THE SEVENTY-THIRD DAY

CARSON CITY (Wednesday), April 17, 2019

Assembly called to order at 11:19 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Hambrick, who was excused.

Prayer by the Chaplain, Pastor Kathy Morris.

We give thanks for all who have gathered in this place. We thank You for the work that they do and the integrity with which they serve our great state of Nevada. We ask Your blessing upon their work on this day. Guide them with understanding as they listen and learn from each other and fill them with wisdom as they make decisions for all of our neighbors across Nevada. Keep them especially mindful of those who may be unseen or undervalued, especially the poor, the elderly, the children, the mentally ill, the addicted, the incarcerated, the veterans, the immigrants, and all who live on the margins. Help us all to view everyone with respect and see the value that is within all of us.

As Christians reflect on the sacrifice of Christ in this Holy Week, remind us of those who give up so much to serve our community. Watch over all who serve our state, especially our police, fire departments, first responders, and our military. Protect the children in our schools and grant knowledge and patience to our teachers. Bring healing to all the sick in the hospitals and thank You for all who work tirelessly to diagnose and help them. We thank You for the freedoms of our nation and for all who love and support us in the work we do.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Benitez-Thompson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 156, 252, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LESLEY E. COHEN, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 15, 102, 142, 356, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

STEVE YEAGER, *Chair*

Mr. Speaker:

Your Committee on Taxation, to which were referred Assembly Bills Nos. 224, 466, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DINA NEAL, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 16, 2019

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 65, Amendment No. 92, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 14, 101, 233, 328, 367, 407, 410, 416, 424, 426, 464, 477.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 2, 12, 30, 36, 40, 45, 74, 97, 136, 150, 164, 172, 178, 179, 212, 228, 284, 299, 329, 358, 470.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 17, 2019

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 276.

CINDY JONES
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 2.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 12.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 14.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 30.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 36.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 40.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 45.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 74.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 97.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 101.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 136.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 150.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 164.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 172.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 178.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 179.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 212.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 228.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 233.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 284.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 299.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 328.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 329.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 358.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 367.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 407.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 410.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 416.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 424.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 426.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 464.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 470.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 477.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:05 p.m.

ASSEMBLY IN SESSION

At 4:12 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 29, 141, 455, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN B. SPIEGEL, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 17, 2019

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 51 and 363.

MARK KRMPOTIC
Fiscal Analysis Division

SECOND READING AND AMENDMENT

Assembly Bill No. 1.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 138.

AN ACT relating to administrative procedure; revising the requirements governing the provision of notice regarding a hearing on a proposed regulation by the State Environmental Commission or a local air pollution control board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

With certain exceptions, the Nevada Administrative Procedure Act requires each state agency that is not exempt from that Act to provide 30 days' notice of its intended action before holding a hearing on any proposed regulation. (NRS 233B.060) The State Environmental Commission is not exempt from the Act. (NRS 233B.039) Existing law also requires the Commission to publish notice of its hearing on a proposed regulation in newspapers throughout the State, once a week for 3 weeks, commencing at least 30 days before the hearing. (NRS 445B.215) Existing law imposes a similar requirement for such publication on a local air pollution control board that is required to establish and administer a program for the control of air pollution in a county whose population is 100,000 or more (currently Clark and Washoe Counties). **(NRS 445B.500) Sections 2 and 6** of this bill eliminate ~~[the]~~ **this specific** requirement of publishing such notice in a newspaper. Therefore, the Commission is only required to provide notice of its hearing on a proposed regulation in accordance with the Nevada Administrative Procedure Act **.** ~~[and section]~~ **Section 2** requires a local air pollution control board ~~[, which is not subject to that Act,]~~ **, in addition to any other applicable requirements for notice prescribed in existing law,** to **, at least 30 days before the date set for a public hearing on a regulation,** provide notice of ~~[its]~~ **the** hearing **by posting a copy of the notice** on ~~[a proposed regulation in]~~ **an Internet website**

maintained by the ~~[same manner.]~~ **board. Sections 1, 3 and 4** of this bill make conforming changes.

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

Section 1. NRS 445B.210 is hereby amended to read as follows:

445B.210 The Commission may:

1. ~~[Subject to the provisions of NRS 445B.215, adopt]~~ ***Adopt*** regulations consistent with the general intent and purposes of NRS 445B.100 to 445B.640, inclusive, to prevent, abate and control air pollution.

2. Establish standards for air quality.

3. Require access to records relating to emissions which cause or contribute to air pollution.

4. Cooperate with other governmental agencies, including other states and the Federal Government.

5. Establish such requirements for the control of emissions as may be necessary to prevent, abate or control air pollution.

6. By regulation:

(a) Designate as a hazardous air pollutant any substance which, on or after October 1, 1993, is on the federal list of hazardous air pollutants pursuant to 42 U.S.C. § 7412(b); and

(b) Delete from designation as a hazardous air pollutant any substance which, after October 1, 1993, is deleted from the federal list of hazardous air pollutants pursuant to 42 U.S.C. § 7412(b),

➥ based upon the Commission's determination of the extent to which such a substance presents a risk to the public health.

7. Hold hearings to carry out the provisions of NRS 445B.100 to 445B.640, inclusive, except as otherwise provided in those sections.

8. Establish fuel standards for both stationary and mobile sources of air contaminants. Fuel standards for mobile sources of air contaminants must be established to achieve air quality standards that protect the health of the residents of the State of Nevada.

9. Require elimination of devices or practices which cannot be reasonably allowed without generation of undue amounts of air contaminants.

Sec. 2. NRS 445B.500 is hereby amended to read as follows:

445B.500 1. Except as otherwise provided in this section and in NRS 445B.310 and 704.7318:

(a) The district board of health, county board of health or board of county commissioners in each county whose population is 100,000 or more shall establish a program for the control of air pollution and administer the program within its jurisdiction unless superseded.

(b) The program:

(1) Must include, without limitation, standards for the control of emissions, emergency procedures and variance procedures established by

ordinance or local regulation which are equivalent to or stricter than those established by statute or state regulation;

(2) May, in a county whose population is 700,000 or more, include requirements for the creation, receipt and exchange for consideration of credits to reduce and control air contaminants in accordance with NRS 445B.508; and

(3) Must provide for adequate administration, enforcement, financing and staff.

(c) The district board of health, county board of health or board of county commissioners is designated as the air pollution control agency of the county for the purposes of NRS 445B.100 to 445B.640, inclusive, and the Federal Act insofar as it pertains to local programs, and that agency is authorized to take all action necessary to secure for the county the benefits of the Federal Act.

(d) Powers and responsibilities provided for in NRS 445B.210, 445B.240 to 445B.470, inclusive, 445B.560, 445B.570, 445B.580 and 445B.640 are binding upon and inure to the benefit of local air pollution control authorities within their jurisdiction.

2. ~~[The]~~ ***In addition to any other applicable requirements for notice prescribed by law, the*** local air pollution control board shall ~~[carry out all provisions of NRS 445B.215 with the exception that notices of public hearings must be given in any newspaper, qualified pursuant to the provisions of chapter 238 of NRS, once a week for 3 weeks.]~~ ***, at least 30 days before the date set for a public hearing on a regulation, give notice of the hearing by posting a copy of the notice on an Internet website maintained by the board.*** The notice must specify with particularity the reasons for the proposed regulations and provide other informative details. ~~[NRS 445B.215 does not apply to the adoption of existing regulations upon transfer of authority as provided in NRS 445B.610.~~ ~~*give notice of a public hearing on a regulation which is to be considered by the local air pollution control board in the manner prescribed in chapter 233B of NRS.]*~~

3. In a county whose population is 700,000 or more, the local air pollution control board may delegate to an independent hearing officer or hearing board its authority to determine violations and levy administrative penalties for violations of the provisions of NRS 445B.100 to 445B.450, inclusive, and 445B.500 to 445B.640, inclusive, or any regulation adopted pursuant to those sections. If such a delegation is made, 17.5 percent of any penalty collected must be deposited in the county treasury in an account to be administered by the local air pollution control board to a maximum of $17,500 per year. The money in the account may only be used to defray the administrative expenses incurred by the local air pollution control board in enforcing the provisions of NRS 445B.100 to 445B.640, inclusive. The remainder of the penalty must be deposited in the county school district fund of the county where the violation occurred and must be accounted for separately in the fund. A school district may spend the money received pursuant to this section only in accordance with an annual spending plan that is approved by the local air pollution control board and shall submit an annual report to that board detailing the expenditures

of the school district under the plan. A local air pollution control board shall approve an annual spending plan if the proposed expenditures set forth in the plan are reasonable and limited to:

(a) Programs of education on topics relating to air quality; and

(b) Projects to improve air quality, including, without limitation, the purchase and installation of equipment to retrofit school buses of the school district to use biodiesel, compressed natural gas or a similar fuel formulated to reduce emissions from the amount of emissions produced by the use of traditional fuels such as gasoline and diesel fuel,

➥ which are consistent with the state implementation plan adopted by this State pursuant to 42 U.S.C. §§ 7410 and 7502.

4. Any county whose population is less than 100,000 or any city may meet the requirements of this section for administration and enforcement through cooperative or interlocal agreement with one or more other counties, or through agreement with the State, or may establish its own program for the control of air pollution. If the county establishes such a program, it is subject to the approval of the Commission.

5. No district board of health, county board of health or board of county commissioners may adopt any regulation or establish a compliance schedule, variance order or other enforcement action relating to the control of emissions from plants which generate electricity by using steam produced by the burning of fossil fuel.

6. As used in this section, "plants which generate electricity by using steam produced by the burning of fossil fuel" means plants that burn fossil fuels in a boiler to produce steam for the production of electricity. The term does not include any plant which uses technology for a simple or combined cycle combustion turbine, regardless of whether the plant includes duct burners.

Sec. 3. NRS 445B.540 is hereby amended to read as follows:

445B.540 1. A county or area whose local jurisdiction over air pollution control has been superseded may establish or restore a local air pollution control program if such program is approved as adequate by the Commission.

2. A district, county or city which has an air pollution control program in operation on July 1, 1971, may continue its program if within 1 year after July 1, 1971, the program is approved as adequate by the Commission. Such approval shall be deemed granted unless the Commission specifically disapproves the program after a public hearing. Nothing in NRS 445B.100 to 445B.640, inclusive, is to be construed as invalidating any rule, regulation, enforcement action, variance, permit, cease and desist order, compliance schedule, or any other legal action taken by any existing air pollution control authority pursuant to former NRS 445.400 to 445.595, inclusive, on or before July 1, 1971 **.** ~~[~~, unless it is specifically repealed, superseded or disapproved, pursuant to NRS 445B.215.~~]~~

Sec. 4. NRS 445B.610 is hereby amended to read as follows:

445B.610 1. All rules, regulations and standards promulgated by the State Commission of Environmental Protection pertaining to air pollution control in force on July 1, 1973, remain in effect until such time as revised by the State Environmental Commission pursuant to NRS 445B.100 to 445B.640, inclusive.

2. Any and all action taken by the State Commission of Environmental Protection, including but not limited to existing orders, notices of violation, variances, permits, cease and desist orders and compliance schedules, shall remain in full force and effect and binding upon the State Environmental Commission, the Director, the Department and all persons to whom such action may apply on or after July 1, 1973.

3. In the event that a local air pollution control program described in NRS 445B.500 is transferred in whole or in part from an existing air pollution control agency to another agency, all rules and regulations adopted by the existing agency may be readopted as amended to reflect the transfer of authorities by the new agency immediately upon such transfer **.** ~~[, and the provisions of NRS 445B.215 do not apply to such readoption.]~~

4. If a transfer of local authority as described in subsection 3 occurs, all orders, notices of violation, variances, cease and desist orders, compliance schedules and other legal action taken by the existing air pollution control board, control officer or hearing board remain in full force and effect, and must not be invalidated by reason of such transfer.

Sec. 5. The State Environmental Commission is not required to comply with the requirements of NRS 445B.215 concerning any proposed regulation that the State Environmental Commission submitted to the Legislative Counsel pursuant to NRS 233B.063 before the effective date of this act and that has not been approved by the Legislative Commission by the effective date of this act.

Sec. 6. NRS 445B.215 is hereby repealed.

Sec. 7. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION

445B.215 Notice of public hearing on regulations of Commission. Notice of the public hearing on a regulation which is to be considered by the Commission must be given by at least three publications of a notice in newspapers throughout the State, once a week for 3 weeks, commencing at least 30 days before the hearing.

Assemblywoman Swank moved the adoption of the amendment.

Remarks by Assemblywoman Swank.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 22.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 148.

SUMMARY—Revises provisions governing ~~[the amount of money that the Director of the Department of Transportation must retain under]~~ certain highway contracts. (BDR 35-239)

AN ACT relating to highways; revising provisions governing the amount of money that the Director of the Department of Transportation must retain under certain highway contracts; **revising provisions governing the disbursement of money by a contractor to a subcontractor or supplier;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Director of the Department of Transportation, subject to certain exceptions, to make monthly payments to a contractor who satisfactorily performs any highway improvement or construction in full as the work is completed by the contractor. The payments must not exceed 95 percent of the contract price. The Director is required to retain the remaining 5 percent of the contract price until the entire contract is completed satisfactorily and accepted by the Director. The retained amount must not exceed $50,000. (NRS 408.383) **Section 1** of this bill repeals the $50,000 limitation on the retained amount. ~~[.]~~ **and reduces the percentage of the contract price which must be retained by the Director to 2.5 percent. Section 1 also requires the Department to perform a final inspection of the work completed under a contract for a project of highway improvement or construction. If the inspection discloses that the work was completed satisfactorily, section 1 requires the Department to reduce the amount of the contract price retained by the Department to not more than $50,000, with any remaining amount to be retained until the entire contract is completed satisfactorily and accepted by the Director. If the final inspection reveals that the work is not satisfactory, section 1 requires the Department to provide the contractor with notice of the deficiencies in such work that require correction.**

Existing law requires a contractor to disburse money paid to the contractor under a contract for a project of highway improvement or construction to his or her subcontractors and suppliers within a certain amount of time and provides that, if a contractor withholds more than 10 percent from such a required payment, the subcontractor or supplier may contact the Director to resolve the dispute between the contractor and the subcontractor or supplier. (NRS 408.383) Section 1 provides that a subcontractor or supplier may contact the Director to resolve such a dispute if the contractor withholds more than 2.5 percent of a required payment.

Section 2 of this bill prohibits the retroactive application of the ~~[repeal of the $50,000 limitation.]~~ **amendatory provisions of this bill to contracts made or awarded by the Department 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 408.383 is hereby amended to read as follows:

408.383 1. Except as otherwise provided in subsections 2, ~~[11]~~ ***12*** and ~~[12,]~~ ***13,*** the Director may pay at the end of each calendar month, or as soon thereafter as practicable, to any contractor satisfactorily performing any highway improvement or construction as the work progresses in full for the work as completed but not more than ~~[95]~~ ***97.5*** percent of the entire contract price. The progress estimates must be based upon materials in place, or on the job site, or at a location approved by the Director, and invoiced, and labor expended thereon. The remaining ~~[5]~~ ***2.5*** percent ~~[, but not more than $50,000,]~~ must be retained until the ~~[entire contract is completed satisfactorily and accepted by the Director.]~~ ***remaining money is disposed of in the manner provided in subsection 3 or 4, as applicable.***

2. If the work in progress is being performed on a satisfactory basis, the Director may reduce the percentage retained if the Director finds that sufficient reasons exist for additional payment and has obtained written approval from every surety furnishing bonds for the work. Any remaining money must be retained until ~~[the entire contract is completed satisfactorily and accepted by the Director.]~~ ***such money is disposed of in the manner provided in subsection 3 or 4, as applicable.***

3. ***Upon receiving notice from the contractor of the completion of all work under a contract for a project of highway improvement or construction, the Department shall perform a final inspection of such work. If the final inspection discloses that any work, in whole or in part, is unsatisfactory, the Department will provide the contractor with notice of the deficiencies in such work that require correction before the work will be considered completed satisfactorily. Upon receiving notice from the contractor that any such unsatisfactory work has been corrected, the Department shall conduct another final inspection. If a final inspection discloses that all work under a contract for a project of highway improvement or construction has been completed satisfactorily, the Director shall reduce any money being retained pursuant to subsection 1 to not more than $50,000, not later than 30 days after such final inspection. Any remaining money must be retained until the entire contract is completed satisfactorily and accepted by the Director.***

4. If it becomes necessary for the Department to take over the completion of any highway contract or contracts, all of the amounts owing the contractor, including the withheld percentage, must first be applied toward the cost of completion of the contract or contracts. Any balance remaining in the retained percentage after completion by the Department is payable to the contractor or the contractor's creditors.

~~[4.]~~ ***5.*** Such retained percentage as may be due any contractor is due and payable at the expiration of the 30-day period as provided in NRS 408.363 for filing of creditors' claims, and this retained percentage is due and payable to

the contractor at that time without regard to creditors' claims filed with the Department.

~~[5.]~~ ***6.*** The contractor under any contract made or awarded by the Department, including any contract for the construction, improvement, maintenance or repair of any road or highway or the appurtenances thereto, may, from time to time, withdraw the whole or any portion of the sums otherwise due to the contractor under the contract which are retained by the Department, pursuant to the terms of the contract, if the contractor deposits with the Director:

(a) United States treasury bonds, United States treasury notes, United States treasury certificates of indebtedness or United States treasury bills;

(b) Bonds or notes of the State of Nevada; or

(c) General obligation bonds of any political subdivision of the State of Nevada.

➥ Certificates of deposit must be of a market value not exceeding par, at the time of deposit, but at least equal in value to the amount so withdrawn from payments retained under the contract.

~~[6.]~~ ***7.*** The Director has the power to enter into a contract or agreement with any national bank, state bank, credit union, trust company or safe deposit company located in the State of Nevada, designated by the contractor after notice to the owner and surety, to provide for the custodial care and servicing of any obligations deposited with the Director pursuant to this section. Such services include the safekeeping of the obligations and the rendering of all services required to effectuate the purposes of this section.

~~[7.]~~ ***8.*** The Director or any national bank, state bank, credit union, trust company or safe deposit company located in the State of Nevada, designated by the contractor to serve as custodian for the obligations pursuant to subsection ~~[6,]~~ ***7,*** shall collect all interest or income when due on the obligations so deposited and shall pay them, when and as collected, to the contractor who deposited the obligation. If the deposit is in the form of coupon bonds, the Director shall deliver each coupon as it matures to the contractor.

~~[8.]~~ ***9.*** Any amount deducted by the State of Nevada, or pursuant to the terms of a contract, from the retained payments otherwise due to the contractor thereunder, must be deducted first from that portion of the retained payments for which no obligation has been substituted, then from the proceeds of any deposited obligation. In the latter case, the contractor is entitled to receive the interest, coupons or income only from those obligations which remain on deposit after that amount has been deducted.

~~[9.]~~ ***10.*** A contractor shall disburse money paid to the contractor pursuant to this section, including any interest that the contractor receives, to his or her subcontractors and suppliers within 15 days after receipt of the money in the proportion that the value of the work performed by each subcontractor or the materials furnished by each supplier bears to the total amount of the contract between the principal contractor and the Department.

~~[10.]~~ ***11.*** Money payable to a subcontractor or supplier accrues interest at a rate equal to the lowest daily prime rate at the three largest banks in the United States on the date the subcontract or order for supplies was executed plus 2 percent, from 15 days after the money was received by the principal contractor until the date of payment.

~~[11.]~~ ***12.*** If a contractor withholds more than ~~[10]~~ ***2.5*** percent of a payment required by subsection ~~[9,]~~ ***10,*** the subcontractor or supplier may inform the Director in writing of the amount due. The Director shall attempt to resolve the dispute between the contractor and the subcontractor or supplier within 20 working days after the date that the Director receives notice of the amount due. If the dispute is not resolved within 20 working days after the date that the Director receives notice of the amount due, the contractor shall deposit the disputed amount in an escrow account that bears interest. The contractor, subcontractor or supplier may pursue any legal or equitable remedy to resolve the dispute over the amount due. The Director may not be made a party to any legal or equitable action brought by the contractor, subcontractor or supplier.

~~[12.]~~ ***13.*** If the Director awards to a railroad company a contract for a project for the construction, reconstruction, improvement or maintenance of a highway and the project is located on property that is owned by or under the control of the railroad company, the Director may agree in the contract not to retain any portion of the contract price.

Sec. 2. The amendatory provisions of section 1 of this act do not apply to any highway contract that is made or awarded by the Department of Transportation before the effective date of this act.

Sec. 3. This act becomes effective upon passage and approval.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Remarks by Assemblywoman Monroe-Moreno.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 41.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 298.

AN ACT relating to victims of crime; requiring additional entities to accept fictitious addresses from certain victims of crime; prohibiting the **maintenance, use and** disclosure of certain identifying information of such victims by the additional entities ~~[,]~~ **except under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Division of Child and Family Services of the Department of Health and Human Services to issue a fictitious address to an adult person, a parent or guardian acting on behalf of a child or a guardian acting on behalf of an incapacitated person who has been a victim of domestic violence, human trafficking, sexual assault or stalking who applies for the

issuance of a fictitious address. (NRS 217.462-217.471) Existing law also prohibits the Division from disclosing the name, the confidential address or fictitious address of a participant, except in certain circumstances. (NRS 217.464) **Section 1** of this bill requires ~~[any public or private]~~ **a governmental** entity **or provider of a utility service in this State** to allow the use of a fictitious address upon the request of a participant who has received a fictitious address issued by the Division. **Section 1** also prohibits such entities from disclosing the same information prohibited from disclosure by the Division and expands the protected information to include the telephone number and image of the person with the fictitious address. **Additionally, section 1 sets forth the circumstances under which such entities may maintain, use and disclose the confidential address of a participant.**

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

Section 1. NRS 217.464 is hereby amended to read as follows:

217.464 1. If the Division approves an application, the Division shall:

(a) Designate a fictitious address for the participant; and

(b) Forward mail that the Division receives for a participant to the participant.

2. ***Upon request of a participant, ~~[any private or public]~~ a governmental entity or provider of a utility service in this State to which the participant is required to provide an address shall allow the participant to use the fictitious address issued by the Division. ~~[Such entities, include, without limitation:]~~ A governmental entity or provider of a utility service who receives a request pursuant to this subsection shall not maintain a record of the confidential address of the participant, unless:***

(a) ~~[Employers;]~~ The governmental entity or provider of a utility service is required to maintain the confidential address of the participant by federal, state, or local law; or

(b) ~~[Schools or institutions of higher education; and

(c) Utility and other service providers.]~~ The provision of service by a provider of a utility service is impossible without maintaining the confidential address of the participant.

➥ If a governmental entity or provider of a utility service maintains a record of the confidential address of a participant pursuant to paragraph (a) or (b), the governmental entity or provider of a utility service must maintain and use the confidential address of the participant only to the extent as required by federal, state or local law or as necessary to provide a utility service.

3. The Division ***~~[and any entity]~~ , governmental entity or provider of a utility service to which a participant provides a fictitious address pursuant to this section*** shall not make any records containing the name, ***telephone number,*** confidential address ***,*** ~~[or]~~ fictitious address ***or image*** of ~~[a]~~ ***the*** participant available for inspection or copying, unless:

(a) The address is requested by a law enforcement agency, in which case the Division ~~[or]~~ ***, governmental entity or provider of a utility service*** shall make the address available to the law enforcement agency; or

(b) The Division ~~[or]~~ ***, governmental entity or provider of a utility service*** is directed to do so by lawful order of a court of competent jurisdiction, in which case the Division ~~[or]~~ ***, governmental entity or provider of a utility service*** shall make the address available to the person identified in the order.

~~[3.]~~ ***4.*** If a pupil is attending or wishes to attend a public school that is located in a school district other than the school district in which the pupil resides as authorized by NRS 392.016, the Division shall, upon request of the public school that the pupil is attending or wishes to attend, inform the public school of whether the pupil is a participant and whether the parent or legal guardian with whom the pupil resides is a participant. The Division shall not provide any other information concerning the pupil or the parent or legal guardian of the pupil to the public school.

5. As used in this section, "governmental entity" means any:

(a) Institution, board, commission, bureau, council, department, division, authority or other unit of government of this State, including, without limitation, an agency of this State or of a political subdivision of this State; and

(b) Incorporated city, county, unincorporated town, township, school district or other public district or agency designed to perform local governmental functions.

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

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 45.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 299.

AN ACT relating to public safety; creating and setting forth the duties of the Nevada Threat Analysis Center and the Nevada Threat Analysis Center Advisory Committee in the Investigation Division of the Department of Public Safety; making certain information relating to the Center and the Advisory Committee confidential; authorizing the Advisory Committee to hold a closed meeting for certain purposes; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 5 of this bill creates the Nevada Threat Analysis Center in the Investigation Division of the Department of Public Safety. **Section 5** requires the Center to: (1) collect and maintain certain information regarding potential threats to public safety; and (2) analyze and disseminate the information

collected to a public safety agency or other governmental agencies or a private entity as the Center determines is necessary to detect, prevent, investigate or respond to criminal activity or acts of terrorism. **Section 6** of this bill provides that any information collected by the Center is confidential and must not be disclosed except when the Center determines such disclosure is necessary. **Section 6** makes the disclosure of such confidential information a gross misdemeanor or a category C felony, depending on the intent of the person disclosing the information.

Section 7 of this bill creates the Nevada Threat Analysis Center Advisory Committee within the Investigation Division to advise the Nevada Threat Analysis Center on best practices for the collection, maintenance, analysis and dissemination of certain information relating to criminal activity or acts of terrorism. **Section 8** of this bill: (1) requires the Advisory Committee to generally comply with the Open Meeting Law; and (2) authorizes the Advisory Committee to hold a closed meeting to receive or provide security briefings or to discuss certain topics. **Section 8** ~~[also]~~ provides that all information and materials received or prepared by the Advisory Committee during a closed meeting and all minutes or audiovisual or electronic reproductions of such a meeting are confidential. **Section 8 also provides that if a criminal proceeding is initiated as a result of information or materials received or prepared by the Advisory Committee during such a closed meeting, such information or materials are subject to discovery and disclosure in accordance with applicable law.** **Sections 10 and 11** 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 480 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. ***"Act of terrorism" has the meaning ascribed to it in NRS 202.4415.***

Sec. 3. ***"Criminal intelligence information" means any information about an identifiable person or group of persons that is collected by a natural person, a private entity or a public safety agency or another federal, state or local governmental agency in an effort to detect, prevent, investigate or respond to criminal activity or acts of terrorism.***

Sec. 4. ***"Public safety agency" means:***

1. A public fire department, fire protection district or other agency of this State or a political subdivision of this State, the primary functions of which are to control, extinguish and suppress fires;

2. A law enforcement agency as defined in NRS 277.035;

3. An emergency medical service;

4. The Division of Emergency Management of the Department; or

5. A local organization for emergency management, as defined in NRS 414.036.

Sec. 5. *1. The Nevada Threat Analysis Center is hereby created within the Investigation Division.*

2. The Chief of the Investigation Division shall appoint a Director of the Center who is in the classified service of the State.

3. The Center shall:

(a) Collect and maintain criminal intelligence information and other information regarding actual or potential threats to public safety; and

(b) Analyze the criminal intelligence information and other information collected pursuant to paragraph (a) and disseminate the information to a public safety agency or other federal, state or local governmental agency or a private entity as the Center determines is necessary to detect, prevent, investigate or respond to criminal activity or acts of terrorism.

Sec. 6. *1. Except as otherwise provided in subsection 3 of section 5 of this act, any criminal intelligence information or other information collected by the Nevada Threat Analysis Center, including, without limitation, any papers, records, documents, reports, materials, databases or other evidence related to actual or suspected criminal activity or acts of terrorism is confidential and must not be disclosed.*

2. A person who knowingly violates any provision of this section or who assists, solicits or conspires with another person to violate any provision of this section is guilty of:

(a) A category C felony and shall be punished as provided in NRS 193.130 if the person acted with intent to:

(1) Commit, cause, aid, further or conceal, or attempt to commit, cause, aid, further or conceal, any act of terrorism; or

(2) Assist, solicit or conspire with another person to commit, cause, aid, further or conceal any act of terrorism; or

(b) If paragraph (a) does not apply, a gross misdemeanor.

Sec. 7. *1. The Nevada Threat Analysis Center Advisory Committee is hereby created within the Investigation Division. Except as otherwise provided in subsection 2, the Advisory Committee consists of 2 ex officio nonvoting members pursuant to subsection 2 and not more than 15 voting members, which must include, without limitation:*

(a) The Chief of the Investigation Division;

(b) The Chief of the Nevada Highway Patrol of the Department;

(c) The Chief of the Division of Emergency Management of the Department or another person designated by the Director of the Department who has experience relating to homeland security;

(d) Four members appointed by the Director of the Department who are representatives of the Nevada Sheriffs' and Chiefs' Association or its legal successor;

(e) One member appointed by the Director of the Department who is a representative of the Nevada Fire Chiefs' Association or its legal successor;

(f) One member appointed by the Director of the Department who is employed as a police officer by an Indian tribe; and

(g) Any other members appointed by the Director of the Department based on their experience or knowledge.

2. Except as otherwise provided in this subsection, the following persons are ex officio nonvoting members of the Advisory Committee:

(a) The Director of the Nevada Threat Analysis Center created by section 5 of this act.

(b) The Director of the Department or his or her designee except, in the case of a tie vote on any question, the Director or his or her designee shall cast the deciding vote.

3. The Director of the Department or his or her designee shall:

(a) Serve as the Chair of the Committee; and

(b) Select from the members a Vice Chair.

4. Members of the Advisory Committee appointed by the Director of the Department serve at the pleasure of the Director of the Department.

5. The Advisory Committee shall meet at least twice annually at the call of the Chair and in conformance with section 8 of this act.

6. Members of the Advisory Committee serve without compensation and are not entitled to receive a per diem allowance or travel expenses.

7. The Advisory Committee shall advise the Nevada Threat Analysis Center created by section 5 of this act on best practices for the collection, maintenance, analysis and dissemination of criminal intelligence information.

Sec. 8. *1. Except as otherwise provided in this section, the Nevada Threat Analysis Center Advisory Committee created by section 7 of this act shall comply with the provisions of chapter 241 of NRS.*

2. The Advisory Committee may hold a closed meeting:

(a) To receive or provide security briefings; or

(b) To discuss:

(1) Active criminal investigations;

(2) Criminal intelligence information;

(3) Actual or suspected acts of terrorism;

(4) Suspected or confirmed threats to public safety;

(5) Deficiencies in security with respect to public services, public facilities or infrastructure; or

(6) Deficiencies in security with respect to handling criminal intelligence information.

3. All information and materials received or prepared by the Advisory Committee during a closed meeting pursuant to subsection 2 and all minutes and audiovisual or electronic reproductions of such a meeting are confidential ~~[, not subject to subpoena or discovery]~~ and not subject to inspection by the general public. If a criminal proceeding is initiated as a result of information or materials received or prepared by the Advisory Committee during such a closed meeting, such information or materials are subject to discovery and disclosure in accordance with applicable law.

Sec. 9. NRS 480.400 is hereby amended to read as follows:

480.400 As used in NRS 480.400 to 480.520, inclusive, ***and sections 2 to 8, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 480.410 to 480.440, inclusive, ***and sections 2, 3 and 4 of this act*** have the meanings ascribed to them in those sections.

Sec. 10. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050,

459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and sections 6 and 8 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential

information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 11. 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 8 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. 12. This act becomes effective on July 1, 2019.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

The following amendment was proposed by Assemblyman Yeager:

Amendment No. 518.

AN ACT relating to public safety; creating and setting forth the duties of the Nevada Threat Analysis Center and the Nevada Threat Analysis Center Advisory Committee in the Investigation Division of the Department of Public Safety; making certain information relating to the Center and the Advisory Committee confidential; authorizing the Advisory Committee to hold a closed meeting for certain purposes; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 5 of this bill creates the Nevada Threat Analysis Center in the Investigation Division of the Department of Public Safety. **Section 5** requires the Center to: (1) collect and maintain certain information regarding potential threats to public safety; and (2) analyze and disseminate the information collected to a public safety agency or other governmental agencies or a private entity as the Center determines is necessary to detect, prevent, investigate or respond to criminal activity or acts of terrorism. **Section 6** of this bill provides that any information collected by the Center is confidential and must not be disclosed except when the Center determines such disclosure is necessary. **Section 6** makes the disclosure of such confidential information a gross misdemeanor or a category C felony, depending on the intent of the person disclosing the information.

Section 7 of this bill creates the Nevada Threat Analysis Center Advisory Committee within the Investigation Division to advise the Nevada Threat Analysis Center on best practices for the collection, maintenance, analysis and dissemination of certain information relating to criminal activity or acts of terrorism. **Section 8** of this bill: (1) requires the Advisory Committee to generally comply with the Open Meeting Law; and (2) authorizes the Advisory Committee to hold a closed meeting to receive or provide security briefings or to discuss certain topics. **Section 8** also provides that all information and materials received or prepared by the Advisory Committee during a closed meeting and all minutes or audiovisual or electronic reproductions of such a meeting are confidential. **Sections 10 and 11** 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 480 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. ***"Act of terrorism" has the meaning ascribed to it in NRS 202.4415.***

Sec. 3. ***"Criminal intelligence information" means any information about an identifiable person or group of persons that is collected by a natural person, a private entity or a public safety agency or another federal, state or local governmental agency in an effort to detect, prevent, investigate or respond to criminal activity or acts of terrorism.***

Sec. 4. ***"Public safety agency" means:***

1. A public fire department, fire protection district or other agency of this State or a political subdivision of this State, the primary functions of which are to control, extinguish and suppress fires;

2. A law enforcement agency as defined in NRS 277.035;

3. An emergency medical service;

4. The Division of Emergency Management of the Department; or

5. A local organization for emergency management, as defined in NRS 414.036.

Sec. 5. *1. The Nevada Threat Analysis Center is hereby created within the Investigation Division.*

2. The Chief of the Investigation Division shall appoint a Director of the Center who is in the classified service of the State.

3. The Center shall:

(a) Collect and maintain criminal intelligence information and other information regarding actual or potential threats to public safety; and

(b) Analyze the criminal intelligence information and other information collected pursuant to paragraph (a) and disseminate the information to a public safety agency or other federal, state or local governmental agency or a private entity as the Center determines is necessary to detect, prevent, investigate or respond to criminal activity or acts of terrorism.

Sec. 6. *1. Except as otherwise provided in subsection 3 of section 5 of this act, any criminal intelligence information or other information collected by the Nevada Threat Analysis Center, including, without limitation, any papers, records, documents, reports, materials, databases or other evidence related to actual or suspected criminal activity or acts of terrorism is confidential and must not be disclosed.*

2. A person who knowingly violates any provision of this section or who assists, solicits or conspires with another person to violate any provision of this section is guilty of:

(a) A category C felony and shall be punished as provided in NRS 193.130 if the person acted with intent to:

(1) Commit, cause, aid, further or conceal, or attempt to commit, cause, aid, further or conceal, any act of terrorism; or

(2) Assist, solicit or conspire with another person to commit, cause, aid, further or conceal any act of terrorism; or

(b) If paragraph (a) does not apply, a gross misdemeanor.

Sec. 7. *1. The Nevada Threat Analysis Center Advisory Committee is hereby created within the Investigation Division. Except as otherwise provided in subsection 2, the Advisory Committee consists of 2 ex officio nonvoting members pursuant to subsection 2 and not more than 15 voting members, which must include, without limitation:*

(a) The Chief of the Investigation Division;

(b) The Chief of the Nevada Highway Patrol of the Department;

(c) The Chief of the Division of Emergency Management of the Department or another person designated by the Director of the Department who has experience relating to homeland security;

(d) ~~[Four]~~ Three members appointed by the ~~[Director of the Department]~~ Nevada Sheriffs' and Chiefs' Association or its legal successor who are representatives of the ~~[Nevada Sheriffs' and Chiefs']~~ Association or its legal successor;

(e) One member appointed by the Director of the Department who is a representative of the Nevada Fire Chiefs' Association or its legal successor;

(f) One member appointed by the Director of the Department who is employed as a police officer by an Indian tribe;

(g) One member appointed by the sheriff of each county in which a metropolitan police department has been established who is a representative of the metropolitan police department; and

~~[(g)]~~ (h) Any other members appointed by the Director of the Department based on their experience or knowledge.

2. Except as otherwise provided in this subsection, the following persons are ex officio nonvoting members of the Advisory Committee:

(a) The Director of the Nevada Threat Analysis Center created by section 5 of this act.

(b) The Director of the Department or his or her designee except, in the case of a tie vote on any question, the Director or his or her designee shall cast the deciding vote.

3. The Director of the Department or his or her designee shall:

(a) Serve as the Chair of the Committee; and

(b) Select from the members a Vice Chair.

4. ~~[Members]~~ Appointed members of the Advisory Committee ~~[appointed by the Director of the Department]~~ serve at the pleasure of the ~~[Director of the Department.]~~ appointing authority.

5. The Advisory Committee shall meet at least twice annually at the call of the Chair and in conformance with section 8 of this act.

6. Members of the Advisory Committee serve without compensation and are not entitled to receive a per diem allowance or travel expenses.

7. The Advisory Committee shall advise the Nevada Threat Analysis Center created by section 5 of this act on best practices for the collection, maintenance, analysis and dissemination of criminal intelligence information.

Sec. 8. *1. Except as otherwise provided in this section, the Nevada Threat Analysis Center Advisory Committee created by section 7 of this act shall comply with the provisions of chapter 241 of NRS.*

2. The Advisory Committee may hold a closed meeting:

(a) To receive or provide security briefings; or

(b) To discuss:

(1) Active criminal investigations;

(2) Criminal intelligence information;

(3) Actual or suspected acts of terrorism;

(4) Suspected or confirmed threats to public safety;

(5) Deficiencies in security with respect to public services, public facilities or infrastructure; or

(6) Deficiencies in security with respect to handling criminal intelligence information.

3. All information and materials received or prepared by the Advisory Committee during a closed meeting pursuant to subsection 2 and all minutes and audiovisual or electronic reproductions of such a meeting are confidential, not subject to subpoena or discovery and not subject to inspection by the general public.

Sec. 9. NRS 480.400 is hereby amended to read as follows:

480.400 As used in NRS 480.400 to 480.520, inclusive, ***and sections 2 to 8, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 480.410 to 480.440, inclusive, ***and sections 2, 3 and 4 of this act*** have the meanings ascribed to them in those sections.

Sec. 10. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008, 379.1495, 385A.830, 385B.100,

387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and sections 6 and 8 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general

public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 11. 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 8 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. 12. This act becomes effective on July 1, 2019.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 61.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 203.

AN ACT relating to offenders; revising provisions relating to the residential confinement of offenders who are in a program of treatment for the abuse of alcohol or drugs; requiring **the Department of Corrections and** the Division of Parole and Probation of the Department of Public Safety to notify victims of certain information relating to residential confinement **[;] in certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Corrections to establish a program of treatment for offenders who are abusers of alcohol or drugs. (NRS 209.425) Pursuant to such a program of treatment, after an initial period of rehabilitation in a facility of the Department, existing law requires the Director to 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. (NRS 209.425, 209.427, 209.429) **Section 1** of this bill: (1) authorizes rather than requires the Director to assign offenders in a program of treatment to residential confinement; and (2) **[**prohibits**]** **authorizes** the Director **[**from assigning offenders**]** **, in determining whether to assign an offender** to residential confinement **[**who have**]** **, to consider whether the offender has** failed or refused to comply with the entire program of treatment or any other program related to the classification of the offender.

Existing law requires the Director to notify the victim of an offender who has submitted a written request for notification and has provided his or her current address if the offender: (1) will be released into the community for the purpose of employment, training, education or any other purpose for which release is authorized; or (2) has escaped from the custody of the Department of Corrections. (NRS 209.521) Section 1 requires the Department of Corrections to notify a victim who has requested such notification of: (1) the intent of the Director to consider whether to assign the offender to serve a term of residential confinement pursuant to a program for the treatment of an abuser of alcohol or drugs; and (2) the victim's right to submit documents regarding the assignment.

Existing law requires the State Board of Parole Commissioners to notify the victim of a prisoner who is being considered for parole of the date of the meeting and the right of the victim to submit documents to the Board and testify at the meeting if the victim has: (1) submitted a written request for such notification to the Board; and (2) provided his or her current address to the Board, or the victim's current address is otherwise known by the Board. (NRS 213.131) Existing law provides that if a victim of an offender serving a term of imprisonment in state prison has ~~[submitted a request to be notified of the consideration of a prisoner for parole to the State]~~ **requested such notification from the** Board **,** ~~[of Parole Commissioners,]~~ the Division of Parole and Probation of the Department of Public Safety is required to notify the victim of: (1) the offender's request to serve a term of residential confinement and the victim's right to submit documents regarding the request to the Division; and (2) **if the offender is physically incapacitated or in ill health,** the intent **of the Director** to assign the offender to residential confinement and the victim's right to submit documents regarding the assignment. (NRS 209.392, 209.3925) **Section 1** similarly requires the Division to notify ~~[the]~~ **a** victim ~~[of an offender of:]~~ **who has requested such notification from the Board:** (1) ~~[the intent of]~~ **if** the Director ~~[of the Department of Corrections to consider whether to assign]~~ **has approved the application for** the offender to serve a term of residential confinement pursuant to a program for the treatment of an abuser of alcohol or drugs; and (2) **of** the victim's right to submit documents regarding the assignment.

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

Section 1. NRS 209.429 is hereby amended to read as follows:

209.429 1. Except as otherwise provided in ~~[subsection 6,]~~ ***subsections 7 and 8,*** the Director ~~[shall]~~ ***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, for not longer than the remainder of the maximum term or the maximum aggregate term, as applicable, of his or her sentence if the offender 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 his or her confinement and to meet any existing obligation for restitution to any victim of his or her crime.

2. ***Before the Director assigns an offender to serve a term of residential confinement pursuant to this section, 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]~~ :***

(a) Subsection 1 of NRS [213.131,] 209.521, requested to be notified by the Department of Corrections of the [consideration of a prisoner for parole] offender's release or escape and has provided a current address, the [Division of Parole and Probation] Department of Corrections shall notify the victim that the Director intends to consider whether to assign the offender to serve a term of residential confinement pursuant to this section and advise the victim that the victim may submit documents for the consideration of the Director [,] regarding such an assignment to the Division of Parole and Probation. If a current address has not been provided as required by subsection [4] 1 of NRS [213.131,] 209.521, the [Division of Parole and Probation] Department of Corrections must not be held responsible if such notification is not received by the victim.

(b) 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 if the Director has approved the application for the offender to serve a term of residential confinement pursuant to this section and advise the victim that the victim may submit documents for the consideration of the Division of Parole and Probation regarding such an assignment 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, without limitation, a current or former address, which pertains to a victim and which is received by the Department of Corrections or the Division of Parole and Probation pursuant to this subsection is confidential.

3. Before a person may be assigned to serve a term of residential confinement pursuant to this section, he or she must submit to the Division of Parole and Probation a signed document stating that:

(a) He or she will comply with the terms or conditions of the residential confinement; and

(b) If he or she fails to comply with the terms or conditions of the residential confinement and is taken into custody outside of this State, he or she waives all rights relating to extradition proceedings.

~~[3.]~~ ***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:

(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 earned by the offender to reduce his or her sentence pursuant to this chapter 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 forfeiture of credits is final.

~~[4.]~~ ***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.

~~[5.]~~ ***6.*** A person 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.

~~[6.]~~ ***7.*** The Director shall not assign an offender who is serving a sentence for committing a battery which constitutes domestic violence pursuant to NRS 33.018 to the custody of the Division of Parole and Probation to serve a term of residential confinement unless the Director makes a finding that the offender is not likely to pose a threat to the victim of the battery.

~~[7.]~~ ***8.*** ~~***[The Director shall not]***~~ ***In determining whether to assign an offender to the custody of the Division of Parole and Probation to serve a term of residential confinement , ~~[if]~~ the Director ~~[determines that]~~ may consider whether the offender has failed or refused to comply with any term or condition of the entire program of treatment or any term or condition of any other program related to the classification of the offender.***

9. 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.

10. As used in this section, "entire program" has the meaning ascribed to it in NRS 209.427.

Sec. 2. 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 209.429*** and subsections 4 and 7 of NRS 213.131 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 209.429*** and subsections 4 and 7 of NRS 213.131 with the timeliness required by NRS 209.392 ***,*** ~~[and]~~ 209.3925 ***and 209.429*** and subsections 4 and 7 of NRS 213.131; 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 209.429*** and subsections 4 and 7 of NRS 213.131. 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 209.429*** and subsections 4 and 7 of NRS 213.131.

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 209.429,*** 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 209.429*** and subsections 4 and 7 of NRS 213.131, 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 209.429*** and subsections 4 and 7 of NRS 213.131. 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 209.429,*** 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 209.429*** and subsections 4 and 7 of NRS 213.131; 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 209.429*** and subsections 4 and 7 of NRS 213.131.

3. For the purposes of this section, "victim" has the meaning ascribed to it in NRS 213.005.

Sec. 3. 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, ***209.429,*** 209.521, 213.010, 213.040, 213.095 and 213.131 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. 4. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161,

126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, ***209.429,*** 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. 5. This act becomes effective on July 1, 2019.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 123.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 124.

AN ACT relating to education; requiring certain information regarding exemptions from immunization requirements for pupils to be ~~[submitted to certain public health agencies;]~~ **maintained by a school district, charter school or private school; requiring notification to the parent or guardian of a pupil enrolled in a public or private school concerning certain outbreaks; requiring notification to the Division of Public and Behavioral Health of the Department of Health and Human Services concerning the number of children who receive such exemptions; prescribing the duration of exemptions from immunization requirements;** requiring an annual statement regarding **certain** medical exemptions to be submitted to the board of trustees of a school district or the governing body of a school; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally prohibits enrolling a child in a public or private school unless the child has received certain immunizations. (NRS 392.435, 394.192) Existing law further requires a public or private school to exempt a child from those requirements if the parent or guardian of the child submits to the board of trustees of the school district or the governing body of the school, as applicable, a written statement indicating that: (1) the religious belief of the parent or guardian prohibits the immunization of the child; or (2) the child has a medical condition that does not allow the child to receive some or all of the required immunizations. (NRS 392.437, 392.439, 394.193, 394.194) **Sections 3, 4, 7 and 8** of this bill require such a written statement concerning religious belief or medical condition of a child to include the name of the child ~~[,]~~ **and, for a child enrolled in a public school,** the name of his or her school **.** ~~[and written consent to allow the board of trustees or governing body to provide a copy of the written statement or disclose information contained in the statement to the Division of Public and Behavioral Health of the Department of Health and Human Services and the local health officer.]~~ **Sections 2 and 6** of this bill require the board of trustees of a school district or the governing body of a charter school or private school to ~~[submit to the Division and the local health officer]~~ **maintain** a copy of each such written statement received by the board of trustees or governing body ~~[. Sections 2 and 6 additionally authorize the Division or local health officer to share such a written statement with certain other state and local public health authorities. Sections 2, 6 and 10 of this bill provide that such a written statement is otherwise confidential.]~~ **in**

the records of the school district, charter school or private school. Section 1 of this bill makes a conforming change.

~~[Existing law requires the parent or guardian of a child who has a medical condition that does not allow the child to receive the required immunizations to submit a written statement of that fact to receive an exemption from the required immunizations. (NRS 392.439, 394.194)]~~ **Existing law requires the board of trustees of a school district or the governing body of a charter school or private school to report to the Division of Public and Behavioral Health of the Department of Health and Human Services the exact number of pupils who have completed the required immunizations. (NRS 392.435, 394.192) Sections 2.5 and 6.5 of this bill additionally require a board of trustees or governing body to provide the Division with the exact number of pupils for whom a statement of exemption has been received. Sections 2.5 and 6.5 also require a board of trustees or governing body to notify the parent or guardian of each pupil enrolled at a school of an outbreak of a disease for which immunization is required under certain circumstances.**

Sections 3, 4, 7 and 8 provide that an exemption from immunization requirements that is based on religious belief or a permanent medical condition remains valid for the duration of the child's enrollment in the school district, charter school or private school, as applicable. If the medical condition of the child is not permanent, sections 4 and 8 require ~~[such]~~ a statement **of exemption** to be submitted before the beginning of each school year for the child to remain exempt for that school year. If the parent or guardian of a child for whom such a statement has previously been submitted fails to submit such a statement before the beginning of a school year and the child has not obtained the required immunizations, **sections 4 and 8** require the child to be excluded from school. **Sections 5 and 9** of this bill make it a misdemeanor for a parent or guardian to refuse to remove his or her child from school if the child is required to be excluded from school for that reason.

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

Section 1. NRS 391.292 is hereby amended to read as follows:

391.292 A school nurse shall, for each school at which he or she is responsible for providing nursing services:

1. Ensure that each pupil enrolled in the school has been immunized in accordance with, is exempt from or has otherwise complied with, the requirements set forth in NRS 392.435 to 392.446, inclusive ~~[.]~~ ***, and section 2 of this act.***

2. Assess and evaluate the general health and physical development of the pupils enrolled in the school to identify those pupils who have physical or mental conditions that impede their ability to learn.

3. Report the results of an evaluation conducted pursuant to subsection 2 to:

(a) A parent or guardian of the pupil;

(b) Each administrator and teacher directly involved with the education of the pupil; and

(c) Other professional personnel within the school district who need the information to assist the pupil with the pupil's health or education.

4. Design and carry out a plan of nursing care for a pupil with special needs which incorporates any plan specified by the pupil's physician or provider of health care, as defined in NRS 629.031, and which is approved by the pupil's parent or guardian. The nursing services provided pursuant to a plan of nursing care must be performed in compliance with chapter 632 of NRS.

5. When appropriate, refer a pupil and the pupil's parent or guardian to other sources in the community to obtain services necessary for the health of the pupil.

6. Interpret medical and nursing information that relates to a pupil's individual educational plan or individualized accommodation plan and make recommendations to:

(a) Professional personnel directly involved with that pupil; and

(b) The parents or guardian of that pupil.

Sec. 2. Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

~~[1.]~~ The board of trustees of a school district or the governing body of a charter school, as applicable, shall ~~[submit]~~ maintain a copy of each statement it receives pursuant to NRS 392.437 or 392.439 ~~[to the Division of Public and Behavioral Health of the Department of Health and Human Services and the local health officer.~~

~~2. The Division of Public and Behavioral Health or a local health officer may provide a copy of a statement received pursuant to subsection 1 or disclose the information contained in the statement only to the State Board of Health, local boards of health, officers and agents thereof and, if an outbreak of a disease for which an immunization is required by NRS 392.435 occurs, any other federal or state agency responding to the outbreak. The statement and the information contained therein are otherwise confidential.]~~ in the records of the school district or charter school, as applicable, for the duration of the exemption as prescribed by those sections.

Sec. 2.5. **NRS 392.435 is hereby amended to read as follows:**

392.435 1. Unless excused because of religious belief or medical condition and except as otherwise provided in subsection 5, a child may not be enrolled in a public school within this State unless the child's parents or guardian submit to the board of trustees of the school district in which the child resides or the governing body of the charter school in which the child has been accepted for enrollment a certificate stating that the child has been immunized and has received proper boosters for that immunization or is complying with the schedules established by regulation pursuant to NRS 439.550 for the following diseases:

(a) Diphtheria;
(b) Tetanus;
(c) Pertussis if the child is under 6 years of age;
(d) Poliomyelitis;
(e) Rubella;
(f) Rubeola; and
(g) Such other diseases as the local board of health or the State Board of Health may determine.

2. The certificate must show that the required vaccines and boosters were given and must bear the signature of a licensed physician or the physician's designee or a registered nurse or the nurse's designee, attesting that the certificate accurately reflects the child's record of immunization.

3. If the requirements of subsection 1 can be met with one visit to a physician or clinic, procedures for conditional enrollment do not apply.

4. A child may enter school conditionally if the parent or guardian submits a certificate from a physician or local health officer that the child is receiving the required immunizations. If a certificate from the physician or local health officer showing that the child has been fully immunized is not submitted to the appropriate school officers within 90 school days, or its equivalent in a school district operating under an alternative schedule authorized pursuant to NRS 388.090, after the child was conditionally admitted, the child must be excluded from school and may not be readmitted until the requirements for immunization have been met. A child who is excluded from school pursuant to this section is a neglected child for the purposes of NRS 432.097 to 432.130, inclusive, and chapter 432B of NRS.

5. A child who transfers to a school in this State from a school outside this State because of the military transfer of the parent or legal guardian of the child must be enrolled in school in this State regardless of whether the child has been immunized. Unless a different time frame is prescribed pursuant to NRS 388F.010, the parent or legal guardian shall submit a certificate from a physician or local health officer showing that the child:

(a) If the requirements of subsection 1 can be met with one visit to a physician or clinic, has been fully immunized within 30 school days, or its equivalent in a school district operating under an alternative schedule authorized pursuant to NRS 388.090, after the child was enrolled; or

(b) If the requirements of subsection 1 cannot be met with one visit to a physician or clinic, is receiving the required immunizations within 30 school days, or its equivalent in a school district operating under an alternative schedule authorized pursuant to NRS 388.090, after the child was enrolled. A certificate from the physician or local health officer showing that the child has been fully immunized must be submitted to the appropriate school officers within 120 school days, or its equivalent in a school district operating under an alternative schedule authorized pursuant to NRS 388.090, after the child was enrolled.

➥ If the parent or legal guardian fails to submit the documentation required pursuant to this subsection, the child must be excluded from school and may not be readmitted until the requirements for immunization have been met. A child who is excluded from school pursuant to this section is a neglected child for the purposes of NRS 432.097 to 432.130, inclusive, and chapter 432B of NRS.

6. ***The board of trustees of a school district or the governing body of a charter school shall notify the parent or guardian of each pupil enrolled at a school in the district or the charter school, as applicable, of an outbreak of a disease described in subsection 1 if the outbreak occurs:***

(a) Among pupils enrolled at the school; or

(b) In the area in which the school is located and the Division of Public and Behavioral Health of the Department of Health and Human Services or the local health authority requests the board of trustees or governing body, as applicable, to provide such notice.

7. Before December 31 of each year, each school district and the governing body of each charter school shall report to the Division of Public and Behavioral Health of the Department of Health and Human Services, on a form furnished by the Division, the exact number of pupils ~~[who have]~~ ***:***

(a) Who have completed the immunizations required by this section ~~[.~~ ~~7.]~~ ***; and***

(b) For whom a statement of exemption has been received pursuant to NRS 392.437 or 392.439.

8. The certificate of immunization must be included in the pupil's academic or cumulative record and transferred as part of that record upon request.

Sec. 3. NRS 392.437 is hereby amended to read as follows:

392.437 ***1.*** A public school shall not refuse to enroll a child as a pupil because the child has not been immunized pursuant to NRS 392.435 if the parents or guardian of the child has submitted to the board of trustees of the school district or the governing body of a charter school in which the child has been accepted for enrollment a ~~[.~~ ~~1. A]~~ written statement indicating that their religious belief prohibits immunization of such child ~~[.]~~ ***which includes, without limitation, the name of the child and the school in which the child has been accepted for enrollment . [; and]***

2. [Written consent that meets the requirements of 34 C.F.R. § 99.30 for the board of trustees or governing body, as applicable, to disclose the written statement to the Division of Public and Behavioral Health of the Department of Health and Human Services and the local health officer pursuant to section 2 of this act.] An exemption pursuant to this section remains valid for the duration of the child's enrollment in the school district or charter school, as applicable.

Sec. 4. NRS 392.439 is hereby amended to read as follows:

392.439 ***1.*** If the medical condition of a child will not permit the child to be immunized to the extent required by NRS 392.435 and a written statement of this fact ~~[is signed by a licensed physician or advanced practice registered nurse and by the parents or guardian of the child,]~~ ***that meets the requirements of this section is submitted to*** the board of trustees of the school district or governing body of the charter school in which the child has been accepted for enrollment ***, the board of trustees or governing body, as applicable,*** shall exempt the child from all or part of the provisions of NRS 392.435, as the case may be, for enrollment purposes ~~[. for]~~ ***:***

(a) If the medical condition of the child is not permanent, for that school year ~~[. Such a]~~ ; or

(b) If the medical condition of the child is permanent, for the duration of the child's enrollment in the school district or charter school, as applicable.

2. A written statement submitted pursuant to subsection 1 must:

(a) Be signed by a licensed physician , physician assistant or advanced practice registered nurse and by the parents or guardian of the child; and

(b) Include, without limitation, the name of the child and the school in which the child has been accepted for enrollment . ~~[; and~~

~~***(c) Be accompanied by written consent that meets the requirements of 34 C.F.R. § 99.30 for the board of trustees or governing body, as applicable, to provide a copy of the written statement to the Division of Public and Behavioral Health of the Department of Health and Human Services and the local health officer pursuant to section 2 of this act.***~~

~~***2.]***~~ ***3. A written statement for a child who suffers from a medical condition that is not permanent submitted to the board of trustees or governing body pursuant to subsection 1 must be resubmitted before the next school year, if applicable. If such a statement is not submitted and the child has not been immunized as required by NRS 392.435 before the next school year, the child must be excluded from school and may not be accepted for enrollment until the requirements of this section or NRS 392.435 are met.*** ~~***[A child who is excluded from school pursuant to this section shall be deemed to be a neglected child for the purposes of NRS 432.097 to 432.130, inclusive, and chapter 432B of NRS.]***~~

Sec. 5. NRS 392.448 is hereby amended to read as follows:

392.448 Any parent or guardian who refuses to remove his or her child from the public school in which the child is enrolled when retention in school is prohibited under the provisions of NRS 392.435, ***392.439,*** 392.443 or 392.446 is guilty of a misdemeanor.

Sec. 6. Chapter 394 of NRS is hereby amended by adding thereto a new section to read as follows:

~~***[1.]***~~ ***The governing body of a private school shall ~~[submit]~~ maintain a copy of each statement it receives pursuant to NRS 394.193 or 394.194 ~~[to the Division of Public and Behavioral Health of the Department of Health and Human Services and the local health officer.~~***

~~*2. The Division of Public and Behavioral Health or a local health officer may provide a copy of a statement received pursuant to subsection 1 or disclose the information contained in the statement only to the State Board of Health, local boards of health and officers, agents thereof and, if an outbreak of a disease for which an immunization is required by NRS 394.192 occurs, any other federal or state agency responding to the outbreak. The statement and the information contained therein are otherwise confidential.]*~~ ***in the records of the private school for the duration of the exemption as prescribed by those sections.***

Sec. 6.5. **NRS 394.192 is hereby amended to read as follows:**

394.192 1. Unless excused because of religious belief or medical condition, a child may not be enrolled in a private school within this State unless the child's parents or guardian submit to the governing body of the private school a certificate stating that the child has been immunized and has received proper boosters for that immunization or is complying with the schedules established by regulation pursuant to NRS 439.550 for the following diseases:

(a) Diphtheria;

(b) Tetanus;

(c) Pertussis if the child is under 6 years of age;

(d) Poliomyelitis;

(e) Rubella;

(f) Rubeola; and

(g) Such other diseases as the local board of health or the State Board of Health may determine.

2. The certificate must show that the required vaccines and boosters were given and must bear a signature of a licensed physician or the physician's designee or a registered nurse or the nurse's designee, attesting that the certificate accurately reflects the child's record of immunization.

3. If the requirements of subsection 1 can be met with one visit to a physician or clinic, procedures for conditional enrollment do not apply.

4. A child may enter school conditionally if the parent or guardian submits a certificate from a physician or local health officer that the child is receiving the required immunizations. If a certificate from the physician or local health officer showing that the child has been fully immunized is not submitted to the appropriate school officials within 90 school days after the child was conditionally admitted, the child must be excluded from school and may not be readmitted until the requirements for immunization have been met. A child who is excluded from school pursuant to this section is a neglected child for the purposes of NRS 432.097 to 432.130, inclusive, and chapter 432B of NRS.

5. ***The governing body of a private school shall notify the parent or guardian of each pupil enrolled at the school of an outbreak of a disease described in subsection 1 if the outbreak occurs:***

(a) Among pupils enrolled at the school; or

(b) In the area in which the school is located and the Division of Public and Behavioral Health of the Department of Health and Human Services requests the board of trustees or governing body, as applicable, to provide such notice.

6. Before December 31 of each year, each private school shall report to the Division of Public and Behavioral Health of the Department of Health and Human Services, on a form furnished by the Division, the exact number of pupils ~~[who have]~~ ***:***

(a) Who have completed the immunizations required by this section ~~[.~~ ~~6.]~~ ***; and***

(b) For whom a statement of exemption has been received pursuant to NRS 394.193 or 394.194.

7. The certificate of immunization must be included in the pupil's academic or cumulative record and transferred as part of that record upon request.

Sec. 7. NRS 394.193 is hereby amended to read as follows:

394.193 ***1.*** A private school shall not refuse to enroll a child as a pupil because such child has not been immunized pursuant to NRS 394.192 if the parents or guardian of such child have submitted to the governing body a ~~[.~~ ~~*1. A]*~~ written statement indicating that their religious belief prohibits immunization of such child ~~[.]~~ ***, which includes, without limitation, the name of the child and the school in which the child has been accepted for enrollment . [; and]***

2. [Written consent for the governing body to disclose the written statement to the Division of Public and Behavioral Health of the Department of Health and Human Services and the local health officer pursuant to section 6 of this act.] An exemption pursuant to this section remains valid for the duration of the child's enrollment in the private school.

Sec. 8. NRS 394.194 is hereby amended to read as follows:

394.194 ***1.*** If the medical condition of a child will not permit the child to be immunized to the extent required by NRS 394.192, a written statement of this fact ~~[signed by a licensed physician or advanced practice registered nurse and presented]~~ ***that meets the requirements of this section and is submitted*** to the governing body by the parents or guardian of such child shall exempt such child from all or part of the provisions of NRS 394.192, as the case may be, for enrollment purposes ~~[. for]~~ ***:***

(a) If the medical condition of the child is not permanent, for that school year [. Such a] ; or

(b) If the medical condition of the child is permanent, for the duration of the child's enrollment in the private school.

2. A written statement submitted pursuant to subsection 1 must:

(a) Be signed by a licensed physician , physician assistant or advanced practice registered nurse and by the parents or guardian of the child; and

(b) Include, without limitation, the name of the child . [and the school in which the child has been accepted for enrollment; and

~~*(c) Be accompanied by written consent for the governing body to provide a copy of the written statement to the Division of Public and Behavioral Health of the Department of Health and Human Services and the local health officer pursuant to section 6 of this act.*~~

~~*2.]*~~ *3. A written statement for a child who suffers from a medical condition that is not permanent submitted to the governing body of a private school pursuant to subsection 1 must be resubmitted before the next school year, if applicable. If such a statement is not submitted and the child has not been immunized as required by NRS 394.192 before the next school year, the child must be excluded from school and may not be accepted for enrollment until the requirements of this section or NRS 394.192 are met.* ~~*[A child who is excluded from school pursuant to this section shall be deemed to be a neglected child for the purposes of NRS 432.097 to 432.130, inclusive, and chapter 432B of NRS.]*~~

Sec. 9. NRS 394.199 is hereby amended to read as follows:

394.199 Any parent or guardian who refuses to remove his or her child from the private school in which the child is enrolled when retention in school is prohibited under the provisions of NRS 394.192, ***394.194,*** 394.196 or 394.198 is guilty of a misdemeanor.

Sec. 10. ~~[NRS 239.010 is hereby amended to read as follows:~~

~~239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205,~~

~~353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600~~ ~~[,]~~ ***and sections 2 and 6 of this act,*** ~~sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records.~~

~~Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.~~

~~2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.~~

~~3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.~~

~~4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:~~

~~(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.~~

~~(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.~~**] (Deleted by amendment.)**

Sec. 10.5. **The board of trustees of a school district or the governing body of a charter school or private school:**

1. Shall maintain in the records of the school district, charter school or private school, as applicable, for the duration of the enrollment of the child to whom the statement pertains in the school district or school, as applicable:

(a) Any statement received pursuant to NRS 392.439 or 394.194 on or before July 1, 2019, concerning a permanent medical condition; and

(b) Any statement received pursuant to NRS 392.437 or 394.193 on or before July 1, 2019.

2. Shall not require the parent or guardian of a child for whom such a statement has been submitted to resubmit the statement.

Sec. 11. This act becomes effective on July 1, 2019.

Assemblyman Thompson moved the adoption of the amendment.

Remarks by Assemblyman Thompson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 148.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 389.

AN ACT relating to criminal procedure; revising provisions governing plea agreements; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the types of pleas that a criminal defendant may enter and the procedure for entering any such plea. (NRS 174.035) **Section 1** of this bill provides that if a defendant and the district attorney enter into a stipulated agreement as a result of any negotiations between the defendant and the district attorney, such an agreement must be treated as a conditional plea agreement that is subject to acceptance by the court.

Existing law also provides that if a plea of guilty or guilty but mentally ill is made in a written plea agreement, the agreement is required to be substantially in a certain form. (NRS 174.063) **Section 2** of this bill provides that such an agreement must not contain any information other than the information required by law.

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

Section 1. NRS 174.035 is hereby amended to read as follows:

174.035 1. A defendant may plead not guilty, guilty, guilty but mentally ill or, with the consent of the court, nolo contendere. The court may refuse to accept a plea of guilty or guilty but mentally ill.

2. If a plea of guilty or guilty but mentally ill is made in a written plea agreement, the agreement must be in ~~[substantially]~~ the form prescribed in NRS 174.063. If a plea of guilty or guilty but mentally ill is made orally, the court shall not accept such a plea or a plea of nolo contendere without first addressing the defendant personally and determining that the plea is made voluntarily with understanding of the nature of the charge and consequences of the plea.

3. With the consent of the court and the district attorney, a defendant may enter a conditional plea of guilty, guilty but mentally ill or nolo contendere, reserving in writing the right, on appeal from the judgment, to a review of the adverse determination of any specified pretrial motion. A defendant who prevails on appeal must be allowed to withdraw the plea.

4. Upon an unconditional waiver of a preliminary hearing, a defendant and the district attorney may enter into a written conditional plea agreement, subject to the court accepting the recommended sentence pursuant to the agreement.

5. ***If a defendant and the district attorney enter into a stipulated plea agreement as a result of any negotiations between the defendant and the district attorney, such an agreement must be treated as a conditional plea***

agreement that is subject to the court accepting the recommended sentence pursuant to the agreement.

6. A plea of guilty but mentally ill must be entered not less than 21 days before the date set for trial. A defendant who has entered a plea of guilty but mentally ill has the burden of establishing the defendant's mental illness by a preponderance of the evidence. Except as otherwise provided by specific statute, a defendant who enters such a plea is subject to the same criminal, civil and administrative penalties and procedures as a defendant who pleads guilty.

~~[6.]~~ ***7.*** The defendant may, in the alternative or in addition to any one of the pleas permitted by subsection 1, plead not guilty by reason of insanity. A plea of not guilty by reason of insanity must be entered not less than 21 days before the date set for trial. A defendant who has not so pleaded may offer the defense of insanity during trial upon good cause shown. Under such a plea or defense, the burden of proof is upon the defendant to establish by a preponderance of the evidence that:

(a) Due to a disease or defect of the mind, the defendant was in a delusional state at the time of the alleged offense; and

(b) Due to the delusional state, the defendant either did not:

(1) Know or understand the nature and capacity of his or her act; or

(2) Appreciate that his or her conduct was wrong, meaning not authorized by law.

~~[7.]~~ ***8.*** If a defendant refuses to plead or if the court refuses to accept a plea of guilty or guilty but mentally ill or if a defendant corporation fails to appear, the court shall enter a plea of not guilty.

~~[8.]~~ ***9.*** A defendant may not enter a plea of guilty or guilty but mentally ill pursuant to a plea bargain for an offense punishable as a felony for which:

(a) Probation is not allowed; or

(b) The maximum prison sentence is more than 10 years,

➥ unless the plea bargain is set forth in writing and signed by the defendant, the defendant's attorney, if the defendant is represented by counsel, and the prosecuting attorney.

~~[9.]~~ ***10.*** If the court accepts a plea of guilty but mentally ill pursuant to this section, the court shall cause, within 5 business days after acceptance of the plea, on a form prescribed by the Department of Public Safety, a record of that plea to be transmitted to the Central Repository for Nevada Records of Criminal History along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System.

~~[10.]~~ ***11.*** As used in this section:

(a) "Disease or defect of the mind" does not include a disease or defect which is caused solely by voluntary intoxication.

(b) "National Instant Criminal Background Check System" has the meaning ascribed to it in NRS 179A.062.

Sec. 2. NRS 174.063 is hereby amended to read as follows:

174.063 1. If a plea of guilty or guilty but mentally ill is made in a written plea agreement, the agreement must be ~~[substantially]~~ in the following form:

Case No. .....
Dept. No. .....

IN THE ..... JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF.....,

The State of Nevada,
PLAINTIFF,

v.

(Name of defendant),
DEFENDANT.

GUILTY OR GUILTY BUT MENTALLY ILL PLEA AGREEMENT

I hereby agree to plead guilty or guilty but mentally ill to: (List charges to which defendant is pleading guilty or guilty but mentally ill), as more fully alleged in the charging document attached hereto as Exhibit 1.

My decision to plead guilty or guilty but mentally ill is based upon the plea agreement in this case which is as follows:

(State the terms of the agreement.)

CONSEQUENCES OF THE PLEA

I understand that by pleading guilty or guilty but mentally ill I admit the facts which support all the elements of the offenses to which I now plead as set forth in Exhibit 1.

I understand that as a consequence of my plea of guilty or guilty but mentally ill I may be imprisoned for a period of not more than (maximum term of imprisonment) and that I (may or will) be fined up to (maximum amount of fine). I understand that the law requires me to pay an administrative assessment fee.

I understand that, if appropriate, I will be ordered to make restitution to the victim of the offenses to which I am pleading guilty or guilty but mentally ill and to the victim of any related offense which is being dismissed or not prosecuted pursuant to this agreement. I will also be ordered to reimburse the State of Nevada for expenses relating to my extradition, if any.

I understand that I (am or am not) eligible for probation for the offense to which I am pleading guilty or guilty but mentally ill. (I understand that, except as otherwise provided by statute, the question of whether I receive probation is in the discretion of the sentencing judge, or I understand that I must serve a mandatory minimum term of (term of imprisonment) or pay a minimum mandatory fine of (amount of fine) or serve a mandatory

minimum term (term of imprisonment) and pay a minimum mandatory fine of (amount of fine).)

I understand that if more than one sentence of imprisonment is imposed and I am eligible to serve the sentences concurrently, the sentencing judge has the discretion to order the sentences served concurrently or consecutively.

I understand that information regarding charges not filed, dismissed charges or charges to be dismissed pursuant to this agreement may be considered by the judge at sentencing.

I have not been promised or guaranteed any particular sentence by anyone. I know that my sentence is to be determined by the court within the limits prescribed by statute. I understand that if my attorney or the State of Nevada or both recommend any specific punishment to the court, the court is not obligated to accept the recommendation.

I understand that the Division of Parole and Probation of the Department of Public Safety may or will prepare a report for the sentencing judge before sentencing. This report will include matters relevant to the issue of sentencing, including my criminal history. I understand that this report may contain hearsay information regarding my background and criminal history. My attorney (if represented by counsel) and I will each have the opportunity to comment on the information contained in the report at the time of sentencing.

WAIVER OF RIGHTS

By entering my plea of guilty or guilty but mentally ill, I understand that I have waived the following rights and privileges:

1. The constitutional privilege against self-incrimination, including the right to refuse to testify at trial, in which event the prosecution would not be allowed to comment to the jury about my refusal to testify.

2. The constitutional right to a speedy and public trial by an impartial jury, free of excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled to the assistance of an attorney, either appointed or retained. At trial, the State would bear the burden of proving beyond a reasonable doubt each element of the offense charged.

3. The constitutional right to confront and cross-examine any witnesses who would testify against me.

4. The constitutional right to subpoena witnesses to testify on my behalf.

5. The constitutional right to testify in my own defense.

6. The right to appeal the conviction, with the assistance of an attorney, either appointed or retained, unless the appeal is based upon reasonable constitutional, jurisdictional or other grounds that challenge the legality of the proceedings and except as otherwise provided in subsection 3 of NRS 174.035.

VOLUNTARINESS OF PLEA

I have discussed the elements of all the original charges against me with my attorney (if represented by counsel) and I understand the nature of these charges against me.

I understand that the State would have to prove each element of the charge against me at trial.

I have discussed with my attorney (if represented by counsel) any possible defenses and circumstances which might be in my favor.

All of the foregoing elements, consequences, rights and waiver of rights have been thoroughly explained to me by my attorney (if represented by counsel).

I believe that pleading guilty or guilty but mentally ill and accepting this plea bargain is in my best interest and that a trial would be contrary to my best interest.

I am signing this agreement voluntarily, after consultation with my attorney (if represented by counsel) and I am not acting under duress or coercion or by virtue of any promises of leniency, except for those set forth in this agreement.

I am not now under the influence of intoxicating liquor, a controlled substance or other drug which would in any manner impair my ability to comprehend or understand this agreement or the proceedings surrounding my entry of this plea.

My attorney (if represented by counsel) has answered all my questions regarding this guilty or guilty but mentally ill plea agreement and its consequences to my satisfaction and I am satisfied with the services provided by my attorney.

Dated: This .....day of the month of ……of the year …….

.....
Defendant.

Agreed to on this ..... day of the month of … of the year …….

.....
Deputy District Attorney.

2. If the defendant is represented by counsel, the written plea agreement must also include a certificate of counsel that is substantially in the following form:

CERTIFICATE OF COUNSEL

I, the undersigned, as the attorney for the defendant named herein and as an officer of the court hereby certify that:

1. I have fully explained to the defendant the allegations contained in the charges to which guilty or guilty but mentally ill pleas are being entered.

2. I have advised the defendant of the penalties for each charge and the restitution that the defendant may be ordered to pay.

3. All pleas of guilty or guilty but mentally ill offered by the defendant pursuant to this agreement are consistent with all the facts known to me and are made with my advice to the defendant and are in the best interest of the defendant.

4. To the best of my knowledge and belief, the defendant:

(a) Is competent and understands the charges and the consequences of pleading guilty or guilty but mentally ill as provided in this agreement.

(b) Executed this agreement and will enter all guilty or guilty but mentally ill pleas pursuant hereto voluntarily.

(c) Was not under the influence of intoxicating liquor, a controlled substance or other drug at the time of the execution of this agreement.

Dated: This .....day of the month of ……of the year …….

.....
Attorney for defendant.

3. A written plea agreement for a plea of guilty or guilty but mentally ill must not contain any information other than the information required by this section.

Sec. 3. NRS 175.533 is hereby amended to read as follows:

175.533 1. During a trial, upon a plea of not guilty by reason of insanity, the trier of fact may find the defendant guilty but mentally ill if the trier of fact finds all of the following:

(a) The defendant is guilty beyond a reasonable doubt of an offense;

(b) The defendant has established by a preponderance of the evidence that due to a disease or defect of the mind, the defendant was mentally ill at the time of the commission of the offense; and

(c) The defendant has not established by a preponderance of the evidence that the defendant is not guilty by reason of insanity pursuant to subsection ~~[6]~~ ***7*** of NRS 174.035.

2. Except as otherwise provided by specific statute, a defendant who is found guilty but mentally ill is subject to the same criminal, civil and administrative penalties and procedures as a defendant who is found guilty.

3. If the trier of fact finds a defendant guilty but mentally ill pursuant to subsection 1, the court shall cause, within 5 business days after the finding, on a form prescribed by the Department of Public Safety, a record of the finding to be transmitted to the Central Repository for Nevada Records of Criminal History, along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System.

4. As used in this section:

(a) "Disease or defect of the mind" does not include a disease or defect which is caused solely by voluntary intoxication.

(b) "National Instant Criminal Background Check System" has the meaning ascribed to it in NRS 179A.062.

Sec. 4. The amendatory provisions of this act apply to any plea agreement that is entered into on or after ~~[July]~~ **October** 1, 2019.

Sec. 5. ~~[This act becomes effective on July 1, 2019.]~~ **(Deleted by amendment.)**

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 155.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 84.

AN ACT relating to education; reducing the minimum number of credit hours required per semester for eligibility for a grant awarded under the Silver State Opportunity Grant Program; creating ~~[certain exceptions]~~ **an exception** to the credit hour requirement; providing that grant money received by colleges pursuant to the Program does not revert; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Silver State Opportunity Grant Program. Under the Program, the Board of Regents of the University of Nevada is required to award grants to eligible students to pay for a portion of the cost of education at a community college or state college that is part of the Nevada System of Higher Education. One of the requirements for eligibility for such a grant is that a student be enrolled, or accepted to be enrolled, during a semester in at least 15 credit hours at a community college or state college that is part of the Nevada System of Higher Education. (NRS 396.952) **Section 1** of this bill reduces the minimum number of such required credit hours to 12 credit hours and provides that a student who is enrolled in fewer than 12 credit hours is still eligible for a grant if the student ~~[: (1)]~~ is enrolled in his or her final semester of study . ~~[; or (2) receives a waiver of the 12 credit hour requirement from the student's college based on hardship. Section 1 also provides that a student who loses his or her eligibility for a grant because he or she was not enrolled in 12 credit hours during a semester: (1) may regain his or her eligibility for a grant in future semesters by satisfying the 12 credit hour requirement during a semester for which he or she is not eligible for a grant; and (2) will lose eligibility permanently if he or she fails for a second time to satisfy the 12 credit hour requirement in a subsequent semester.]~~

Section 2 of this bill provides that money provided to a community college or state college for a grant awarded on behalf of a student under the Silver State Opportunity Grant Program does not revert and any remaining amount

must be carried forward and used for grants for eligible students in a subsequent semester.

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

Section 1. NRS 396.952 is hereby amended to read as follows:

396.952 1. The Silver State Opportunity Grant Program is hereby created for the purpose of awarding grants to eligible students to pay for a portion of the cost of education at a community college or state college within the System.

2. The Board of Regents shall administer the Program.

3. In administering the Program, the Board of Regents shall for each semester, subject to the limits of money available for this purpose, award a grant to each eligible student to pay for a portion of the cost of education at a community college or state college within the System.

4. To be eligible for a grant awarded under the Program, a student must:

(a) ~~[Be]~~ ***Except as otherwise provided in this section, be*** enrolled, or accepted to be enrolled, during a semester in at least ~~[15]~~ ***12*** credit hours at a community college or state college within the System;

(b) Be enrolled in a program of study leading to a recognized degree or certificate;

(c) Demonstrate proficiency in English and mathematics sufficient for placement into college-level English and mathematics courses pursuant to regulations adopted by the Board of Regents for such placement;

(d) Be a bona fide resident of the State of Nevada for the purposes of determining pursuant to NRS 396.540 whether the student is assessed a tuition charge; and

(e) Complete the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090.

5. A student who is enrolled, or accepted to be enrolled, in the final semester of his or her program of study in less than 12 credit hours at a community college or state college within the System is eligible for a grant awarded under the Program.

~~***[6. Except as otherwise provided in subsection 7, if a student does not satisfy the requirements of paragraph (a) of subsection 4 during one semester of enrollment, the student is not eligible for a grant awarded under the Program for the succeeding semester of enrollment. If such a student:***~~

~~***(a) Subsequently satisfies the requirements of paragraph (a) of subsection 4 in any subsequent semester in which he or she is not eligible for a grant awarded under the Program, the student is eligible for a grant awarded under the Program for his or her next semester of enrollment.***~~

~~***(b) Fails a second time to satisfy the requirements of paragraph (a) of subsection 4 during any subsequent semester, the student is no longer eligible for a grant awarded under the Program.***~~

~~*7. If a student does not satisfy the requirements of paragraph (a) of subsection 4 during a semester of enrollment, the student may apply for a waiver from the requirements of that paragraph for that semester from the community college or state college based on hardship arising out of the individual circumstances of the student. The community college or state college shall grant the waiver if it determines that the individual circumstances warrant a waiver.]*~~

Sec. 2. NRS 396.954 is hereby amended to read as follows:

396.954 1. For each eligible student, the Board of Regents or a designee thereof shall:

(a) Calculate the maximum amount of the grant which the student is eligible to receive. The maximum amount of such a grant must not exceed the amount equal to the cost of education of the student minus the amounts determined for the student contribution, family contribution and federal contribution to the cost of education of the student.

(b) Determine the actual amount of the grant which will be awarded to each student, which amount must not exceed the maximum amount calculated pursuant to paragraph (a), but which may be in a lesser amount if the Board of Regents or a designee thereof, as applicable, determines that the amount of money available for all grants for any semester is insufficient to award to all eligible students the maximum amount of the grant which each student is eligible to receive.

(c) Award to each eligible student a grant in the amount determined pursuant to paragraph (b).

2. ***Any money received by a community college or state college within the System for a grant awarded under the Program on behalf of an eligible student at the community college or state college does not revert and any remaining amount must be carried forward and used for grants awarded under the Program for eligible students in a subsequent semester.***

3. Money received from a grant awarded under the Program must be used by a student only to pay for the cost of education of the student at a community college or state college within the System and not for any other purpose.

Sec. 3. NRS 396.956 is hereby amended to read as follows:

396.956 1. The Board of Regents:

(a) Shall adopt regulations prescribing the procedures and standards for determining the eligibility of a student for a grant from the Program.

(b) Shall adopt regulations prescribing the methodology by which the Board of Regents or a designee thereof will calculate:

(1) The cost of education of a student at each community college and state college within the System, which must be consistent with the provisions of 20 U.S.C. § 1087ll.

(2) For each student, the amounts of the student contribution, family contribution and federal contribution to the cost of education of the student.

(3) The maximum amount of the grant for which a student is eligible.

(c) Shall adopt regulations prescribing the process by which each student may meet the credit-hour requirement described in ~~[paragraph (a) of subsection 4 of]~~ NRS 396.952 for eligibility for a grant awarded under the Program.

(d) May adopt any other regulations necessary to carry out the Program.

2. The regulations prescribed pursuant to this section must provide that:

(a) In determining the student contribution to the cost of education, the student contribution must not exceed the amount that the Board of Regents determines the student reasonably could be expected to earn from employment during the time the student is enrolled at a community college or state college within the System, including, without limitation, during breaks between semesters. This paragraph and any regulations adopted pursuant to this section must not be construed to require a student to seek or obtain employment as a condition of eligibility for a grant under the Program.

(b) Determination of the family contribution to the cost of education must be based on the family resources reported in the Free Application for Federal Student Aid submitted by the student.

(c) Determination of the federal contribution to the cost of education must be equal to the total amount that the student and his or her family are expected to receive from the Federal Government as grants.

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

Assemblyman Thompson moved the adoption of the amendment.

Remarks by Assemblyman Thompson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 171.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 224.

~~[ASSEMBLYWOMAN]~~ **ASSEMBLYMEN** BILBRAY-AXELROD **AND ELLISON**

SUMMARY—~~[Expands veterans who may receive free]~~ **Revises provisions relating to the** admission to state parks and ~~[other]~~ recreational areas ~~[.]~~ **in this State by certain veterans.** (BDR 35-4)

AN ACT relating to veterans; ~~[expanding the veterans who may receive]~~ **requiring the Division of State Parks of the State Department of Conservation and Natural Resources to issue an annual permit for the** free use of state parks and ~~[other]~~ recreational areas ~~[;]~~ **in this State to certain veterans with any permanent service-connected disability; requiring the Administrator of the Division to reduce by at least $2 any entrance fee to state parks and recreational areas in this State charged to residents of this State who are veterans;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law ~~[provides for free admission permits to]~~ **requires the Division of State Parks of the State Department of Conservation and Natural Resources to issue for no charge an annual permit to enter, camp and boat in all** state parks and recreational areas ~~[for honorably discharged Nevadans]~~ **in this State to a bona fide resident of this State** who ~~[are veterans with certain]~~ **: (1) has incurred a permanent** service-connected ~~[disabilities.]~~ **disability of 10 percent or more; and (2) has been honorably discharged from the Armed Forces of the United States.** (NRS 407.065) **Section 1** of this bill ~~[extends the free admission permits to certain other Nevadans who are veterans.]~~ **requires the Division to issue such a permit to a bona fide resident of this State who has incurred any permanent service-connected disability and has been honorably discharged from the Armed Forces of the United States.**

Existing regulations require the Division to reduce by $1 any entrance fee to a state park or recreational area in this State that is charged to a person who holds a disability placard and presents it upon entrance to a park. (NAC 407.050) Section 1 requires the Administrator of the Division to reduce by at least $2 any entrance fee for a state park or recreational area in this State that is charged to a person who provides: (1) proof of residency; and (2) proof that he or she is a veteran. Section 2 of this bill makes a conforming change.

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

Section 1. NRS 407.065 is hereby amended to read as follows:

407.065 1. The Administrator, subject to the approval of the Director:

(a) Except as otherwise provided in this paragraph and NRS 407.066, may establish, name, plan, operate, control, protect, develop and maintain state parks, monuments and recreational areas for the use of the general public. The name of an existing state park, monument or recreational area may not be changed unless the Legislature approves the change by statute.

(b) Shall protect state parks and property controlled or administered by the Division from misuse or damage and preserve the peace within those areas. The Administrator may appoint or designate certain employees of the Division to have the general authority of peace officers.

(c) May allow multiple use of state parks and real property controlled or administered by the Division for any lawful purpose, including, but not limited to, grazing, mining, development of natural resources, hunting and fishing, in accordance with such regulations as may be adopted in furtherance of the purposes of the Division.

(d) Except as otherwise provided in this section, shall impose and collect reasonable fees for entering, camping and boating in state parks and recreational areas. The Division shall issue an annual permit for entering, camping and boating in all state parks and recreational areas in this State:

(1) Upon application therefor and proof of residency and age, to any person who is 65 years of age or older and has resided in this State for at least 5 years immediately preceding the date on which the application is submitted.

(2) Upon application therefor and proof of residency and proof of status as described in subsection 5 of NRS 361.091, to a bona fide resident of the State of Nevada who has incurred ~~[a]~~ ***any*** permanent service-connected disability ~~[of 10 percent or more]~~ and has been honorably discharged from the Armed Forces of the United States. ~~***[that he or she is a veteran as defined in NRS 417.005.]***~~

➥ The permit must be issued without charge, except that the Division shall charge and collect an administrative fee for the issuance of the permit in an amount sufficient to cover the costs of issuing the permit.

(e) ***Shall reduce by at least $2 any fees for entering a state park or recreational area in this State that is imposed pursuant to paragraph (d) and charged to a person who provides proof of residency and proof that he or she is a veteran as defined in NRS 417.005.***

(f) May conduct and operate such special services as may be necessary for the comfort and convenience of the general public, and impose and collect reasonable fees for such special services.

~~[(f)]~~ ***(g)*** May rent or lease concessions located within the boundaries of state parks or of real property controlled or administered by the Division to public or private corporations, to groups of natural persons, or to natural persons for a valuable consideration upon such terms and conditions as the Division deems fit and proper, but no concessionaire may dominate any state park operation.

~~[(g)]~~ ***(h)*** May establish such capital projects construction funds as are necessary to account for the parks improvements program approved by the Legislature. The money in these funds must be used for the construction and improvement of those parks which are under the supervision of the Administrator.

~~[(h)]~~ ***(i)*** In addition to any concession specified in paragraph ~~[(f),]~~ ***(g),*** may establish concessions within the boundaries of any state park to provide for the sale of food, drinks, ice, publications, sundries, gifts and souvenirs, and other such related items as the Administrator determines are appropriately made available to visitors. Any money received by the Administrator for a concession established pursuant to this paragraph must be deposited in the Account for State Park Interpretative and Educational Programs and Operation of Concessions created by NRS 407.0755.

2. The Administrator:

(a) Shall issue an annual permit to a person who pays a reasonable fee as prescribed by regulation which authorizes the holder of the permit to enter each state park and each recreational area in this State and, except as otherwise provided in subsection 4, use the facilities of the state park or recreational area without paying the entrance fee; and

(b) May issue an annual permit to a person who pays a reasonable fee as prescribed by regulation which authorizes the holder of the permit to enter a specific state park or specific recreational area in this State and, except as otherwise provided in subsection 4, use the facilities of the state park or recreational area without paying the entrance fee.

3. The Administrator shall establish a program for the issuance of an annual permit, free of charge, to enter each state park and recreational area in this State to any pupil who is enrolled in the fifth grade at a school in this State. The program must:

(a) Specify the period for which the Administrator may issue an annual permit to a pupil pursuant to this subsection, including, without limitation, the date upon which the Administrator may issue an annual permit to a pupil who has completed fourth grade and who intends to enter the fifth grade after completing the fourth grade;

(b) Specify the circumstances under which a pupil and any person accompanying a pupil may use the annual permit to enter a state park or recreational area; and

(c) Include any other requirement which the Administrator determines is necessary to establish and carry out the program pursuant to this subsection.

4. An annual permit issued pursuant to subsection 2 or 3 does not authorize the holder of the permit to engage in camping or boating, or to attend special events. The holder of such a permit who wishes to engage in camping or boating, or to attend special events, must pay any fee established for the respective activity.

5. During each Public Lands Day observed pursuant to NRS 236.053, and upon proof of residency in this State, the Division shall allow a resident of this State to enter, camp and boat in any state park or recreational area without the payment of any fees for those activities. The free day of camping authorized pursuant to this subsection must include either the Friday night before Public Lands Day or overnight on the night of Public Lands Day, as determined by the Administrator for each state park and recreational area. A person is not entitled to receive more than one free night of camping during each Public Lands Day pursuant to this subsection.

6. Except as otherwise provided in subsection 1 of NRS 407.0762 and subsection 1 of NRS 407.0765, the fees collected pursuant to paragraphs (d) [, ~~(e) and (f)~~] ***to (g), inclusive,*** of subsection 1 or subsection 2 must be deposited in the State General Fund.

Sec. 2. **NRS 407.0762 is hereby amended to read as follows:**

407.0762 1. The Account for Maintenance of State Parks within the Division of State Parks is hereby created in the State General Fund. Except as otherwise provided in NRS 407.0765, any amount of fees collected pursuant to paragraphs (d) [, ~~(e) and (f)~~] ***to (g), inclusive,*** of subsection 1 or subsection 2 of NRS 407.065 in a calendar year, which is in excess of the amounts authorized for expenditure from that revenue source in the Division's budget for the fiscal year beginning in that calendar year, must be deposited in the

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

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

3. The money deposited in the Account pursuant to subsection 1 must only be used to repair and maintain state parks, monuments and recreational areas.

4. Before the Administrator may expend money pursuant to subsection 3:

(a) For emergency repairs and projects with a cost of less than $25,000, the Administrator must first receive the approval of the Director.

(b) For projects with a cost of $25,000 or more, other than emergency repairs, the Administrator must first receive the approval of the Director and of the Interim Finance Committee.

Assemblywoman Swank moved the adoption of the amendment.

Remarks by Assemblywoman Swank.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 177.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 109.

AN ACT relating to motor vehicles; requiring the Department of Motor Vehicles to establish a program to allow for ~~[electronic]~~ registration and renewal of registration of certain fleets of vehicles owned by short-term lessors; allowing certificates of registration and license plate decals to continue to be valid without replacement in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, applications for the registration of a vehicle must generally be made to the Department of Motor Vehicles in person, if practicable, and must be made upon an application form furnished by the Department. (NRS 482.215) Such registration is valid for a period of 12 consecutive months, except that the owner of a fleet of vehicles may register the fleet on the basis of a calendar year. (NRS 482.206) Upon registration and payment of all applicable registration and governmental services taxes, the Department issues a certificate of registration, which must be renewed upon the expiration of the registration period. (NRS 482.260, 482.280) Upon renewal the Department may issue one or more license plate stickers. (NRS 482.265)

Section 1 of this bill requires the Department to establish a vehicle registration program which allows a short-term lessor to register and renew the registration of a fleet of vehicles__.__ ~~[through electronic applications and payment.]~~ The Department is required to issue to a vehicle registered in such a manner a permanent certificate of registration and a permanent decal for the

license plate, which remain valid for as long as the short-term lessor continues to renew the registration and maintain the vehicle in the fleet. The Department must provide electronic notification to the short-term lessor of the renewal requirements for each vehicle in the fleet. A short-term lessor that participates in the fleet registration program must pay the annual renewal fees and governmental services taxes required for each vehicle registered in this State, and must notify the Department if a vehicle is removed from the fleet. **Sections** ~~[2-9]~~ **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 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall establish a vehicle registration program for short-term lessors that have a fleet of vehicles registered in this State to allow the short-term lessors which satisfy the requirements for eligibility established by the Department to ~~[electronically]~~ submit to the Department:

(a) Applications for initial registration of vehicles added to the fleet, which must include, without limitation, the information required by ~~[subsection 2, if applicable, and]~~ NRS 482.295.

(b) Applications for the renewal of the registration of vehicles in the fleet, including, without limitation, the information required by NRS 482.295.

(c) Payment of the registration fees and governmental services taxes due for the initial registration and renewal of vehicles in the fleet, including, without limitation, any sales or use tax due pursuant to NRS 482.225.

2. ~~[An application for initial registration pursuant to this section for a new vehicle is not required to be accompanied by a manufacturer's certificate of origin or a manufacturer's statement of origin but must be accompanied by a statement of the place of origin of the vehicle being registered that is satisfactory to the Department.~~

~~—3.]~~ The Department shall issue for each vehicle in the fleet of a short-term lessor that is registered pursuant to this section a:

(a) Certificate of registration; and

(b) Decal indicating the registration status of the vehicle pursuant to the program, which must be affixed to the license plate of each vehicle.

~~[4.]~~ 3. A certificate of registration and decal issued pursuant to this section are valid for the vehicle until the vehicle is no longer a part of the fleet of the short-term lessor, unless the short-term lessor fails to renew the registration. The short-term lessor must not be required to display on the license plate of a vehicle registered pursuant to this section the month and year on which the registration expires.

~~[5.]~~ 4. The Department shall provide to a short-term lessor that participates in the program established pursuant to subsection 1 electronic notice of the required renewal of registration for a vehicle in the fleet, which must be sent at least 30 days before payment is due. Notification sent

pursuant to this subsection must include the information required pursuant to subsection 3 of NRS 482.280 for other renewals.

~~[6.]~~ 5. A short-term lessor that participates in the program established pursuant to subsection 1 must:

(a) Pay annually the renewal fees and governmental services taxes required for each fleet vehicle registered in this State.

(b) Upon removing a vehicle from the fleet, notify the Department.

~~[7.]~~ 6. Any vehicle having a declared gross weight in excess of 26,000 pounds is not eligible to be registered as part of a fleet pursuant to this section.

~~[8.]~~ 7. The Department shall adopt regulations necessary to carry out the provisions of this section. The regulations must include, without limitation, the number of vehicles that a short-term lessor must possess as part of the fleet to participate in the program.

Sec. 2. NRS 482.206 is hereby amended to read as follows:

482.206 1. Except as otherwise provided in this section and NRS 482.2065 ~~[,]~~ ***and section 1 of this act,*** every motor vehicle, except for a motor vehicle that is registered pursuant to the provisions of NRS 706.801 to 706.861, inclusive, and except for a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483 or a moped registered pursuant to NRS 482.2155, must be registered for a period of 12 consecutive months beginning the day after the first registration by the owner in this State.

2. Except as otherwise provided in subsections 7 and 8 and NRS 482.2065, every vehicle registered by an agent of the Department or a registered dealer must be registered for 12 consecutive months beginning the first day of the month after the first registration by the owner in this State.

3. Except as otherwise provided in subsection 7 and NRS 482.2065 ~~[,]~~ ***and section 1 of this act,*** a vehicle which must be registered through the Motor Carrier Division of the Department, or a motor vehicle which has a declared gross weight in excess of 26,000 pounds, must be registered for a period of 12 consecutive months beginning on the date established by the Department by regulation.

4. Upon the application of the owner of a fleet of vehicles, the Director may permit the owner to register the fleet on the basis of a calendar year.

5. Except as otherwise provided in subsections 3, 6, 7 and 8, when the registration of any vehicle is transferred pursuant to NRS 482.399, the expiration date of each regular license plate, special license plate or substitute decal must, at the time of the transfer of registration, be advanced for a period of 12 consecutive months beginning:

(a) The first day of the month after the transfer, if the vehicle is transferred by an agent of the Department; or

(b) The day after the transfer in all other cases,

➥ and a credit on the portion of the fee for registration and the governmental services tax attributable to the remainder of the current period of registration must be allowed pursuant to the applicable provisions of NRS 482.399.

6. When the registration of any trailer that is registered for a 3-year period pursuant to NRS 482.2065 is transferred pursuant to NRS 482.399, the expiration date of each license plate or substitute decal must, at the time of the transfer of the registration, be advanced, if applicable pursuant to NRS 482.2065, for a period of 3 consecutive years beginning:

(a) The first day of the month after the transfer, if the trailer is transferred by an agent of the Department; or

(b) The day after the transfer in all other cases,

➥ and a credit on the portion of the fee for registration and the governmental services tax attributable to the remainder of the current period of registration must be allowed pursuant to the applicable provisions of NRS 482.399.

7. A full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483 is registered until the date on which the owner of the full trailer or semitrailer:

(a) Transfers the ownership of the full trailer or semitrailer; or

(b) Cancels the registration of the full trailer or semitrailer and surrenders the license plates to the Department.

8. A moped that is registered pursuant to NRS 482.2155 is registered until the date on which the owner of the moped:

(a) Transfers the ownership of the moped; or

(b) Cancels the registration of the moped and surrenders the license plate to the Department.

Sec. 3. NRS 482.215 is hereby amended to read as follows:

482.215 1. Except as otherwise provided in NRS 482.2155 ~~[,]~~ ***and section 1 of this act,*** all applications for registration, except applications for renewal of registration, must be made as provided in this section.

2. Except as otherwise provided in NRS 482.294 ~~,~~ ***~~[and section 1 of this act,]~~*** applications for all registrations, except renewals of registration, must be made in person, if practicable, to any office or agent of the Department or to a registered dealer.

3. Each application must be made upon the appropriate form furnished by the Department and contain:

(a) The signature of the owner, except as otherwise provided in subsection 2 of NRS 482.294, if applicable.

(b) The owner's residential address.

(c) The owner's declaration of the county where he or she intends the vehicle to be based, unless the vehicle is deemed to have no base. The Department shall use this declaration to determine the county to which the governmental services tax is to be paid.

(d) A brief description of the vehicle to be registered, including the name of the maker, the engine, identification or serial number, whether new or used, and the last license number, if known, and the state in which it was issued, and upon the registration of a new vehicle, the date of sale by the manufacturer or franchised and licensed dealer in this State for the make to be registered to the person first purchasing or operating the vehicle.

(e) Except as otherwise provided in this paragraph, if the applicant is not an owner of a fleet of vehicles or a person described in subsection 5:

(1) Proof satisfactory to the Department or registered dealer that the applicant carries insurance on the vehicle provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State as required by NRS 485.185; and

(2) A declaration signed by the applicant that he or she will maintain the insurance required by NRS 485.185 during the period of registration. If the application is submitted by electronic means pursuant to NRS 482.294, the applicant is not required to sign the declaration required by this subparagraph.

(f) If the applicant is an owner of a fleet of vehicles or a person described in subsection 5, evidence of insurance provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State as required by NRS 485.185:

(1) In the form of a certificate of insurance on a form approved by the Commissioner of Insurance;

(2) In the form of a card issued pursuant to NRS 690B.023 which identifies the vehicle or the registered owner of the vehicle; or

(3) In another form satisfactory to the Department, including, without limitation, an electronic format authorized by NRS 690B.023.

➥ The Department may file that evidence, return it to the applicant or otherwise dispose of it.

(g) If required, evidence of the applicant's compliance with controls over emission.

(h) If the application for registration is submitted via the Internet, a statement which informs the applicant that he or she may make a nonrefundable monetary contribution of $2 for each vehicle registered for the Complete Streets Program, if any, created pursuant to NRS 244.2643, 277A.285 or 403.575, as applicable, based on the declaration made pursuant to paragraph (c). The application form must state in a clear and conspicuous manner that a contribution for a Complete Streets Program is nonrefundable and voluntary and is in addition to any fees required for registration, and must include a method by which the applicant must indicate his or her intention to opt in or opt out of making such a contribution.

4. The application must contain such other information as is required by the Department or registered dealer and must be accompanied by proof of ownership satisfactory to the Department.

5. For purposes of the evidence required by paragraph (f) of subsection 3:

(a) Vehicles which are subject to the fee for a license and the requirements of registration of the Interstate Highway User Fee Apportionment Act, and which are based in this State, may be declared as a fleet by the registered owner thereof on his or her original application for or application for renewal of a proportional registration. The owner may file a single certificate of insurance covering that fleet.

(b) Other fleets composed of 10 or more vehicles based in this State or vehicles insured under a blanket policy which does not identify individual vehicles may each be declared annually as a fleet by the registered owner thereof for the purposes of an application for his or her original or any renewed registration. The owner may file a single certificate of insurance covering that fleet.

(c) A person who qualifies as a self-insurer pursuant to the provisions of NRS 485.380 may file a copy of his or her certificate of self-insurance.

(d) A person who qualifies for an operator's policy of liability insurance pursuant to the provisions of NRS 485.186 and 485.3091 may file or provide electronic evidence of that insurance.

Sec. 4. NRS 482.240 is hereby amended to read as follows:

482.240 1. ~~[Upon]~~ ***Except as otherwise provided in section 1 of this act, upon*** the registration of a vehicle, the Department or a registered dealer shall issue a certificate of registration to the owner.

2. When an applicant for registration or transfer of registration is unable, for any reason, to submit to the Department in support of the application for registration, or transfer of registration, such documentary evidence of legal ownership as, in the opinion of the Department, is sufficient to establish the legal ownership of the vehicle concerned in the application for registration or transfer of registration, the Department may issue to the applicant only a certificate of registration.

3. The Department may, upon proof of ownership satisfactory to it or pursuant to NRS 482.2605, issue a certificate of title before the registration of the vehicle concerned. The certificate of registration issued pursuant to this chapter is valid only during the registration period or calendar year for which it is issued, and a certificate of title is valid until cancelled by the Department upon the transfer of interest therein.

Sec. 5. NRS 482.260 is hereby amended to read as follows:

482.260 1. When registering a vehicle, the Department and its agents or a registered dealer shall:

(a) Collect the fees for license plates and registration as provided for in this chapter.

(b) Collect the governmental services tax on the vehicle, as agent for the State and for the county where the applicant intends to base the vehicle for the period of registration, unless the vehicle is deemed to have no base.

(c) Collect the applicable taxes imposed pursuant to chapters 372, 374, 377 and 377A of NRS.

(d) ~~[Issue]~~ ***Except as otherwise provided in section 1 of this act, issue*** a certificate of registration.

(e) If the registration is performed by the Department, issue the regular license plate or plates.

(f) If the registration is performed by a registered dealer, provide information to the owner regarding the manner in which the regular license plate or plates will be made available to the owner.

2. Upon proof of ownership satisfactory to the Director or as otherwise provided in NRS 482.2605, the Director shall cause to be issued a certificate of title as provided in this chapter.

3. Except as otherwise provided in NRS 371.070 and subsections 6, 7 and 8, every vehicle being registered for the first time in Nevada must be taxed for the purposes of the governmental services tax for a 12-month period.

4. The Department shall deduct and withhold 2 percent of the taxes collected pursuant to paragraph (c) of subsection 1 and remit the remainder to the Department of Taxation.

5. A registered dealer shall forward all fees and taxes collected for the registration of vehicles to the Department.

6. A trailer being registered pursuant to NRS 482.2065 must be taxed for the purposes of the governmental services tax for a 3-year period.

7. A full trailer or semitrailer being registered pursuant to subsection 3 of NRS 482.483 must be taxed for the purposes of the governmental services tax in the amount of $86. The governmental services tax paid pursuant to this subsection is nontransferable and nonrefundable.

8. A moped being registered pursuant to NRS 482.2155 must be taxed for the purposes of the governmental services tax for only the 12-month period following the registration. The governmental services tax paid pursuant to this subsection is nontransferable and nonrefundable.

Sec. 6. NRS 482.265 is hereby amended to read as follows:

482.265 1. The Department shall furnish to every owner whose vehicle is registered two license plates for a motor vehicle other than a motorcycle or moped and one license plate for all other vehicles required to be registered hereunder. Except as otherwise provided in NRS 482.2155 ~~[,]~~ ***and section 1 of this act,*** upon renewal of registration, the Department may issue one or more license plate stickers, tabs or other suitable devices in lieu of new license plates.

2. Except as otherwise provided in NRS 482.2065, 482.266, 482.2705, 482.274, 482.379 and 482.37091, every 8 years the Department shall reissue a license plate or plates at the time of renewal of each license plate or plates issued pursuant to this chapter. The Director may adopt regulations to provide procedures for such reissuance.

3. The Director shall have the authority to require the return to the Department of all number plates upon termination of the lawful use thereof by the owner under this chapter.

4. Except as otherwise specifically provided by statute, for the issuance of each special license plate authorized pursuant to this chapter:

(a) The fee to be received by the Department for the initial issuance of the special license plate is $35, exclusive of any additional fee which may be added to generate funds for a particular cause or charitable organization;

(b) The fee to be received by the Department for the renewal of the special license plate is $10, exclusive of any additional fee which may be added to generate financial support for a particular cause or charitable organization; and

(c) The Department shall not design, prepare or issue a special license plate unless, within 4 years after the date on which the measure authorizing the issuance becomes effective, it receives at least 250 applications for the issuance of that plate.

5. The provisions of subsection 4 do not apply to NRS 482.37901.

Sec. 7. NRS 482.270 is hereby amended to read as follows:

482.270 1. Except as otherwise provided in this section or by specific statute, the Director shall order the redesign and preparation of motor vehicle license plates.

2. Except as otherwise provided in subsection 3, the Department may, upon the payment of all applicable fees, issue redesigned motor vehicle license plates.

3. The Department shall not issue redesigned motor vehicle license plates pursuant to this section to a person who was issued motor vehicle license plates before January 1, 1982, or pursuant to NRS 482.2155, 482.3747, 482.3763, 482.3783, 482.379 or 482.37901, without the approval of the person.

4. The Director may determine and vary the size, shape and form and the material of which license plates are made, but each license plate must be of sufficient size to be plainly readable from a distance of 100 feet during daylight. All license plates must be treated to reflect light and to be at least 100 times brighter than conventional painted number plates. When properly mounted on an unlighted vehicle, the license plates, when viewed from a vehicle equipped with standard headlights, must be visible for a distance of not less than 1,500 feet and readable for a distance of not less than 110 feet.

5. Every license plate must have displayed upon it:

(a) The registration number, or combination of letters and numbers, assigned to the vehicle and to the owner thereof;

(b) The name of this State, which may be abbreviated;

(c) If issued for a calendar year, the year; and

(d) ~~[If]~~ ***Except as otherwise provided in section 1 of this act, if*** issued for a registration period other than a calendar year, the month and year the registration expires.

6. Each special license plate that is designed, prepared and issued pursuant to NRS 482.367002 must be designed and prepared in such a manner that:

(a) The left-hand one-third of the plate is the only part of the plate on which is displayed any design or other insignia that is suggested pursuant to paragraph (g) of subsection 2 of that section; and

(b) The remainder of the plate conforms to the requirements for lettering and design that are set forth in this section.

Sec. 8. NRS 482.280 is hereby amended to read as follows:

482.280 1. Except as otherwise provided in NRS 482.2155, the registration of every vehicle expires at midnight on the day specified on the receipt of registration, unless the day specified falls on a Saturday, Sunday or legal holiday. If the day specified on the receipt of registration is a Saturday, Sunday or legal holiday, the registration of the vehicle expires at midnight on

the next judicial day. ~~[The]~~ ***Except as otherwise provided in section 1 of this act, the*** Department shall mail to each holder of a certificate of registration a notification for renewal of registration for the following period of registration. The notifications must be mailed by the Department in sufficient time to allow all applicants to mail the notifications to the Department or to renew the certificate of registration at a kiosk or authorized inspection station or via the Internet or an interactive response system and to receive new certificates of registration and license plates, stickers, tabs or other suitable devices by mail before the expiration of their registrations. An applicant may present or submit the notification to any agent or office of the Department.

2. A notification:

(a) Mailed or presented to the Department or to a county assessor pursuant to the provisions of this section;

(b) Submitted to the Department pursuant to NRS 482.294; or

(c) Presented to an authorized inspection station or authorized station pursuant to the provisions of NRS 482.281,

➥ must include, if required, evidence of compliance with standards for the control of emissions.

3. The Department shall include with each notification mailed pursuant to subsection 1:

(a) The amount of the governmental services tax to be collected pursuant to the provisions of NRS 482.260.

(b) The amount set forth in a notice of nonpayment filed with the Department by a local authority pursuant to NRS 484B.527.

(c) A statement which informs the applicant:

(1) That, pursuant to NRS 485.185, the applicant is legally required to maintain insurance during the period in which the motor vehicle is registered which must be provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State; and

(2) Of any other applicable requirements set forth in chapter 485 of NRS and any regulations adopted pursuant thereto.

(d) A statement which informs the applicant that, if the applicant renews a certificate of registration at a kiosk or via the Internet, he or she may make a nonrefundable monetary contribution of $2 for each vehicle registration renewed for the Complete Streets Program, if any, created pursuant to NRS 244.2643, 277A.285 or 403.575, as applicable, based on the declaration made pursuant to paragraph (c) of subsection 3 of NRS 482.215. The notification must state in a clear and conspicuous manner that a contribution for a Complete Streets Program is nonrefundable and voluntary and is in addition to any fees required for registration.

(e) Any amount due for reissuance of a license plate or a plate reissued pursuant to subsection 2 of NRS 482.265, if applicable.

4. An application for renewal of a certificate of registration submitted at a kiosk or via the Internet must include a statement which informs the applicant

that he or she may make a nonrefundable monetary contribution of $2, for each vehicle registration which is renewed at a kiosk or via the Internet, for the Complete Streets Program, if any, created pursuant to NRS 244.2643, 277A.285 or 403.575, as applicable, based on the declaration made pursuant to paragraph (c) of subsection 3 of NRS 482.215. The application must state in a clear and conspicuous manner that a contribution for a Complete Streets Program is nonrefundable and voluntary and is in addition to any fees required for registration, and must include a method by which the applicant must indicate his or her intention to opt in or opt out of making such a contribution.

5. Except as otherwise provided in NRS 482.2918, an owner who has made proper application for renewal of registration before the expiration of the current registration but who has not received the license plate or plates or card of registration for the ensuing period of registration is entitled to operate or permit the operation of that vehicle upon the highways upon displaying thereon the license plate or plates issued for the preceding period of registration for such a time as may be prescribed by the Department as it may find necessary for the issuance of the new plate or plates or card of registration.

Sec. 9. ~~[NRS 482.423 is hereby amended to read as follows:~~

~~482.423 1.~~ **[**~~When~~**]** ***Except as otherwise provided in section 1 of this act, when*** ~~a new vehicle is sold in this State for the first time, the seller shall complete and submit to the Department a manufacturer's certificate of origin or a manufacturer's statement of origin and, unless the vehicle is sold to a dealer who is licensed to sell the vehicle, transmit electronically to the Department a dealer's report of sale. The dealer's report of sale must be transmitted electronically to the Department in the manner required by the Department and must include:~~

~~(a) A description of the vehicle;~~

~~(b) The name and address of the seller; and~~

~~(c) The name and address of the buyer.~~

~~2. If, in connection with the sale, a security interest is taken or retained by the seller to secure all or part of the purchase price, or a security interest is taken by a person who gives value to enable the buyer to acquire rights in the vehicle, the name and address of the secured party or his or her assignee must be included in the dealer's report of sale and on the manufacturer's certificate or statement of origin.~~

~~3. Unless an extension of time is granted by the Department, the seller shall:~~

~~(a) Collect the fees set forth in NRS 482.429 for:~~

~~(1) A certificate of title for a vehicle registered in this State; and~~

~~(2) The processing of the dealer's report of sale; and~~

~~(b) Within 20 days after the electronic transmission to the Department of the dealer's report of sale:~~

~~(1) Submit to the Department the manufacturer's certificate or statement of origin; and~~

~~(2) Remit to the Department the fees collected pursuant to paragraph (a).~~

~~4. Upon entering into a contract or other written agreement for the sale of a new vehicle, the seller shall affix a temporary placard to the rear of the vehicle. Only one temporary placard may be issued for the vehicle. The temporary placard must:~~

~~(a) Be in a form prescribed by the Department;~~

~~(b) Be made of a material appropriate for use on the exterior of a vehicle;~~

~~(c) Be free from foreign materials and clearly visible from the rear of the vehicle; and~~

~~(d) Include the date of its expiration.~~

~~5. Compliance with the requirements of subsection 4 permits the vehicle to be operated for a period not to exceed 30 days after the execution of a written agreement to purchase or the contract of sale, whichever occurs first. Upon the issuance of the certificate of registration and license plates for the vehicle or the expiration of the temporary placard, whichever occurs first, the buyer shall remove the temporary placard from the rear of the vehicle.~~

~~6. For the purposes of establishing compliance with the period required by paragraph (b) of subsection 3, the Department shall use the date on which the dealer's report of sale was transmitted electronically to the Department as the beginning date of the 20-day period.~~

~~7. Upon execution of all the documents necessary to complete the sale of a vehicle, including, without limitation, the financial documents, the dealer shall complete the dealer's report of sale and furnish a copy of the information included therein to the buyer not less than 10 days before the expiration of the temporary placard.~~

~~8. The provisions of this section do not apply to kit trailers.~~ **] (Deleted by amendment.)**

Sec. 10. The Department of Motor Vehicles:

1. Shall adopt the regulations required by section 1 of this act as soon as practicable, but in any case not later than ~~[July 1, 2020.]~~ **January 1, 2021.**

2. Shall, in adopting the regulations required by section 1 of this act, require a short-term lessor to have at least 200 vehicles in its fleet of vehicles to participate in the vehicle registration program established pursuant to section 1 of this act, except that the Department may, any time after ~~[January 1, 2021,]~~ **July 1, 2021,** require fewer vehicles if it is determined appropriate by the Department.

Sec. 11. This act becomes effective:

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

2. On ~~[July 1, 2020,]~~ **January 1, 2021,** for all other purposes.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Remarks by Assemblywoman Monroe-Moreno.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 199.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 122.

AN ACT relating to education; authorizing a trade or professional association or labor union to collaborate with a school district or public school to offer certain training; establishing certain qualifications for a person who wishes to receive an endorsement to teach career and technical education; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of trustees of a school district in a county whose population is 100,000 or more (currently Clark and Washoe Counties), and authorizes the board of trustees of a school district in any other county, to establish and maintain a program of career and technical education. (NRS 388.380) **Section 1** of this bill authorizes a school district or a public school to collaborate with a trade or professional association or a labor union to provide certain instruction or training to pupils in a field of career or technical education. **Section 3** of this bill makes a conforming change.

Existing law authorizes the State Board of Education to exercise a variety of powers to administer career and technical education in this State, including prescribing qualifications for the teachers, directors and supervisors of career and technical subjects. (NRS 388.360) **Section 2** of this bill limits such qualifications to requiring **: (1)** not ~~[more]~~ **less** than 5 years of work experience, including any course of instruction or training ~~[required to obtain a license]~~ required by law for employment in the subject matter, if applicable ~~[.]~~ **; and (2) not more than 3 hours of credit or instruction in teaching methods and classroom management.**

Existing law requires the Commission on Professional Standards in Education to adopt regulations: (1) requiring teachers to obtain an endorsement before teaching in a field of specialization; and (2) setting forth the educational requirements to obtain such an endorsement. (NRS 391.019) **Section 4** of this bill prohibits the Commission from requiring ~~[more]~~ **less** than 5 years of work experience in the appropriate subject matter for an endorsement in a field of specialization relating to career and technical education. **Section 4** also deems as work experience any course of instruction or training required to obtain a license required by law for employment in such an area, if any. **Finally, section 4 prohibits the Commission from requiring more than 3 hours of credit or instruction in teaching methods and classroom management.**

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. To the extent that money is available for this purpose, a school district or a public school may collaborate with a trade or professional association or labor union to provide instruction or training to pupils in an area relating to career and technical education which prepares a pupil for entry into a vocation, including, without limitation, preparation for an apprenticeship program or completing a recognized industry credential.

2. A school district or a public school may accept gifts, grants or donations to carry out the provisions of this section.

Sec. 2. NRS 388.360 is hereby amended to read as follows:

388.360 The State Board is hereby designated as the sole state agency responsible for the administration of career and technical education in the State of Nevada. The State Board may:

1. Cooperate with any federal agency, board or department designated to administer the Acts of Congress apportioning federal money to the State of Nevada for career and technical education.

2. Establish policies and adopt regulations for the administration of any legislation enacted pursuant thereto by the State of Nevada.

3. Establish policies and adopt regulations for the administration of money provided by the Federal Government and the State of Nevada for the promotion, extension and improvement of career and technical education in Nevada.

4. Establish policies or regulations and formulate plans for the promotion of career and technical education in such subjects as are an essential and integral part of the system of public education in the State of Nevada.

5. Establish policies to provide for the preparation of teachers of such programs and subjects.

6. Approve positions for such persons as may be necessary to administer the federal act and provisions of this title enacted pursuant thereto for the State of Nevada.

7. Direct the Superintendent of Public Instruction to make studies and investigations relating to career and technical education.

8. Establish policies to promote and aid in the establishment by local communities of schools, departments or classes giving training in career and technical subjects.

9. Cooperate with local communities in the maintenance of such schools, departments or classes.

10. Prescribe qualifications for the teachers, directors and supervisors of career and technical subjects. ***Qualifications prescribed pursuant to this subsection:***

(a) Must ~~[not]~~ require ~~[more]~~ not less than 5 years of work experience in the appropriate subject matter; ~~[and]~~

(b) Must deem as work experience any course of instruction or training which is ~~[required to obtain the appropriate license]~~ required by law for employment in an occupation relating to the subject matter, if any ~~[.]~~ ; and

(c) Must require not more than 3 hours of credit or instruction in a course of teaching methods and classroom management. Such a course may be provided by a school district or public school, trade or professional association or labor union.

11. Provide for the certification of such teachers, directors and supervisors.

12. Establish policies or regulations to cooperate in the maintenance of classes supported and controlled by the public for the preparation of the teachers, directors and supervisors of career and technical subjects, or maintain such classes under its own direction and control.

13. Establish by regulation the qualifications required for persons engaged in the training of teachers for career and technical education.

Sec. 3. NRS 388.385 is hereby amended to read as follows:

388.385 1. If the board of trustees of a school district has established a program of career and technical education pursuant to NRS 388.380 and to the extent that money is available from this State or the Federal Government, the superintendent of schools of the school district shall appoint an advisory technical skills committee consisting of:

(a) Representatives of businesses and industries in the community;

(b) Employees of the school district who possess knowledge and experience in career and technical education;

(c) Pupils enrolled in public schools in the school district;

(d) Parents and legal guardians of pupils enrolled in public schools in the school district;

(e) To the extent practicable, representatives of postsecondary educational institutions that provide career and technical education; and

(f) Other interested persons.

2. An advisory technical skills committee established pursuant to subsection 1 shall:

(a) Review the curriculum, design, content and operation of the program of career and technical education to determine its effectiveness in:

(1) Preparing pupils enrolled in the program to enter the workforce and meeting the needs of supplying an appropriately trained workforce to businesses and industries in the community; and

(2) Complying with the provisions of NRS 388.340 to 388.400, inclusive, ***and section 1 of this act*** and any regulations adopted pursuant thereto.

(b) Advise the school district regarding the curriculum, design, content, operation and effectiveness of the program of career and technical education.

(c) Provide technical assistance to the school district in designing and revising as necessary the curriculum for the program of career and technical education.

(d) In cooperation with businesses, industries, employer associations and employee organizations in the community, develop work-based experiences for pupils enrolled in the program of career and technical education. The work-based experiences must:

(1) Be designed:

(I) For pupils enrolled in grades 11 and 12, but may be offered to pupils enrolled in grades 9 and 10 upon the approval of the principal of the school where the program is offered.

(II) To prepare and train pupils to work as apprentices in business settings.

(2) Allow a pupil to earn academic credit for the work-based experience.

(e) Meet at least three times each calendar year.

(f) Provide to the superintendent of schools of the school district any recommendations regarding the program of career and technical education and any actions of the committee.

(g) Comply with the provisions of chapter 241 of NRS.

3. The members of an advisory technical skills committee serve without compensation.

Sec. 4. NRS 391.019 is hereby amended to read as follows:

391.019 1. Except as otherwise provided in NRS 391.027, the Commission shall adopt regulations:

(a) Prescribing the qualifications for licensing teachers and other educational personnel, including, without limitation, the qualifications for a license to teach middle school or junior high school education, and the procedures for the issuance and renewal of those licenses. The regulations:

(1) Must include, without limitation, the qualifications for licensing teachers and administrators pursuant to an alternative route to licensure which provides that the required education and training may be provided by any qualified provider which has been approved by the Commission, including, without limitation, institutions of higher education and other providers that operate independently of an institution of higher education. The regulations adopted pursuant to this subparagraph must:

(I) Establish the requirements for approval as a qualified provider;

(II) Require a qualified provider to be selective in its acceptance of students;

(III) Require a qualified provider to provide supervised, school-based experiences and ongoing support for its students, such as mentoring and coaching;

(IV) Significantly limit the amount of course work required or provide for the waiver of required course work for students who achieve certain scores on tests;

(V) Allow for the completion in 2 years or less of the education and training required under the alternative route to licensure;

(VI) Provide that a person who has completed the education and training required under the alternative route to licensure and who has satisfied all other requirements for licensure may apply for a regular license pursuant to sub-subparagraph (VII) regardless of whether the person has received an offer of employment from a school district, charter school or private school; and

(VII) Upon the completion by a person of the education and training required under the alternative route to licensure and the satisfaction of all other requirements for licensure, provide for the issuance of a regular license to the person pursuant to the provisions of this chapter and the regulations adopted pursuant to this chapter.

(2) Must require an applicant for a license to teach middle school or junior high school education or secondary education to demonstrate proficiency in a field of specialization or area of concentration by successfully completing course work prescribed by the Department or completing a subject matter competency examination prescribed by the Department with a score deemed satisfactory.

(3) Must not prescribe qualifications which are more stringent than the qualifications set forth in NRS 391.0315 for a licensed teacher who applies for an additional license in accordance with that section.

(b) Identifying fields of specialization in teaching which require the specialized training of teachers.

(c) Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization, including, without limitation, an endorsement to teach English as a second language.

(d) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(e) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language, including, without limitation, being registered with the Aging and Disability Services Division of the Department of Health and Human Services pursuant to NRS 656A.100 to engage in the practice of interpreting in an educational setting.

(f) Requiring teachers and other educational personnel to be registered with the Aging and Disability Services Division pursuant to NRS 656A.100 to engage in the practice of interpreting in an educational setting if they:

(1) Provide instruction or other educational services; and

(2) Concurrently engage in the practice of interpreting, as defined in NRS 656A.060.

(g) Providing for the issuance and renewal of a special qualifications license to an applicant who holds a bachelor's degree, a master's degree or a doctoral degree from an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and who has:

(1) At least 2 years of experience teaching at an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and at least 3 years of experience working in that field; or

(2) At least 5 years of experience working in a field for which the applicant will provide instruction in a classroom.

➥ An applicant for licensure pursuant to this paragraph who holds a bachelor's degree must submit proof of participation in a program of student teaching or mentoring or agree to participate in a program of mentoring or courses of pedagogy for the first 2 years of the applicant's employment as a teacher with a school district or charter school.

(h) Requiring an applicant for a special qualifications license to:

(1) Pass each examination required by NRS 391.021 for the specific subject or subjects in which the applicant will provide instruction; or

(2) Hold a valid license issued by a professional licensing board of any state that is directly related to the subject area of the bachelor's degree, master's degree or doctoral degree held by the applicant.

(i) Setting forth the subject areas that may be taught by a person who holds a special qualifications license, based upon the subject area of the bachelor's degree, master's degree or doctoral degree held by that person.

(j) Providing for the issuance and renewal of a special qualifications license to an applicant who:

(1) Holds a bachelor's degree or a graduate degree from an accredited college or university in the field for which the applicant will be providing instruction;

(2) Is not licensed to teach public school in another state;

(3) Has at least 5 years of experience teaching with satisfactory evaluations at a school that is accredited by a national or regional accrediting agency recognized by the United States Department of Education; and

(4) Submits proof of participation in a program of student teaching or mentoring or agrees to participate in a program of mentoring for the first year of the applicant's employment as a teacher with a school district or charter school if the applicant holds a graduate degree or, if the applicant holds a bachelor's degree, submits proof of participation in a program of student teaching or mentoring or agrees to participate in a program of mentoring or courses of pedagogy for the first 2 years of his or her employment as a teacher with a school district or charter school.

➥ An applicant for licensure pursuant to this paragraph is exempt from each examination required by NRS 391.021 if the applicant successfully passed the examination in another state.

(k) Prescribing course work on parental involvement and family engagement. The Commission shall work in cooperation with the Office of Parental Involvement and Family Engagement created by NRS 385.630 in developing the regulations required by this paragraph.

(l) Establishing the requirements for obtaining an endorsement on the license of a teacher, administrator or other educational personnel in cultural competency.

2. Except as otherwise provided in NRS 391.027, the Commission may adopt such other regulations as it deems necessary for its own government or to carry out its duties.

3. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the Commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

4. A person who is licensed pursuant to paragraph (g) or (j) of subsection 1:

(a) Shall comply with all applicable statutes and regulations.

(b) Except as otherwise provided by specific statute, is entitled to all benefits, rights and privileges conferred by statutes and regulations on licensed teachers.

(c) Except as otherwise provided by specific statute, if the person is employed as a teacher by the board of trustees of a school district or the governing body of a charter school, is entitled to all benefits, rights and privileges conferred by statutes and regulations on the licensed employees of a school district or charter school, as applicable.

5. ~~[The Commission shall not require more than 5 years of work experience in the appropriate subject matter for]~~ For an endorsement in any field of specialization relating to career and technical education ~~[.]~~ , the Commission shall require:

(a) Not less than 5 years of work experience in the appropriate subject; and

(b) Not more than 3 hours of credit or instruction in a course of teaching methods and classroom management, which may be provided by a school district or public school, trade or professional association or labor union.

6. The Commission shall deem as work experience for the purpose of ~~[this subsection]~~ paragraph (a) of subsection 5 any course of instruction or training which is ~~[required to obtain the appropriate license]~~ required by law for employment in the occupation in which the person wishes to teach, if any.

Sec. 5. The Commission on Professional Standards in Education and the State Board of Education shall, on or before January 1, 2020, adopt any regulations which are required by or necessary to carry out the provisions of this act.

Sec. 6. This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any preliminary administrative tasks that are necessary to carry out the provisions of this act and on July 1, 2019, for all other purposes.

Assemblyman Thompson moved the adoption of the amendment.

Remarks by Assemblyman Thompson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 229.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 103.

AN ACT relating to historic preservation; requiring the Administrator of the Office of Historic Preservation of the State Department of Conservation and Natural Resources to establish and administer a technical advisory program for the protection and preservation of certain buildings and structures; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires the Administrator of the Office of Historic Preservation of the State Department of Conservation and Natural Resources to establish and administer a technical advisory program to provide technical assistance and grants for the protection and preservation of buildings and other structures in Nevada that are at least 50 years old. **Section 1** requires the Administrator, in carrying out the program, to: (1) qualify persons as technical advisers for the program; (2) compile and maintain a list of persons qualified as technical advisers for the program; (3) ~~[disseminate the names and contact information of technical advisers for the program to requesters who own a building or structure in Nevada that is at least 50 years old;]~~ **publish the list on the Internet website of the Office, for which the Office is not liable;** and (4) provide, within the limits of money available, grants of money **to certain public and private persons and entities and to nonprofit corporations** to pay for the professional advice and travel expenses of a technical adviser for the program. **Section 2** of this bill appropriates money to the Office to carry out the technical advisory program.

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

Section 1. Chapter 383 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Administrator shall establish and administer a technical advisory program to provide technical assistance for the protection and preservation of buildings or other structures in this State that are at least 50 years old.

2. In carrying out the technical advisory program, the Administrator shall, without limitation:

(a) Qualify persons as technical advisers to provide technical assistance through the program. To be eligible for qualification as a technical adviser for the program, a person:

(1) Must ~~[have]~~ :

(I) Have experience in the field of architecture, ~~[construction or engineering]~~ historical architecture or architectural history or any other field determined to be relevant by the Administrator ~~[.]~~ ; or

(II) Work in a profession described in the Secretary of the Interior's Historic Preservation Professional Qualification Standards, as issued by the United States Department of the Interior in 62 Federal Register 33,708 on June 20, 1997.

(2) Is not required to be a resident of this State.

(b) Compile and maintain a list of persons qualified as technical advisers for the program.

(c) ~~[Provide the name and contact information of an appropriate technical adviser for the program upon request by a public or private person or entity who owns a building or other structure in this State that is at least 50 years old.]~~ Publish on the Internet website of the Office the list of persons compiled and maintained pursuant to paragraph (b). The Office is not liable for the use of the list by any person to receive technical assistance from persons qualified as technical advisers for the program.

(d) Provide, within the limits of available money, grants of money to public and private persons and entities and to nonprofit corporations who own buildings or other structures in this State that are at least 50 years old to obtain technical assistance from a technical adviser for the program. The recipient of such a grant:

(1) May use the grant only to pay for the technical assistance and travel expenses of the technical adviser for the program relating to the protection and preservation of the building or structure for which the grant was awarded.

(2) May not use the grant to pay for expenses incurred by the technical adviser for lodging and meals related to the provision of the technical assistance or any other purpose other than the purpose authorized in subparagraph (1).

3. The Office shall provide administrative services to assist in carrying out the program.

4. The Administrator may accept gifts, grants, donations or contributions from any source to assist the Administrator in carrying out the program.

5. The Administrator shall adopt such regulations as are necessary to carry out the program, including, without limitation, regulations regarding:

(a) The awarding of grants under the program; and

(b) Qualifying to become a technical adviser for the program ~~[.]~~ pursuant to paragraph (a) of subsection 2.

6. As used in this section, "technical assistance":

(a) Means the provision of advice within the professional capacity of the technical adviser.

(b) Includes site visits and research and communication activities.

(c) Does not include the provision of any other professional or other services of the technical adviser except as described in paragraphs (a) and (b).

Sec. 2. ~~[1.]~~ There is hereby appropriated from the State General Fund to the Office of Historic Preservation of the State Department of Conservation and Natural Resources ~~[the sum of $20,000]~~ for carrying out the technical advisory program established pursuant to section 1 of this act ~~[.~~

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

For the Fiscal Year 2019-2020.....$10,000

For the Fiscal Year 2020-2021.....$20,000

Sec. 3. ~~[This]~~

1. This section and section 2 of this act become effective on July 1, 2019.

2. Section 1 of this act becomes effective on **:**

(a) July 1, 2019 **~~[,]~~ , for the purpose of compiling a list of persons qualified as technical advisers for the technical advisory program, adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act; and**

(b) January 1, 2021, for all other purposes.

Assemblywoman Swank moved the adoption of the amendment.

Remarks by Assemblywoman Swank.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 233.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 266.

AN ACT relating to water; revising provisions governing certain assessments on water users; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under current law, a county is required to levy a special assessment annually, or at such time as needed, upon all taxable property situated within the confines of a particular water basin designated by the State Engineer to pay certain salaries and expenses of well supervisors, assistants and the Well Drillers' Advisory Board if certain license fees are not sufficient. (NRS 534.040) This bill authorizes a county to instead pay those salaries and expenses by appropriating money from the general fund of the county if the amount of the special assessment **combined with all other taxes and assessments levied** upon a property owner is less than the cost of collecting the **special** assessment.

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

Section 1. NRS 534.035 is hereby amended to read as follows:

534.035 1. In each area designated as a groundwater basin by the State Engineer pursuant to the provisions of NRS 534.030, the board of county commissioners may recommend to the State Engineer that the State Engineer establish a groundwater board. The State Engineer shall determine whether or not a groundwater board is to be established and may direct its establishment by order.

2. If a groundwater board is established, the governing bodies of all the cities and towns within the designated area, the board of county commissioners of each county in which the area is located, and the governing body of any water district in which the area is included, or partly included, shall each submit a list of names of residents of the area to the Governor, who shall appoint seven members of the board. At least one member must be appointed from each list.

3. After the initial terms, the term of office of each member of the board is 4 years. The board shall elect one member as chair and one member as secretary to serve as such at the pleasure of the board.

4. The board shall maintain its headquarters at the county seat of the county in which the designated area is located, or if the area lies in more than one county, in the county seat of one of the counties in which the area is located. The board shall hold meetings at such times and places as it may determine. Special meetings may be called at any time by the secretary at the request of any four members, or by the chair, upon notice specifying the matters to be acted upon at the meeting. No matters other than those specified in the notice may be acted upon at that meeting unless all members are present and consent thereto.

5. A majority of the board constitutes a quorum, and the board shall act only by a majority of those present.

6. For each day's attendance at each meeting of the groundwater board, or for each day when services are actually performed for the groundwater board, the members are entitled to receive per diem and travel allowances provided by law. Claims for those expenses must be paid as provided in subsection ~~[6]~~ ***7*** of NRS 534.040.

7. The State Engineer shall not approve any application or issue any permit to drill a well, appropriate groundwater, change the place or manner of use or the point of diversion of water within the designated area, adopt any related regulations or enter any related orders until the State Engineer has conferred with the board and obtained its written advice and recommendations.

8. It is the intention of the Legislature that the State Engineer and the board be in agreement whenever possible, but, for the purpose of fixing responsibility to the Governor, if there is any disagreement between the State Engineer and the board, the views of the State Engineer prevail. A written report of any such disagreement must be made immediately to the Governor by the State Engineer and the board.

9. Any groundwater board may request from the State Engineer or any other state, county, city or district agency such technical information, data and advice as it may require to perform its functions, and the State Engineer and such other agencies shall, within the resources available to them, furnish such assistance as may be requested.

10. The Governor may dissolve the groundwater board by order if the Governor determines that the future activities of the board are likely to be insubstantial.

Sec. 2. NRS 534.040 is hereby amended to read as follows:

534.040 1. Upon the initiation of the administration of this chapter in any particular basin, and where the investigations of the State Engineer have shown the necessity for the supervision over the waters of that basin, the State Engineer may employ a well supervisor and other necessary assistants, who shall execute the duties as provided in this chapter under the direction of the State Engineer. The salaries of the well supervisor and the assistants of the well supervisor must be fixed by the State Engineer. The well supervisor and assistants are exempt from the provisions of chapter 284 of NRS.

2. ~~[The]~~ ***If the money available from the license fees provided for in NRS 534.140 is not sufficient to pay those salaries, together with necessary expenses, including the compensation and other expenses of the Well Drillers' Advisory Board, the*** board of county commissioners shall ***, except as otherwise provided in this subsection,*** levy a special assessment annually, or at such time as the assessment is needed, upon all taxable property situated within the confines of the area designated by the State Engineer to come under the provisions of this chapter in an amount as is necessary to pay ~~[those salaries, together with necessary expenses, including the compensation and other expenses of the Well Drillers' Advisory Board if the money available from the license fees provided for in NRS 534.140 is not sufficient to pay those costs. In]~~ ***such salaries and expenses. If the board of county commissioners***

determines that the amount of a special assessment levied upon a property owner pursuant to this section when combined with the amount of all other taxes and assessments levied upon the property owner is less than the cost of collecting the special assessment ~~[,]~~ levied pursuant to this subsection, the board of county commissioners may exempt the property owner from the assessment and appropriate money from the general fund of the county to pay the cost of the assessment.

3. Except as otherwise provided in subsection 2, in designated areas within which the use of groundwater is predominantly for agricultural purposes ~~[the levy]~~ ***, any special assessment levied pursuant to this section*** must be charged against each water user who has a permit to appropriate water or a perfected water right, and the charge against each water user must be based upon the proportion which his or her water right bears to the aggregate water rights in the designated area. The minimum charge is $1.

~~[3.]~~ ***4.*** The salaries and expenses may be paid by the State Engineer from the Water Distribution Revolving Account pending the levy and collection of ~~[the]~~ ***an*** assessment ~~[as provided in]~~ ***levied pursuant to*** this section.

~~[4. The~~

5. Except as otherwise provided in subsection 2, if a special assessment is levied pursuant to this section, the proper officers of the county shall levy and collect the special assessment as other special assessments are levied and collected, and the assessment is a lien upon the property.

~~[5. The assessment provided for, when collected,]~~

6. Any special assessment collected pursuant to this section must be deposited with the State Treasurer for credit to the Water District Account to be accounted for in basin well accounts.

~~[6.]~~ ***7.*** Upon determination and certification by the State Engineer of the amount to be budgeted for the current or ensuing fiscal year for the purpose of paying the per diem and travel allowances of the groundwater board and employing consultants or other help needed to fulfill its responsibilities, the State Controller shall transfer that amount to a separate operating account for that fiscal year for the groundwater basin. Claims against the account must be approved by the groundwater board and paid as other claims against the State are paid. The State Engineer may use money in a particular basin well account to support an activity outside the basin in which the money is collected if the activity bears a direct relationship to the responsibilities or activities of the State Engineer regarding the particular groundwater basin.

Sec. 3. This act becomes effective on July 1, 2019.

Assemblywoman Swank moved the adoption of the amendment.
Remarks by Assemblywoman Swank.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 237.
Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 102.

SUMMARY—Revises provisions ~~[governing the reimbursement of certain]~~ **relating to** out-of-pocket expenses for teachers and other educational personnel. (BDR 34-608)

AN ACT relating to education; providing for ~~[the reimbursement]~~ **a stipend to cover the cost** of certain out-of-pocket expenses of certain educational personnel; renaming the Teachers' School Supplies Reimbursement Account as the School Supplies ~~[Reimbursement]~~ Account for Certain Educational Personnel; authorizing the Department of Education to award grants to certain nonprofit organizations; ~~[requiring the board of trustees of a school district or the governing body of a charter school to establish certain requirements for the submission of a request for reimbursement from the Account;]~~ making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Teachers' School Supplies Reimbursement Account and requires the Department of Education to determine the amount of money available in the Account and apportion the money deposited in the Account among the school districts and charter schools annually based on the number of teachers employed by each school district or charter school, as applicable, up to $250 per teacher. (NRS 387.1253, 387.1255) **Sections 7 and 8 of this bill provide for a stipend to cover the cost of certain out-of-pocket expenses for certain educational personnel, rather than a process for reimbursement.** **Sections 3 and 7** of this bill expand the educational personnel who are authorized to receive ~~[reimbursement]~~ **a stipend** for certain out-of-pocket expenses from the money apportioned from the Account to the school districts and charter schools. **Section 6** of this bill renames the Account as the School Supplies ~~[Reimbursement]~~ Account for Certain Educational Personnel. ~~[Sections 7 and]~~ **Section 8 of this bill requires the Department to determine the method of payment for the stipend by each school district and charter school to educational personnel. Section 9** of this bill ~~[make conforming changes.]~~ **makes a conforming change.** Under existing law, any money remaining in the Account at the end of the fiscal year must be carried forward. (NRS 387.1253) **Section 6** also authorizes the Department of Education to award a grant of money from the Account to certain nonprofit organizations.

Under existing law, the Department of Education determines the amount of money available in the Account to distribute among the school districts and charter schools. Existing law requires the board of trustees of a school district and the governing body of a charter school to distribute such money to teachers to reimburse expenses incurred by purchasing necessary school supplies for direct educational services the teacher provides to pupils. (NRS 387.1255) **Section 7** of this bill authorizes money from the Account to be used to ~~[reimburse]~~ **provide a stipend to cover the cost of** out-of-pocket expenses

incurred by purchasing school supplies for both direct and indirect educational services.

~~[Existing law also requires the board of trustees of each school district and the governing body of each charter school to determine in what manner to distribute money from the Account to teachers. (NRS 387.1257) Section 8 of this bill requires the board of trustees or the governing body to determine whether to require a receipt submitted by educational personnel to be an original or a photocopy. Section 8 also requires the board of trustees or the governing body to determine a date by which educational personnel must purchase supplies to receive money from the Account for that fiscal year.]~~

Section 10 of this bill makes an appropriation to the Account.

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

Section 1. Chapter 387 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***"Direct educational services" means activities that directly educate pupils, including, without limitation, classroom instruction.***

Sec. 3. ***"Educational personnel" means a licensed or certified employee of a school district who devotes the majority of his or her working time to the rendering of direct or indirect educational services to pupils, including, without limitation, a school counselor, ~~[school nurse, school librarian, paraprofessional,]~~ speech-language pathologist and substitute teacher if the substitute teacher is employed as a substitute teacher for 20 consecutive days or more in the same classroom or assignment.***

Sec. 4. ***"Indirect educational services" means activities that support the ability of pupils to successfully receive direct educational services, including, without limitation, counseling, medical services and library services.***

Sec. 5. NRS 387.1251 is hereby amended to read as follows:

387.1251 As used in NRS 387.1251 to 387.1257, inclusive, ~~[~~"teacher" means a licensed employee of a school district who devotes the majority of his or her working time to the rendering of direct educational service to pupils, except that the term does not include a substitute teacher.~~]~~ ***and sections 2, 3 and 4 of this act, unless the context otherwise requires, the words and terms defined in sections 2, 3 and 4 of this act have the meanings ascribed to them in those sections.***

Sec. 6. NRS 387.1253 is hereby amended to read as follows:

387.1253 1. The ~~[~~Teachers'~~]~~ School Supplies ~~[~~Reimbursement~~]~~ Account ***for Certain Educational Personnel*** is hereby created in the State General Fund. The Department shall administer the Account.

2. The money in the Account must be invested as other money of the State is invested. All interest and income earned on the money in the Account must be credited to the Account.

3. The money in the Account must be used only for the purposes specified in NRS 387.1255.

4. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward. ***The Department may award a grant of money from the Account to one or more nonprofit organizations which provide school supplies for educational personnel if the Department determines that such organizations will provide such supplies more efficiently than using the money in the Account to*** ~~[reimburse]~~ ***provide a stipend to educational personnel.***

5. The Department may accept gifts, grants, bequests and donations from any source for deposit in the Account.

Sec. 7. NRS 387.1255 is hereby amended to read as follows:

387.1255 1. On or before September 1 of each year, the Department shall determine the amount of money that is available in the ~~[~~Teachers'~~]~~ School Supplies ~~[~~Reimbursement~~]~~ Account ***for Certain Educational Personnel*** created by NRS 387.1253 for distribution among all of the school districts and charter schools in this State for that fiscal year. Any such distribution must be provided to each school district and charter school based on the number of ~~[~~teachers~~]~~ ***educational personnel*** employed by the school district or charter school, as applicable. To the extent that money is available, the Department shall establish the amount of ~~[~~reimbursement~~]~~ ***the stipend*** for each ~~[~~teacher~~]~~ ***educational personnel*** which must not exceed $250 per fiscal year.

2. The board of trustees of each school district and the governing body of each charter school shall establish a special revenue fund and direct that the money it receives pursuant to subsection 1 be deposited in that fund. Money in the special revenue fund must not be commingled with money from other sources. The board of trustees or the governing body, as applicable, shall disburse money in the special revenue fund to ~~[~~teachers~~]~~ ***educational personnel*** in accordance with NRS 387.1257.

3. The money in the special revenue fund must be used only to ~~[~~reimburse teachers~~]~~ ***provide a stipend to educational personnel*** for out-of-pocket expenses incurred in connection with purchasing necessary school supplies for the ***direct or indirect educational services provided to*** pupils ***.*** ~~[~~they instruct.~~]~~

4. The board of trustees or governing body of a charter school, as applicable, shall not use money in the special revenue fund to pay any administrative costs.

5. Any money remaining in the special revenue fund at the end of a fiscal year reverts to the ~~[~~Teachers'~~]~~ School Supplies ~~[~~Reimbursement~~]~~ Account ~~[~~.~~]~~ ***for Certain Educational Personnel.***

Sec. 8. NRS 387.1257 is hereby amended to read as follows:

387.1257 1. The ***Department shall determine the manner in which the*** board of trustees of each school district and the governing body of each charter school that receives money pursuant to subsection 1 of NRS 387.1255 ~~[~~shall determine the manner in which to~~]~~ distribute the money to ~~[~~teachers~~]~~ ***educational personnel*** in the school district or charter school, as applicable ***.*** ~~[~~, including, without limitation, whether to require a teacher ***educational***

~~***personnel*** to submit a request for a claim for reimbursement for out-of-pocket expenses from the special revenue fund established pursuant to NRS 387.1255.]~~

2. To the extent that money is available in the special revenue fund, the board of trustees or governing body, as applicable, may ~~[reimburse a teacher]~~ ***provide a stipend to educational personnel*** up to the maximum amount determined by the Department for each ~~[teacher]~~ ***educational personnel*** pursuant to NRS 387.1255 for the fiscal year.

3. ~~[If the board of trustees of a school district or the governing body of a charter school, as applicable, requires a teacher ***educational personnel*** to submit a claim for reimbursement for out-of-pocket expenses to receive money from the special revenue fund, the teacher ***educational personnel*** must submit such a claim no later than 2 weeks after the last day of the school year.~~

~~4.]~~ The board of trustees of a school district may enter into an agreement with the recognized employee organization representing licensed educational personnel within the school district for the purpose of obtaining assistance of the employee organization in administering the ~~[reimbursement of teachers]~~ ***stipend provided to educational personnel*** pursuant to this section.

~~[5. A teacher ***Any educational personnel*** who receives ***receive*** money from the special revenue fund must submit receipts for any supplies purchased with the money to the principal of the school or charter school, as applicable. The principal must maintain such receipts until the end of the next fiscal year and make them available for inspection upon request of the Department. ***The board of trustees of a school district and the governing body of a charter school shall determine whether such receipts should be submitted in the form of an original or a photocopy of the receipt.***~~

~~***6. The board of trustees of a school district or the governing body of a charter school, as applicable, shall determine a date by which supplies must be purchased by educational personnel in order for the educational personnel to be reimbursed from the Account for that fiscal year.]***~~

Sec. 9. NRS 120A.645 is hereby amended to read as follows:

120A.645 1. A person with a claim to property paid or delivered to the Administrator that is less than $500 may, if the claim is allowed by the Administrator pursuant to NRS 120A.640, donate the money or the net proceeds from the sale of the property, together with any dividend, interest or other increment to which the person is entitled under NRS 120A.600 and 120A.610, to the State for educational purposes.

2. The Administrator must, within 30 days after the allowance of a claim pursuant to NRS 120A.040, transfer the amount of the claim, together with any dividend, interest or other increment to which the person is entitled under NRS 120A.600 and 120A.610, from the Abandoned Property Trust Account to the ~~[Teachers']~~ School Supplies ~~[Reimbursement]~~ Account ***for Certain Educational Personnel*** created pursuant to NRS 387.1253.

3. The Administrator may adopt regulations to carry out the provisions of this section.

Sec. 10. There is hereby appropriated from the State General Fund to the School Supplies ~~[Reimbursement]~~ Account for Certain Educational Personnel created by NRS 387.1253 the following sums:

For the Fiscal Year 2019-2020 ..... $4,500,000

For the Fiscal Year 2020-2021 ..... $4,500,000

Sec. 11. This act becomes effective on July 1, 2019.

Assemblyman Thompson moved the adoption of the amendment.

Remarks by Assemblyman Thompson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 258.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 246.

SUMMARY—Makes ~~[various]~~ changes relating to the provision of special education in public schools. (BDR 34-760)

~~[CONTAINS UNFUNDED MANDATE (§ 4)~~
~~(Not Requested by Affected Local Government)]~~

AN ACT relating to education; providing for the enforcement of the decision of a hearing officer or a settlement agreement resulting from a due process hearing; ~~[prohibiting the imposition of certain eligibility requirements for programs of instruction and special services for pupils with multiple impairments in public schools;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law requires a due process hearing to be held concerning a complaint relating to the identification of a pupil as a pupil with or without a disability or the sufficiency of services provided to such a pupil. (20 U.S.C. § 1415) Existing Nevada law: (1) provides for the selection of a hearing officer; (2) requires the local educational agency or governing body of a charter school involved in the complaint to pay the cost of the hearing; and (3) authorizes an aggrieved party to appeal the decision of a hearing officer to the Department of Education. (NRS 388.463) **Section 1** of this bill authorizes the parent or guardian of a pupil who is the subject of a decision or settlement agreement resulting from a due process hearing **, or the pupil under certain circumstances,** to submit a complaint to the Department if the local educational agency or charter school has failed to comply with the decision or settlement agreement. If the ~~[hearing officer]~~ **Department** determines that the allegations of the complaint are true, **section 1** requires the ~~[hearing officer]~~ **Department** to ~~[order the local educational agency or charter school to: (1) comply with the terms of the complaint or agreement; (2) pay the reasonable expenses of the complainant; and (3)]~~ take any ~~[additional]~~ measures deemed necessary ~~[by the hearing officer]~~ to ensure that **: (1) the local educational agency or governing body of the charter school complies with the decision**

or settlement agreement; and (2) the pupil receives a free appropriate public education. ~~[Section 1 provides for the enforcement of such an order by the Department.]~~ **Section 2** of this bill makes a conforming change. ~~[Section 4 of this bill requires the local educational agency or charter school that is the subject of the complaint to pay the cost of the hearing. Section 4 also authorizes an aggrieved party to appeal the decision of the hearing officer to the Department.~~

~~Existing law requires the State Board of Education to prescribe standards for programs of instruction or special services maintained for the purposes of serving pupils with multiple impairments. (NRS 388.419) Existing regulations require a pupil to have an intellectual disability and at least one other impairment to be eligible for such programs or services. (NAC 388.425) Section 3 of this bill prohibits the Board from adopting standards that require a pupil to have any specific impairment, such as an intellectual disability, to be eligible for such programs or services. Section 5 of this bill voids any regulations that conflict with section 3.]~~

Existing law establishes the requirement for a pupil with a disability to obtain an adjusted diploma or an alternative diploma. (NRS 390.600) Section 4.5 of this bill requires a pupil to participate in an alternative assessment rather than pass such an assessment to obtain an alternative diploma.

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. If a local educational agency or the governing body of a charter school fails to comply with the decision of a hearing officer or a settlement agreement resulting from a due process hearing, the parent or guardian of the pupil who is the subject of the decision or agreement or, if the pupil has attained 18 years of age and responsibility for his or her educational interests has been transferred to the pupil, the pupil may file a complaint with the Department [. Such a complaint must be heard by the hearing officer who issued the decision or approved the agreement unless that hearing officer is not available. If that hearing officer is not available, the Department must select another hearing officer who meets the qualifications prescribed pursuant to 20 U.S.C. § 1415(f)(3)(A) to hear the complaint.] pursuant to 34 C.F.R. § 300.153.

2. After investigating a complaint filed pursuant to subsection 1 and providing the local educational agency or governing body with an opportunity to respond to the complaint, including, without limitation, any mitigating factors, the Department shall issue a written decision concerning the complaint. If [, after a hearing conducted pursuant to subsection 1, the hearing officer] the Department finds that the local educational agency or

governing body has failed to comply with the decision or settlement agreement, as applicable, the ~~[hearing officer]~~ Department must ~~[~~:

~~(a) Order the local educational agency or governing body, as applicable, to:~~

~~(1) Comply with the decision or agreement;~~

~~(2) Pay any reasonable expenses, including, without limitation, attorney's fees, incurred by the complainant to file the complaint and have it heard;~~

~~(3) Take any additional measures deemed necessary by the hearing officer to ensure that the pupil receives a free appropriate public education; and~~

~~(b) Provide a copy of the order to the Department.~~

~~3. Upon receiving a copy of an order pursuant to subsection 2, the Department shall]~~ take ~~[any]~~ :

(a) Any measures that the Department determines necessary to ensure that the local educational agency or governing body complies with the ~~[order. Such measures]~~ decision or settlement agreement, as applicable; and

(b) Any additional measures that the Department determines are necessary to ensure that the pupil receives a free appropriate public education.

3. Measures taken pursuant to subsection 2 may include, without limitation:

(a) Issuing a written order to the local educational agency or governing body to take specific action;

(b) Monitoring the actions taken by the local educational agency or governing body to comply with the order;

~~[(b)]~~ (c) Withholding federal or state money that would otherwise be provided to the local educational agency or governing body for the purpose of providing educational services to the pupil and using that money to directly arrange and pay for the provision of such services to the pupil; and

~~[(c)]~~ (d) Referring the matter to the Attorney General to bring an action in a court of competent jurisdiction to enforce the order.

4. The Department shall provide a copy of any decision issued pursuant to subsection 2 and any order issued pursuant to paragraph (a) of subsection 3 to:

(a) The complainant and the local educational agency or governing body, as applicable; and

(b) If applicable, the superintendent of the local educational agency and any person or office responsible for compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., at the local educational agency or charter school.

5. Nothing in this section shall be deemed to preclude a parent or guardian of a pupil from seeking any other remedy available at law or in equity.

6. As used in this section, "local educational agency" has the meaning ascribed to it in 20 U.S.C. § 1401(19).

Sec. 2. NRS 388.417 is hereby amended to read as follows:

388.417 As used in NRS 388.417 to 388.515, inclusive ~~,~~ ***, and section 1 of this act:***

1. "Communication mode" means any system or method of communication used by a person with a disability, including, without limitation, a person who is deaf or whose hearing is impaired, to facilitate communication which may include, without limitation:

(a) American Sign Language;

(b) English-based manual or sign systems;

(c) Oral and aural communication;

(d) Spoken and written English, including speech reading or lip reading; and

(e) Communication with assistive technology devices.

2. "Dyslexia" means a neurological learning disability characterized by difficulties with accurate and fluent word recognition and poor spelling and decoding abilities that typically result from a deficit in the phonological component of language.

3. "Dyslexia intervention" means systematic, multisensory intervention offered in an appropriate setting that is derived from evidence-based research.

4. "Individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

5. "Individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

6. "Provider of special education" means a school within a school district or charter school that provides education or services to pupils with disabilities or any other entity that is responsible for providing education or services to a pupil with a disability for a school district or charter school.

7. "Pupil who receives early intervening services" means a person enrolled in kindergarten or grades 1 to 12, inclusive, who is not a pupil with a disability but who needs additional academic and behavioral support to succeed in a regular school program.

8. "Pupil with a disability" means a "child with a disability," as that term is defined in 20 U.S.C. § 1401(3)(A), who is under 22 years of age.

9. "Response to scientific, research-based intervention" means a collaborative process which assesses a pupil's response to scientific, research-based intervention that is matched to the needs of a pupil and that systematically monitors the level of performance and rate of learning of the pupil over time for the purpose of making data-based decisions concerning the need of the pupil for increasingly intensified services.

10. "Specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or using spoken or written language which is not primarily the result of a visual, hearing or motor impairment, intellectual disability, serious emotional disturbance, or an

environmental, cultural or economic disadvantage. Such a disorder may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or perform mathematical calculations. The term includes, without limitation, perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia.

Sec. 3. ~~[NRS 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 standards prescribed by the State Board for programs of instruction or special services for pupils with multiple impairments pursuant to paragraph (f) of subsection 4 must not include a requirement that a pupil have any specific impairment to be eligible to participate in such programs or to receive such services.*~~

~~*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. 4. ~~[NRS 388.463 is hereby amended to read as follows:~~

~~388.463 1. The Department shall maintain a list of hearing officers who meet the qualifications prescribed pursuant to 20 U.S.C. § 1415(f)(3)(A) to conduct a due process hearing pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., regarding the identification, evaluation, reevaluation, classification, educational placement or disciplinary action of or provision of a free appropriate public education to a pupil with a disability.~~

~~2. Except as otherwise provided in subsection 4, upon the filing of a complaint requiring a due process hearing described in subsection 1, the Superintendent of Public Instruction shall select three hearing officers from the list maintained by the Department pursuant to subsection 1. The selection of the hearing officers must be made on a random, rotational or other impartial basis and, in a school district in which more than 50,000 pupils are enrolled, the place of business of the hearing officer must, to the extent practicable, be located in the school district.~~

~~3. The Superintendent of Public Instruction shall provide the names of the three hearing officers selected pursuant to subsection 2 to the complainant and request the complainant to return to the Superintendent a list which places the three names in the order of preference of the complainant. The complainant must return the list within 2 days. If the complainant returns the list, the Superintendent must request the first hearing officer on the list to preside over the hearing and if he or she is unavailable, the next person, until there are no more hearing officers on the list. If the complainant does not return the list within 2 days, the Superintendent must appoint a hearing officer and may determine the order in which to request a hearing officer to preside over the hearing.~~

~~4. If a due process hearing is required to be expedited pursuant to 20 U.S.C. § 1415(k)(4), the Superintendent of Public Instruction must select a hearing officer to preside over the hearing from the list maintained by the Department pursuant to subsection 1. The selection of the hearing officer must be made on a random, rotational or other impartial basis and, in a school district in which more than 50,000 pupils are enrolled, the place of business of the hearing officer must, to the extent practicable, be located in the school district.~~

~~5. The local educational agency or governing body of a charter school~~ ***, as applicable,*** involved in ~~[~~the~~]~~ ***a*** ~~complaint [~~, as applicable,~~]~~ ***submitted pursuant to this section or section 1 of this act*** ~~shall pay the cost of the hearing, including, without limitation, any compensation to which the hearing officer is entitled.~~

~~6. [The]~~ ***Any*** ~~decision of a hearing officer~~ ***pursuant to this section or section 1 of this act*** ~~may be appealed by any aggrieved party to the Department.~~

~~7. As used in this section, "local educational agency" has the meaning ascribed to it in 20 U.S.C. § 1401(19).]~~ **(Deleted by amendment.)**

Sec. 4.5. **NRS 390.600 is hereby amended to read as follows:**

390.600 1. The State Board shall adopt regulations that, except as otherwise provided in subsection 3, prescribe the criteria for a pupil to receive a standard high school diploma, which must include, without limitation, the requirement that:

(a) A pupil enrolled in grade 11 take the college and career readiness assessment administered pursuant to NRS 390.610; and

(b) Commencing with the graduating class of 2022 and each graduating class thereafter, a pupil successfully complete a course of study designed to prepare the pupil for graduation from high school and for readiness for college and career.

2. The criteria prescribed by the State Board pursuant to subsection 1 for a pupil to receive a standard high school diploma must not include the results of the pupil on the college and career readiness assessment administered to the pupil in grade 11 pursuant to NRS 390.610.

3. A pupil with a disability who does not satisfy the requirements to receive a standard high school diploma prescribed by the State Board pursuant to subsection 1 may receive a standard high school diploma if the pupil demonstrates, through a portfolio of the pupil's work, proficiency in the standards of content and performance established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520.

4. A pupil with a disability who does not satisfy the requirements for receipt of a standard high school diploma prescribed in subsection 3 or by the State Board pursuant to subsection 1 may receive a diploma designated as an:

(a) Adjusted diploma if the pupil satisfies the requirements set forth in his or her individualized education program; or

(b) Alternative diploma if the pupil:

(1) Has a significant cognitive disability; and

(2) ~~[Passes]~~ ***Participates in*** an alternate assessment prescribed by the State Board.

5. If a pupil does not satisfy the requirements to receive a standard high school diploma prescribed by subsection 3 or by the State Board pursuant to subsection 1, the pupil must not be issued a certificate of attendance or any other document indicating that the pupil attended high school but did not satisfy the requirements for such a diploma. The provisions of this subsection do not apply to a pupil who receives an adjusted diploma or an alternative diploma pursuant to subsection 4.

6. As used in this section, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

Sec. 5. ~~[Any regulations that conflict with NRS 388.419, as amended by section 3 of this act, are void and unenforceable.]~~ **(Deleted by amendment.)**

Sec. 6. ~~[The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.]~~ **(Deleted by amendment.)**

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

Assemblyman Thompson moved the adoption of the amendment.

Remarks by Assemblyman Thompson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 276.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 181.

AN ACT relating to education; creating the Nevada State Teacher Recruitment and Retention Advisory Task Force; providing for the membership, powers and duties of the Task Force; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill creates the Nevada State Teacher Recruitment and Retention Advisory Task Force for the purpose of addressing the challenges with attracting and retaining teachers throughout this State. **Sections 3 and 5** of this bill set forth the membership, powers and duties of the Task Force. **Section 3** requires the Task Force to meet quarterly and, in its fourth meeting, present its findings and recommendations to the Legislative Committee on Education. **Section 5** requires the Task Force to: (1) evaluate the challenges in attracting and retaining teachers throughout this State; (2) make recommendations to the Legislative Committee on Education to attract and retain teachers; and (3) submit a report of the findings and recommendations of the Task Force to the Director of the Legislative Counsel Bureau for transmittal to the Legislature. **Section 4** of this bill establishes certain requirements for membership on the Task Force.

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

Section 1. Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 5, inclusive, of this act, "Task Force" means the Nevada State Teacher Recruitment and Retention Advisory Task Force created by section 3 of this act.***

Sec. 3. ***1. There is hereby created the Nevada State Teacher Recruitment and Retention Advisory Task Force consisting of the following members:***

(a) One licensed teacher employed by each school district located in a county whose population is less than 100,000, appointed by the ~~[board of county commissioners of each such county;]~~ Legislative Committee on Education;

(b) Two licensed teachers employed by each school district located in a county whose population is 100,000 or more but less than 700,000, appointed by the ~~[board of county commissioners of each such county;]~~ Legislative Committee on Education; and

(c) Three licensed teachers employed by each school district located in a county whose population is 700,000 or more, appointed by the ~~[board of county commissioners of each such county.]~~ Legislative Committee on Education.

2. After the initial terms, each member of the Task Force serves a term of 2 years and may be reappointed to one additional 2-year term following

his or her initial term. If any member of the Task Force ceases to be qualified for the position to which he or she was appointed, the position shall be deemed vacant and the ~~[respective board of county commissioners]~~ Legislative Committee on Education shall appoint a replacement for the remainder of the unexpired term. A vacancy must be filled in the same manner as the original appointment.

3. The Task Force shall, at its first meeting and each odd-numbered year thereafter, elect a Chair from among its members.

4. The Task Force shall meet at least quarterly and may meet at other times upon the call of the Chair or a majority of the members of the Task Force. In even-numbered years, the Task Force shall have three meetings before the final meeting of the Legislative Committee on Education. In even-numbered years, the fourth meeting of the Task Force must be a presentation to the Legislative Committee on Education of the findings and recommendations of the Task Force made pursuant to section 5 of this act.

5. Ten members of the Task Force constitute a quorum, and a quorum may exercise all the power and authority conferred on the Task Force.

6. Members of the Task Force serve without compensation, except that for each day or portion of a day during which a member of the Task Force attends a meeting of the Task Force or is otherwise engaged in the business of the Task Force, the member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

7. Each member of the Task Force who is an officer or employee of the State or a local government must be relieved from his or her duties without loss of his or her regular compensation so that the member may prepare for and attend meetings of the Task Force and perform any work necessary to carry out the duties of the Task Force in the most timely manner practicable. A state agency or local government shall not require an officer or employee who is a member of the Task Force to make up the time the member is absent from work to carry out his or her duties as a member, and shall not require the member to take annual vacation or compensatory time for the absence.

8. The Department shall provide administrative support to the Task Force.

Sec. 4. *1. Each member of the Task Force must:*

(a) ~~[Have]~~ Be a licensed teacher with at least 5 consecutive years of experience teaching in a public school in this State; ~~[and]~~

(b) Be currently employed as a teacher and actively teaching in a public school in this State, and remain employed as a teacher in a public school in this State for the duration of the member's term; and

(c) Not be currently serving on any other education-related board, commission, council, task force or similar governmental entity.

2. On or before ~~[September]~~ December 1, 2019, the Department shall prescribe a uniform application for a teacher to use to apply to serve on the Task Force.

3. A teacher who wishes to serve on the Task Force must submit an application prescribed pursuant to subsection 2 to the ~~[board of county commissioners for the county in which the school district that employs the teacher is located]~~ Legislative Committee on Education on or before ~~[October]~~ January 15 of an ~~[odd-numbered]~~ even-numbered year. On or before ~~[November]~~ February 1 of each ~~[odd-numbered]~~ even-numbered year, ~~[each board of county commissioners]~~ the Legislative Committee on Education shall select one or more teachers, as applicable, to serve as a member of the Task Force.

Sec. 5. ***The Task Force shall:***

1. Evaluate the challenges in attracting and retaining teachers throughout this State;

2. Make recommendations to the Legislative Committee on Education to address the challenges in attracting and retaining teachers throughout this State, including, without limitation, providing incentives to attract and retain teachers; and

3. On or before February 1 of each odd-numbered year, submit a report to the Director of the Legislative Counsel Bureau for transmission to the Legislature describing the findings and recommendations of the Task Force.

Sec. 6. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

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

Assemblyman Thompson moved the adoption of the amendment.

Remarks by Assemblyman Thompson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 326.

Bill read second time.

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

Amendment No. 363.

SUMMARY—Establishes a program to provide loans to certain operators of ~~[grocery stores]~~ **fresh food retailers** located in underserved communities ~~[.]~~ **and similar areas.** (BDR 18-318)

AN ACT relating to economic development; requiring the State Treasurer to develop and carry out a program to provide loans to persons who operate or wish to operate ~~[grocery stores]~~ **fresh food retailers** located in underserved communities ~~[.]~~ **, low-income areas and adjacent qualified census tracts;** making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill requires the State Treasurer to develop and carry into effect a program under which a person who operates or wishes to operate a ~~[grocery store]~~ **fresh food retailer** which is located in or will be located in an

underserved community **, low-income area or adjacent qualified census tract** may obtain a loan to finance the establishment or expansion of such a ~~[grocery store.]~~ **fresh food retailer. Section 2** of this bill creates the Nevada Fresh Food Financing Initiative Account in the State General Fund as a revolving loan account which must be administered by the State Treasurer and used to fund loans to such persons. **Section 3** of this bill requires the State Treasurer to establish the program and requires the State Treasurer to develop: (1) the criteria a person must satisfy to be eligible for a loan; and (2) the procedures for applying for a loan. Under **section 3**, the State Treasurer is authorized to approve a loan if the person satisfies certain criteria established by the State Treasurer. Under **section 3**, if such a loan is approved: (1) the person receiving the loan must enter into a loan agreement with the State Treasurer; (2) the loan must be funded by the Nevada Fresh Food Financing Initiative Account created by **section 2**; and (3) all payments of principal and interest on the loan must be deposited in the Account. **Section 3 authorizes the State Treasurer to enter into a public-private partnership with one or more private partners to carry out the program.**

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

Section 1. Chapter 226 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. The Nevada Fresh Food Financing Initiative Account is hereby created in the State General Fund as a revolving loan account. The Account must be administered by the State Treasurer.***

2. All interest and income earned on the money in the Account must be credited to the Account.

3. The money in the Account does not revert to the State General Fund at the end of any fiscal year and must be carried forward to the next fiscal year.

4. Money in the Account must be used by the State Treasurer to develop and carry into effect the program developed by the State Treasurer pursuant to section 3 of this act.

5. For each fiscal year, the State Treasurer shall use not more than 5 percent of the balance of the Account on the first day of the fiscal year or $300,000, whichever is greater, on administrative expenses relating to the program developed pursuant to section 3 of this act, including, without limitation, marketing expenses, technical assistance and conducting community outreach.

6. Claims against the Account must be paid as other claims against the State are paid.

~~[6.]~~ 7. The State Treasurer may apply for and accept gifts, grants, bequests and donations from any source for deposit into the Account.

Sec. 3. ***1. The State Treasurer shall develop and carry into effect a program under which a person who operates or wishes to operate a ~~[grocery~~***

~~*store]*~~ *fresh food retailer which is located in or will be located in an underserved community , low-income area or adjacent qualified census tract in this State may obtain a loan of money distributed from the Account to finance the establishment or expansion of such a* ~~*[grocery store.]*~~ *fresh food retailer.*

2. The State Treasurer shall establish the criteria which must be used by the program to determine whether to make a loan to a person described in subsection 1 and the criteria which such a person must meet to qualify for a loan under the program. In establishing such criteria, the State Treasurer shall consider, without limitation, whether the making of the loan will assist the State to:

(a) Promote the public health of residents of this State by providing access to healthy food options;

(b) Expand employment opportunities or relieve unemployment or underemployment in underserved communities ~~*[; and]*~~ *, low-income areas and adjacent qualified census tracts;*

(c) Encourage economic growth and maintain a stable economy ~~*[.]*~~ *; and*

(d) Expand access to healthy and nutritious food to underserved communities, low-income areas or adjacent qualified census tracts.

3. The State Treasurer shall establish procedures for applying for a loan from the program. The procedures must require an applicant to submit an application for a loan that includes, without limitation:

(a) A statement of the proposed use of the loan; and

(b) Such other information as the State Treasurer deems necessary to determine whether the making of the loan to the applicant satisfies the criteria established by the State Treasurer pursuant to subsection 2 and whether the applicant is qualified for the loan.

4. A person who operates or wishes to operate a ~~*[grocery store]*~~ *fresh food retailer which is located in or will be located in an underserved community , low-income area or adjacent qualified census tract in this State may submit an application for a loan to the State Treasurer.*

5. The State Treasurer may approve an application for a loan submitted pursuant to subsection 4 if the State Treasurer finds that:

(a) The person operates or wishes to operate a ~~*[grocery store]*~~ *fresh food retailer which is located in or will be located in an underserved community , low-income area or adjacent qualified census tract in this State;*

(b) There is adequate assurance that the loan will be repaid; and

(c) The making of the loan satisfies the criteria established by the State Treasurer pursuant to subsection 2.

6. If the State Treasurer approves an application for a loan pursuant to this section:

(a) The State Treasurer and the applicant must execute a loan agreement that contains such terms as the State Treasurer or person deems necessary; and

(b) The State Treasurer must fund the loan from the money in the Account.

7. The rate of interest on loans made pursuant to the program must be as low as practicable, but sufficient to pay the cost of the program.

8. After deducting the costs directly related to administering the program, payments of principal and interest on loans made to a person who operates or wishes to operate a [grocery store] fresh food retailer which is located in or will be located in an underserved community , low-income area or adjacent qualified census tract in this State from money distributed from the Account must be deposited in the State General Fund for credit to the Account.

9. The State Treasurer may enter into a public-private partnership with one or more private partners, including, without limitation, a nonprofit corporation and a community development entity, to administer the program developed pursuant to subsection 1. The public-private partnership must be structured to facilitate the efficient and effective administration of the program in accordance with the provisions of this section. The State Treasurer may delegate to a private partner any of his or her administrative powers and duties specified in this section or any regulations adopted pursuant thereto as the State Treasurer deems necessary.

10. As used in this section:

(a) "Account" means the Nevada Fresh Food Financing Initiative Account created by section 2 of this act.

(b) [("Grocery store" means a store] "Adjacent qualified census tract" means a census tract that:

(1) Is contiguous to an underserved community or low-income area; and

(2) In the immediately preceding census, had a median household income of less than 120 percent of the median household income in this State or in the metropolitan area concerned, whichever is greater.

(c) "Fresh food retailer" means a retail establishment, whether organized for profit or not-for-profit, which is principally devoted to the sale of [food for human consumption off the premises] meat, seafood, fresh fruits and vegetables, dairy products, dry groceries and household products or which derives a substantial amount of its gross revenue from the sale of [food for human consumption off the premises, regardless of whether the store is also devoted to or derives gross revenue from the sale of nonfood items.] such products. The term [does not include:] includes:

(1) A [convenience store,] farmers market, as defined in NRS [597.225.] 244.336.

(2) A grocery store [at which the sale of food for human consumption off the premises is incidental to the principal purpose of the store.] , as defined in NRS 597.225.

(d) "Low-income area" means a census tract that in the immediately preceding census had:

(1) Twenty percent or more of households with a household income below the federally designated level signifying poverty; or

(2) A median household income of less than 120 percent of the median household income in this State or in the metropolitan area concerned, whichever is greater.

(e) "Private partner" means a person with whom the State Treasurer enters into a public-private partnership.

(f) "Public-private partnership" means a contract entered into by the State Treasurer and a private partner pursuant to this section.

~~*(e)*~~ ***(g) "Underserved community" means a census tract determined to be an area with low supermarket access by either the United States Department of Agriculture as identified in the Food Access Research Atlas or through a methodology that has been adopted for use by another governmental or philanthropic healthy food initiative.***

Sec. 4. There is hereby appropriated from the State General Fund to the Nevada Fresh Food Financing Initiative Account created by section 2 of this act the sum of $10,000,000 for the purposes described in section 3 of this act.

Sec. 5. 1. The Legislature hereby finds and declares that:

(a) Section 9 of Article 8 of the Nevada Constitution contains a provision commonly known as a "gift clause" which restricts the State under certain circumstances from donating or loaning the State's money or credit to any company, association or corporation, except corporations formed for educational or charitable purposes.

(b) In *Employers Insurance Company of Nevada v. State Board of Examiners*, 117 Nev. 249, 258 (2001), the Nevada Supreme Court held that the State loans its credit in violation of Section 9 of Article 8 of the Nevada Constitution only when the State acts as a surety or guarantor for the debts of a company, corporation or association.

(c) In *State ex rel. Brennan v. Bowman*, 89 Nev. 330, 333 (1973), the Nevada Supreme Court held that the State does not loan its credit in violation of Section 9 of Article 8 of the Nevada Constitution when the State issues revenue bonds which are not backed or guaranteed by the State's general credit or taxing powers but are payable solely from revenues derived from the projects or programs financed by the revenue bonds.

(d) In *Lawrence v. Clark County*, 127 Nev. 390, 405 (2011), the Nevada Supreme Court held that the State does not donate, loan or "gift" its money in violation of Section 9 of Article 8 of the Nevada Constitution when the State dispenses state funds for a public purpose and the State receives a valuable benefit or fair consideration in exchange for the dispensation of the state funds.

(e) In *McLaughlin v. Housing Authority of the City of Las Vegas*, 68 Nev. 84, 93 (1951), and *Lawrence v. Clark County*, 127 Nev. 390, 399, 406 (2011), the Nevada Supreme Court held that when the Legislature authorizes a state agency to dispense state funds:

(1) The courts will carefully examine whether the Legislature made an informed and appropriate finding that dispensation of the state funds serves a

public purpose and the State receives a valuable benefit or fair consideration in exchange for the dispensation;

(2) The courts will give great weight and due deference to the Legislature's finding, and the courts will uphold the Legislature's finding unless it clearly appears to be erroneous and without reasonable foundation; and

(3) The courts will closely examine whether the dispensing state agency reviews all facts, figures and necessary information when making the dispensation, and when the state agency has done so, it will not be second-guessed by the courts.

2. The Legislature hereby further finds and declares that:

(a) In *State ex rel. Brennan v. Bowman*, 89 Nev. 330, 333 (1973), the Nevada Supreme Court held that legislation which promotes economic development and seeks to create, protect or enhance job opportunities "inures to the public benefit" and serves an important public purpose because it assists in "relieving unemployment and maintaining a stable economy."

(b) To promote, develop and maintain a stable economy in this State, it is necessary and essential for the State to incentivize the establishment and expansion of ~~[grocery stores]~~ **fresh food retailers** which are located in underserved communities **, low-income areas or adjacent qualified census tracts** because:

(1) Such ~~[grocery stores]~~ **fresh food retailers** are more likely to employ persons who reside in the ~~[underserved]~~ communities in which the ~~[grocery stores]~~ **fresh food retailers** are located, including persons who are socially or economically disadvantaged, and therefore relieve unemployment in many segments of the population of this State that traditionally have experienced high rates of unemployment and underemployment; and

(2) Such ~~[grocery stores]~~ **fresh food retailers** promote the public health of the residents of this State by providing access to healthy food options, thereby leading to a healthier population and more productive workforce.

3. The Legislature hereby further finds and declares that:

(a) The purpose of this act is to develop and carry into effect a state program under which persons who operate or wish to operate ~~[grocery stores]~~ **fresh food retailers** which are located in or will be located in underserved communities **, low-income areas or adjacent qualified census tracts** in this State may obtain loans from the program to finance the establishment or expansion of such ~~[grocery stores.]~~ **fresh food retailers.**

(b) The provisions of this act are intended to serve an important public purpose and ensure that the State receives valuable benefits and fair consideration in exchange for each loan from the program because:

(1) The program requires the dispensing state agency to review all facts, figures and necessary information when making each loan from the program; and

(2) The loans from the program will increase employment opportunities for residents of this State who reside in underserved communities **, low-**

income areas and adjacent qualified census tracts and will increase the overall public health of the people of this State by providing access to healthy food options, relieving unemployment, encouraging economic growth and maintaining a stable economy.

Sec. 6. This act becomes effective on July 1, 2019.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 342.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 180.

AN ACT relating to education; revising provisions governing the eligibility of a pupil who transfers schools pursuant to the Interstate Compact on Educational Opportunity for Military Children to participate and practice in a sanctioned sport or other interscholastic event; revising provisions relating to the administration and implementation of the Compact; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Interstate Compact on Educational Opportunity for Military Children addresses issues relating to the education of children of certain military families in states that are members of the Compact, including guidelines for the enrollment, placement, graduation and extracurricular activities of those children. (Chapter 388F of NRS) Existing law requires the appointment of a liaison to assist military families and the State of Nevada in facilitating the implementation of the Compact. (NRS 388F.030) **Section 4** of this bill requires each school district to designate an employee of the school district to serve as a liaison between the school district and military families within the school district to facilitate the implementation and administration of the Compact.

Existing law creates a State Council for the Coordination of the Interstate Compact on Educational Opportunity for Military Children for the purpose of coordinating and furthering the provisions contained in the Compact. (NRS 388F.020) Additionally, existing law requires the Governor to appoint a Commissioner to administer and manage the participation of this State in the Compact. (NRS 388F.040) **Section 5** of this bill requires the State Council to meet at least twice per year and at the call of the Commissioner.

The Compact requires education agencies in states who participate in the Compact to facilitate the opportunity for transitioning children of military families to be included in extracurricular activities to the extent the children are otherwise qualified, regardless of application deadlines. (Art. VI, NRS 388F.010) Existing law establishes the Nevada Interscholastic Activities Association, which governs, among other matters, the eligibility and

participation of certain children in interscholastic activities and events. (NRS 385B.050, 385B.060, 385B.130) Under existing regulation, any pupil who transfers to another school is presumed ineligible to participate in any sanctioned sport at the school to which the pupil transfers for 180 school days. (NAC 385B.716) ~~[Section]~~ **Sections 1 and 1.7** of this bill ~~[provides]~~ **provide** that a pupil who is a **school-aged** child ~~[of a military family]~~ **enrolled in kindergarten or grades 1 through 12, inclusive, in the household of a person on active duty** and transfers schools pursuant to the Compact is immediately eligible to participate and practice in any sanctioned sport or other interscholastic activity or event at the school to which the pupil transfers. **Sections 2 and 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 385B of NRS is hereby amended by adding thereto a new section to read as follows:**

"Child of a military family" has the meaning ascribed to it in NRS 388F.010.

Sec. 1.5. **NRS 385B.010 is hereby amended to read as follows:**

385B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 385B.020 to 385B.045, inclusive, ***and section 1 of this act*** have the meanings ascribed to them in those sections.

Sec. 1.7. NRS 385B.130 is hereby amended to read as follows:

385B.130 ***1.*** Any rules and regulations adopted by the Nevada Interscholastic Activities Association governing the eligibility of a pupil who transfers from one school to another school to participate in an interscholastic activity or event must apply equally to public schools and to private schools that are members of the Association.

2. Notwithstanding any provision of law to the contrary, a pupil who is a child of a military family and transferred schools pursuant to the provisions of chapter 388F of NRS is immediately eligible to participate and practice in any sanctioned sport or other interscholastic activity or event at the school to which the pupil transfers.

Sec. 2. NRS 385B.160 is hereby amended to read as follows:

385B.160 No challenge may be brought by the Nevada Interscholastic Activities Association, a school district, a public school or a private school, a parent or guardian of a pupil enrolled in a public school or a private school, a pupil enrolled in a public school or private school, or any other entity or person claiming that an interscholastic activity or event is invalid because homeschooled children ***,*** ~~[or]~~ opt-in children ***or children of a military family who transferred schools pursuant to the provisions of chapter 388F of NRS*** are allowed to participate in the interscholastic activity or event.

Sec. 3. NRS 385B.170 is hereby amended to read as follows:

385B.170 A school district, public school or private school shall not prescribe any regulations, rules, policies, procedures or requirements governing the:

1. Eligibility of homeschooled children ***,*** ~~[or]~~ opt-in children ***or children of a military family who transferred schools pursuant to the provisions of chapter 388F of NRS*** to participate in interscholastic activities and events pursuant to this chapter; or

2. Participation of homeschooled children ***,*** ~~[or]~~ opt-in children ***or children of a military family who transferred schools pursuant to the provisions of chapter 388F of NRS*** in interscholastic activities and events pursuant to this chapter,

➥ that are more restrictive than the provisions governing eligibility and participation prescribed by the Nevada Interscholastic Activities Association pursuant to NRS 385B.060 ~~[.]~~ ***and 385B.130.***

Sec. 4. Chapter 388F of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each school district shall designate an employee of the school district to serve as a liaison between the school district and military families within the school district to facilitate the implementation and administration of the Interstate Compact on Educational Opportunity for Military Children within the school district. The liaison designated by the school district shall:

(a) Coordinate with the liaison appointed pursuant to NRS 388F.030 and other liaisons designated pursuant to this section regarding the provision of information about the Compact;

(b) Provide support to parents and guardians of children of military families in understanding the provisions of and protections provided by the Compact; and

(c) Take such other actions as necessary to facilitate the proper administration of the Compact within the school district.

2. Each school district shall ensure that the person designated to serve as a liaison pursuant to subsection 1 possesses knowledge of the Compact and has the necessary training, skills and experience to carry out the duties of the liaison.

Sec. 5. NRS 388F.020 is hereby amended to read as follows:

388F.020 1. In furtherance of the provisions contained in the Interstate Compact on Educational Opportunity for Military Children, there is hereby created a State Council for the Coordination of the Interstate Compact on Educational Opportunity for Military Children, consisting of the following members:

(a) One representative of the Nevada National Guard, appointed by the Governor.

(b) One representative of each military installation in this State, appointed by the commanding officer of that military installation.

(c) The Superintendent of Public Instruction.

(d) The superintendent of each school district in which a military installation is located.

(e) One Legislator or other person appointed by the Legislative Commission to represent the interests of the Legislature.

(f) One person appointed by the Governor to represent the interests of the Governor.

2. A member of the State Council serves a term of 2 years and until his or her successor is appointed. A member may be reappointed.

3. A member of the State Council may be removed from office by the appointing authority at any time.

4. A vacancy on the State Council must be filled in the same manner as the original appointment.

5. The members of the State Council serve without compensation and are not entitled to any per diem or travel expenses.

6. The State Council shall meet at least twice per year, with at least one meeting held before the beginning of each school semester, and may meet at other times upon the call of the Commissioner appointed pursuant to NRS 388F.040.

Sec. 6. This act becomes effective on July 1, 2019.

Assemblyman Thompson moved the adoption of the amendment.

Remarks by Assemblyman Thompson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 378.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 247.

AN ACT relating to mental health; requiring the model plan for the management of a crisis, emergency or suicide involving a school to include a plan for ~~[~~transporting~~]~~ **responding to** a pupil with a mental illness **;** ~~[~~to a mental health facility or hospital;~~]~~ clarifying that consent from any parent or legal guardian of a person is not necessary for the emergency admission of that person; **requiring a person who applies for the emergency admission of a child to attempt to obtain the consent of a parent or guardian of the child; requiring the notification of a parent or guardian of a child of the emergency admission of the child;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Education to develop a model plan for the management of a suicide or a crisis or emergency that involves a public or private school and requires immediate action. (NRS 388.253) Existing law requires the development of a plan to be used by all public schools in a school district or a charter school in responding to a crisis or emergency, which must include the plans, procedures and information included in the model plan

developed by the Department. (NRS 388.243) Existing law authorizes the emergency admission of a person who is determined to present a clear and present danger of harm to himself, herself or others as a result of mental illness to a public or private mental health facility or hospital for evaluation, observation and treatment. (NRS 433A.150) Existing law authorizes certain persons to make an application for such an emergency admission, including an officer authorized to make arrests in this State. (NRS 433A.160) **Section 1** of this bill requires the model plan to include a plan for ~~[transporting]~~ **responding to** a pupil who is determined to present a clear and present danger of harm to himself or herself or others as a result of mental illness **, including: (1) utilizing mobile mental health crisis response units, where available; and (2) transporting the pupil** to a mental health facility or hospital for admission. **Section 2** of this bill clarifies that such a facility or hospital may accept for emergency admission any person for whom a proper application for emergency admission has been made, regardless of whether any parent or legal guardian of the person has consented to such admission. **Section 2.2 of this bill requires a person, other than a parent or guardian, who applies for the emergency admission of a person who is less than 18 years of age to attempt to obtain the consent of a parent or guardian to make the application when practicable. Section 2.5 of this bill requires a mental health facility or hospital to notify a parent or guardian within 24 hours of the emergency admission of a person who is less than 18 years of age.** **Section 3** of this bill clarifies that a school police officer can also make an application for the involuntary court-ordered admission of a person to a mental health facility or to a program of community-based or outpatient services.

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

Section 1. NRS 388.253 is hereby amended to read as follows:

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

(a) A suicide; or

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

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

(a) In response to a crisis or emergency:

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

(2) Accounting for all persons within a school;

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

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

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

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

(7) Providing any necessary medical assistance;

(8) Recovering from a crisis or emergency;

(9) Carrying out a lockdown at a school; and

(10) Providing shelter in specific areas of a school;

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

(1) An incident involving hazardous materials;

(2) An incident involving mass casualties;

(3) An incident involving an active shooter;

(4) An outbreak of disease;

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

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

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

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

(e) ~~[Transporting]~~ Responding to a pupil who is determined to be a person with mental illness, as defined in NRS 433A.115, including, without limitation:

(1) Utilizing mobile mental health crisis response units, where available, before transporting the pupil to a public or private mental health facility pursuant to subparagraph (2); and

(2) Transporting the pupil to a public or private mental health facility or hospital for admission pursuant to NRS 433A.150.

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

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

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

(a) The model plan developed by the Department pursuant to subsection 1;

(b) A plan developed pursuant to NRS 388.243 or updated pursuant to NRS 388.245;

(c) A plan developed pursuant to NRS 394.1687 or updated pursuant to NRS 394.1688; and

(d) A deviation approved pursuant to NRS 388.251 or 394.1692.

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

Sec. 2. NRS 433A.150 is hereby amended to read as follows:

433A.150 1. ~~[~~Any~~]~~ ***Except as otherwise provided in this subsection, a*** person alleged to be a person with mental illness may, upon application pursuant to NRS 433A.160 and subject to the provisions of subsection 2, be detained in a public or private mental health facility or hospital under an emergency admission for evaluation, observation and treatment ~~[.]~~ ***, regardless of whether any parent or legal guardian of the person has consented to the admission.***

2. Except as otherwise provided in subsection 3, a person detained pursuant to subsection 1 must be released within 72 hours, including weekends and holidays, after the certificate required pursuant to NRS 433A.170 and the examination required by paragraph (a) of subsection 1 of NRS 433A.165 have been completed, if such an examination is required, or within 72 hours, including weekends and holidays, after the person arrives at the mental health facility or hospital, if an examination is not required by paragraph (a) of subsection 1 of NRS 433A.165, unless, before the close of the business day on which the 72 hours expires, a written petition for an involuntary court-ordered admission to a mental health facility is filed with the clerk of the district court pursuant to NRS 433A.200, including, without limitation, the documents required pursuant to NRS 433A.210, or the status of the person is changed to a voluntary admission.

3. If the period specified in subsection 2 expires on a day on which the office of the clerk of the district court is not open, the written petition must be filed on or before the close of the business day next following the expiration of that period.

Sec. 2.2. **NRS 433A.160 is hereby amended to read as follows:**

433A.160 1. Except as otherwise provided in subsection 2, an application for the emergency admission of a person alleged to be a person with mental illness for evaluation, observation and treatment may only be made by an accredited agent of the Department, an officer authorized to make arrests in the State of Nevada or a physician, physician assistant, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse. The agent, officer, physician, physician assistant, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse may:

(a) Without a warrant:

(1) Take a person alleged to be a person with mental illness into custody to apply for the emergency admission of the person for evaluation, observation and treatment; and

(2) Transport the person alleged to be a person with mental illness to a public or private mental health facility or hospital for that purpose, or arrange for the person to be transported by:

(I) A local law enforcement agency;

(II) A system for the nonemergency medical transportation of persons whose operation is authorized by the Nevada Transportation Authority;

(III) An entity that is exempt pursuant to NRS 706.745 from the provisions of NRS 706.386 or 706.421; or

(IV) If medically necessary, an ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS,

➥ only if the agent, officer, physician, physician assistant, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse has, based upon his or her personal observation of the person alleged to be a person with mental illness, probable cause to believe that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty.

(b) Apply to a district court for an order requiring:

(1) Any peace officer to take a person alleged to be a person with mental illness into custody to allow the applicant for the order to apply for the emergency admission of the person for evaluation, observation and treatment; and

(2) Any agency, system or service described in subparagraph (2) of paragraph (a) to transport the person alleged to be a person with mental illness to a public or private mental health facility or hospital for that purpose.

➥ The district court may issue such an order only if it is satisfied that there is probable cause to believe that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty.

2. An application for the emergency admission of a person alleged to be a person with mental illness for evaluation, observation and treatment may be made by a spouse, parent, adult child or legal guardian of the person. The spouse, parent, adult child or legal guardian and any other person who has a

legitimate interest in the person alleged to be a person with mental illness may apply to a district court for an order described in paragraph (b) of subsection 1.

3. The application for the emergency admission of a person alleged to be a person with mental illness for evaluation, observation and treatment must reveal the circumstances under which the person was taken into custody and the reasons therefor.

4. ***To the extent practicable, a person who applies for the emergency admission of a person who is less than 18 years of age to a public or private mental health facility or hospital, other than a parent or guardian, shall attempt to obtain the consent of the parent or guardian before making the application.***

5. Except as otherwise provided in this subsection, each person admitted to a public or private mental health facility or hospital under an emergency admission must be evaluated at the time of admission by a psychiatrist or a psychologist. If a psychiatrist or a psychologist is not available to conduct an evaluation at the time of admission, a physician or an advanced practice registered nurse who has the training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 may conduct the evaluation. Each such emergency admission must be approved by a psychiatrist.

~~[5.]~~ ***6.*** As used in this section, "an accredited agent of the Department" means any person appointed or designated by the Director of the Department to take into custody and transport to a mental health facility pursuant to subsections 1 and 2 those persons in need of emergency admission.

Sec. 2.5. **NRS 433A.190 is hereby amended to read as follows:**

433A.190 Within 24 hours of a person's admission under emergency admission, the administrative officer of a public or private mental health facility shall give notice of such admission in person, by telephone or facsimile and by certified mail to the spouse or legal guardian ***of that person or, if the person is less than 18 years of age, the parent or legal guardian*** of that person.

Sec. 3. NRS 433A.200 is hereby amended to read as follows:

433A.200 1. Except as otherwise provided in subsection 3 and NRS 432B.6075, a proceeding for an involuntary court-ordered admission of any person in the State of Nevada may be commenced by the filing of a petition for the involuntary admission to a mental health facility or to a program of community-based or outpatient services with the clerk of the district court of the county where the person who is to be treated resides. The petition may be filed by the spouse, parent, adult children or legal guardian of the person to be treated or by any physician, physician assistant, psychologist, social worker or registered nurse, by an accredited agent of the Department or by any officer authorized to make arrests in the State of Nevada ~~[.]~~ ***, including, without limitation, a school police officer.*** The petition must be accompanied:

(a) By a certificate of a physician, a licensed psychologist, a physician assistant under the supervision of a psychiatrist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of

Examiners for Social Workers pursuant to NRS 641B.160, an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 or an accredited agent of the Department stating that he or she has examined the person alleged to be a person with mental illness and has concluded that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty or if not required to participate in a program of community-based or outpatient services; or

(b) By a sworn written statement by the petitioner that:

(1) The petitioner has, based upon the petitioner's personal observation of the person alleged to be a person with mental illness, probable cause to believe that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty or if not required to participate in a program of community-based or outpatient services; and

(2) The person alleged to be a person with mental illness has refused to submit to examination or treatment by a physician, psychiatrist, licensed psychologist or advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120.

2. Except as otherwise provided in NRS 432B.6075, if the person to be treated is a minor and the petitioner is a person other than a parent or guardian of the minor, a petition submitted pursuant to subsection 1 must, in addition to the certificate or statement required by that subsection, include a statement signed by a parent or guardian of the minor that the parent or guardian does not object to the filing of the petition.

3. A proceeding for the involuntary court-ordered admission of a person who is the defendant in a criminal proceeding in the district court to a program of community-based or outpatient services may be commenced by the district court, on its own motion, or by motion of the defendant or the district attorney if:

(a) The defendant has been examined in accordance with NRS 178.415;

(b) The defendant is not eligible for commitment to the custody of the Administrator pursuant to NRS 178.461; and

(c) The Division makes a clinical determination that placement in a program of community-based or outpatient services is appropriate.

Sec. 4. This act becomes effective upon passage and approval.

Assemblyman Thompson moved the adoption of the amendment.

Remarks by Assemblyman Thompson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 404.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 273.

ASSEMBLYMEN TITUS, ELLISON, ~~[KRAMER,]~~ TOLLES ~~[;HARDY,]~~ **, SWANK;** KRASNER, LEAVITT AND WHEELER

JOINT SPONSOR: SENATOR SETTELMEYER

SUMMARY—~~[Requires]~~ **Authorizes** the Board of Wildlife Commissioners to establish ~~[certain programs]~~ **a program** authorizing ~~[a person]~~ **certain persons** to transfer ~~[a]~~ **, defer or return certain** lawfully obtained ~~[tag under certain circumstances.]~~ **tags if certain extenuating circumstances exist.** (BDR 45-1029)

AN ACT relating to hunting; ~~[requiring]~~ **authorizing** the Board of Wildlife Commissioners to establish a program authorizing a person to transfer ~~[a]~~ **, defer or return certain** lawfully obtained ~~[tag to another person under certain circumstances; authorizing the Department of Wildlife to charge and collect a fee in a certain amount for transferring a tag pursuant to the program; authorizing the Commission to establish an additional program which authorizes a person to transfer a lawfully obtained tag to certain qualified organizations for use by certain persons;]~~ **tags if certain extenuating circumstances exist;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person who hunts any wildlife to obtain a license or permit to do so in this State. (NRS 502.010) In addition to a regular hunting license, existing law requires a person to obtain an additional license, known as a tag, to hunt any deer, elk, antelope, bighorn sheep, bear, moose, mountain lion or mountain goat. (NRS 502.130) Any license issued pursuant to title 45 of NRS relating to wildlife is: (1) not transferable to a person other than the person to whom the license was issued; and (2) subject to forfeiture if the license is transferred to another person. (NRS 502.100)

Section ~~[2]~~ **1** of this bill ~~[requires]~~ **authorizes** the Board of Wildlife Commissioners to adopt regulations establishing ~~[a program which authorizes a person who is 21 years of age or older to transfer a lawfully obtained tag to hunt any deer, elk, antelope, bighorn sheep, bear, moose or mountain goat to his or her child, stepchild, grandchild or step-grandchild who is under 18 years of age and is otherwise eligible to hunt in this State. Section 2 also authorizes the Department of Wildlife to charge and collect a fee of not more than $50 for transferring a tag pursuant to the program. Section 3 of this bill authorizes the Commission to adopt regulations establishing an additional program which authorizes a person who is 21 years of age or older to transfer a lawfully obtained tag to hunt any deer, elk, antelope, bighorn sheep, bear, moose or mountain goat to certain qualified organizations for use by a person who: (1) has a disability or life-threatening medical condition; or (2) is 16 years of age or younger and is otherwise eligible to hunt in this State. Sections 4]~~ **: (1) conditions or events which are extenuating circumstances; (2) a process through which a person who holds a tag to hunt a big game mammal in**

this State and who claims an extenuating circumstance may provide documentation which shows that his or her condition or event qualifies as an extenuating circumstance; and (3) a program through which such a person who has proven that he or she qualifies for an extenuating circumstance may transfer, defer use of or return to the Department of Wildlife his or her tag to hunt a big game mammal in this State. Section 1 further prohibits a person who transfers his or her tag to hunt big game mammals in this State from charging a fee or receiving any compensation for such a transfer. Section 1 additionally provides that an extenuating circumstance is any illness, injury or other condition or event, as determined by the Commission, of a person who holds a tag to hunt a big game mammal in this State or a family member of such a person that causes the person who holds such a tag to be unable to use his or her tag to hunt a big game mammal in this State. Section 6 of this bill ~~[make]~~ **makes a** conforming ~~[changes.]~~ **change.**

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

Section 1. Chapter 502 of NRS is hereby amended by adding thereto ~~[the provisions set forth as sections 2 and 3 of this act.]~~ **a new section to read as follows:**

1. The Commission may adopt regulations establishing:

(a) Conditions or events which are extenuating circumstances;

(b) A process through which a big game hunter who claims an extenuating circumstance may provide documentation to the Department which shows that his or her condition or event qualifies as an extenuating circumstance; and

(c) A program through which a big game hunter who has proven that he or she qualifies for an extenuating circumstance pursuant to paragraph (b) may:

(1) Transfer his or her tag to another person who is otherwise eligible to hunt a big game mammal in this State;

(2) Defer his or her use of the tag to the next applicable open season; or

(3) Return his or her tag to the Department for restoration by the Department of any bonus points that he or she used to obtain the tag that is being returned.

2. If a big game hunter transfers his or her tag to another person pursuant to subparagraph (1) of paragraph (c) of subsection 1, the big game hunter may not charge a fee or receive any compensation for such a transfer.

3. As used in this section:

(a) "Big game hunter" means a person who holds a tag.

(b) "Extenuating circumstance" means any injury, illness or other condition or event, as determined by the Commission, of a big game hunter

or a family member of a big game hunter that causes the big game hunter to be unable to use his or her tag.

(c) "Family member" means:

(1) A spouse of the big game hunter; or

(2) A person who is related to the big game hunter within the first degree of consanguinity.

(d) "Tag" means a tag to hunt a big game mammal in this State.

Sec. 2. ~~*[1. Except as otherwise provided in subsection 2, the Commission shall adopt regulations establishing a program which authorizes a person who is 21 years of age or older to transfer a lawfully obtained tag to hunt any deer, elk, antelope, bighorn sheep, bear, moose or mountain goat to his or her child, stepchild, grandchild or step grandchild who is under 18 years of age and is otherwise eligible to hunt in this State. The regulations must set forth the circumstances under which the child, stepchild, grandchild or step grandchild may use the tag to hunt any deer, elk, antelope, bighorn sheep, bear, moose or mountain goat pursuant to this section.*~~

~~*2. A tag issued to a resident of this State may not be transferred to a nonresident of this State pursuant to the program established pursuant to subsection 1, and a tag issued to a person who is a nonresident of this State may not be transferred to a person who is a resident of this State pursuant to the program established pursuant to subsection 1.*~~

~~*3. A person who transfers a tag pursuant to the program established pursuant to subsection 1 is not entitled to a refund for any fee paid by him or her to obtain the tag.*~~

~~*4. The Department may charge and collect a fee of not more than $50 for transferring a tag pursuant to the program established pursuant to subsection 1.]*~~ **(Deleted by amendment.)**

Sec. 3. ~~*[1. The Commission may adopt regulations establishing a program which authorizes a person who is 21 years of age or older to transfer a lawfully obtained tag to hunt any deer, elk, antelope, bighorn sheep, bear, moose or mountain goat to a qualified organization for use by a person who:*~~

~~*(a) Has a disability or life-threatening medical condition; or*~~

~~*(b) Is 16 years of age or younger and who is otherwise eligible to hunt in this State.*~~

~~*2. Any regulations adopted pursuant to subsection 1 must include, without limitation, provisions setting forth the manner in which a qualified organization may apply for eligibility to allow a person to use a tag to hunt any deer, elk, antelope, bighorn sheep, bear, moose or mountain goat pursuant to subsection 1.*~~

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

~~*(a) "Disability" means a permanent physical impairment that substantially limits one or more major life activities and requires the assistance of another person or a mechanical device for physical mobility.*~~

~~*(b) "Qualified organization" means a nonprofit organization that:*~~

~~*(1) Is recognized as exempt under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3); and*~~

~~*(2) Provides opportunities to engage in various experiences to a person who is 16 years of age or younger, with a preference for such a child whose family has a household income that is less than 200 percent of the federally designated level signifying poverty or to such a child who has a disability or life-threatening medical condition.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~[NRS 502.010 is hereby amended to read as follows:~~

~~502.010 1. A person who hunts or fishes any wildlife without having first procured a license or permit to do so, as provided in this title, is guilty of a misdemeanor, except that:~~

~~(a) A license to hunt or fish is not required of a resident of this State who is under 12 years of age, unless required for the issuance of tags as prescribed in this title or by the regulations of the Commission.~~

~~(b) A license to fish is not required of a nonresident of this State who is under 12 years of age, but the number of fish taken by the nonresident must not exceed 50 percent of the daily creel and possession limits as provided by law.~~

~~(c) Except as otherwise provided in subsection 5 or 6 of NRS 202.300 and NRS 502.066, it is unlawful for any child who is under 18 years of age to hunt any wildlife with any firearm, unless the child is accompanied at all times by the child's parent or guardian or is accompanied at all times by an adult person authorized by the child's parent or guardian to have control or custody of the child to hunt if the authorized person is also licensed to hunt.~~

~~(d) [A]~~ ***Except as otherwise provided in sections 2 and 3 of this act, a*** ~~child under 12 years of age, whether accompanied by a qualified person or not, shall not hunt big game in the State of Nevada. This section does not prohibit any child from accompanying an adult licensed to hunt.~~

~~(e) The Commission may adopt regulations setting forth:~~

~~(1) The species of wildlife which may be hunted or trapped without a license or permit; or~~

~~(2) The circumstances under which a person may fish without a license, permit or stamp in a lake or pond that is located entirely on private property and is stocked with lawfully acquired fish.~~

~~(f) The Commission may declare 1 day per year as a day upon which persons may fish without a license to do so.~~

~~2. This section does not apply to the protection of persons or property from unprotected wildlife on or in the immediate vicinity of home or ranch premises.]~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 502.066 is hereby amended to read as follows:~~

~~502.066 1. The Department shall issue an apprentice hunting license to a person who:~~

~~(a) Is 12 years of age or older;~~

~~(b) Has not previously been issued a hunting license by the Department, another state, an agency of a Canadian province or an agency of any other foreign country, including, without limitation, an apprentice hunting license; and~~

~~(c) Except as otherwise provided in subsection 5, is otherwise qualified to obtain a hunting license in this State.~~

~~2. The Department shall charge and collect a fee in the amount of $15 for the issuance of an apprentice hunting license.~~

~~3. An apprentice hunting license authorizes the apprentice hunter to hunt in this State as provided in this section.~~

~~4. It is unlawful for an apprentice hunter to hunt in this State unless a mentor hunter accompanies and directly supervises the apprentice hunter at all times during a hunt. During the hunt, the mentor hunter shall ensure that:~~

~~(a) The apprentice hunter safely handles and operates the firearm or weapon used by the apprentice hunter; and~~

~~(b) The apprentice hunter complies with all applicable laws and regulations concerning hunting and the use of firearms.~~

~~5. A person is not required to complete a course of instruction in the responsibilities of hunters as provided in NRS 502.340 to obtain an apprentice hunting license.~~

~~6. The issuance of an apprentice hunting license does not:~~

~~(a) Authorize the apprentice hunter to obtain any other hunting license;~~

~~(b) [Authorize] *Except as otherwise provided in sections 2 and 3 of this act, authorize* the apprentice hunter to hunt any animal for which a tag is required pursuant to NRS 502.130; or~~

~~(c) Exempt the apprentice hunter from any requirement of this title.~~

~~7. The Commission may adopt regulations to carry out the provisions of this section.~~

~~8. As used in this section:~~

~~(a) "Accompanies and directly supervises" means maintains close visual and verbal contact with, provides adequate direction to and maintains the ability readily to assume control of any firearm or weapon from an apprentice hunter.~~

~~(b) "Apprentice hunter" means a person who obtains an apprentice hunting license pursuant to this section.~~

~~(c) "Mentor hunter" means a person 18 years of age or older who holds a hunting license issued in this State and who accompanies and directly supervises an apprentice hunter. The term does not include a person who holds an apprentice hunting license pursuant to this section.]~~ **(Deleted by amendment.)**

Sec. 6. NRS 502.100 is hereby amended to read as follows:

502.100 ***Except as otherwise provided in ~~[sections 2 and 3]~~ section 1 of this act:***

1. No license provided by this title shall be transferable or used by any person other than the person to whom it was issued.

2. Every person lawfully having such licenses who transfers or disposes of the same to another person to be used as a hunting, trapping or fishing license shall forfeit the same.

Sec. 7. This act becomes effective:

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

2. On January 1, 2020, for all other purposes.

Assemblywoman Swank moved the adoption of the amendment.

Remarks by Assemblywoman Swank.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 406.

Bill read second time.

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

Amendment No. 368.

AN ACT relating to the Airport Authority of Carson City; revising provisions relating to the appointment of members of the Board of Trustees of the Authority; revising the powers of the Board; revising provisions governing procedures concerning employment; removing an obsolete transitory provision; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Airport Authority of Carson City was created by law in 1989 and has been in operation since January 1, 1990. (Chapter 844, Statutes of Nevada 1989, p. 2025) The Authority is governed by the Board of Trustees of the Authority which is composed of seven members appointed to 4-year terms by the Board of Supervisors of Carson City. Under existing law, each member of the Board of Trustees, except the member who is a city official, is not eligible to serve consecutive terms. (Airport Authority Act for Carson City § 4) **Section 1** of this bill authorizes such a member to serve not more than two consecutive terms and allows reappointment after a lapse of 4 years. **Section 5** of this bill clarifies the continued staggering of the 4-year terms after the initial appointments.

Section 2 of this bill adds statutory references to certain specified provisions of the Nevada Revised Statutes with which the Board of Trustees is required to comply. (Airport Authority Act for Carson City § 8)

Existing law authorizes the Board of Trustees to acquire real and personal property by gift or devise without the approval of the Board of Supervisors, but requires the Board of Trustees to obtain the approval of the Board of Supervisors to acquire real and personal property by purchase or lease ~~.~~ **and to lease real property that it has acquired.** (Airport Authority Act for Carson City § 9) **Section 3** of this bill removes the requirement that the Board of Trustees obtain the approval of the Board of Supervisors to acquire real

property by lease**,** ~~[and]~~ to acquire personal property by purchase or lease **[.] and to lease real property that it has acquired.** Additionally, **section 3** eliminates the requirement that the Board of Trustees obtain the approval of the Board of Supervisors for any contract between the Board of Trustees and a fixed base operator at the airport. **Section 3** also removes the authority of the Board of Trustees to provide emergency services for the Authority. Finally, **section 3** clarifies the types of agreements into which the Board of Trustees and the Board of Supervisors may enter.

Existing law prescribes specific requirements that any procedures adopted by the Board relating to the hiring, promoting and discharging of employees of the Authority must include. (Airport Authority Act for Carson City § 24) **Section 4** of this bill eliminates those specific requirements, thereby giving the Board the authority to determine the contents of those procedures.

Existing law required the District Attorney of Carson City to defend the Authority if any action contesting any provisions of the Airport Authority Act or the legal status of the Authority was brought before the Authority had sufficient money to hire legal counsel. (Airport Authority Act for Carson City § 28) **Section 6** of this bill removes this obsolete transitory provision.

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

Section 1. Section 4 of the Airport Authority Act for Carson City, being chapter 844, Statutes of Nevada 1989, as last amended by chapter 16, Statutes of Nevada 2011, at page 30, is hereby amended to read as follows:

Sec. 4. 1. The Authority is governed by the Board, which is composed of seven members appointed by the Board of Supervisors.

2. The Board of Supervisors shall appoint:

(a) Three members who represent the general public, but, except as otherwise provided in paragraph (b), not including any person described in paragraph (b) or (c). At least one of these members must be a city official selected by the Board of Supervisors and one must be a pilot who, at the time of appointment, owns and operates an aircraft based at the airport.

(b) Two members who are manufacturers and are within a 3-mile radius of the Carson City airport, but not including any person described in paragraph (c). If, after providing notice of a vacancy for the position of a member of the Board described in this paragraph, the Board of Supervisors is unable to find a qualified manufacturer to fill a position, the Board of Supervisors may appoint a member pursuant to this paragraph who represents the general public.

(c) Two members who are fixed base operators at the airport.

3. After the initial terms, the term of office of each member of the Board is 4 years. The city official who is appointed as a member of the Board is eligible for reappointment to the Board upon the expiration of his or her term. Each other member of the Board ~~[is eligible for~~

~~reappointment to the Board 4 years after the expiration of his or her prior term.]~~ ***may not serve more than two consecutive terms, but may be reappointed after the lapse of 4 years.***

Sec. 2. Section 8 of the Airport Authority Act for Carson City, being chapter 844, Statutes of Nevada 1989, as amended by chapter 374, Statutes of Nevada 2001, at page 1829, is hereby amended to read as follows:

Sec. 8. The Board shall comply ***, without limitation,*** with the provisions of ~~[the]~~ ***:***

1. Chapter 241 of NRS, concerning public meetings;

2. Chapter 281A of NRS, the Nevada Ethics in Government Law ~~[, NRS 241.020, the]~~ ***;***

3. Chapter 332 of NRS, the Local Government Purchasing Act ***;*** and

4. NRS 354.470 to 354.626, inclusive, the Local Government Budget and Finance Act.

Sec. 3. Section 9 of the Airport Authority Act for Carson City, being chapter 844, Statutes of Nevada 1989, as amended by chapter 381, Statutes of Nevada 2005, at page 1471, is hereby amended to read as follows:

Sec. 9. The Board may:

1. Acquire ~~[real]~~ ***:***

(a) Real and personal property by ***lease,*** gift or devise for the purposes provided in this act.

(b) Personal property by purchase for the purposes provided in this act.

2. With the approval of the Board of Supervisors:

(a) Acquire real ~~[and personal]~~ property by purchase ~~[or lease]~~ for the purposes provided in this act.

(b) ~~[Except as otherwise provided in this paragraph, lease, sell]~~ ***Sell*** or otherwise dispose of ~~[any]~~ ***real*** property ~~[. If the Board sells or otherwise disposes of real property, the sale or other disposal must be made]~~ by public auction.

3. ***Lease to any person real property acquired by the Board pursuant to subsection 1 or 2.***

4. Recommend to the Board of Supervisors any ***specific*** changes in the laws governing zoning necessary to comply with the regulations of the Federal Aviation Administration or to limit the uses of the area near the airport to those least affected by noise.

~~[4. Use, in the performance of its functions,]~~

5. Enter into an agreement regarding the sharing of resources, including, without limitation, the officers, employees, ***real property,*** facilities and equipment of Carson City, ~~[with the consent of Carson City and]~~ ***obligations and other matters regarding the Airport,*** subject to such terms and conditions as may be agreed upon by the Board and the Board of Supervisors.

~~[5. Provide emergency services for the Authority.]~~

6. Contract with any person ~~[, including any person who transports passengers or cargo by air,]~~ to provide goods and services as necessary or desirable to the operation of the airport. ~~[Any contract between the Board and a fixed base operator must be submitted for approval by the Board of Supervisors.]~~

7. ~~*[6.]*~~ Employ a manager of the airport, fiscal advisers, engineers, attorneys and other personnel necessary to the discharge of its duties.

8. ~~*[7.]*~~ Apply to any public or private source for loans, grants, guarantees or other financial assistance.

9. ~~*[8.]*~~ Establish fees, rates and other charges for the use of the airport.

10. ~~*[9.]*~~ Regulate vehicular traffic at the airport.

11. ~~*[10.]*~~ Adopt, enforce, amend and repeal any rules and regulations necessary for the administration and use of the airport.

12. ~~*[11.]*~~ Take such other action as is necessary to comply with any statute or regulation of this State or of the Federal Government.

Sec. 4. Section 24 of the Airport Authority Act for Carson City, being chapter 844, Statutes of Nevada 1989, at page 2030, is hereby amended to read as follows:

Sec. 24. ***1.*** The Board may adopt procedures, to be administered by the Board, for hiring, promoting and discharging its employees ~~[, which must include but are not limited to the following:~~

~~1. Employment on the basis of open, publicly announced, competition.~~

~~2. Promotions and remuneration on the basis of merit, efficiency, competitive examinations and seniority.~~

~~3. Classifications of the positions.~~

~~4. The maintenance of lists of eligible candidates for a position.~~

~~5. Employment of candidates from the lists in the highest qualified rating.~~

~~6. Probationary periods not to exceed 6 months.~~

~~7. Disciplinary action, suspension or discharge of employees for cause only with the right of notice and review.~~

~~8. Schedules of compensation and increases in pay prepared by the Board.~~

~~9. Maintenance of personnel records on all employees.~~

~~10. Regulations for hours of work, attendance, holidays, leaves of absence and transfers.~~

~~11. Procedures for layoffs, discharge, suspension, discipline and reinstatement.~~

~~12. The exemption from the procedures of persons employed for scientific, technical or expert service of a temporary or exceptional character, persons employed on projects paid from the proceeds of bonds issued by the Authority and persons employed for a period of less than 3 months in any 12-month period.~~

~~13. Review by~~ ***and taking any other actions relating to employment.***

2. An employee may request the Board ~~, at the request of the employee in question and after notice and public hearing, of~~ ***to review*** any disciplinary action, suspension or discharge of ~~any~~ ***the*** employee ***.*** ~~, which~~ ***After notice and hearing, such disciplinary action, suspension or discharge*** may be affirmed, modified or reversed by the Board. Findings of fact by the Board are not subject to review by any court except for illegality or want of jurisdiction.

Sec. 5. Section 29 of chapter 844, Statutes of Nevada 1989, at page 2031, is hereby amended to read as follows:

Sec. 29. As soon as practicable after October 1, 1989, the Board of Supervisors shall appoint to the Board:

1. Two persons to terms that expire on October 1, 1991 ~~.~~ ***, and on October 1 every 4 years thereafter.***

2. Two persons to terms that expire on October 1, 1992 ~~.~~ ***, and on October 1 every 4 years thereafter.***

3. Three persons to terms that expire on October 1, 1993 ~~.~~ ***, and on October 1 every 4 years thereafter.***

Sec. 6. Section 28 of chapter 844, Statutes of Nevada 1989, at page 2031, is hereby repealed.

TEXT OF REPEALED SECTION

Section 28 of chapter 844, Statutes of Nevada 1989:

Sec. 28. If any action is brought to have this act or any of its provisions declared invalid or to contest the legal status of the Authority, before the Authority has received money sufficient to employ an attorney, the District Attorney of Carson City shall defend the action on behalf of the Authority.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 417.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 309.

AN ACT relating to criminal records; revising provisions governing the dissemination of records of criminal history from the Central Repository for Nevada Records of Criminal History pursuant to name-based searches conducted by a service within the Central Repository; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes within the Central Repository for Nevada Records of Criminal History a service to conduct a name-based search of records of criminal history of an employee, prospective employee, volunteer or prospective volunteer. (NRS 179A.103) ~~[This bill expands the name-based search of records of criminal history to a tenant or prospective tenant.]~~ Existing law authorizes an employment screening service which has entered into a contract with the Central Repository to inquire about, obtain and provide those records of criminal history to the employer or volunteer organization. (NRS 179A.103) This bill ~~[instead authorizes a screening service which has entered into such a contract with the Central Repository to inquire about, obtain and provide records of criminal history to an employer, volunteer organization, landlord, owner or manager. Additionally, this bill]~~ provides that a person who enters into a contract with a person, business or organization for certain services provided by an independent contractor, subcontractor or third party is an employer for the purpose of being eligible to conduct a name-based search of records of criminal history of an employee pursuant to existing law.

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

Section 1. NRS 179A.103 is hereby amended to read as follows:

179A.103 1. There is hereby established within the Central Repository a service to conduct a name-based search of records of criminal history of an employee, prospective employee, volunteer ~~***[,]***~~ or prospective volunteer ~~***[, tenant or prospective tenant.]***~~.

2. An eligible person that wishes to participate in the service must enter into a contract with the Central Repository. ***The elements of a contract entered into pursuant to this section must be limited to requiring the eligible person to:***

(a) Pay a fee pursuant to subsection 3, if applicable; and

(b) Comply with applicable law.

3. The Central Repository may charge a reasonable fee for participation in the service.

4. An authorized participant of the service may inquire about the records of criminal history of an employee, prospective employee, volunteer ~~***[,]***~~ or prospective volunteer ~~***[, tenant or prospective tenant]***~~ to determine the suitability of the employee or prospective employee for employment ~~***[,]***~~ or the suitability of the volunteer or prospective volunteer for volunteering ~~***[or the suitability of the tenant or prospective tenant for tenancy.]***~~.

5. The Central Repository shall disseminate to an authorized participant of the service information which:

(a) Reflects convictions only; or

(b) Pertains to an incident for which an employee, prospective employee, volunteer ~~***[,]***~~ or prospective volunteer ~~***[, tenant or prospective tenant]***~~ is currently within the system of criminal justice, including parole or probation.

6. An employee, prospective employee, volunteer ~~[,]~~ or prospective volunteer ~~[, tenant or prospective tenant]~~ who is proposed to be the subject of a name-based search must provide his or her written consent ***directly to the authorized participant or, if the authorized participant is a screening service, directly to the eligible person designating the screening service to receive records of criminal history,*** for the Central Repository to perform the search and to release the information to an authorized participant. The written consent form may be:

(a) A form designated by the Central Repository; or

(b) If the authorized participant is ~~[an employment]~~ ***a*** screening service, a form that complies with the provisions of 15 U.S.C. § 1681b(b)2 for the procurement of a consumer report.

7. ~~[An employment]~~ ***A*** screening service that is designated to receive records of criminal history on behalf of an ~~[employer or volunteer organization]~~ ***eligible person*** may provide such records of criminal history to the ~~[employer or volunteer organization]~~ ***eligible person*** upon request of the ~~[employer or volunteer organization,]~~ ***eligible person*** if the ~~[employment]~~ screening service maintains records of its dissemination of the records of criminal history.

8. The Central Repository may audit an authorized participant, at such times as the Central Repository deems necessary, to ensure that records of criminal history are securely maintained.

9. The Central Repository may terminate participation in the service if an authorized participant fails:

(a) To pay the fees required to participate in the service; or

(b) To address, within a reasonable period, deficiencies identified in an audit conducted pursuant to subsection 8.

10. As used in this section:

(a) "Authorized participant" means an eligible person who has entered into a contract with the Central Repository to participate in the service established pursuant to subsection 1.

(b) ~~*[*~~"Consent" means:~~*]*~~

~~*(1) An electronic signature pursuant to 15 U.S.C. § 7006(5), and any regulations adopted pursuant thereto;*~~

~~*(2) Written consent; or*~~

~~*(3) Consent by means of mail, telephone, the Internet, other electronic means or other means pursuant to 15 U.S.C. § 1681b(b)(2), and any regulations adopted pursuant thereto.*~~

~~*(c)]*~~ "Consumer report" has the meaning ascribed to it in 15 U.S.C. § 1681a(d).

(c) ~~*[(d) "Consumer reporting agency" has the meaning ascribed to it in 15 U.S.C. § 1681a(f).*~~

~~*(e)]*~~ "Eligible person" ~~[includes:]~~ ***means:***

(1) An employer.

(2) A volunteer organization.

(3) ~~[An employment]~~ ***A*** screening service.

~~***[(4) A landlord or a person authorized to act on behalf of a landlord.***~~

~~***(5) An owner or a person authorized to act on behalf of an owner.***~~

~~***(6) A manager or a person authorized to act on behalf of a manager.***~~

~~***(7) A consumer reporting agency or a person acting on behalf of a consumer reporting agency.]***~~

(d) ~~***[(f)]***~~ "Employer" means a person that:

(1) Employs an employee ~~[;]~~ or ***makes employment decisions;***

(2) Enters into a contract with an independent contractor ~~[~~.

~~(e)]~~ ***or makes the determination whether to enter into a contract with an independent contractor; or***

(3) Enters into a contract with a person, business or organization for the provision, directly or indirectly, of labor, services or materials by an independent contractor, subcontractor or a third party.

~~***[(g)]***~~ ***(e)*** "Employment" includes performing services ***, directly or indirectly,*** for an employer as an independent contractor ~~[~~.

~~(f) "Employment screening]~~ ***, subcontractor or a third party pursuant to a contract.***

~~***[(h) "Landlord" has the meaning ascribed to it in NRS 118A.100, 118B.014 or 118C.060.***~~

~~***(i) "Manager" has the meaning ascribed to it in NRS 118B.0145.***~~

~~***(j) "Owner" has the meaning ascribed to it in NRS 118A.120 or 118C.070.***~~

~~***(k)]*** ***(f) "Screening*** service" means a ~~***[.***~~

~~***(1) A]***~~ person or entity designated ***, directly or indirectly,*** by an ~~[employer or volunteer organization]~~ ***eligible person*** to provide employment ~~***[,]***~~ or volunteer ~~***[or tenancy]***~~ screening services to the ~~[employer or volunteer organization.]~~ ***eligible person . [; or***

~~***(2) A consumer reporting agency or a person acting on behalf of a consumer reporting agency.***~~

~~***(l) "Tenant" has the meaning ascribed to it in NRS 118A.170, 118B.0185 or 118C.110.]***~~

(g) "Written consent" means:

(1) An electronic signature pursuant to 15 U.S.C. § 7006(5), and any regulations adopted pursuant thereto;

(2) Completion of the form designated by the Central Repository pursuant to paragraph (a) of subsection 6; or

(3) Consent by means of mail, the Internet, other electronic means or other means pursuant to 15 U.S.C. § 1681b(b)(2), and any regulations adopted pursuant thereto.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 418.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 201.

AN ACT relating to judgments; enacting provisions governing an offer of judgment; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Nevada Rules of Civil Procedure authorize a party to serve an offer of judgment upon another party prior to trial under certain circumstances. The Nevada Rules of Civil Procedure set forth the conditions of service of the offer, the manner of acceptance or rejection of the offer by a party and penalties a court may impose on a party for the rejection of such an offer. (N.R.C.P. 68) **Section 1 of this bill codifies into statute Rule 68 of the Nevada Rules of Civil Procedure.**

Section 1 ~~[of this bill]~~ authorizes a party, more than ~~[10]~~ **21** days before trial, to serve an offer of judgment upon another party. **Section 1 provides that such an offer is an offer that resolves all claims in the action under certain circumstances.** **Section 1** provides that if the offer is accepted within ~~[10]~~ **14** days of its service ~~[,]~~ **: (1)** either party may file notice of its acceptance **and proof of service** with the clerk of the court ~~[.]~~ **not earlier than 21 days after the party's acceptance of the offer; and (2) the clerk must enter the judgment accordingly.** **Section 1** ~~[requires the clerk to enter such a judgment unless: (1)]~~ **provides that a judgment will not be entered by the clerk if** the party required to pay the amount offered in the judgment ~~[requests dismissal of the claim ; and (2) that party]~~ pays the amount of the offer within ~~[a reasonable time]~~ **21 days** after the offer's acceptance. **Section 1** requires a court to award costs to any party entitled to be paid pursuant to the terms of the accepted offer unless the terms of the offer preclude such an award. **Section 1 provides that such an offer must be expressly designated as a compromise settlement.**

Section 1 provides that if such an offer is not accepted within ~~[10]~~ **14** days of its service, the offer is deemed rejected and withdrawn by the party who made the offer. **Section 1** provides that if a party rejects an offer and fails to receive a more favorable judgment at trial, a court may impose certain ~~[sanctions]~~ **penalties** on the party that rejected the offer of judgment. **Section 1** also provides the procedure for determining whether a party failed to receive a more favorable judgment at trial.

Section 1 authorizes multiple parties to make a joint offer of judgment. **Section 1 also provides the circumstances in which penalties will be imposed concerning: (1) an offer of judgment made to multiple defendants; or (2) an offer of judgment made to multiple plaintiffs.**

Section 1 authorizes a party to make an apportioned offer to two or more parties ~~[that is]~~ **and such an offer may be** conditioned upon acceptance by all parties to whom the offer was made. **Section 1** authorizes each party to whom such an apportioned offer was made to accept the offer separately. **Section 1**

provides that if any party rejects the apportioned offer: (1) the action must proceed against all parties to whom such an offer was made; and (2) the court ~~[must]~~ **may** impose ~~[sanctions]~~ **penalties** against a party that rejected an apportioned offer**.** ~~[, however, such sanctions will not be imposed against a party who accepted such an apportioned offer.]~~

If a party is determined to be liable but the amount or extent of the party's liability has not been determined, **section 1** provides that **, not less than 14 days before the commencement of the action to determine the amount and extent of a party's liability,** the liable party may serve an offer of judgment upon another party. ~~[Section 1 also provides that a court may not impose sanctions on a party who rejects an offer but fails to receive a more favorable judgment at trial under certain circumstances.]~~ **Sections 2 and 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 17 of NRS is hereby amended by adding thereto a new section to read as follows:

~~*[1. At any time more than 10 days before trial, any party may serve upon one or more other parties a written offer to allow judgment to be taken in accordance with the terms and conditions of the offer of judgment.*~~

~~*2. Except as otherwise provided in subsection 7, if, within 10 days after the date of service of an offer of judgment, the party to whom the offer was made serves written notice that the offer is accepted, the party who made the offer or the party who accepted the offer may file the offer, the notice of acceptance and proof of service with the clerk. Upon receipt by the clerk:*~~

~~*(a) The clerk shall enter judgment according to the terms of the offer unless:*~~

~~*(1) A party who is required to pay the amount of the offer requests dismissal of the claim instead of entry of the judgment; and*~~

~~*(2) The party pays the amount of the offer within a reasonable time after the offer is accepted.*~~

~~*(b) Regardless of whether a judgment or dismissal is entered pursuant to paragraph (a), the court shall award costs in accordance with NRS 18.110 to each party who is entitled to be paid under the terms of the offer, unless the terms of the offer preclude a separate award of costs.*~~

~~*3. Any judgment entered pursuant to this section shall be deemed a compromise settlement.*~~

~~*4. If the offer of judgment is not accepted pursuant to subsection 2 within 10 days after the date of service, the offer shall be deemed rejected by the party to whom it was made and withdrawn by the party who made it. The rejection of an offer does not preclude any party from making another offer pursuant to this section. Evidence of a rejected offer is not admissible in any proceeding other than a proceeding to determine costs and fees.*~~

~~4. Except as otherwise provided in this section, if a party who rejects an offer of judgment fails to obtain a more favorable judgment, the court:~~

~~(a) May not award to the party any costs or attorney's fees;~~

~~(b) May not award to the party any interest on the judgment for the period from the date of service of the offer to the date of entry of the judgment;~~

~~(c) Shall order the party to pay the taxable costs incurred by the party who made the offer; and~~

~~(d) May order the party to pay to the party who made the offer any or all of the following:~~

~~(1) A reasonable sum to cover any costs incurred by the party who made the offer for each expert witness whose services were reasonably necessary to prepare for and conduct the trial of the case.~~

~~(2) Any applicable interest on the judgment for the period from the date of service of the offer to the date of entry of the judgment.~~

~~(3) Reasonable attorney's fees incurred by the party who made the offer for the period from the date of service of the offer to the date of entry of the judgment. If the attorney of the party who made the offer is collecting a contingent fee, the amount of any attorney's fees awarded to the party pursuant to this subparagraph must be deducted from the contingency fee.~~

~~5. To determine whether a party who rejected an offer of judgment failed to obtain a more favorable judgment:~~

~~(a) If the offer provided that the court would award costs, the court must compare the amount of the offer with the principal amount of the judgment, without inclusion of costs.~~

~~(b) If the offer precluded a separate award of costs, the court must compare the amount of the offer with the sum of:~~

~~(1) The principal amount of the judgment; and~~

~~(2) The amount of taxable costs that the claimant who obtained the judgment incurred before the date of service of the offer.~~

~~→ As used in this subsection, "claimant" means a plaintiff, counterclaimant, cross-claimant or third-party plaintiff.~~

~~6. Multiple parties may make a joint offer of judgment pursuant to this section.~~

~~7. A party may make to two or more other parties pursuant to this section an apportioned offer of judgment that is conditioned upon acceptance by all the parties to whom the apportioned offer is made. Each party to whom such an offer is made may serve upon the party who made the offer a separate written notice of acceptance of the offer. If any party rejects the apportioned offer:~~

~~(a) The action must proceed as to all parties to whom the apportioned offer was made, whether or not the other parties accepted or rejected the offer; and~~

~~(b) The sanctions set forth in subsection 4:~~

~~(1) Apply to each party who rejected the apportioned offer.~~

~~(2) Do not apply to any party who accepted the apportioned offer.~~

~~*8. If the liability of one party to another party has been determined by verdict, order or judgment, but the amount or extent of the liability of the party remains to be determined by further proceedings, the party found liable may, not later than 10 days before commencement of the proceedings to determine the amount or extent of the liability, serve upon the party to whom he or she is liable a written offer of a judgment. An offer of a judgment made pursuant to this subsection shall be deemed to have the same effect as an offer of judgment made before trial.*~~

~~*9. The sanctions set forth in subsection 4 do not apply to:*~~

~~*(a) An offer of judgment made to multiple defendants unless the same person is authorized to decide whether to settle the claims against all the defendants to whom the offer is made and:*~~

~~*(1) There is a single common theory of liability against all the defendants to whom the offer is made;*~~

~~*(2) The liability of one or more of the defendants to whom the offer is made is entirely derivative of the liability of the remaining defendants to whom the offer is made; or*~~

~~*(3) The liability of all the defendants to whom the offer is made is entirely derivative of a common act or omission by another person.*~~

~~*(b) An offer of judgment made to multiple plaintiffs unless the same person is authorized to decide whether to settle the claims of all the plaintiffs to whom the offer is made and:*~~

~~*(1) There is a single common theory of liability claimed by all the plaintiffs to whom the offer is made;*~~

~~*(2) The damages claimed by one or more of the plaintiffs to whom the offer is made are entirely derivative of an injury to the remaining plaintiffs to whom the offer is made; or*~~

~~*(3) The damages claimed by all the plaintiffs to whom the offer is made are entirely derivative of an injury to another person.]*~~

1. At any time more than 21 days before trial, any party may serve an offer in writing to allow judgment to be taken in accordance with the terms and conditions of the offer. Unless otherwise specified, an offer made under this section is an offer to resolve all claims in the action between the parties to the date of the offer, including costs, expenses, interest and, if attorney's fees are permitted by law or contract, attorney's fees.

2. An apportioned offer of judgment to more than one party may be conditioned upon the acceptance by all parties to whom the offer is directed.

3. A joint offer may be made by multiple offerors.

4. An offer made to multiple defendants will invoke the penalties of this section only if:

(a) There is a single common theory of liability against all the offeree defendants, such as where the liability of some is entirely derivative of the others or where the liability of all is derivative of common acts by another; and

(b) The same entity, person or group is authorized to decide whether to settle the claims against the offerees.

5. An offer made to multiple plaintiffs will invoke the penalties of this section only if:

(a) The damages claimed by all the offeree plaintiffs are solely derivative, such as where the damages claimed by some offerees are entirely derivative of an injury to the others or where the damages claimed by all offerees are derivative of an injury to another; and

(b) The same entity, person or group is authorized to decide whether to settle the claims of the offerees.

6. Within 14 days after service of the offer, the offeree may accept the offer by serving written notice that the offer is accepted.

7. Within 21 days after service of written notice that the offer is accepted, the obligated party may pay the amount of the offer and obtain dismissal of the claims, rather than entry of a judgment.

8. If the claims are not dismissed, at any time after 21 days after service of written notice that the offer is accepted, either party may file the offer and notice of acceptance together with proof of service. The clerk must then enter judgment accordingly. The court must allow costs in accordance with NRS 18.110 unless the terms of the offer preclude a separate award of costs. Any judgment entered under this subsection must be expressly designated a compromise settlement.

9. If the offer is not accepted within 14 days after service, the offer will be considered rejected by the offeree and deemed withdrawn by the offeror. Evidence of the offer is not admissible except in a proceeding to determine costs, expenses and fees. The fact that an offer is made but not accepted does not preclude a subsequent offer. With offers to multiple offerees, each offeree may serve a separate acceptance of the apportioned offer, but if the offer is not accepted by all offerees, the action will proceed as to all offerees. Any offeree who fails to accept the offer may be subject to the penalties of this section.

10. If the offeree rejects an offer and fails to obtain a more favorable judgment:

(a) The offeree may not recover any costs, expenses or attorney's fees and may not recover interest for the period after the service of the offer and before the judgment; and

(b) The offeree must pay the offeror's post-offer costs and expenses, including a reasonable sum to cover any expenses incurred by the offeror for each expert witness whose services were reasonably necessary to prepare for and conduct the trial of the case, applicable interest on the judgment from the time of the offer to the time of the entry of the judgment and reasonable attorney's fees, if any allowed, actually incurred by the offeror from the time of the offer. If the offeror's attorney is collecting a contingent fee, the amount of any attorney's fees awarded to the party for whom the offer is made must be deducted from that contingency fee.

11. The penalties in this section run from the date of service of the earliest rejected offer for which the offeree failed to obtain a more favorable judgment.

12. To invoke the penalties of this section, the court must determine if the offeree failed to obtain a more favorable judgment. If the offer provided that costs, expenses, interests and, if attorney's fees are permitted by law or contract, attorney's fees would be added by the court, the court must compare the amount of the offer with the principal amount of the judgment, without inclusion of costs, expenses, interest and, if attorney's fees are permitted by law or contract, attorney's fees. If a party made an offer in a set amount that precluded a separate award of costs, expenses, interest and, if attorney's fees are permitted by law or contract, attorney's fees, the court must compare the amount of the offer, together with the offeree's pre-offer taxable costs, expenses, interest and, if attorney's fees are permitted by law or contract, attorney's fees with the principal amount of the judgment.

13. When the liability of one party to another has been determined by verdict, order or judgment, but the amount or extent of the liability remains to be determined by further proceedings, the party adjudged liable may make an offer of judgment, which has the same effect as an offer made before trial if it is served within a reasonable time not less than 14 days before the commencement of hearings to determine the amount or extent of liability.

Sec. 2. NRS 40.650 is hereby amended to read as follows:

40.650 1. If a claimant unreasonably rejects a reasonable written offer of settlement made as part of a response pursuant to paragraph (b) of subsection 2 of NRS 40.6472 and thereafter commences an action governed by NRS 40.600 to 40.695, inclusive, the court in which the action is commenced may:

(a) Deny the claimant's attorney's fees and costs; and

(b) Award attorney's fees and costs to the contractor.

➥ Any sums paid under a homeowner's warranty, other than sums paid in satisfaction of claims that are collateral to any coverage issued to or by the contractor, must be deducted from any recovery.

2. If a contractor, subcontractor, supplier or design professional fails to:

(a) Comply with the provisions of NRS 40.6472;

(b) Make an offer of settlement;

(c) Make a good faith response to the claim asserting no liability;

(d) Agree to a mediator or accept the appointment of a mediator pursuant to NRS 40.680; or

(e) Participate in mediation,

➥ the limitations on damages and defenses to liability provided in NRS 40.600 to 40.695, inclusive, do not apply and the claimant may commence an action or amend a complaint to add a cause of action for a constructional defect without satisfying any other requirement of NRS 40.600 to 40.695, inclusive.

3. If a residence or appurtenance that is the subject of the claim is covered by a homeowner's warranty that is purchased by or on behalf of a claimant pursuant to NRS 690B.100 to 690B.180, inclusive:

(a) A claimant may not send a notice pursuant to NRS 40.645 or pursue a claim pursuant to NRS 40.600 to 40.695, inclusive, unless the claimant has first submitted a claim under the homeowner's warranty and the insurer has denied the claim.

(b) A claimant may include in a notice given pursuant to NRS 40.645 only claims for the constructional defects that were denied by the insurer.

(c) If coverage under a homeowner's warranty is denied by an insurer in bad faith, the homeowner and the contractor, subcontractor, supplier or design professional have a right of action for the sums that would have been paid if coverage had been provided, plus reasonable attorney's fees and costs.

(d) Statutes of limitation or repose applicable to a claim based on a constructional defect governed by NRS 40.600 to 40.695, inclusive, are tolled from the time notice of the claim under the homeowner's warranty is submitted to the insurer until 30 days after the insurer rejects the claim, in whole or in part, in writing.

4. Nothing in this section prohibits an offer of judgment pursuant to Rule 68 of the Nevada Rules of Civil Procedure ***,*** ~~[or]~~ NRS 40.652 ~~[.]~~ ***or section 1 of this act.***

Sec. 3. NRS 92A.500 is hereby amended to read as follows:

92A.500 1. The court in a proceeding to determine fair value shall determine all of the costs of the proceeding, including the reasonable compensation and expenses of any appraisers appointed by the court. The court shall assess the costs against the subject corporation, except that the court may assess costs against all or some of the dissenters, in amounts the court finds equitable, to the extent the court finds the dissenters acted arbitrarily, vexatiously or not in good faith in demanding payment.

2. The court may also assess the fees and expenses of the counsel and experts for the respective parties, in amounts the court finds equitable:

(a) Against the subject corporation and in favor of all dissenters if the court finds the subject corporation did not substantially comply with the requirements of NRS 92A.300 to 92A.500, inclusive; or

(b) Against either the subject corporation or a dissenter in favor of any other party, if the court finds that the party against whom the fees and expenses are assessed acted arbitrarily, vexatiously or not in good faith with respect to the rights provided by NRS 92A.300 to 92A.500, inclusive.

3. If the court finds that the services of counsel for any dissenter were of substantial benefit to other dissenters similarly situated, and that the fees for those services should not be assessed against the subject corporation, the court may award to those counsel reasonable fees to be paid out of the amounts awarded to the dissenters who were benefited.

4. In a proceeding commenced pursuant to NRS 92A.460, the court may assess the costs against the subject corporation, except that the court may

assess costs against all or some of the dissenters who are parties to the proceeding, in amounts the court finds equitable, to the extent the court finds that such parties did not act in good faith in instituting the proceeding.

5. To the extent the subject corporation fails to make a required payment pursuant to NRS 92A.460, 92A.470 or 92A.480, the dissenter may bring a cause of action directly for the amount owed and, to the extent the dissenter prevails, is entitled to recover all expenses of the suit.

6. This section does not preclude any party in a proceeding commenced pursuant to NRS 92A.460 or 92A.490 from applying the provisions of N.R.C.P. 68 ~~[.]~~ ***or section 1 of this act.***

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 486.

Bill read second time.

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

Amendment No. 365.

AN ACT relating to outdoor recreation; creating the Division of Outdoor Recreation within the State Department of Conservation and Natural Resources; providing that the Administrator ~~[for Business Development for Outdoor Recreation]~~ of the Division ~~[and the Administrator for Preservation of Natural Resources for Outdoor Recreation of the Division are]~~ **is** the executive ~~[heads]~~ **head** of the Division; creating the Advisory Board on Outdoor Recreation which shall advise the ~~[Administrators]~~ **Administrator** of the Division on any matter concerning outdoor recreation in this State; ~~[providing that certain provisions relating to outdoor recreation are to be carried out by the Division and the Administrators of the Division;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 15 of this bill creates the Division of Outdoor Recreation within the State Department of Conservation and Natural Resources. **Section 4** of this bill makes a conforming change. **Section 16** of this bill creates the ~~[positions]~~ **position** of the Administrator ~~[for Business Development for Outdoor Recreation of the Division and the Administrator for Preservation of Natural Resources for Outdoor Recreation]~~ of the Division. **Section 1** of this bill provides that ~~[these Administrators are]~~ **this Administrator is** the executive ~~[heads]~~ **head** of the Division. **Sections 2, 3 and 5** of this bill make conforming changes.

Section 17 of this bill provides the qualifications for the ~~[respective Administrators.]~~ **Administrator.** **Section 18** of this bill provides that the ~~[Administrators are]~~ **Administrator is** in the unclassified service of the State. **Section 18** further provides how the ~~[salaries]~~ **salary** of the ~~[Administrators~~

~~are.~~ **Administrator is** to be paid and the restrictions on other employment that apply to the ~~[Administrators. Section 19 of this bill provides that one Administrator is required to keep his or her principal office in Las Vegas, Nevada and the other Administrator is required to keep his or her principal office in Carson City, Nevada.]~~ **Administrator. Section 20** of this bill requires the ~~[Administrators]~~ **Administrator** to employ ~~[at least two persons to carry out the duties of the Division.]~~ **a Deputy Administrator for Business Development for Outdoor Recreation and a Deputy Administrator for Preservation of Natural Resources for Outdoor Recreation. Section 20 additionally authorizes the Administrator to employ additional deputies.** **Section 21** of this bill authorizes the ~~[Administrators]~~ **Administrator** to make certain expenditures. **Section 22** of this bill provides the various duties of the **Administrator and Deputy** Administrators. **Section 23** of this bill requires the ~~[Administrators]~~ **Administrator** to submit certain reports to the Director of the State Department of Conservation and Natural Resources. **Section 24** of this bill authorizes the ~~[Administrators]~~ **Administrator** to adopt such regulations as ~~[they find]~~ **he or she finds** necessary for carrying out the provisions governing the Division. ~~[Section 25 of this bill authorizes the respective Administrators to designate an employee or employees to act as his or her deputy or deputies.]~~ **Section 26** of this bill authorizes the ~~[Administrators]~~ **Administrator** to accept gifts, grants and contributions to carry out the provisions governing the Division or to defray expenses incurred by the Division in the discharge of its duties.

Section 27 of this bill creates the Advisory Board on Outdoor Recreation. **Section 27** requires the Advisory Board to advise the ~~[Administrators]~~ **Administrator** on any matter concerning outdoor recreation in this State. **Section 28** of this bill provides the process through which the members of the Advisory Board are to be compensated.

~~[Existing law requires the Division of State Parks to prepare and maintain a comprehensive statewide outdoor recreation plan. (NRS 407.205) Existing law authorizes the Administrator of the Division to: (1) apply to participate in or to receive aid from any federal program respecting outdoor recreation; and (2) receive certain fees. (NRS 407.207, 407.2072) Existing law provides the procedure for depositing and using any money the Administrator receives from such fees. (NRS 407.2074) Existing law prohibits the Administrator from making a commitment or entering into any such program until the Administrator has determined that sufficient funds are available to the Division for meeting the State's share, if any, of project costs. (NRS 407.209) Sections 29-33 and 35 of this bill move these provisions so that the Division of Outdoor Recreation and the Administrators of this Division carry out these tasks.]~~

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

Section 1. Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The executive ~~[heads]~~ head of the Division of Outdoor Recreation ~~[will]~~ shall be the Administrator ~~[for Business Development for]~~ of the Division of Outdoor Recreation , ~~[of the Division, and the Administrator for Preservation of Natural Resources for Outdoor Recreation of the Division,]~~ who ~~[will]~~ shall be appointed by and be responsible to the Director.

2. The ~~[Administrators]~~ Administrator and the employees of the Division of Outdoor Recreation shall administer the provisions of sections 6 to ~~[33,]~~ 28, inclusive, of this act . ~~[and any other laws relating to outdoor recreation.]~~

Sec. 2. NRS 232.010 is hereby amended to read as follows:

232.010 As used in NRS 232.010 to 232.162, inclusive ~~[.]~~ ***, and section 1 of this act:***

1. "Department" means the State Department of Conservation and Natural Resources.

2. "Director" means the Director of the State Department of Conservation and Natural Resources.

Sec. 3. NRS 232.020 is hereby amended to read as follows:

232.020 There is hereby created the State Department of Conservation and Natural Resources, in which is vested the administration of the provisions of NRS 232.010 to 232.162, inclusive ~~[.]~~ ***, and section 1 of this act.***

Sec. 4. NRS 232.090 is hereby amended to read as follows:

232.090 1. The Department consists of the Director and the following:

(a) The Division of Water Resources.

(b) The Division of State Lands.

(c) The Division of Forestry.

(d) The Division of State Parks.

(e) The Division of Environmental Protection.

(f) The Office of Historic Preservation.

(g) ***The Division of Outdoor Recreation.***

(h) Such other divisions as the Director may from time to time establish.

2. The State Environmental Commission, the State Conservation Commission, the Commission for Cultural Centers and Historic Preservation, the Commission on Off-Highway Vehicles, the Conservation Districts Program, the Nevada Natural Heritage Program, the Sagebrush Ecosystem Council and the Board to Review Claims are within the Department.

Sec. 5. NRS 232.140 is hereby amended to read as follows:

232.140 1. Except as otherwise provided in NRS 232.159 and 232.161, money to carry out the provisions of NRS 232.010 to 232.162, inclusive, ***and section 1 of this act*** and to support the Department and its various divisions and other units must be provided by direct legislative appropriation from the State General Fund.

2. All money so appropriated must be paid out on claims approved by the Director in the same manner as other claims against the State are paid.

Sec. 6. Title 35 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 7 to ~~[33,]~~ **28,** inclusive, of this act.

Sec. 7. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections ~~[8]~~ 10 to 14, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 8. ~~***[“Administrator for Business Development for Outdoor Recreation” means the Administrator for Business Development for Outdoor Recreation of the Division.]***~~ **(Deleted by amendment.)**

Sec. 9. ~~***[“Administrator for Preservation of Natural Resources for Outdoor Recreation” means the Administrator Preservation of Natural Resources for Outdoor Recreation of the Division.]***~~ **(Deleted by amendment.)**

Sec. 10. ~~***[“Administrators”]***~~ ***“Administrator” means the Administrator ~~[for Business Development for Outdoor Recreation and the Administrator for Preservation of Natural Resources for Outdoor Recreation.]~~ of the Division.***

Sec. 11. ***“Advisory Board” means the Advisory Board on Outdoor Recreation created by section 27 of this act.***

Sec. 12. ***“Department” means the State Department of Conservation and Natural Resources.***

Sec. 13. ***“Director” means the Director of the Department.***

Sec. 14. ***“Division” means the Division of Outdoor Recreation of the Department.***

Sec. 15. ***There is hereby created the Division of Outdoor Recreation in the State Department of Conservation and Natural Resources.***

Sec. 16. ***1. The ~~[positions]~~ position of the Administrator ~~[for Business Development for Outdoor Recreation of the Division and the Administrator for Preservation of Natural Resources for Outdoor Recreation of the Division are]~~ is hereby created.***

2. The ~~[Administrators are]~~ Administrator is appointed by and responsible to the Director.

Sec. 17. ***~~[1.]~~ The Administrator ~~[for Business Development for Outdoor Recreation]~~ shall have demonstrated executive ability and be experienced in ~~[marketing]~~ :***

1. Marketing and business development ~~[.]~~ ; or

2. ~~[The Administrator for Preservation of Natural Resources for Outdoor Recreation shall have demonstrated executive ability and be experienced in conservation]~~ Conservation and implementing or interpreting policies regarding natural resources.

Sec. 18. ***1. The ~~[Administrators are]~~ Administrator is in the unclassified service of the State.***

2. The ~~[salaries]~~ salary of the ~~[Administrators]~~ Administrator may be apportioned and paid from any money available to the Division, unless otherwise provided by law.

3. Except as otherwise provided in NRS 284.143, the ~~[Administrators]~~ Administrator shall devote ~~[their]~~ his or her entire time and attention to the business of his or her ~~[respective]~~ office and shall not pursue any other business or occupation or hold any other office of profit.

Sec. 19. ~~*[The Director shall require:*~~

~~*1. One administrator appointed pursuant to section 16 of this act to keep his or her principal office in Las Vegas, Nevada.*~~

~~*2. One administrator appointed pursuant to section 16 of this act to keep his or her principal office in Carson City, Nevada.]*~~ **(Deleted by amendment.)**

Sec. 20. *1. The ~~[Administrators]~~ Administrator shall employ ~~[at least two persons in the classified service of the State to carry out the duties of the Division.]~~ :*

(a) The Deputy Administrator for Business Development for Outdoor Recreation who has demonstrated executive ability and has experience in marketing and business development; and

(b) The Deputy Administrator for Preservation of Natural Resources for Outdoor Recreation who has demonstrated executive ability and has experience in conservation and implementing or interpreting policies regarding natural resources.

2. The Administrator shall employ:

(a) One deputy administrator described in subsection 1 in the classified service of the State; and

(b) One deputy administrator described in subsection 1 in the unclassified service of the State.

3. To the extent practicable, the Administrator shall require at least one deputy administrator employed pursuant to subsection 1 to keep his or her principal office in a county whose population is 700,000 or more.

4. The Administrator may employ any deputy or deputies of the Administrator in addition to the deputy administrators required pursuant to subsection 1.

5. The salaries for any person employed pursuant to this ~~[subsection]~~ section must be paid from the State General Fund or from money received as grants from the Federal Government to the extent allowable pursuant to federal law, or both.

6. Except as otherwise provided in NRS 284.143, each deputy administrator shall devote his or her entire time and attention to the business of his or her office and shall not pursue any other business or occupation or hold any other office of profit.

Sec. 21. *The ~~[Administrators]~~ Administrator may purchase such material and incur such expenses for traveling and other purposes as may be necessary for the proper conduct and maintenance of the Division, to be*

paid from the money which may be appropriated for such purposes from time to time, as other state claims are paid.

Sec. 22. *1. As the executive ~~[heads]~~ head of the Division, the ~~[Administrators,]~~ Administrator, subject to administrative supervision by the Director, shall direct and supervise all administrative, fiscal, budget and technical activities of the Division and all programs administered by the Division as provided by law.*

2. The ~~[Administrators]~~ Administrator may organize the Division into various sections and, from time to time, alter such organization and reassign responsibilities and duties as the ~~[Administrators]~~ Administrator may deem appropriate.

3. The Administrator and the Deputy Administrator for Business Development for Outdoor Recreation employed pursuant to section 20 of this act shall:

(a) Coordinate all activities relating to marketing and business development for outdoor recreation, including, without limitation, marketing, advertising and securing media opportunities that reflect the opportunities for outdoor recreation in this State.

(b) Coordinate with the Department of Tourism and Cultural Affairs and the Office of Economic Development concerning the promotion and growth of any businesses and opportunities related to outdoor recreation.

(c) Promote economic development by working with the Office of Economic Development to attract outdoor recreation industries to this State and develop the growth of new business opportunities within this State.

4. The Administrator and the Deputy Administrator for Preservation of Natural Resources for Outdoor Recreation employed pursuant to section 20 of this act shall coordinate ~~[:~~

~~(a) All activities relating to conservation and implementing or interpreting policies regarding natural resources.~~

~~(b) With]~~ with the Department, the Department of Wildlife and any other organization, association, group or other entity concerned with matters of conservation and natural resources regarding conservation and the implementation or interpretation of policies regarding natural resources.

5. The ~~[Administrators]~~ Administrator shall perform such duties as are or may be prescribed by law and the Director.

6. The ~~[Administrators]~~ Administrator shall:

(a) Coordinate the activities of the various sections of the Division.

(b) Promote the growth of the outdoor recreation economy in this State so that there is support for economic growth as well as stewardship and conservation of any natural resource in this State.

(c) Advocate for and coordinate outdoor recreation policy, management and promotion among state and federal agencies and local government entities in this State.

(d) Recommend policies and initiatives to the Director to enhance outdoor recreational amenities and experiences in this State and help implement such policies and initiatives.

(e) Create and maintain a statewide list of lands to be conserved, enhanced and publicized for outdoor recreation.

(f) Develop data regarding the impacts of outdoor recreation in this State.

(g) Advocate on behalf of the State for federal funding, including, without limitation, any funding opportunities that are available pursuant to the Land and Water Conservation Fund established by 54 U.S.C. § 200302.

(h) Promote the health and social benefits of outdoor recreation.

(i) Promote the engagement of communities that are diverse in outdoor recreation.

Sec. 23. *The ~~[Administrators]~~ Administrator shall:*

1. Report to the Director upon all matters pertaining to the administration of the Administrator's office.

2. Submit a biennial report to the Director on the work of the Division, with such recommendations that the Administrator may deem advisable.

Sec. 24. *The ~~[Administrators]~~ Administrator may adopt such regulations as ~~[they find]~~ he or she finds necessary for carrying out the provisions of this chapter.*

Sec. 25. ~~*[1. The Administrator for Business Development for Outdoor Recreation may designate an employee or employees of the Division employed pursuant to section 20 of this act to act as the deputy or deputies of the Administrator for Business Development for Outdoor Recreation. In the case of the absence of the Administrator for Business Development for Outdoor Recreation or the inability of the Administrator for Business Development for Outdoor Recreation from any cause to discharge the powers and duties of his or her office, such powers and duties devolve upon such deputy or deputies.*~~

~~*2. The Administrator for Preservation of Natural Resources for Outdoor Recreation may designate an employee or employees of the Division employed pursuant to section 20 of this act to act as the deputy or deputies of the Administrator for Preservation of Natural Resources for Outdoor Recreation. In the case of the absence of the Administrator for Preservation of Natural Resources for Outdoor Recreation or the inability of the Administrator for Preservation of Natural Resources for Outdoor Recreation from any cause to discharge the powers and duties of his or her office, such powers and duties devolve upon such deputy or deputies.*~~

~~*3. Deputies shall receive annual salaries in the amounts determined pursuant to statute.*~~

~~*4. Except as otherwise provided in NRS 284.143, each deputy shall devote his or her entire time and attention to the business of his or her office and shall not pursue any other business or occupation or hold any other office of profit.]*~~ **(Deleted by amendment.)**

Sec. 26. *The ~~[Administrators]~~ Administrator may apply for and receive gifts, grants, contributions or other money from governmental and private agencies, affiliated associations and other persons to carry out the provisions of this chapter and to defray expenses incurred by the Division in the discharge of its duties.*

Sec. 27. *1. There is hereby created the Advisory Board on Outdoor Recreation composed of:*

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

(b) The Director or his or her designee;

(c) The Director of the Department of Tourism and Cultural Affairs or his or her designee;

~~[(c)]~~ (d) The Executive Director of the Office of Economic Development or his or her designee;

~~[(d)]~~ (e) The ~~[Superintendent of Public Instruction of the Department of Education]~~ Director of the Department of Wildlife or his or her designee;

~~[(e)]~~ (f) The ~~[Director of the Department of Health and Human Services or his or her designee;]~~ Administrator of the Division of State Parks of the Department;

(g) The Chair of the Nevada Indian Commission; and

~~[(f)]~~ (h) The following four members ~~[.]~~ who must be appointed by the Governor ~~[.]~~ from a list of nominees submitted by the Lieutenant Governor and the Director:

(1) A representative of the outdoor recreation industry; ~~[and]~~

(2) A representative of conservation interests ~~[.]~~ ;

(3) A person with experience in and knowledge of education; and

(4) A person with experience in and knowledge of public health.

2. The Lieutenant Governor or his or her designee shall:

(a) Serve as Chair of the Advisory Board; and

(b) Appoint a member of the Advisory Board to serve as Vice Chair of the Advisory Board.

3. The Advisory Board shall meet at such times and places as are specified by a call of the Chair ~~[. Four]~~ but not less than once a year. Six members of the Advisory Board constitute a quorum. The affirmative vote of a majority of the Advisory Board members present is sufficient for any action of the Advisory Board.

4. The Advisory Board shall advise the ~~[Administrators]~~ Administrator on any matter concerning outdoor recreation in this State.

Sec. 28. *1. Each member of the Advisory Board who is not a public employee is entitled to receive compensation of not more than $80 per day, as fixed by the Advisory Board, while engaged in the business of the Advisory Board.*

2. A member of the Advisory Board who is a public employee may not receive any compensation for his or her services as a member of the Advisory Board. Any member of the Advisory Board who is a public employee must be granted administrative leave from the duties of the member to engage in

the business of the Advisory Board without loss of his or her regular compensation. Such leave does not reduce the amount of the other accrued leave of the member.

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

Sec. 29. ~~***[1. The Division shall prepare and maintain a comprehensive statewide outdoor recreation plan. The plan shall contain:***~~

~~***(a) An evaluation of the demand for and supply of outdoor recreation resources and facilities in the State;***~~

~~***(b) A program for the implementation of the plan; and***~~

~~***(c) Other necessary information, as may be determined by the Administrators.***~~

~~***2. The plan shall:***~~

~~***(a) Take into account relevant federal resources and programs; and***~~

~~***(b) Be correlated so far as practicable with other state, regional and local plans.***~~

~~***3. The Administrators, subject to the approval of the Director, may represent and act for the State in dealing with the Federal Government or any of its agencies, instrumentalities or officers for the purposes of receiving financial assistance for planning, acquisition or development of outdoor recreation projects pursuant to the provisions of federal law. When an outdoor recreation project is combined with an historic preservation project, the Director or the Director's designee is responsible for representing and acting for the State in dealing with the Federal Government.***~~

~~***4. The Administrators, subject to the approval of the Director, may accept, administer and disburse to other state agencies and political subdivisions money paid by the Federal Government to the State of Nevada as financial assistance for planning, acquisition or development of outdoor recreation projects, and the Administrators shall, on behalf of the State, keep such records as the Federal Government prescribes, and as will facilitate an effective audit, including records which fully disclose:***~~

~~***(a) The amount and the disposition by the State of the proceeds of such assistance;***~~

~~***(b) The total cost of the project or undertaking in connection with such assistance as given or used; and***~~

~~***(c) The amount and nature of that portion of the cost of the project or undertaking supplied by other sources.***~~

~~***5. Authorized representatives of the Federal Government shall have access for the purpose of audit and examination to any books, documents, papers and records of the State that are pertinent to financial assistance received by the State pursuant to federal law for planning, acquisition or development of outdoor recreation projects.]***~~ **(Deleted by amendment.)**

Sec. 30. ~~[*The Administrators, subject to the approval of the Director, may apply to any appropriate agency or officer of the United States for participation in or the receipt of aid from any federal program respecting outdoor recreation. In connection with obtaining the benefits of any such program, the Division shall coordinate its activities with and represent the interest of all other agencies and political subdivisions of the State having interests in the planning, development and maintenance of outdoor recreation resources and facilities.*]~~ **(Deleted by amendment.)**

Sec. 31. ~~[*1. The Administrators, subject to the approval of the Director, may charge and collect from each grant recipient a fee for administering the federal grants provided to the State of Nevada and its political subdivisions for the planning, acquisition or development of outdoor recreational projects pursuant to the Land and Water Conservation Fund established by 54 U.S.C. § 200302 to the extent that such a fee does not violate the terms of such a federal grant.*~~

~~*2. If a fee is charged pursuant to subsection 1:*~~

~~*(a) The fee must be charged only once annually.*~~

~~*(b) The total of all fees collected annually pursuant to subsection 1 must not exceed an amount equal to the annual salary of a half-time position the duty of which is to administer the federal grants.*~~

~~*3. Notwithstanding any other specific provision to the contrary, if a fee is charged to the Division pursuant to subsection 1, the fee may be paid from money received by the Division for the planning, acquisition or development of outdoor recreational projects regardless of the source of the money to the extent that such payment of the fee does not violate the terms of any federal grant awarded to the State of Nevada.*~~] **(Deleted by amendment.)**

Sec. 32. ~~[*1. Any money the Administrators receive pursuant to section 31 of this act:*~~

~~*(a) Must be deposited in the State Treasury and accounted for separately in the State General Fund;*~~

~~*(b) Does not revert to the State General Fund at the end of any fiscal year; and*~~

~~*(c) May be used by the Administrators only to pay the costs of administering the federal grants provided for the planning, acquisition or development of outdoor recreational projects pursuant to the Land and Water Conservation Fund established by 54 U.S.C. § 200302. The costs of administering those federal grants include, without limitation, costs for the salary, travel expenses and per diem allowances of the person whose duty is to administer the federal grants.*~~

~~*2. Any interest or income earned on the money in the account, after deducting applicable charges, must be credited to the account. Any claims against the account must be paid in the manner that other claims against the State are paid.*~~] **(Deleted by amendment.)**

Sec. 33. ~~[*The Administrators, subject to the approval of the Director, shall make no commitment, nor shall the Administrators enter into any*~~

~~*agreement pursuant to sections 29 to 33, inclusive, of this act until the Administrators have determined that sufficient funds are available to the Division for meeting the State's share, if any, of project costs. It is the legislative intent that, to such extent as may be necessary to assure the proper operation and maintenance of areas and facilities acquired or developed pursuant to any program participated in by this State under sections 29 to 33, inclusive, of this act, such areas and facilities must be publicly maintained for outdoor recreation purposes. The Administrators, subject to the approval of the Director, may enter into and administer agreements with the United States or any appropriate agency thereof for planning, acquisition and development projects involving participating federal aid funds on behalf of any political subdivision or subdivisions of this State if such subdivision or subdivisions give necessary assurances to the Division that they have available sufficient funds to meet their shares, if any, of the cost of the project and that the acquired or developed areas will be operated and maintained at the expense of such subdivision or subdivisions for public outdoor recreation use.]*~~ **(Deleted by amendment.)**

Sec. 34. The Administrator ~~[for Business Development for Outdoor Recreation of the Division of Outdoor Recreation and the Administrator for Preservation of Natural Resources for Outdoor Recreation]~~ of the Division of Outdoor Recreation shall conduct, complete and, on or before February 15, 2020, submit to the Director of the State Department of Conservation and Natural Resources an initial impact study regarding industries involved with outdoor recreation in this State, including, without limitation, business opportunities in this State for such industries, and regarding any other related topics deemed appropriate by the Director.

Sec. 35. ~~[NRS 407.205, 407.207, 407.2072, 407.2074 and 407.209 are hereby repealed.]~~ **(Deleted by amendment.)**

Sec. 36. This act becomes effective on July 1, 2019.

~~]~~

~~LEADLINES OF REPEALED SECTIONS~~

~~407.205 Statewide plan for outdoor recreation; financial assistance and accounting for projects.~~

~~407.207 Representation of state agencies and political subdivisions in obtaining federal assistance for outdoor recreation.~~

~~407.2072 Fees for administration of certain federal grants: Imposition; payment and collection.~~

~~407.2074 Fees for administration of certain federal grants: Disposition; use.~~

~~407.209 Determination of availability of money for state or local share of costs of project.]~~

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 2.

Resolution read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 50.

~~[ASSEMBLYWOMEN]~~ **ASSEMBLYMEN** COHEN ~~[~~**,**~~AND]~~ PETERS **AND WATTS**

ASSEMBLY JOINT RESOLUTION—Urging Congress to oppose the expansion of the United States Air Force into the Desert National Wildlife Refuge in Nevada.

WHEREAS, The Desert National Wildlife Refuge was established in 1936 primarily to preserve the habitat necessary to protect the desert bighorn sheep; and

WHEREAS, At roughly 1.5 million acres in size, the Desert National Wildlife Refuge is the largest wildlife refuge in the lower 48 states and is home to over 320 species of birds, 52 species of mammals, nearly 40 species of amphibians and reptiles, including the federally protected desert tortoise, and over 500 species of plants; and

WHEREAS, Roughly 1.2 million acres of the Desert National Wildlife Refuge are currently proposed for designation as wilderness and have been managed by the United States Fish and Wildlife Service of the Department of the Interior as de facto wilderness since 1974; and

WHEREAS, The Nevada Test and Training Range was established in 1940 as an aerial gunnery and bombing range; and

WHEREAS, At approximately 2.9 million acres of land and nearly 16,000 square miles of airspace, the Nevada Test and Training Range is the largest contiguous air and ground space available for peacetime military operations in the free world and is used by the United States Air Force for testing and evaluation of weapons systems, tactics development and advanced combat training; and

WHEREAS, The boundaries of the Desert National Wildlife Refuge and the Nevada Test and Training Range overlap to the extent that 55 percent of the total area of the Refuge – 826,000 acres – lies within the Range and is used for military purposes as well as for purposes of wildlife conservation; and

WHEREAS, With the exception of 112,000 acres located in the heart of the Desert National Wildlife Refuge over which the Air Force exercises primary jurisdiction, and which it uses as target impact areas for both live and inert ordinance, the United States Fish and Wildlife Service exercises primary jurisdiction over the shared lands, with the Air Force exercising only secondary jurisdiction; and

WHEREAS, Under the terms of the Military Lands Withdrawal Act of 1999, Public Law 106-65, the Air Force's authority over all 2.9 million acres of the

Nevada Test and Training Range is limited to 20 years in duration, expires on November 6, 2021, and can only be extended by an act of Congress; and

WHEREAS, The Department of the Air Force has notified Congress that there is a continuing military need for the land and that the Air Force is preparing a proposal for submission to Congress that not only extends its existing use of the land, but seeks to expand that use in significant ways; and

WHEREAS, Although the Air Force has identified several alternatives for its future use of the Nevada Test and Training Range, its preferred alternative includes: (1) increasing the total size of the Range by over 300,000 additional acres, almost all of which are within the Desert National Wildlife Refuge; (2) giving the Air Force primary jurisdiction over all the jointly administered land within the Refuge or making other legislative changes to ensure that the Air Force has the same kind of "ready access" necessary to engage in testing and training for major combat operations to all such land within the Refuge that it currently has throughout the rest of the Range; and (3) in effect, rendering these new arrangements permanent by eliminating the usual 20-year time limit on Congressional grants of land for military purposes; and

WHEREAS, The Air Force's preferred alternative for the Nevada Test and Training Range, if approved by Congress, would eliminate wilderness protections from nearly 1 million acres of land within the Desert National Wildlife Refuge, increase the threats to the survival of the Desert Bighorn Sheep, desert tortoise and other imperiled wildlife, further restrict access to areas of historical, cultural, spiritual and recreational significance to Native and other Americans, and degrade the ability of future Congresses to exercise meaningful oversight of the Air Force's discharge of its environmental responsibilities within the Refuge; **and**

WHEREAS, The Moapa Band of Paiutes have asserted in Tribal Resolution M-18-03-07 their opposition to an increase of the use and size of the Nevada Test and Training Range given that the Desert National Wildlife Refuge includes abundant ecological and cultural resources where the Southern Paiute people carved petroglyphs into rocks and left artifacts that help show how they thrived in the beautiful desert and mountain environment; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the members of the 80th Session of the Nevada Legislature hereby urge Congress to reject any proposal by the United States Air Force to expand its use of land or exercise of jurisdiction within the Desert National Wildlife Refuge beyond that which it currently possesses and to limit any proposal to extend the Air Force's authority over the Nevada Test and Training Range to not more than 20 years; and be it further

RESOLVED, That the members of the 80th Session of the Nevada Legislature urge Congress to work collaboratively with all interested parties to develop a compromise alternative that would both enhance training opportunities for the United States Air Force and continue to

provide essential protections for Nevada's wildlife and outdoor recreational experiences for Nevadans and visitors; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblywoman Swank moved the adoption of the amendment.

Remarks by Assemblywoman Swank.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 6.

Resolution read second time.

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

Amendment No. 454.

ASSEMBLYMEN THOMPSON, WATTS, ASSEFA, NEAL; CARRILLO, FLORES ~~[AND]~~ **, FUMO,** MARTINEZ **, MCCURDY, MILLER, MONROE-MORENO AND TORRES**

JOINT SPONSORS: SENATORS D. HARRIS, SPEARMAN; AND WOODHOUSE

Assembly Joint RESOLUTION—Urging Congress to prevent the United States Census Bureau from adding a citizenship question to the 2020 decennial census.

WHEREAS, The United States Constitution requires that an "actual Enumeration" of the population be conducted every 10 years to apportion representatives in Congress among the States, "according to their respective Numbers, counting the whole number of persons in each State" and vests Congress with the authority to conduct that census "in such Manner as they shall by Law direct", U.S. Const. Art. I § 2, cl. 3; and

WHEREAS, Congress, in the Census Act, 13 U.S.C. §§ 1 et seq., has delegated to the Secretary of the Department of Commerce, with the assistance of the United States Census Bureau, the responsibility to conduct the decennial census; and

WHEREAS, On March 26, 2018, the Secretary announced his decision to direct the Census Bureau to add to the 2020 decennial census a question concerning the citizenship of each person counted which had not been included in any decennial census since 1950; and

WHEREAS, The Secretary's decision is the subject of numerous legal challenges, with one federal district court having vacated the Secretary's decision on the grounds that it was arbitrary and capricious and contrary to law, in violation of the Administrative Procedure Act, 5 U.S.C. §§ 551 to 559, 701 to 706, 1305, 3105, 3344, 4301, 5335, 5372, 7521, and the Census Act, while a second found that it also violated the Enumeration Clause of the United

States Constitution, and both courts having issued injunctions to prevent the Secretary from adding a citizenship question to the 2020 Census; and

WHEREAS, The United States Supreme Court has agreed to hear a challenge to this decision and has scheduled it for oral argument on April 23, 2019; and

WHEREAS, Research conducted by the Census Bureau during both Republican and Democratic administrations has consistently demonstrated that the inclusion of a citizenship question discourages the participation in the census of households composed of immigrants, whether or not documented, as well as mixed households composed of citizens and at least one immigrant, leading the Census Bureau to conclude nearly 40 years ago, that any effort to ascertain citizenship in a decennial census "will inevitably jeopardize the overall accuracy of the population count"; and

WHEREAS, Four former directors of the Census Bureau—appointed by Presidents of both political parties—advised the United States Supreme Court in 2016 that "a one-by-one citizenship inquiry would invariably lead to a lower response rate to the Census in general"; and

WHEREAS, An inaccurate enumeration caused by the decreased participation in the decennial census of immigrants resulting from the inclusion of the citizenship question could be particularly harmful to this State because almost 20 percent of Nevadans are immigrants, only some of whom are citizens, and over 7 per cent of the State's total population are undocumented immigrants, the highest proportion in the nation and more than twice the national average; and

WHEREAS, The harmful political consequences to Nevada arising from an inaccurate enumeration are substantial because, in addition to serving the constitutional purposes of a fair apportionment of representation in Congress and the allocation of members of the Electoral College, the Nevada Constitution requires the reapportionment of the number of Senators and Assembly members in this State following each decennial census among the various counties or legislative districts "according to the number of inhabitants in them" as established by that count; and

WHEREAS, The harmful economic consequences to Nevada arising from an inaccurate enumeration are also substantial because, according to the State Demographer, this State stands to potentially lose out on $1,611 in federal funds each year for each resident of this State who is not counted on the 2020 decennial census; and

WHEREAS, The consequences of a maldistribution of political representation in Congress and the Electoral College, and within this State, and the deprivation of federal funds caused by an inaccurate decennial census are inherently unfair to the people of this State and, if allowed to occur, cannot be corrected sooner than the next decennial census in 2030; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the members of the 80th Session of the Nevada Legislature hereby urge Congress to prevent the United States Census Bureau from adding a citizenship question to the 2020 decennial census; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States, as the presiding officer of the United States Senate, the Speaker of the United States House of Representatives and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblywoman Jauregui moved the adoption of the amendment.

Remarks by Assemblywoman Jauregui.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that upon return from the printer, Assembly Bills Nos. 155, 171, 229, 237, 276, 326, and 486 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Benitez-Thompson moved that upon return from the printer, Assembly Bills Nos. 148, 199, and 378 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

NOTICE OF EXEMPTION

April 17, 2019

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 111, 153 and 206.

MARK KRMPOTIC
Fiscal Analysis Division

Mr. Speaker appointed Assemblymen Jauregui and Hafen as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Representative Susie Lee.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 4:46 p.m.

ASSEMBLY IN SESSION

At 5:02 p.m.

Mr. Speaker presiding.

Quorum present.

The President of the Senate and members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the President of the Senate to the Speaker's rostrum.

Mr. Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 5:05 p.m.
President of the Senate presiding.

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

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

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

The Committee on Escort, in company with The Honorable Susie Lee, United States Representative from Nevada, appeared before the bar of the Assembly.

The Committee on Escort escorted the Representative to the rostrum.

The Speaker of the Assembly welcomed Representative Lee and invited her to deliver her message.

Representative Lee delivered her message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
EIGHTIETH SESSION, 2019

Thank you all for coming here and being with me tonight. When I think about our great state, I think of a few things. First, small but mighty; diverse; independent, and perhaps the thing I love most about our state is that you do not need an invitation to make a difference in Nevada. And despite what our ad campaign says, what happens in Nevada does not stay in Nevada. We have and will continue to set the tone for the rest of the country. It is happening right here in these Chambers, and I thank you all. That is what makes our state so dynamic and beautiful.

As I look out into this Chamber, I am struck by the diversity and by your independence. I see teachers, retired police officers, mothers, fathers, grandparents, community leaders, activists, veterans. And besides being Nevadans, we all have one thing in common: You are all hard working legislators with the will to work together to make sure that all Nevadans have a chance to live in dignity and security. And I can only hope that the rest of the country follows the example of electing the first woman majority legislature, and our first woman majority Supreme Court, and our first African-American Speaker, and first woman Senate Majority Leader.

When I walked in here tonight, I had a flashback of being sworn in on the floor of the House of Representatives. I stood there with my children, my hand in the air, my husband was in the stand—by the way my husband Dan is here this evening. I actually think that Dan really came up north to do the Tesla tour. Taking the oath of office was really the most profound and humbling experience of my life. I am sure that all of you in this Chamber have shared that feeling. I want to thank you all for your service—the time away from your families, the scrutiny, the criticism, the long hours. I am sure you can all agree that compared to the challenges of many of our fellow Nevadans, it is well worth it.

I would like to thank Speaker Frierson, Majority Leaders Benitez-Thompson and Cannizzaro, President pro Tem Denis, Minority Leaders Settelmeyer and Wheeler, and all of the members of the Assembly and Senate for having me today. I would also like to extend my gratitude to Governor Sisolak, Lieutenant Governor Marshall, all the constitutional officers—our Treasurer is

here, Zach Conine—and members of the Supreme Court. And to all of the men and women who work behind the scenes, thank you for all you do.

So I understand that today is the one hundredth day. Is today the one hundredth day? Saturday marked my one hundredth day in Congress. I am happy to report that I can actually, on my own, get from my office to the floor of the House. I am very proud of that. I went to Washington expecting the division and partisanship that we all hear about day in and day out. It does exist, to some extent. But here is how I approach it. It is easy to find fault, it is easy to demonize someone you do not know. You cannot solve problems with someone that you do not talk to. Perhaps the biggest challenge is finding those opportunities to find my way across the aisle, to have those tough discussions. It is easy to throw out the insults from your phone, but as you all know, the real work gets done when we actually get together and find that common ground and talk to one another.

I am finding common ground with friends on both sides of the aisle. In fact, nearly every piece of legislation I have introduced has had bipartisan support. Working with members of our delegation, I introduced the Jobs, Not Waste Act which will finally prohibit the government from making Yucca Mountain the country's nuclear waste dumping ground. It is time for the Department of Energy to take their nuclear waste, take the secret plutonium shipments to somewhere else. We do not want it in Nevada. We want good paying jobs, and that is what that bill is all about.

As many of you know, I spent my career working to improve the lives of Nevada's children by making sure that they all have the opportunity to get access to a quality education. I ran for Congress because I want to do my part to make sure that high quality education is not just a state issue, but is also a national priority.

Last week, Secretary of Education Betsy DeVos made her way to the Education and Labor Committee, which I sit on, and I have to be honest, it was a little frustrating. There was a lot of talk about using public money, $50 billion to be exact, to support scholarships for private schools. I keep scratching my head and thinking, How about this? What if we did this grand experiment in this country instead and actually fully invested in quality public education? Let us address the critical digital and physical infrastructure needs in schools across the country, ensure every teacher has the proper materials in their classrooms so they can stop dipping into their own pockets, and invest in every child, not just those in certain zip codes. Let us focus on the mental health needs of our students. These proposals are not that controversial. I am proud to be doing my part by introducing the Rebuild America's Schools Act and the Keep Our PACT Act, which actually calls for the federal government to finally begin fully funding Title I and IDEA [Individuals with Disabilities Education Act].

I do not need to remind you of the work that needs to be done at the state. I commend the Governor for putting a 3 percent raise for teachers and support staff in your budget. And I applaud all the work that is being done by Education Chairs Denis and Thompson and the others taking on the massive, massive challenge of fixing our funding formula and making the necessary changes so that we can reduce class sizes, provide teachers with proper materials, and strengthen what works in our school system. But we all know what it takes. It takes money. Once and for all, let's let our children know that they are an investment that is worth making. Our future depends on it.

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

Nevada is home to more than 200,000 veterans, and I am honored to serve them all as a member of the House Veterans Affairs Committee. I am one of 18 freshmen to chair a subcommittee, the Technology Modernization Subcommittee. Just an aside—I was in my apartment one night in Washington; I called my son and said, "How do I change my TV? It's not working." And he said,

"Says the Chair of Technology Modernization." But seriously, it is a big task to oversee our medical records to make sure that veterans receive a seamless handoff after active duty and can have the flexibility to see doctors in their communities if that is the preferred option. I am also proud that I introduced a bipartisan bill that will ensure that veterans can access childcare at all veterans' facilities while they are receiving treatment. I will soon introduce bipartisan legislation to expand transition assistance programs that put our veterans on a path to dignity through full employment right when they leave the service. There should be nothing partisan about caring for our vets because there was nothing partisan about their decision to put their lives on the line for our freedom. To all our veterans here tonight, could you please stand so we can all say thank you.

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

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

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

There are few things as important to me in Nevada as protecting our public lands. From Gold Butte, to Basin and Range, and, of course, Red Rock Canyon—these are the places that make home mean Nevada to me. I spend many hours out in Red Rock hiking with my dogs. I have even taken a few constituents out on some hikes. I invite you all to join me when your session is over. Together with Congresswoman Titus, Congressmen Horsford and Amodei, and Senators Cortez Masto and Rosen, we passed a huge public lands package on the federal level that expanded public lands and conservation across the country. It is a great start, but we also need more investment in local and state BLM [Bureau of Land Management] offices, and we absolutely need to make sure that our state keeps benefiting from the Southern Nevada Public Land Management Act. This is for our environment and great for our economy. Thanks to efforts of the entire Nevada delegation, the House just passed the bipartisan Colorado River Drought Contingency Plan Authorization Act. This will address the historic drought conditions and help protect one of our state's main sources of water.

From Henderson to Elko to Carson City, no corner of Nevada should be left behind. That means making sure our infrastructure, especially in rural communities, is as modern and efficient as possible. It is great that Nevada received $29 million in funding to expand rural broadband access. We have more to go. In Congress, infrastructure—we have been talking about this for a long time—it gets praised as a bipartisan issue that we all think is a priority. For years it has been a lot of talk and no action. I want you to know that this is the one area in this Congress for which I do believe we can produce some bipartisan action. The Problem Solvers Caucus, which is a bipartisan caucus I am a member of, has made our top priority an infrastructure package that can become law. I know that Nevada will benefit from it.

Nevada also has the opportunity to be a leader in renewable energy, and thanks to efforts led by Senator Chris Brooks, we are moving towards a cleaner, greener, more sustainable energy in Nevada. These efforts will diversify our economy, bring new jobs to the state, and reduce our carbon footprint. We used to talk about solar and renewable energy as our future, but it needs to be our now.

Now, it is pretty clear there is a lot on the agenda. I am not going to read the rest of my speech. It is going to take time, but in a few short months, you have already found real solutions to some of Nevada's problems. There is more to do, but let's keep moving, let's keep talking and listening to each other. Let's keep finding that common ground. We can do this as long as we work as a team. Both my offices are ready and willing to help you in whatever way you may need. Please, please do not hesitate to reach out. With fewer than 50 days left, I will let you all get back to work.

Thank you for taking the time tonight. It has been truly an honor to address you and thank you all for all the work you do for our great state.

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

Seconded by Senator Spearman.

Motion carried.

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

Senator Hardy moved that the Joint Session be dissolved.

Seconded by Assemblyman Watts.

Motion carried.

Joint Session dissolved at 5:28 p.m.

ASSEMBLY IN SESSION

At 6:11 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 124, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LESLEY E. COHEN, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that the Assembly suspend Assembly Standing Rule 52.5 and subsection 4 of Assembly Standing Rule 57 with regard to Senate Bill 358.

Remarks by Assemblywoman Benitez-Thompson.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 90 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 90.

Bill read third time.

Remarks by Assemblywoman Bilbray-Axelrod.

ASSEMBLYWOMAN BILBRAY-AXELROD:

Assembly Bill 90 requires a private employer that provides sick leave benefits to employees to allow an employee to use any accrued sick leave to assist a member of the immediate family of the employee who has an illness, injury, medical appointment, or other authorized medical need to the same extent and under the same conditions that apply to the employee when taking such leave. The employer may limit the employee to only using accrued sick leave up to the maximum amount that the employee may accrue during a six-month period.

Roll call on Assembly Bill No. 90:

YEAS—29.

NAYS—Edwards, Ellison, Hafen, Hansen, Hardy, Kramer, Krasner, Leavitt, Roberts, Titus, Tolles, Wheeler—12.

EXCUSED—Hambrick.

Assembly Bill No. 90 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 88.

Bill read third time.

Remarks by Assemblyman Kramer.

ASSEMBLYMAN KRAMER:

Assembly Bill 88, as amended, revises provisions relating to the reporting of average daily enrollment in public schools for the immediately preceding quarter of the school year by allowing these reports to be submitted the following business day by 5 p.m. if the deadline falls on a Saturday, Sunday, or legal holiday. Assembly Bill 88, as amended, also revises the current reporting requirements regarding pupil-to-teacher ratios by school districts by basing these reports on average daily enrollment rather than average daily attendance. Finally, the bill, as amended, revises the provisions for the funding allocation for the next school year to local school precincts for large school districts, currently only Clark County School District, by requiring the large school district to estimate the number of pupils who will attend each local school precinct. Assembly Bill 88, as amended, is effective on July 1, 2019.

Roll call on Assembly Bill No. 88:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 88 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 109.

Bill read third time.

Remarks by Assemblyman Fumo.

ASSEMBLYMAN FUMO:

Assembly Bill 109 requires a court to order that credit for time spent in confinement before conviction be allowed to reduce a sentence of imprisonment in a county jail or prison. In addition, the court is authorized to allow credit for time spent in residential confinement for conviction to reduce a sentence, unless the defendant is convicted of a misdemeanor.

Roll call on Assembly Bill No. 109:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 109 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 110.

Bill read third time.

Remarks by Assemblywoman Hansen.

ASSEMBLYWOMAN HANSEN:

Assembly Bill 110 revises provisions governing citations for minor traffic and related violations. Courts with jurisdiction over traffic citations may establish a system allowing a person who has been issued a traffic citation to make a plea and statement of his or her defense or any mitigating circumstances by mail, electronic mail, over the Internet, or other electronic means. The measure sets forth the requirements that any such system must meet and authorizes the Nevada Supreme Court to adopt rules relating to the establishment of such a system. The bill also provides the following: A traffic enforcement agency is authorized to issue traffic citations and provide notifications concerning the traffic citation to a person electronically. A peace officer is authorized to request the electronic mail address and mobile telephone number of the person with the traffic citation for the purpose of enabling the court in which the person is required to appear to communicate with the person. This bill is effective on October 1, 2019.

Roll call on Assembly Bill No. 110:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 110 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 120.

Bill read third time.

Remarks by Assemblywoman Krasner.

ASSEMBLYWOMAN KRASNER:

Assembly Bill 120 provides that a person is guilty of sex trafficking if he or she receives anything of value with the specific intent of facilitating any act that constitutes sex trafficking.

Roll call on Assembly Bill No. 120:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 120 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 164.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Assembly Bill 164 conforms the statutes for medical marijuana establishments and marijuana establishments with respect to the following: one, the application process and fees required to obtain an agent registration card; two, procedures for suspending an agent registration card in the event a holder fails to comply with child support payments; three, provisions governing fingerprinting and background checks of applicants for registration as agents; and, four, provisions that prohibit a person from volunteering or working at, contracting to provide labor to, or being employed by an independent contractor to provide labor unless the person is registered with the Department of Taxation and issued an agent registration card. In addition, the bill authorizes a marijuana establishment to place an advertisement at a sports or entertainment event where persons who are less than 21 years of age are under certain circumstances. A local government may adopt an ordinance regulating the content of advertisements used by a marijuana establishment or a medical marijuana establishment.

Roll call on Assembly Bill No. 164:

YEAS—34.

NAYS—Ellison, Hafen, Hansen, Hardy, Leavitt, Titus, Wheeler—7.

EXCUSED—Hambrick.

Assembly Bill No. 164 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 174.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Assembly Bill 174 creates the Nevada Interagency Advisory Council on Homelessness to Housing and prescribes the membership of the Council. It requires the Council to collaborate with state and local agencies on their responses to homelessness and promote cooperation among federal, state, and local agencies to address homelessness. It also requires the Council to develop a comprehensive strategic plan for addressing homelessness and affordable housing in this state. It establishes a technical assistance committee to provide advice and information to assist the Council in developing and implementing the strategic plan and requires state and local agencies to collaborate with and provide information to the Council.

Roll call on Assembly Bill No. 174:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 174 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 183.

Bill read third time.

Remarks by Assemblywomen Monroe-Moreno, Titus, and Carlton.

ASSEMBLYWOMAN MONROE-MORENO:

Assembly Bill 183 requires, with certain exceptions, that all correctional facilities in this state that house prisoners be under the administrative and direct operational control of the state or a local government, and that core correctional services must be performed by employees of the state or local government, and not by a private entity.

Nevada's Department of Corrections, until June 30, 2022, is allowed to enter into contracts with private entities to perform core correctional services to promote the safety of prisoners, employees of prisons, and the public by reducing overcrowding in prisons. Any such entity must comply with the requirements for housing, custody, medical and mental health treatment, and programming set forth in law and regulation and approved by the Board of State Prison Commissioners. The Department is required to conduct an onsite inspection twice a year of private facilities where prisoners are housed to ensure compliance. The bill establishes conditions for the transfer of a prisoner to a facility that is located outside of Nevada. Lastly, the Director of the Department is required to submit an annual report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission.

Provisions of the bill allowing the Department of Corrections to enter into contracts with private entities to perform core correctional services expire by limitation on June 30, 2022. Provisions prohibiting such contracts are effective on July 1, 2022. All other provisions of the bill are effective on July 1, 2019.

ASSEMBLYWOMAN TITUS:

I rise today in opposition of Assembly Bill 183. Nevada's prison population remains above the national average. While I applaud the efforts of many of my colleagues to overhaul our criminal justice system, I do believe we are shooting ourselves in the foot on prison reform.

Private businesses can leverage pricing controls for resources with greater flexibility than a government provider. A private business can act quickly to search for the best practices, improve operational efficiencies, and implement cost-saving measures. Similarly, state and federal prisons are usually overpopulated, causing prisoners to suffer from poor physical and mental health and making safety and security difficult to maintain. This is a safety issue for both the inmates and the staff. This is another major factor that has led to the use of private prisons to reduce overcrowding.

Lastly, Assembly Bill 183 limits the state's ability to work with outside resources and will continue to overburden our already struggling correctional system. If we move forward with A.B. 183, we are reducing the options that our state has on the table in the case of unforeseen emergencies with our prison population. I urge my colleagues to vote no on Assembly Bill 183.

ASSEMBLYWOMAN CARLTON:

I rise in support of Assembly Bill 183. Over the last number of years, we have had a number of different proposals on private prisons, and we actually went down that road—I believe it was in 2013. In about 2015, we had to pull back. There were riots, we had problems; the private company did not take care of the facility. Those of us who saw the photos of what actually happened inside that facility after the private entity left—you cannot unsee those things. It was not a good decision. We cannot let private industry perform a core governmental service. It is our responsibility to do it. We have tried it a couple of times; it did not work. It cost us more in the long run. If we really want to address what is going on with corrections, we need to address our officers, their safety, and the vacancy rate, and the overtime rate. It is deplorable how they are worked, how hard they work, and all the overtime that they do. In order to be able to address all of this, I do support Assembly Bill 183.

Roll call on Assembly Bill No. 183:

YEAS—29.

NAYS—Edwards, Ellison, Hafen, Hansen, Hardy, Kramer, Krasner, Leavitt, Roberts, Titus, Tolles, Wheeler—12.

EXCUSED—Hambrick.

Assembly Bill No. 183 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 195.

Bill read third time.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

Assembly Bill 195 makes it a crime, punishable as a category C felony, for a person to install or affix a scanning device within or upon a machine used for financial transactions with the intent to use the device for an unlawful purpose.

Roll call on Assembly Bill No. 195:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 195 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 260.

Bill read third time.

Remarks by Assemblyman Roberts.

ASSEMBLYMAN ROBERTS:

Assembly Bill 260 revises provisions relating to confidential communications made by law enforcement or public safety personnel who participate in a peer support counseling session. This measure prohibits a court from issuing an order or subpoena requiring the disclosure of confidential communications made during such a peer support counseling session.

Roll call on Assembly Bill No. 260:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 260 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 266.

Bill read third time.

Remarks by Assemblywoman Bilbray-Axelrod.

ASSEMBLYWOMAN BILBRAY-AXELROD:

Assembly Bill 266 provides for eviction case court files to be automatically sealed upon the entry of the court order dismissing the action for summary eviction 10 judicial days after the entry of the court order denying the action for summary eviction, or 31 days after the tenant files an affidavit to contest the matter, if the landlord fails to file an affidavit of complaint within 30 days after the tenant files the affidavit.

Roll call on Assembly Bill No. 266:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 266 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 285.

Bill read third time.

Remarks by Assemblywoman Miller.

ASSEMBLYWOMAN MILLER:

Assembly Bill 285 allows certain observers to attend a mental or physical examination ordered by a court for the purpose of discovery in a civil action. The observer may make an audio or stenographic recording of the examination or suspend the examination in certain circumstances.

Roll call on Assembly Bill No. 285:

YEAS—34.

NAYS—Backus, Hafen, Hansen, Hardy, Leavitt, Titus, Tolles—7.

EXCUSED—Hambrick.

Assembly Bill No. 285 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 340.

Bill read third time.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Assembly Bill 340 authorizes certain health care professionals to issue an order for opioid antagonists to a public or private school for the treatment of an opioid-related drug overdose that may be experienced by any person at the school. The bill also provides that a health care professional is not subject to disciplinary action for issuing such an order to a school. Public and private schools are authorized to obtain such an order for an opioid antagonist and to authorize a school nurse or other designated employee who has received specified training to administer it in certain circumstances. If such an order is obtained, the board of trustees of each school district and the governing body of each charter or private school is required to establish certain policies regarding the storage and administration of opioid antagonists. The bill requires a registered pharmacist to transfer an order for an opioid antagonist to another registered pharmacist at the request of a public or private school for which the order was issued.

Finally, the measure provides certain exemptions from liability for a school, school district, employee of a school, and certain other persons affiliated with a school for certain damages relating to the acquisition, possession, provision, or administration of an opioid antagonist or auto injectable epinephrine not amounting to gross negligence or reckless, willful, or wanton conduct. Similar exemptions apply to a pharmacist who dispenses an opioid antagonist pursuant to such an order. This bill is effective upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks and on July 1, 2019, for all other purposes.

Roll call on Assembly Bill No. 340:

YEAS—40.

NAYS—Miller.

EXCUSED—Hambrick.

Assembly Bill No. 340 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 349.

Bill read third time.

Remarks by Assemblywoman Nguyen.

ASSEMBLYWOMAN NGUYEN:

Assembly Bill 349 provides that if a law enforcement officer voluntarily engages in sexual conduct with a person who is under arrest or is currently detained by the law enforcement officer or any other law enforcement officer, the law enforcement officer is guilty of a category D felony. In addition, this measure provides that the consent of a person who was under arrest or detained by any law enforcement officer to any sexual conduct with a law enforcement officer is not a defense to a prosecution for such unlawful sexual conduct.

Roll call on Assembly Bill No. 349:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 349 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 450.

Bill read third time.

Remarks by Assemblyman McCurdy.

ASSEMBLYMAN MCCURDY:

Assembly Bill 450 revises the manner in which incarcerated individuals are counted for apportionment of the population for legislative districts, congressional districts, and districts of the Board of Regents of the University of Nevada. The Department of Corrections must compile the last known address of each offender immediately before the offender was imprisoned. After the national decennial census, the state demographer must use this information to revise population counts for reapportionment purposes to include each inmate who was a Nevada resident before incarceration in the block, block group, and census tract of the inmate's last known residential address before incarceration.

Roll call on Assembly Bill No. 450:

YEAS—33.

NAYS—Edwards, Ellison, Hafen, Hansen, Kramer, Krasner, Titus, Wheeler—8.

EXCUSED—Hambrick.

Assembly Bill No. 450 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 467.

Bill read third time.

Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:

Assembly Bill 467 provides that a charitable organization does not have to provide to the Commission on Special License Plates certain information, such as a balance sheet, a bank statement, and a description of how the money was expended, if the organization received fewer than $10,000 in that year in additional fees or if the special license plates that benefit the charitable organization are no longer in production.

Roll call on Assembly Bill No. 467:
YEAS—41.
NAYS—None.
EXCUSED—Hambrick.
Assembly Bill No. 467 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 471.
Bill read third time.
Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:
Assembly Bill 471 authorizes the holder of a certificate to provide supported living arrangement services to provide such services to any person with a primary diagnosis of an intellectual disability or developmental disability, as well as to any person who has a secondary diagnosis other than an intellectual disability or developmental disability.

Roll call on Assembly Bill No. 471:
YEAS—41.
NAYS—None.
EXCUSED—Hambrick.
Assembly Bill No. 471 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 480.
Bill read third time.
Remarks by Assemblywoman Krasner.

ASSEMBLYWOMAN KRASNER:
Assembly Bill 480 establishes the Supported Decision-Making Act, which authorizes an adult with a disability to enter into a supported decision-making agreement in which he or she designates one or more supporters to provide assistance when making decisions or engaging in certain other activities. The measure sets forth the requirements for a supported decision-making agreement and authorizes such an agreement to be terminated in writing or verbally and with notice to the other parties. A decision or request made or communicated by an adult with the assistance of a supporter must, for the purposes of any provision of law, be recognized as the decision or request of the adult and may not be used as evidence of an adult's incapacity.

Roll call on Assembly Bill No. 480:
YEAS—41.
NAYS—None.
EXCUSED—Hambrick.
Assembly Bill No. 480 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 484.
Bill read third time.
Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Assembly Bill 484 authorizes the Commission on Special License Plates to recommend to the Department of Motor Vehicles [DMV] terminating production and distribution of a special license plate if a charitable organization fails to comply with one or more required provisions. Additionally, the bill authorizes the Commission to recommend suspending the distribution of additional fees to the charitable organization for a specified period after notifying the organization of the necessary corrective actions. At the end of the specified period, if the DMV, in consultation with the Commission, determines corrective actions have been completed, the suspension may be terminated, and additional fees collected during the suspension may be forwarded to the charitable organization. If it is determined that corrective actions have not been completed, the Commission may recommend, one, extending the suspension for a specified period; or, two, terminating production and distribution of the special license plates and collection of the additional fees, and distributing the additional fees collected during the suspension in a manner determined by the DMV in consultation with the Commission; or, three, distributing all additional fees, including those held during the suspension, to a different charitable organization that meets certain requirements.

Roll call on Assembly Bill No. 484:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 484 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 488.

Bill read third time.

Remarks by Assemblyman Roberts.

ASSEMBLYMAN ROBERTS:

Assembly Bill 488 eliminates certain reports to the Legislature. In addition, reports from the Director of the Office of Energy, Office of the Governor, are revised by eliminating one and combining its provisions with another. Reports from certain governing bodies, pursuant to the Nye County Sales and Use Tax Act, must be submitted to the Department of Taxation rather than the Director of the Legislative Counsel Bureau.

Roll call on Assembly Bill No. 488:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 488 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 490.

Bill read third time.

Remarks by Assemblywoman Miller.

ASSEMBLYWOMAN MILLER:

Assembly Bill 490 requires each public school to collect and report data on the discipline of its students. Suspensions and expulsions are to be reported as separate events, and the data must be made available by subgroups. A.B. 490 requires the Department to develop and provide guidance to school districts on the collection of discipline data, develop standard definitions for offenses

and sanctions, and provide training and professional development on reporting and analyzing discipline data.

Roll call on Assembly Bill No. 490:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 490 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 65.

The following Senate amendment was read:

Amendment No. 92.

AN ACT relating to notaries public; revising provisions related to certain fees charged by a notary public and electronic notary; revising provisions related to the authentication of certain notarized documents by the Secretary of State; revising the requirements to register as an electronic notary; revising the certificate of acknowledgment of a notary public on the form required to request to nominate a court-appointed guardian; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that an oath or affirmation administered by a notarial officer must be signed by the affiant in the presence of the notarial officer. (NRS 240.1655) **Sections 1 and 4** of this bill eliminate obsolete language that refers to fees that a notary public or an electronic notary may charge to administer an oath or affirmation without a signature. (NRS 240.100, 240.197)

Existing law requires the Secretary of State to authenticate the signature and office of a notarial officer on a document intended for use in the United States. (NRS 240.1657) **Section 2** of this bill eliminates this requirement and provides that the Secretary of State is only required to authenticate the signature and office of a notarial officer on a document intended for use in a foreign country.

Under existing law, a person must be a notarial officer in this State for not less than 4 years to register as an electronic notary public. (NRS 240.192) **Section 3** of this bill eliminates this requirement and authorizes the Secretary of State to establish a process for a person to submit an application to register as an electronic notary public simultaneously with an application for appointment as a notary public.

Under current law, a person may nominate another person to be his or her appointed guardian by completing a notarized form witnessed by two persons. (NRS 159.0753) **Section 5** of this bill eliminates the requirement that the certificate of acknowledgment of notary public used on this form include language indicating the notarial officer declares under penalty of perjury that

the persons whose names are subscribed to the document appear to be of sound mind and under no duress, fraud or undue influence.

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

Section 1. NRS 240.100 is hereby amended to read as follows:

240.100 1. Except as otherwise provided in subsection 3, a notary public may charge the following fees and no more:

For taking an acknowledgment, for the first signature of each signer	$5.00
For each additional signature of each signer	2.50
For administering an oath or affirmation ~~[without a signature]~~	2.50
For a certified copy	2.50
For a jurat, for each signature on the affidavit	5.00
For performing a marriage ceremony	75.00

2. All fees prescribed in this section are payable in advance, if demanded.

3. A notary public may charge an additional fee for traveling to perform a notarial act if:

(a) The person requesting the notarial act asks the notary public to travel;

(b) The notary public explains to the person requesting the notarial act that the fee is in addition to the fee authorized in subsection 1 and is not required by law;

(c) The person requesting the notarial act agrees in advance upon the hourly rate that the notary public will charge for the additional fee; and

(d) The additional fee does not exceed:

(1) If the person requesting the notarial act asks the notary public to travel between the hours of 6 a.m. and 7 p.m., $10 per hour.

(2) If the person requesting the notarial act asks the notary public to travel between the hours of 7 p.m. and 6 a.m., $25 per hour.

➥ The notary public may charge a minimum of 2 hours for such travel and shall charge on a pro rata basis after the first 2 hours.

4. A notary public is entitled to charge the amount of the additional fee agreed to in advance by the person requesting the notarial act pursuant to subsection 3 if:

(a) The person requesting the notarial act cancels the request after the notary public begins his or her travel to perform the requested notarial act.

(b) The notary public is unable to perform the requested notarial act as a result of the actions of the person who requested the notarial act or any other person who is necessary for the performance of the notarial act.

5. For each additional fee that a notary public charges for traveling to perform a notarial act pursuant to subsection 3, the notary public shall enter in the journal that he or she keeps pursuant to NRS 240.120:

(a) The amount of the fee; and

(b) The date and time that the notary public began and ended such travel.

6. A person who employs a notary public may prohibit the notary public from charging a fee for a notarial act that the notary public performs within the scope of the employment. Such a person shall not require the notary public whom the person employs to surrender to the person all or part of a fee charged by the notary public for a notarial act performed outside the scope of the employment of the notary public.

Sec. 2. NRS 240.1657 is hereby amended to read as follows:

240.1657 1. Except as otherwise provided in subsection 2, the Secretary of State shall, upon request and payment of a fee of $20, issue an authentication to verify that the signature of the notarial officer on a document *intended for use in a foreign country* is genuine and that the notarial officer holds the office indicated on the document. If the document:

(a) Is intended for use in a foreign country that is a participant in the Hague Convention of October 5, 1961, the Secretary of State must issue an apostille in the form prescribed by the Hague Convention of October 5, 1961.

(b) Is intended for use in ~~[the United States or in]~~ a foreign country that is not a participant in the Hague Convention of October 5, 1961, the Secretary of State must issue a certification.

2. The Secretary of State shall not issue an authentication pursuant to subsection 1 if:

(a) The document has not been notarized in accordance with the provisions of this chapter;

(b) The Secretary of State has reasonable cause to believe that the document may be used to accomplish any fraudulent, criminal or other unlawful purpose; or

(c) The request to issue an authentication does not include a statement, in the form prescribed by the Secretary of State and signed under penalty of perjury, that the document for which the authentication is requested will not be used to:

(1) Harass a person; or

(2) Accomplish any fraudulent, criminal or other unlawful purpose.

3. No civil action may be brought against the Secretary of State on the basis that:

(a) The Secretary of State has issued an authentication pursuant to subsection 1; and

(b) The document has been used to:

(1) Harass a person; or

(2) Accomplish any fraudulent, criminal or other unlawful purpose.

4. A person who uses a document for which an authentication has been issued pursuant to subsection 1 to:

(a) Harass a person; or

(b) Accomplish any fraudulent, criminal or other unlawful purpose,

➥ is guilty of a category C felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum

term of not more than 5 years, and may be further punished by a fine of not more than $5,000.

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

Sec. 3. NRS 240.192 is hereby amended to read as follows:

240.192 1. ~~[Each]~~ ***Except as otherwise provided in subsection 5, each*** person registering as an electronic notary public must:

(a) At the time of registration, be a notarial officer in this State who has complied with the requirements pertaining to taking an oath and filing a bond set forth in NRS 240.030 and 240.033 ~~[, have been a notarial officer in this State for not less than 4 years]~~ and have complied with all applicable notarial requirements set forth in this chapter;

(b) Register with the Secretary of State by submitting an electronic registration pursuant to subsection 2;

(c) Pay to the Secretary of State a registration fee of $50, which is in addition to the application fee required pursuant to NRS 240.030 to be a notarial officer in this State; and

(d) Submit to the Secretary of State with the registration proof satisfactory to the Secretary of State that the registrant has:

(1) Successfully completed any required course of study on electronic notarization provided pursuant to NRS 240.195; and

(2) Complied with the requirements pertaining to taking an oath and filing a bond set forth in NRS 240.030 and 240.033.

2. Unless the Secretary of State establishes a different process for submitting a registration as an electronic notary public, the registration as an electronic notary public must be submitted as an electronic document by electronic mail to nvnotary@sos.nv.gov or, if another electronic mail address is designated by the Secretary of State, to such other designated electronic mail address, and must contain, without limitation, the following information:

(a) All information required to be included in an application for appointment as a notary public pursuant to NRS 240.030.

(b) A description of the technology or device that the registrant intends to use to create his or her electronic signature in performing electronic notarial acts.

(c) The electronic signature of the registrant.

(d) Any other information required pursuant to any rules or regulations adopted by the Secretary of State.

3. Unless the Secretary of State establishes a different process for the payment of the registration fee required pursuant to paragraph (c) of subsection 1, the registration fee must be paid by check or draft, made payable to the Secretary of State and transmitted to the Office of the Secretary of State.

4. ~~[Registration]~~ ***Except as otherwise provided in subsection 5, registration*** as an electronic notary public shall be deemed effective upon the payment of the registration fee required pursuant to paragraph (c) of subsection 1 if the registrant has satisfied all other applicable requirements.

5. The Secretary of State may establish a process for a person to simultaneously apply for appointment as a notary public and register as an electronic notary public. If the Secretary of State establishes such a process, registration as an electronic notary public shall be deemed effective upon the person complying with:

(a) The requirements pertaining to taking an oath and filing a bond set forth in NRS 240.030 and 240.033 and with all other applicable notarial requirements set forth in this chapter; and

(b) The requirements set forth in this section to register as an electronic notary.

Sec. 4. NRS 240.197 is hereby amended to read as follows:

240.197 1. Except as otherwise provided in this section:

(a) An electronic notary public may charge the following fees:

(1) For taking an acknowledgment, for each signature $25

(2) For executing a jurat, for each signature $25

(3) For administering an oath or affirmation ~~[without a signature]~~ .. $25

(b) An electronic notary public shall not charge a fee to perform an electronic notarial act unless he or she is authorized to charge a fee for such an electronic notarial act pursuant to this section.

(c) All fees prescribed in this section are payable in advance, if demanded.

(d) An electronic notary public may charge an additional fee for traveling to perform an electronic notarial act if:

(1) The person requesting the electronic notarial act asks the electronic notary public to travel;

(2) The electronic notary public explains to the person requesting the electronic notarial act that the fee for travel is in addition to the fee authorized in paragraph (a) and is not required by law;

(3) The person requesting the electronic notarial act agrees in advance upon the hourly rate that the electronic notary public will charge for the additional fee for travel; and

(4) The additional fee for travel does not exceed:

(I) If the person requesting the electronic notarial act asks the electronic notary public to travel between the hours of 6 a.m. and 7 p.m., $10 per hour.

(II) If the person requesting the electronic notarial act asks the electronic notary public to travel between the hours of 7 p.m. and 6 a.m., $25 per hour.

➥ The electronic notary public may charge a minimum of 2 hours for such travel and shall charge on a pro rata basis after the first 2 hours.

(e) An electronic notary public is entitled to charge the amount of the additional fee for travel agreed to in advance by the person requesting the electronic notarial act pursuant to paragraph (d) if:

(1) The person requesting the electronic notarial act cancels the request after the electronic notary public begins traveling to perform the requested electronic notarial act.

(2) The electronic notary public is unable to perform the requested electronic notarial act as a result of the actions of the person who requested the electronic notarial act or any other person who is necessary for the performance of the electronic notarial act.

(f) For each additional fee for travel that an electronic notary public charges pursuant to paragraph (d), the electronic notary public shall enter in the electronic journal that he or she keeps pursuant to NRS 240.201:

(1) The amount of the fee; and

(2) The date and time that the electronic notary public began and ended such travel.

(g) An electronic notary public may charge a reasonable fee to recover any cost of providing a copy of an entry or a recording of an audio-video communication in an electronic journal maintained pursuant to NRS 240.201.

2. A person who employs an electronic notary public may prohibit the electronic notary public from charging a fee for an electronic notarial act that the electronic notary public performs within the scope of the employment. Such a person shall not require the electronic notary public whom the person employs to surrender to the person all or part of a fee charged by the electronic notary public for an electronic notarial act performed outside the scope of the employment of the electronic notary public.

3. An electronic notary public who is an officer or employee of the State or a local government shall not charge a fee for an electronic notarial act that the electronic notary public performs within the scope of such employment.

4. This section does not apply to any compensation for services provided by an electronic notary public which do not constitute electronic notarial acts or comply with the other requirements of this chapter.

Sec. 5. NRS 159.0753 is hereby amended to read as follows:

159.0753 1. Any person who wishes to request to nominate another person to be appointed as his or her guardian may do so by completing a form requesting to nominate a guardian in accordance with this section.

2. A form requesting to nominate a guardian must be:

(a) Signed by the person requesting to nominate a guardian;

(b) Signed by two impartial adult witnesses who have no interest, financial or otherwise, in the estate of the person requesting to nominate a guardian and who attest that the person has the mental capacity to understand and execute the form; and

(c) Notarized.

3. A request to nominate a guardian may be in substantially the following form, and must be witnessed and executed in the same manner as the following form:

REQUEST TO NOMINATE GUARDIAN

I, ... (insert your name), residing at ..... (insert your address), am executing this notarized document as my written declaration and request for the person(s) designated below to be

appointed as my guardian should it become necessary. I am advising the court and all persons and entities as follows:

1. As of the date I am executing this request to nominate a guardian, I have the mental capacity to understand and execute this request.

2. This request pertains to a (circle one): (guardian of the person)/(guardian of the estate)/(guardian of the person and estate).

3. Should the need arise, I request that the court give my preference to the person(s) designated below to serve as my appointed guardian.

4. I request that my ..... (insert relation), ... (insert name), serve as my appointed guardian.

5. If ..... (insert name) is unable or unwilling to serve as my appointed guardian, then I request that my ..... (insert relation), ... (insert name), serve as my appointed guardian.

6. I do not, under any circumstances, desire to have any private, for-profit guardian serve as my appointed guardian.

(YOU MUST DATE AND SIGN THIS DOCUMENT)

I sign my name to this document on ..... (date)

.....

(Signature)

(YOU MUST HAVE TWO QUALIFIED ADULT WITNESSES DATE AND SIGN THIS DOCUMENT)

I declare under penalty of perjury that the principal is personally known to me, that the principal signed this request to nominate a guardian in my presence, that the principal appears to be of sound mind, has the mental capacity to understand and execute this document and is under no duress, fraud or undue influence, and that I have no interest, financial or otherwise, in the estate of the principal.

.....

(Signature of first witness)

.....

(Print name)

.....

(Date)

.....

(Signature of second witness)

.....

(Print name)

.....

(Date)

CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

State of Nevada }
}
County of .....}

On this ..... day of ....., in the year ....., before me, ... (insert name of notary public), personally appeared ..... (insert name of principal), ... (insert name of first witness) and ..... (insert name of second witness), personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to this instrument, and acknowledged that they have signed this instrument. ~~[I declare under penalty of perjury that the persons whose names are subscribed to this instrument appear to be of sound mind and under no duress, fraud or undue influence.]~~

.....
(Signature of notarial officer)
(Seal, if any)

4. The Secretary of State shall make the form established in subsection 3 available on the Internet website of the Secretary of State.

5. The Secretary of State may adopt any regulations necessary to carry out the provisions of this section.

Sec. 6. The validity of a certificate of acknowledgment of a notary public that was included on a request to nominate a guardian on or before ~~[June 30, 2019,]~~ **the passage and approval of this act** is not affected by the amendatory provisions of section 5 of this act.

Sec. 7. 1. This **section and sections 1, 2, 4, 5 and 6 of this** act ~~[becomes]~~ become effective ~~[:~~

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

2. **Section 3 of this act becomes effective:**

(a) On the date that the Secretary of State has established a process by which a person may submit an application to register as an electronic notary public simultaneously with an application for appointment as a notary public; or

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

↳ whichever is earlier.

Assemblyman Flores moved that the Assembly concur in the Senate Amendment No. 92 to Assembly Bill No. 65.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

The amendment changes the effective date to upon establishment of the process to allow a person to submit an application to register as an electronic notary public simultaneously with an application for appointment as a notary public.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

REMARKS FROM THE FLOOR

Assemblywoman Benitez-Thompson requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

Thank you Mr. Speaker. This Alumni Day—in the presence of those who served before us—is a perfect time to reflect on Nevada's legislative history. During this 80th Session, we have recognized the first-in-the-nation female majority several times. But today, let us reflect on the entirety of the history of women in the Legislature.

The journey to equal representation has been a long one—100 years in the making. Nevada was ahead of most of the country when we granted the vote to women in 1916, four years before the 19th Amendment to the *U.S. Constitution*. We have honored our first woman legislator, Sadie Hurst, adding her to the Assembly Wall of Distinction. We have heard the stories of the four women who served together in 1923. But there is so much more.

Today I am happy to announce the installation of a collection of panels that honor the legacy of women in the Nevada Legislature. These panels will be on permanent display in the main hallway opposite the bill room.

Have you heard of Assemblywoman Luella Drumm, who introduced a bill in 1939 to allow married women to register to vote and file for office in their own names? Novel for 1939. Did you know that as late as 1985, only 16 percent of all legislators in our state were women? And were you aware that since 1989, a woman has served in Assembly leadership every session?

Since 1914—when Nevada's all-male electorate approved the women's suffrage amendment—we have seen women rise to positions of leadership and authority. As we move forward and build on this legacy, the women and men of our Legislature will make this state and our nation proud.

We would like to now acknowledge our staff who worked on these panels. We want to acknowledge especially Cindy Southerland's work. Getting these displays together and making sure everything is accurate is really hard work.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Assefa, the privilege of the floor of the Assembly Chamber for this day was extended to Andrew Legally.

On request of Assemblywoman Backus, the privilege of the floor of the Assembly Chamber for this day was extended to Marc McDermont.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Marcus Conklin.

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Liberty Baptist Academy: Benjamin Barragan, Cassius Benyameen, Alexis Bottrell, Kelsie Brady, Neiah Conrady, Luke De Soto, Raegan Fox, Danny Garcia, Alayna Kolish, Aliyah Kolish, Mariah Kolish, Lilyana Rosales, Taleigha Ross, Hunter Smith, Angelo Tatonetti,

Kindle Brady, Ethan Conrady, Korissa Fox, Benjamin Garcia, Pedro Garcia, Kiley Kolish, Alyvia Kolish, and Scarlett Ancell.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Homa Woodrum.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to Artie Valentine.

On request of Assemblyman Edwards, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Grady, Stephen Silberkras, Cheyln Silberkras, and Sawyer Silberkras.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Maureen Brower.

On request of Assemblyman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to EmmaLee Bishop, Judy Bishop, Emily Loera, Kayla Smith, and Simran Hira.

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to John Oceguera, Janie Oceguera, Jackson Oceguera, Gillian Oceguera, and Jamison Oceguera.

On request of Assemblyman Hafen, the privilege of the floor of the Assembly Chamber for this day was extended to Christian Lowe.

On request of Assemblywoman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Cindy Southerland.

On request of Assemblywoman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Jack D. Close.

On request of Assemblywoman Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Debra Berko and Taylor Marshall.

On request of Assemblyman Kramer, the privilege of the floor of the Assembly Chamber for this day was extended to Alan Glover and Harle Glover.

On request of Assemblywoman Krasner, the privilege of the floor of the Assembly Chamber for this day was extended to Robert Benkovich and Dawn Gibbons.

On request of Assemblyman Leavitt, the privilege of the floor of the Assembly Chamber for this day was extended to Jadyn Rich, Mallory Rich, Ellie Rich, Jennifer Rich, and Warren Rich.

On request of Assemblywoman Martinez, the privilege of the floor of the Assembly Chamber for this day was extended to Francisco Miranda, Beverly Williams, Tommy Blitsch, and Carlos Hernandez.

On request of Assemblyman McCurdy, the privilege of the floor of the Assembly Chamber for this day was extended to Brennan Maragh.

On request of Assemblywoman Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Tricia Catalino and Nicolas Felixon.

On request of Assemblywoman Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Paige Flippin and William Horne.

On request of Assemblywoman Munk, the privilege of the floor of the Assembly Chamber for this day was extended to Andrew Martin.

On request of Assemblywoman Peters, the privilege of the floor of the Assembly Chamber for this day was extended to Melissa Chanselle-Hary.

On request of Assemblyman Roberts, the privilege of the floor of the Assembly Chamber for this day was extended to Jerry Fairchild, Jean Fairchild, Aprile Solow, and Daniel Solow.

On request of Assemblyman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from ACE High School: Adam Nicely, Elyse Boszik, James Thissen, Alex Estrada, Angle Dangel, Rodney Lauriano, Trey Henry, Abraham Serrano, Jaiden Benton, Alden Kamaanu, Alondra Caldera-Wells, Amber Lyman, Ted Bobo, Sean Morris, Stephen Haney, Nathan Lacruze, Dean Dodd, Eli Harris, Jon Amado, and Fernando Romo.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Bob Rusk.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Keishe Caruthers, Clara Thomas, and Tiffani Hendrix.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to R.J. Williams, Susan Priestman, Nicole Lang, and Jill Dickman.

On request of Assemblywoman Tolles, the privilege of the floor of the Assembly Chamber for this day was extended to Pat Hickey, Brooks Holcomb, Melissa Holland, Jane Albright, and Shandel Slaten.

On request of Assemblywoman Torres, the privilege of the floor of the Assembly Chamber for this day was extended to Eveyln Pacheco.

On request of Assemblyman Yeager, the privilege of the floor of the Assembly Chamber for this day was extended to Aarmoni Raferty.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Thursday, April 18, 2019, at 11:30 a.m.

Motion carried.

Assembly adjourned at 6:49 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly