind or visually impaired, including, without limitation, children who are both deaf and blind. The criteria must be:

(a) Appropriate for use to evaluate the development of language and literacy skills by children who:

(1) Communicate using primarily spoken or written English, with or without the use of visual supplements, or American Sign Language; or

(2) Read using braille;

(b) Described in terms used to describe the typical development of children, including, without limitation, children who do not have a disability, and according to the age of the child;

(c) Aligned with the standards adopted pursuant to NRS 389.520 for English language arts and any standards adopted pursuant to that section for early childhood education; and

(d) Aligned with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and any other federal law applicable to the assessment of the development of children with disabilities.

2. Make recommendations to the State Board and, where appropriate, the Aging and Disability Services Division of the Department of Health and Human Services concerning:

(a) The development of criteria pursuant to section 12 of this act;

(b) The examination of children with disabilities pursuant to NRS 388.433; and

(c) Ways to improve the assessment of language and literacy skills by children who are deaf, hard of hearing, blind or visually impaired, including, without limitation, children who are both deaf and blind.

Sec. 11. *1. The State Board shall evaluate the criteria recommended by the Advisory Committee on Language Development for Children Who Are Deaf, Hard of Hearing, Blind or Visually Impaired pursuant to section 10 of this act for use by parents or guardians to evaluate the development of language and literacy skills by children who are less than 6 years of age and are deaf, hard of hearing, blind or visually impaired, including, without limitation, children who are both deaf and blind. If the State Board determines that the criteria recommended by the Committee pursuant to section 10 of this act:*

(a) Meet the requirements of that section, adopt the criteria for the purposes described in subsection 2.

(b) Do not meet the requirements of that section, revise the criteria in a manner that meets the requirements of that section and adopt the revised criteria for the purposes described in subsection 2.

2. The Department shall develop a written resource for use by parents or guardians to evaluate the development of language and literacy skills by children who are less than 6 years of age and are deaf, hard of hearing, blind or visually impaired, including, without limitation, children who are both deaf and blind. The written resource must:

(a) Describe how to use the criteria adopted pursuant to subsection 1 to evaluate the development of language and literacy skills by children who are deaf, hard of hearing, blind or visually impaired, including, without limitation, children who are both deaf and blind;

(b) Be written clearly and present the criteria in a manner that is easy for parents to use;

(c) State that parents have the right to select whether to evaluate the development of language and literacy skills by their child using American Sign Language, spoken or written English, with or without the use of visual supplements or braille, as applicable;

(d) State that the resource is not a formal assessment of the development of language and literacy skills and that the observations by a parent may differ from data presented at a meeting concerning an individualized education program or individualized family service plan;

(e) State that a parent may bring the resource to a meeting concerning an individualized education program or individualized family service plan for purposes of sharing observations concerning the development of language and literacy skills by his or her child; and

(f) Include balanced and comprehensive information about languages, modes of communication and available services and programs for children who are deaf, hard of hearing, blind or visually impaired, including, without limitation, children who are both deaf and blind.

3. The Department shall disseminate the resource to parents or guardians described in subsection 2, including, without limitation, by:

(a) Making written copies of the resource available at locations and events where such parents or guardians are likely to be present;

(b) Posting the resource on an Internet website maintained by the Department; and

(c) Providing written copies of the resource to the Aging and Disability Services Division of the Department of Health and Human Services for distribution to such parents or guardians who receive services from the Division.

Sec. 12. *1. The State Board shall, after considering the recommendations made by the Advisory Committee on Language Development for Children Who Are Deaf, Hard of Hearing, Blind or Visually Impaired pursuant to section 10 of this act, prescribe by regulation criteria for use by school employees and providers of services to assess the development of language and literacy skills by children who are less than 6 years of age and are deaf, hard of hearing, blind or visually impaired, including, without limitation, children who are both deaf and blind. The criteria must:*

(a) Be based on criteria and assessments developed by persons and entities with expertise in the development of language and literacy skills by children, including, without limitation, children without a disability, who are less than 6 years of age; and

(b) Be organized according to stages of development of language and literacy skills.

2. The Department shall:

(a) Distribute to school districts, charter schools, the Aging and Disability Services Division of the Department of Health and Human Services and other entities that provide educational services to children who are less than 6 years of age and are deaf, hard of hearing, blind or visually impaired, including, without limitation, children who are both deaf and blind, a summary of the criteria prescribed pursuant to subsection 1; and

(b) Provide to employees of the entities described in paragraph (a) training concerning the use of the criteria to assist children who are less than 6 years of age and are deaf, hard of hearing, blind or visually impaired, including, without limitation, children who are both deaf and blind, in developing the language and literacy skills necessary for kindergarten. Such training must include, without limitation, training concerning children who communicate using spoken English and children who communicate using American Sign Language.

Sec. 13. *On or before July 31 of each year, the Department of Education, in collaboration with the Aging and Disabilities Services Division of the Department of Health and Human Services, shall compile and post on an Internet website maintained by the Department of Education a report of aggregated data comparing the development of language and literacy skills by children in this State who are less than 6 years of age and are deaf, hard of hearing, blind or visually impaired, including, without limitation, children who are both deaf and blind, with the development of such skills by such children who do not have a disability. The report must not include any personally identifiable information.*

Sec. 14. NRS 388.437 is hereby amended to read as follows:

388.437 1. When developing an individualized education program for a pupil with a hearing impairment in accordance with NRS 388.419, the pupil's individualized education program team shall consider, without limitation:

(a) The related services and program options that provide the pupil with an appropriate and equal opportunity for communication access;

(b) The pupil's primary communication mode;

(c) The availability to the pupil of a sufficient number of age, cognitive, academic and language peers of similar abilities;

(d) The availability to the pupil of adult models who are deaf or hearing impaired and who use the pupil's primary communication mode;

(e) The availability of special education teachers, interpreters and other special education personnel who are proficient in the pupil's primary communication mode;

(f) The provision of academic instruction, school services and direct access to all components of the educational process, including, without limitation, advanced placement courses, career and technical education courses, recess, lunch, extracurricular activities and athletic activities;

(g) The preferences of the parent or guardian of the pupil concerning the best feasible services, placement and content of the pupil's individualized education program; and

(h) The appropriate assistive technology necessary to provide the pupil with an appropriate and equal opportunity for communication access.

2. *When developing an individualized education program for a pupil with a hearing or visual impairment who is less than 6 years of age, including, without limitation, such a pupil with both hearing and visual impairments, in accordance with NRS 388.419, the pupil's individualized education program team shall use the criteria prescribed pursuant to section 12 of this act, in addition to any methods of assessment required by federal law, to evaluate the pupil's development of language and literacy skills and to determine whether to modify the individualized education program. If the team determines that the pupil is not making adequate progress in the development of language and literacy skills, the team must include in the plan:*

(a) A detailed explanation of the reasons that the pupil is not making adequate progress; and

(b) Recommendations for services and programs to assist the pupil's development of language and literacy skills.

3. When determining the best feasible instruction to be provided to the pupil in his or her primary communication mode, the pupil's individualized education program team may consider, without limitation:

(a) Changes in the pupil's hearing or vision;

(b) Development in or availability of assistive technology;

(c) The physical design and acoustics of the learning environment; and

(d) The subject matter of the instruction to be provided.

Sec. 15. 1. The Legislative Commission shall appoint a committee to conduct an interim study concerning the feasibility of establishing a public school for pupils who are blind, visually impaired, deaf or hard of hearing. The interim study must address, without limitation, potential sources of funding for such a school.

2. The committee must be composed of:

(a) Two members of the Legislature appointed by the Majority Leader of the Senate;

(b) Two members of the Legislature appointed by the Speaker of the Assembly;

(c) One member of the Legislature appointed by the Minority Leader of the Senate; and

(d) One member of the Legislature appointed by the Minority Leader of the Assembly.

3. The Legislative Commission shall appoint a Chair and a Vice Chair from among the members of the interim committee.

4. The interim committee shall consult with and solicit input from persons and organizations who advocate for or provide services to children who are blind, visually impaired, deaf or hard of hearing.

5. Any recommended legislation proposed by the interim committee must be approved by a majority of the members of the Senate and a majority of the members of the Assembly appointed to the interim committee.

6. The Legislative Commission shall submit a report of the results of the study and any recommendations for legislation, to the Director of the Legislative Counsel Bureau for transmittal to the 81st Session of the Nevada Legislature.

Sec. 16. 1. The Department of Education shall compile sets of criteria for evaluating the development of language and literacy skills by children who are less than 6 years of age and are deaf, hard of hearing, blind or visually impaired, including, without limitation, children who are both deaf and blind, developed by persons and entities with expertise in the development of language and literacy skills by children, including, without limitation, children without a disability. On or before March 1, 2020, the Department shall provide those sets of criteria to the Advisory Committee on Language Development for Children Who Are Deaf, Hard of Hearing, Blind or Visually Impaired established pursuant to section 9 of this act.

2. On or before June 1, 2020, the Advisory Committee on Language Development for Children Who Are Deaf, Hard of Hearing, Blind or Visually Impaired shall recommend criteria for:

(a) Use by parents or guardians to evaluate the development of language and literacy skills by children who are less than 6 years of age and are deaf, hard of hearing, blind or visually impaired, including, without limitation, children who are both deaf and blind, to the State Board of Education for adoption pursuant to section 11 of this act.

(b) Use by school employees and providers of services to evaluate the development of language and literacy skills by children who are less than 6 years of age and are deaf, hard of hearing, blind or visually impaired, including, without limitation, children who are both deaf and blind, to the State Board of Education for adoption pursuant to section 12 of this act.

3. On or before June 30, 2020, the Department of Education shall:

(a) Adopt the criteria described in subsection 2; and

(b) Notify the Advisory Committee on Language Development for Children Who Are Deaf, Hard of Hearing, Blind or Visually Impaired of any revisions made to the criteria recommended by the Committee pursuant to paragraph (a) of subsection 2 before adoption.

Sec. 17. 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. 18. 1. This section and sections 1, 2, 4 to 13, inclusive, 15, 16 and 17 of this act become effective upon passage and approval.

2. Sections 3.2, 3.3, 3.5 and 3.8 of this act become effective:

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

(b) On January 1, 2020, for all other purposes.

3. Sections 3 and 14 of this act become effective on July 1, 2020.

JULIA RATTI	LESLEY COHEN
PAT SPEARMAN	TERESA BENITEZ-THOMPSON
JOSEPH HARDY	
Senate Conference Committee	*Assembly Conference Committee*

Senator Ratti moved that the Senate adopt the report of the Conference Committee concerning Senate Bill No. 203.

Motion carried by a constitutional majority.

Madam President:

The Conference Committee concerning Senate Bill No. 403, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 786 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 2, which is attached to and hereby made a part of this report.

Conference Amendment No.2

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.

MOISES DENIS	EDGAR FLORES
DALLAS HARRIS	DANIELE MONROE-MORENO
SCOTT HAMMOND	JILL TOLLES
Senate Conference Committee	*Assembly Conference Committee*

Senator Denis moved that the Senate adopt the report of the Conference Committee concerning Senate Bill No. 403.

Remarks by Senator Denis.

We amended Senate Bill No. 403, and everybody agreed.

Motion carried by a constitutional majority.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bills Nos. 8, 69, 111, 130, 153, 218, 221, 263, 346, 363, 427, 431, 435, 537, 542, 545, 549; Senate Concurrent Resolutions Nos. 1, 6; Assembly Bills Nos. 92, 222, 276, 416, 526.

Senator Cannizzaro moved that the Senate adjourn until Sunday, June 2, 2019, at 1:00 p.m.

Motion carried.

Senate adjourned at 12:10 a.m.

Approved: KATE MARSHALL
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate