THE SEVENTY-FOURTH DAY

CARSON CITY (Thursday), April 18, 2019

Assembly called to order at 11:57 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Hambrick, who was excused.

Prayer by the Chaplain, Reverend Karen Foster.

Spirit of love and life, ground of our being, mystery of all that is, we give thanks this day. We give thanks for these mountains that remind us to be strong and this desert that reminds us to be expansive and the people of Nevada who remind us to be courageous. We give thanks for the opportunity to make life better and richer and to relieve suffering for Nevadans.

As the Dalai Lama has said, "A compassionate concern for the well-being of others is the source of happiness." May we be happy. May all of our work always be for the greater good. May we take the opportunity to care for the most vulnerable among us. In caring for our fellow human beings, may we listen and really hear. May we look and really see. May we allow our hearts to be engaged and moved by our neighbors who are hungry, by those who have no homes, those who live with fear and uncertainty every day, those who struggle with mental illness, those who have health issues, those who find it difficult to pull together the basic necessities of life, and those who feel alone.

May we take this responsibility that we have and do what is just and humane. May we go the extra mile to care. For we have been entrusted with our fellow human beings. It is they who call us to our best and highest selves. May we gather our strength and courage and accomplish together that which we could never do alone. May it be so and blessed be.

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.

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

Assembly in recess at 12:07 p.m.

ASSEMBLY IN SESSION

At 12:11 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. 175, 492, 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*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 18, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

EDGAR FLORES, *Chair*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which was referred Assembly Bill No. 23, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Growth and Infrastructure, to which was referred Assembly Bill No. 270, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Growth and Infrastructure, to which was referred Assembly Bill No. 363, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DANIELE MONROE-MORENO, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 117, 152, 153, 166, 192, 248, 272, 336, 423, 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*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 17, 2019

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 71, 85, 86, 87, 103, 106, 131, 140, 147, 158, 161, 181, 184, 231, 239, 296, 320, 356, 395, 430, 457, 465, 468; Senate Joint Resolution No. 3.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 18, 2019

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 356.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 466.

CINDY JONES
Fiscal Analysis Division

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 406 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Senate Joint Resolution No. 3.

Assemblywoman Benitez-Thompson moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblywomen Carlton, Benitez-Thompson, Monroe-Moreno, Bilbray-Axelrod, Titus, Backus, Cohen, Duran, Gorelow, Hansen, Hardy, Jauregui, Krasner, Martinez, Miller, Munk, Neal, Nguyen, Peters, Spiegel, Swank, Tolles and Torres; Senators Cannizzaro, Woodhouse, Ratti, Spearman, Seevers Gansert, Cancela, Dondero Loop, Harris, Scheible and Washington:

Assembly Bill No. 499—AN ACT relating to special license plates; providing for the limited issuance of special license plates that commemorate the 100th anniversary of women's suffrage in the United States; exempting the special license plates from certain provisions otherwise applicable to special license plates; imposing a fee for the issuance and renewal of such license plates; imposing a deadline on the issuance of such license plates; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 71.

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

Motion carried.

Senate Bill No. 85.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 86.

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

Motion carried.

Senate Bill No. 87.

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

Motion carried.

Senate Bill No. 103.

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

Motion carried.

Senate Bill No. 106.

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

Motion carried.

Senate Bill No. 131.

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

Motion carried.

Senate Bill No. 140.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 147.

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

Motion carried.

Senate Bill No. 158.

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

Motion carried.

Senate Bill No. 161.

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

Motion carried.

Senate Bill No. 181.

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

Motion carried.

Senate Bill No. 184.

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

Motion carried.

Senate Bill No. 231.

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

Motion carried.

Senate Bill No. 239.

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

Motion carried.

Senate Bill No. 296.

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

Motion carried.

Senate Bill No. 320.

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

Motion carried.

Senate Bill No. 356.

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

Motion carried.

Senate Bill No. 395.

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

Motion carried.

Senate Bill No. 430.

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

Motion carried.

Senate Bill No. 457.

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

Motion carried.

Senate Bill No. 465.

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

Motion carried.

Senate Bill No. 468.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 15.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 295.

SUMMARY—Revises provisions governing crimes. ~~[related to certain financial transactions.]~~ (BDR 15-409)

AN ACT relating to crimes; **prohibiting the preparation or delivery of documents that simulate legal process for certain purposes;** revising provisions governing crimes related to certain financial transactions; providing ~~[a penalty;]~~ **penalties;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill makes it unlawful for a person to cause to be prepared or delivered to another person any document that simulates a summons, complaint, judgment, order or other legal process with the intent to: (1) induce payment of a claim from another person; or (2) induce another person to submit to the putative authority of the document or take or refrain from taking certain actions. Section 1 provides that a person who violates any such provision is guilty of a category D felony. Section 1 also establishes the circumstances: (1) in which a rebuttable presumption exists that a person intended to violate any such provision; and (2) that do not constitute a defense to a prosecution under the section.

Existing law provides that if a monetary instrument represents the proceeds of or is derived from any unlawful activity, it is unlawful for a person who has knowledge of that fact to conduct or attempt to conduct a financial transaction involving such monetary instrument or transport or attempt to transport the monetary instrument, if the person has the intent to further any unlawful activity or has certain other knowledge. (NRS 207.195) ~~[This]~~ **Section 1.5 of this** bill **: (1)** increases the penalty for a violation of any such provision from a category D to a category ~~[B]~~ **C** felony ~~[.]~~ **; and (2) includes other property that represents the proceeds of or is derived from any unlawful activity in such provisions.**

Existing law also provides that it is unlawful for any person to conduct or attempt to conduct a financial transaction with the intent to evade any regulation governing the records of certain casinos regarding transactions involving cash. A person who violates such a provision is guilty of a category D felony. (NRS 207.195) ~~[This bill:]~~ **Section 1.5:** (1) expands the prohibition and makes it unlawful for any person to conduct or attempt to conduct a financial transaction with the intent to evade any provision of federal or state law that requires the reporting of a financial transaction; and (2) provides that a person who violates such a provision is guilty of a category C felony.

~~[This bill]~~ **Section 1.5** additionally makes it unlawful for a person to conduct or attempt to conduct a financial transaction concerning any **monetary instrument or other** property that has a value of $5,000 or more with the knowledge that the **monetary instrument or other** property is directly or indirectly derived from any unlawful activity. A person who violates such a provision is guilty of a category ~~[B]~~ **C** felony.

Section 1.5 further: (1) provides that each violation of the section involving one or more monetary instruments, financial transactions or property valued at $5,000 or more is a separate offense; (2) provides that the section must not be construed to prohibit any financial transaction relating to the medical use of marijuana or the regulation or taxation of

marijuana; and (3) revises the definition of "monetary instrument" to include cryptocurrency.

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

Section 1. **Chapter 207 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Any person who causes to be prepared or delivered to another person any document that simulates a summons, complaint, judgment, order or other legal process with the intent to:

(a) Induce payment of a claim from another person; or

(b) Induce another person to:

(1) Submit to the putative authority of the document; or

(2) Take any action or refrain from taking any action:

(I) In response to or on the basis of the document; or

(II) To comply with the document,

➥ is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. There is a rebuttable presumption that a person intended to violate the provisions of this section if the person files with or presents or delivers to any court in this State any document that simulates a summons, complaint, judgment, order or other legal process.

3. It is not a defense to a prosecution under this section that a document that simulates a summons, complaint, judgment, order or other legal process states that the document is not legal process or purports to have been issued or authorized by a person or entity who does not have the lawful authority to issue or authorize the document.

4. As used in this section, "action" includes, without limitation:

(a) Making a court appearance;

(b) Obtaining legal counsel;

(c) Acting upon a perceived conflict created by a document that simulates a summons, complaint, judgment, order or other legal process; or

(d) Recusal.

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 207.195 is hereby amended to read as follows:

207.195 1. If a monetary instrument ***or other property*** represents the proceeds of or is directly or indirectly derived from any unlawful activity, it is unlawful for a person, having knowledge of that fact:

(a) To conduct or attempt to conduct a financial transaction involving the ***monetary*** instrument ~~[.]~~ ***or other property:***

(1) With the intent to further any unlawful activity;

(2) With the knowledge that the transaction conceals the location, source, ownership or control of the ***monetary*** instrument ~~[.]~~ ***or other property;*** or

(3) With the knowledge that the transaction evades any provision of federal or state law that requires the reporting of a financial transaction.

(b) To transport or attempt to transport the monetary instrument ~~[,]~~ ***or other property:***

(1) With the intent to further any unlawful activity;

(2) With the knowledge that the transportation conceals the location, source, ownership or control of any proceeds derived from unlawful activity; or

(3) With the knowledge that the transportation evades any provision of federal or state law that requires the reporting of a financial transaction.

2. ***It is unlawful for any person to conduct or attempt to conduct a financial transaction concerning any monetary instrument or other property that has a value of $5,000 or more with the knowledge that the monetary instrument or other property is directly or indirectly derived from any unlawful activity.***

3. It is unlawful for any person to conduct or attempt to conduct a financial transaction with the intent to evade ~~[a regulation adopted pursuant to NRS 463.125.~~

~~3.]~~ ***any provision of federal or state law that requires the reporting of a financial transaction.***

4. A person who violates any provision of subsection 1 **,** ~~[or]~~ 2 ***or 3*** is guilty of a category ~~[D~~ ***B]*** ***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 20 years.***~~

~~***5. A person who violates any provision of subsection 3 is guilty of a category C felony and shall be punished]***~~ as provided in NRS 193.130.

~~[4.~~ ~~***6.]***~~ ***5.*** Each violation of ~~[subsection 1 or 2]~~ ***this section*** involving one or more monetary instruments ~~[totaling $10,000]~~ **,** ***financial transactions or property valued at $5,000*** or more shall be deemed a separate offense.

~~[5.]~~ ***6. The provisions of this section must not be construed to prohibit any financial transaction conducted pursuant to chapter 453A or 453D of NRS.***

7. As used in this section:

(a) "Financial transaction" means any purchase, sale, loan, pledge, gift, transfer, deposit, withdrawal or other exchange involving a monetary instrument ~~[,]~~ ***or other property.*** The term does not include any instrument or transaction for the payment of assistance of counsel in a criminal prosecution.

(b) "Monetary instrument" includes any coin or currency of the United States or any other country, any traveler's check, personal check, money order, bank check, cashier's check, ***cryptocurrency,*** stock, bond, precious metal, precious stone or gem or any negotiable instrument to which title passes upon delivery. The term does not include any instrument or transaction for the payment of assistance of counsel in a criminal prosecution.

(c) "Unlawful activity" includes any crime related to racketeering as defined in NRS 207.360 or any offense punishable as a felony pursuant to state or federal statute. The term does not include any procedural error in the

acceptance of a credit instrument, as defined in NRS 463.01467, by a person who holds a nonrestricted gaming license.

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. 29.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 118.

SUMMARY— ~~[Repeals certain]~~ **Revises** provisions relating to ~~[general building]~~ contractors ~~[.]~~ **and construction projects.** (BDR 54-241)

AN ACT relating to ~~[contractors; repealing provisions which require a general building contractor to be a prime contractor for the purpose of classifying the general contractor in the contracting business;]~~ **construction; authorizing a general engineering contractor to hire not more than one general building contractor on a single construction project under certain circumstances; authorizing a general building contractor to provide management and counseling services on a construction project for a professional fee; imposing certain limitations relating to general building contractors on a single construction project; requiring each construction project to have not more than one licensed prime contractor under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, ~~[for the purpose of classification in]~~ the contracting business ~~[, a general building contractor is a contractor whose principal contracting business involves the construction or remodeling of various buildings or structures which require the use of more than two unrelated building trades or crafts, and upon which the general building contractor is a prime contractor.]~~ **is classified to include the branches of: (1) general engineering contracting; (2) general building contracting; and (3) specialty contracting. Existing law also sets forth the circumstances under which a contractor is considered to be a general engineering contractor, general building contractor or a specialty contractor.** (NRS 624.215) **Section 1** of this bill ~~[repeals the requirement that a general building contractor must be a prime contractor for that purpose.]~~ **: (1) authorizes a general engineering contractor, when acting as a prime contractor, to hire not more than one general building contractor to provide work, materials or equipment on a single construction project; (2) authorizes a general building contractor to provide management and counseling services on a construction project for a professional fee; (3) limits the number of general building contractors for a single construction project; and (4)**

requires each construction project to have not more than one licensed prime contractor who is responsible for the work, materials or equipment for the construction project. Section 1 also defines the term "prime contractor" for that purpose.

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

Section 1. NRS 624.215 is hereby amended to read as follows:

624.215 1. For the purpose of classification, the contracting business includes the following branches:

(a) General engineering contracting.

(b) General building contracting.

(c) Specialty contracting.

➥ General engineering contracting and general building contracting are mutually exclusive branches.

2. A general engineering contractor is a contractor whose principal contracting business is in connection with fixed works, including irrigation, drainage, water supply, water power, flood control, harbors, railroads, highways, tunnels, airports and airways, sewers and sewage disposal systems, bridges, inland waterways, pipelines for transmission of petroleum and other liquid or gaseous substances, refineries, chemical plants and industrial plants requiring a specialized engineering knowledge and skill, power plants, piers and foundations and structures or work incidental thereto.

3. ~~[A]~~ ***Except as otherwise provided in subsections 5 and 6, a*** general building contractor is a contractor whose principal contracting business is in connection with the construction or remodeling of buildings or structures for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind, requiring in their construction the use of more than two unrelated building trades or crafts , upon which he or she is a prime contractor and where the construction or remodeling of a building is the primary purpose. Unless he or she holds the appropriate specialty license, a general building contractor may only contract to perform specialty contracting if he or she is a prime contractor on a project. A general building contractor shall not perform specialty contracting in plumbing, electrical, refrigeration and air-conditioning or fire protection without a license for the specialty. A person who exclusively constructs or repairs mobile homes, manufactured homes or commercial coaches is not a general building contractor.

4. A specialty contractor is a contractor whose operations as such are the performance of construction work requiring special skill and whose principal contracting business involves the use of specialized building trades or crafts.

5. ***A general engineering contractor, when acting as a prime contractor, may hire not more than one general building contractor to provide any work, materials or equipment as specified in subsection 3 on a single construction project.***

6. A general building contractor may contract to provide management and counseling services on a construction project for a professional fee. A general building contractor who has contracted to provide management and counseling services may hire not more than one general building contractor to provide any work, materials or equipment as specified in subsection 3 on a single construction project.

7. A single construction project must be limited to not more than one general building contractor who provides management and counseling services

for a professional fee and not more than one general building contractor who provides any work, materials or equipment as specified in subsection 3.

8. Except as otherwise provided in this subsection, each construction project must have one, but not more than one, prime contractor who is a licensed contractor and is responsible for the work, materials and equipment for the construction project. A construction project is not required to have a prime contractor if the work for the construction project or the person providing the work for the construction project is exempt pursuant to NRS 624.031.

9. This section does not prevent the Board from establishing, broadening, limiting or otherwise effectuating classifications in a manner consistent with established custom, usage and procedure found in the building trades. The Board is specifically prohibited from establishing classifications in such a manner as to determine or limit craft jurisdictions.

10. As used in this section, "prime contractor" means:

(a) A general engineering contractor who enters into an oral or written agreement with an owner of a construction project or an agent of an owner to provide any work, materials or equipment for which the general engineering contractor is licensed;

(b) A general building contractor who enters into an oral or written agreement with an owner of a construction project or an agent of an owner to provide any work, materials or equipment for which the general building contractor is licensed;

(c) A general engineering contractor and general building contractor who enter into an oral or written agreement with an owner of a construction project or an agent of an owner to provide any work, materials or equipment for which the general engineering contractor and general building contractor are licensed; or

(d) A specialty contractor who enters into an oral or written agreement with an owner of a construction project or an agent of an owner to provide:

(1) Any work, materials or equipment for which the specialty contractor is licensed; and

(2) Any other work which is incidental and supplemental thereto.

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

Assemblywoman Spiegel moved the adoption of the amendment.

Remarks by Assemblywoman Spiegel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 102.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 517.

AN ACT relating to crimes; enhancing the criminal penalty for certain crimes committed against certain family members of first responders; **removing the crime of voluntary manslaughter from the crimes for which an enhanced criminal penalty may be imposed when committed against a first responder;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that any person who willfully commits certain crimes because of the fact that the victim is a first responder, which is defined as any peace officer, firefighter or emergency medical provider acting in the normal course of duty, may, in addition to the term of imprisonment prescribed by statute for the crime, 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 20 years. (NRS 193.1677) ~~[This]~~ **Section 1.3 of this bill removes the crime of voluntary manslaughter from the crimes for which such an enhanced criminal penalty may be imposed. Section 1 of this** bill extends ~~[this]~~ **such an** enhanced criminal penalty to ~~[such]~~ **the same** crimes **set forth in section 1.3 that are knowingly and willfully** committed against the spouse of a first responder or the child of any age of a first responder. **For the purposes of the enhanced criminal penalty imposed pursuant to section 1, the term "first responder" is defined as any peace officer, firefighter or emergency medical provider.**

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

Section 1. **Chapter 193 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Except as otherwise provided in NRS 193.169, any person who knowingly and willfully violates any provision of NRS 200.030, 200.280, 200.310, 200.366, 200.380, 200.400, 200.460, NRS 200.471 which is punishable as a felony or NRS 200.481 which is punishable as a felony because of the fact that the victim is the spouse of a first responder or the child of any age of a first responder may, in addition to the term of imprisonment prescribed by statute for the crime, 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 20 years. In determining the length of any additional penalty imposed, the court shall consider the following information:

(a) The facts and circumstances of the crime;

(b) The criminal history of the person;

(c) The impact of the crime on any victim;

(d) Any mitigating factors presented by the person; and

(e) Any other relevant information.

➥ The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of any additional penalty imposed.

2. A sentence imposed pursuant to this section:

(a) Must not exceed the sentence imposed for the crime; and

(b) Runs consecutively with the sentence prescribed by statute for the crime.

3. This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

4. As used in this section, "first responder" means any peace officer, firefighter or emergency medical provider. As used in this subsection:

(a) "Emergency medical provider" has the meaning ascribed to it in NRS 450B.199.

(b) "Firefighter" has the meaning ascribed to it in NRS 450B.071.

(c) "Peace officer" has the meaning ascribed to it in NRS 169.125.

Sec. 1.3. NRS 193.1677 is hereby amended to read as follows:

193.1677 1. Except as otherwise provided in NRS 193.169, any person who willfully violates any provision of NRS 200.030, ~~[200.050,]~~ 200.280, 200.310, 200.366, 200.380, 200.400, 200.460, NRS 200.471 which is punishable as a felony, NRS 200.481 which is punishable as a felony, NRS 205.0832 which is punishable as a felony, NRS 205.220, 205.226, 205.228, 205.270 or 206.150 because of the fact that the victim is a first responder ~~*[, the spouse of a first responder or the child of any age of a first responder]*~~ may, in addition to the term of imprisonment prescribed by statute for the crime, 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 20 years. In determining the length of any additional penalty imposed, the court shall consider the following information:

(a) The facts and circumstances of the crime;

(b) The criminal history of the person;

(c) The impact of the crime on any victim;

(d) Any mitigating factors presented by the person; and

(e) Any other relevant information.

➥ The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of any additional penalty imposed.

2. A sentence imposed pursuant to this section:

(a) Must not exceed the sentence imposed for the crime; and

(b) Runs consecutively with the sentence prescribed by statute for the crime.

3. This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

4. As used in this section, "first responder" means any peace officer, firefighter or emergency medical provider acting in the normal course of duty. As used in this subsection:

(a) "Emergency medical provider" has the meaning ascribed to it in NRS 450B.199.

(b) "Firefighter" has the meaning ascribed to it in NRS 450B.071.

(c) "Peace officer" has the meaning ascribed to it in NRS 169.125.

Sec. 1.7. **NRS 193.169 is hereby amended to read as follows:**

193.169 1. A person who is sentenced to an additional term of imprisonment pursuant to the provisions of subsection 1 of NRS 193.161, NRS 193.162, 193.163, 193.165, 193.166, 193.167, 193.1675, 193.1677, 193.168, subsection 1 of NRS 193.1685, NRS 453.3335, 453.3345, 453.3351 or subsection 1 of NRS 453.3353 ***or section 1 of this act*** must not be sentenced to an additional term of imprisonment pursuant to any of the other listed sections even if the person's conduct satisfies the requirements for imposing an additional term of imprisonment pursuant to another one or more of those sections.

2. A person who is sentenced to an alternative term of imprisonment pursuant to subsection 3 of NRS 193.161, subsection 3 of NRS 193.1685 or subsection 2 of NRS 453.3353 must not be sentenced to an additional term of imprisonment pursuant to subsection 1 of NRS 193.161, NRS 193.162, 193.163, 193.165, 193.166, 193.167, 193.1675, 193.1677, 193.168, 453.3335, 453.3345 or 453.3351 ***or section 1 of this act*** even if the person's conduct satisfies the requirements for imposing an additional term of imprisonment pursuant to another one or more of those sections.

3. This section does not:

(a) Affect other penalties or limitations upon probation or suspension of a sentence contained in the sections listed in subsection 1 or 2.

(b) Prohibit alleging in the alternative in the indictment or information that the person's conduct satisfies the requirements of more than one of the sections listed in subsection 1 or 2 and introducing evidence to prove the alternative allegations.

Sec. 2. The amendatory provisions of this act apply to an offense committed on or after October 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. 124.

Bill read second time.

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

Amendment No. 154.

SUMMARY—Requires a hospital or independent center for emergency medical care to ~~[take certain actions when treating a female]~~ **provide certain information to a** victim of sexual assault ~~[.]~~ **or attempted sexual assault.** (BDR 40-591)

AN ACT relating to health care; **requiring the development and distribution of a document consisting of information for victims of sexual assault or attempted sexual assault;** requiring a hospital or independent center for emergency medical care to ~~[adopt a written plan to ensure the performance of certain tasks when treating a female]~~ **provide a copy of the document to each** victim of sexual assault ~~[,]~~ **or attempted sexual assault treated by the hospital or independent center for emergency medical care;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, each patient of a medical facility or facility for the dependent has the right to receive from his or her physician a description of his or her diagnosis, plan for treatment and prognosis, any information necessary to give informed consent to a procedure or treatment and, upon request, information on alternatives to the treatment or procedure. (NRS 449A.106) **Section 1** of this bill requires ~~[each hospital or independent center for emergency medical care to adopt a written plan to ensure that a female victim of sexual assault who is treated in the hospital or independent center for emergency medical care is provided with]~~ **the Division of Public and Behavioral Health of the Department of Health and Human Services to establish a working group to develop a document consisting of** medically and factually accurate written information concerning emergency contraception, prophylactic antibiotics and certain other services for ~~[female]~~ victims of sexual assault ~~[and an oral explanation of that information in a language the victim understands. In addition, the victim must be offered the opportunity to receive emergency contraception or prophylactic antibiotics that are available at the hospital or independent center for emergency medical care.]~~ **and attempted sexual assault. Section 1** also requires ~~[the written plan to be approved by the Division of Public and Behavioral Health of the Department of Health and Human Services.]~~ **each hospital or independent center for emergency medical care to ensure that each victim of sexual assault or attempted sexual assault who is treated by the hospital or independent center for emergency medical care is provided with a copy and oral explanation of the document. Sections 2-8** of this bill make

conforming changes to allow the Division to enforce the requirements of **section 1**.

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

Section 1. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Each hospital and independent center for emergency medical care shall adopt a written plan to ensure that:~~

~~(a) Each female victim of sexual assault or attempted sexual assault who is treated by the hospital or independent center for emergency medical care is:~~

~~(1) Provided with~~] The Division shall establish a working group consisting of representatives of hospitals and independent centers for emergency medical care and experts in treating the effects of sexual assault and attempted sexual assault. The working group shall:

(a) Develop a document to be provided to victims of sexual assault and attempted sexual assault pursuant to subsection 3, which must consist of medically and factually accurate written information concerning:

~~[(I)]~~ (1) Emergency contraception and prophylactic antibiotics, including, without limitation, possible side effects of using those medications and the locations of facilities or pharmacies where those medications are available; ~~[and]~~

~~[(II)]~~ (2) Contact information for law enforcement agencies in this State; and

(3) Other services available to victims of sexual assault ~~[,]~~ and attempted sexual assault in all regions of this State, including, without limitation, counseling, a list of clinics and other facilities that specialize in serving victims of sexual assault and a list of locations that provide testing for sexually transmitted diseases . ~~[;~~

~~(2) Provided with an oral explanation of the written information provided pursuant to subparagraph (1) in a language that the victim understands;~~

~~(3) Provided contact information for law enforcement or an opportunity to meet with an officer to file a complaint; and~~

~~(4) Offered the opportunity to receive any emergency contraception or prophylactic antibiotics available at the hospital or independent center for emergency medical care and provided any such treatment requested immediately in accordance with accepted medical standards; and~~

~~(b) Each person responsible for carrying out the tasks described in paragraph (a) receives training concerning the performance of those tasks.~~] Such information must be organized in a manner that allows a victim to easily identify the services available in his or her region of the State.

(b) Update the document as necessary.

2. The Division shall:

(a) Distribute copies of the document developed pursuant to subsection 1 to each hospital and independent center for emergency medical care located in this State; and

(b) Post the document on an Internet website maintained by the Division.

3. Each hospital or independent center for emergency medical care shall ~~[submit a written plan adopted pursuant to subsection 1 to the Division for approval. The Division must approve the plan if the Division determines that the plan is likely to meet the objectives prescribed by subsection 1. If the Division does not approve a plan:~~

~~(a) The Division must provide to the hospital or independent center for emergency medical care a summary of the reasons for the rejection; and~~

~~(b) The hospital or independent center for emergency medical care must submit to the Division, not later than 30 days after receiving the summary pursuant to paragraph (a), a revised plan.]~~ ensure that each victim of sexual assault or attempted sexual assault who is treated by the hospital or independent center for emergency medical care is provided with:

(a) A copy of the document developed pursuant to subsection 1; and

(b) An oral explanation of the information contained in the document.

~~[3.]~~ 4. As used in this section:

(a) "Emergency contraception" means methods of birth control which, when administered within a specified period after intercourse, may prevent pregnancy from occurring.

(b) "Sexual assault" means a violation of NRS 200.366 or 200.368.

Sec. 2. NRS 449.0301 is hereby amended to read as follows:

449.0301 The provisions of NRS 449.029 to 449.2428, inclusive, ***and section 1 of this act*** do not apply to:

1. Any facility conducted by and for the adherents of any church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing in the practice of the religion of the church or denomination, except that such a facility shall comply with all regulations relative to sanitation and safety applicable to other facilities of a similar category.

2. Foster homes as defined in NRS 424.014.

3. Any medical facility, facility for the dependent or facility which is otherwise required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed that is operated and maintained by the United States Government or an agency thereof.

Sec. 3. NRS 449.0302 is hereby amended to read as follows:

449.0302 1. The Board shall adopt:

(a) Licensing standards for each class of medical facility or facility for the dependent covered by NRS 449.029 to 449.2428, inclusive, ***and section 1 of this act*** and for programs of hospice care.

(b) Regulations governing the licensing of such facilities and programs.

(c) Regulations governing the procedure and standards for granting an extension of the time for which a natural person may provide certain care in

his or her home without being considered a residential facility for groups pursuant to NRS 449.017. The regulations must require that such grants are effective only if made in writing.

(d) Regulations establishing a procedure for the indemnification by the Division, from the amount of any surety bond or other obligation filed or deposited by a facility for refractive surgery pursuant to NRS 449.068 or 449.069, of a patient of the facility who has sustained any damages as a result of the bankruptcy of or any breach of contract by the facility.

(e) Any other regulations as it deems necessary or convenient to carry out the provisions of NRS 449.029 to 449.2428, inclusive ~~,~~ ***, and section 1 of this act.***

2. The Board shall adopt separate regulations governing the licensing and operation of:

(a) Facilities for the care of adults during the day; and

(b) Residential facilities for groups,

➥ which provide care to persons with Alzheimer's disease.

3. The Board shall adopt separate regulations for:

(a) The licensure of rural hospitals which take into consideration the unique problems of operating such a facility in a rural area.

(b) The licensure of facilities for refractive surgery which take into consideration the unique factors of operating such a facility.

(c) The licensure of mobile units which take into consideration the unique factors of operating a facility that is not in a fixed location.

4. The Board shall require that the practices and policies of each medical facility or facility for the dependent provide adequately for the protection of the health, safety and physical, moral and mental well-being of each person accommodated in the facility.

5. In addition to the training requirements prescribed pursuant to NRS 449.093, the Board shall establish minimum qualifications for administrators and employees of residential facilities for groups. In establishing the qualifications, the Board shall consider the related standards set by nationally recognized organizations which accredit such facilities.

6. The Board shall adopt separate regulations regarding the assistance which may be given pursuant to NRS 453.375 and 454.213 to an ultimate user of controlled substances or dangerous drugs by employees of residential facilities for groups. The regulations must require at least the following conditions before such assistance may be given:

(a) The ultimate user's physical and mental condition is stable and is following a predictable course.

(b) The amount of the medication prescribed is at a maintenance level and does not require a daily assessment.

(c) A written plan of care by a physician or registered nurse has been established that:

(1) Addresses possession and assistance in the administration of the medication; and

(2) Includes a plan, which has been prepared under the supervision of a registered nurse or licensed pharmacist, for emergency intervention if an adverse condition results.

(d) Except as otherwise authorized by the regulations adopted pursuant to NRS 449.0304, the prescribed medication is not administered by injection or intravenously.

(e) The employee has successfully completed training and examination approved by the Division regarding the authorized manner of assistance.

7. The Board shall adopt separate regulations governing the licensing and operation of residential facilities for groups which provide assisted living services. The Board shall not allow the licensing of a facility as a residential facility for groups which provides assisted living services and a residential facility for groups shall not claim that it provides "assisted living services" unless:

(a) Before authorizing a person to move into the facility, the facility makes a full written disclosure to the person regarding what services of personalized care will be available to the person and the amount that will be charged for those services throughout the resident's stay at the facility.

(b) The residents of the facility reside in their own living units which:

(1) Except as otherwise provided in subsection 8, contain toilet facilities;

(2) Contain a sleeping area or bedroom; and

(3) Are shared with another occupant only upon consent of both occupants.

(c) The facility provides personalized care to the residents of the facility and the general approach to operating the facility incorporates these core principles:

(1) The facility is designed to create a residential environment that actively supports and promotes each resident's quality of life and right to privacy;

(2) The facility is committed to offering high-quality supportive services that are developed by the facility in collaboration with the resident to meet the resident's individual needs;

(3) The facility provides a variety of creative and innovative services that emphasize the particular needs of each individual resident and the resident's personal choice of lifestyle;

(4) The operation of the facility and its interaction with its residents supports, to the maximum extent possible, each resident's need for autonomy and the right to make decisions regarding his or her own life;

(5) The operation of the facility is designed to foster a social climate that allows the resident to develop and maintain personal relationships with fellow residents and with persons in the general community;

(6) The facility is designed to minimize and is operated in a manner which minimizes the need for its residents to move out of the facility as their respective physical and mental conditions change over time; and

(7) The facility is operated in such a manner as to foster a culture that provides a high-quality environment for the residents, their families, the staff, any volunteers and the community at large.

8. The Division may grant an exception from the requirement of subparagraph (1) of paragraph (b) of subsection 7 to a facility which is licensed as a residential facility for groups on or before July 1, 2005, and which is authorized to have 10 or fewer beds and was originally constructed as a single-family dwelling if the Division finds that:

(a) Strict application of that requirement would result in economic hardship to the facility requesting the exception; and

(b) The exception, if granted, would not:

(1) Cause substantial detriment to the health or welfare of any resident of the facility;

(2) Result in more than two residents sharing a toilet facility; or

(3) Otherwise impair substantially the purpose of that requirement.

9. The Board shall, if it determines necessary, adopt regulations and requirements to ensure that each residential facility for groups and its staff are prepared to respond to an emergency, including, without limitation:

(a) The adoption of plans to respond to a natural disaster and other types of emergency situations, including, without limitation, an emergency involving fire;

(b) The adoption of plans to provide for the evacuation of a residential facility for groups in an emergency, including, without limitation, plans to ensure that nonambulatory patients may be evacuated;

(c) Educating the residents of residential facilities for groups concerning the plans adopted pursuant to paragraphs (a) and (b); and

(d) Posting the plans or a summary of the plans adopted pursuant to paragraphs (a) and (b) in a conspicuous place in each residential facility for groups.

10. The regulations governing the licensing and operation of facilities for transitional living for released offenders must provide for the licensure of at least three different types of facilities, including, without limitation:

(a) Facilities that only provide a housing and living environment;

(b) Facilities that provide or arrange for the provision of supportive services for residents of the facility to assist the residents with reintegration into the community, in addition to providing a housing and living environment; and

(c) Facilities that provide or arrange for the provision of alcohol and drug abuse programs, in addition to providing a housing and living environment and providing or arranging for the provision of other supportive services.

➥ The regulations must provide that if a facility was originally constructed as a single-family dwelling, the facility must not be authorized for more than eight beds.

11. As used in this section, "living unit" means an individual private accommodation designated for a resident within the facility.

Sec. 4. NRS 449.0306 is hereby amended to read as follows:

449.0306 1. Money received from licensing medical facilities and facilities for the dependent must be forwarded to the State Treasurer for deposit in the State General Fund to the credit of the Division.

2. The Division shall enforce the provisions of NRS 449.029 to 449.245, inclusive, ***and section 1 of this act*** and may incur any necessary expenses not in excess of money authorized for that purpose by the State or received from the Federal Government.

Sec. 5. NRS 449.131 is hereby amended to read as follows:

449.131 1. Any authorized member or employee of the Division may enter and inspect any building or premises at any time to secure compliance with or prevent a violation of any provision of NRS 449.029 to 449.245, inclusive ~~.~~ ***, and section 1 of this act.***

2. The State Fire Marshal or a designee of the State Fire Marshal shall, upon receiving a request from the Division or a written complaint concerning compliance with the plans and requirements to respond to an emergency adopted pursuant to subsection 9 of NRS 449.0302:

(a) Enter and inspect a residential facility for groups; and

(b) Make recommendations regarding the adoption of plans and requirements pursuant to subsection 9 of NRS 449.0302,

➥ to ensure the safety of the residents of the facility in an emergency.

3. The Chief Medical Officer or a designee of the Chief Medical Officer shall enter and inspect at least annually each building or the premises of a residential facility for groups to ensure compliance with standards for health and sanitation.

4. An authorized member or employee of the Division shall enter and inspect any building or premises operated by a residential facility for groups within 72 hours after the Division is notified that a residential facility for groups is operating without a license.

Sec. 6. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.029 to 449.2428, inclusive, ***and section 1 of this act*** upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.029 to 449.245, inclusive, ***and section 1 of this act*** or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, ***and section 1 of this act*** and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required.

(f) Failure to comply with the provisions of NRS 449.2486.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

➥ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Division pursuant to subsection 2.

Sec. 7. NRS 449.220 is hereby amended to read as follows:

449.220 1. The Division may bring an action in the name of the State to enjoin any person, state or local government unit or agency thereof from operating or maintaining any facility within the meaning of NRS 449.029 to 449.2428, inclusive ~~[.]~~ ***, and section 1 of this act:***

(a) Without first obtaining a license therefor; or

(b) After his or her license has been revoked or suspended by the Division.

2. It is sufficient in such action to allege that the defendant did, on a certain date and in a certain place, operate and maintain such a facility without a license.

Sec. 8. NRS 449.240 is hereby amended to read as follows:

449.240 The district attorney of the county in which the facility is located shall, upon application by the Division, institute and conduct the prosecution of any action for violation of any provisions of NRS 449.029 to 449.245, inclusive ~~[.]~~ ***, and section 1 of this act.***

Sec. 9. This act becomes effective:

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

2. On January 1, 2020, for all other purposes.

Assemblywoman Cohen moved the adoption of the amendment.

Remarks by Assemblywoman Cohen.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 141.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 229.

AN ACT relating to pharmacy benefit managers; prohibiting a pharmacy benefit manager from imposing certain limitations on the conduct of a pharmacist or pharmacy ~~[.]~~ **under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law forbids a pharmacy benefit manager, which is defined as an entity that contracts with or is employed by a third party and manages the pharmacy benefits plan provided by the third party, from prohibiting a pharmacist or pharmacy from providing information to a person covered by a pharmacy benefits plan concerning the amount of any copayment or coinsurance for a prescription drug or the clinical efficacy of a less expensive alternative drug. (NRS 683A.179) This bill additionally forbids a pharmacy benefit manager from prohibiting a pharmacist or pharmacy **, other than an institutional pharmacy or a pharmacist working in an institutional pharmacy,** from providing information to such a person concerning the availability of a less expensive or more effective drug **.** ~~[or a less expensive manner of acquiring a drug.]~~ **If the usual and customary price of a covered prescription drug is lower than the amount of the copayment or coinsurance for the drug, this bill also prohibits a pharmacy benefit manager from prohibiting a pharmacist or pharmacy, other than an institutional pharmacy or a pharmacist working in an institutional pharmacy, from disclosing that price.**

Existing law prohibits a pharmacy benefit manager from penalizing a pharmacist or pharmacy for selling a less expensive alternative drug to a person covered by a pharmacy benefits plan. (NRS 683A.179) This bill also

prohibits a pharmacy benefit manager from penalizing a pharmacist or pharmacy **, other than an institutional pharmacy or a pharmacist working in an institutional pharmacy,** for selling a less expensive generic drug or a more effective drug to such a person.

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

Section 1. NRS 683A.179 is hereby amended to read as follows:

683A.179 1. A pharmacy benefit manager shall not:

(a) Prohibit a pharmacist or pharmacy from providing information to a covered person concerning ~~[the]~~ ***:***

(1) The amount of any copayment or coinsurance for a prescription drug ~~[or informing a covered person concerning the]~~ ***;***

(2) The availability of a less expensive alternative or generic drug or a more effective drug, including, without limitation, information concerning clinical efficacy of ***such*** a ~~[less expensive alternative]~~ drug; ***or***

(3) ~~[Alternative methods of acquiring a drug which may result in a lower cost for the drug.]~~ If the usual and customary price of a covered prescription drug is lower than the copayment or coinsurance for the drug, the amount of that usual and customary price.

(b) Penalize a pharmacist or pharmacy for providing the information described in paragraph (a) or selling a less expensive alternative ***or generic*** drug ***or a more effective drug*** to a covered person;

(c) Prohibit a pharmacy from offering or providing delivery services directly to a covered person as an ancillary service of the pharmacy; or

(d) If the pharmacy benefit manager manages a pharmacy benefits plan that provides coverage through a network plan, charge a copayment or coinsurance for a prescription drug in an amount that is greater than the total amount paid to a pharmacy that is in the network of providers under contract with the third party.

2. ***The provisions of this section:***

(a) Must not be construed to authorize a pharmacist to dispense a drug that has not been prescribed by a practitioner, as defined in NRS 639.0125.

(b) Do not apply to an institutional pharmacy, as defined in NRS 639.0085, or a pharmacist working in such a pharmacy as an employee or independent contractor.

3. As used in this section ~~[, "network]~~ ***:***

(a) "Network plan" means a health benefit plan offered by a health carrier under which the financing and delivery of medical care is provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.

(b) "Usual and customary price" means the usual and customary charges that a pharmacy charges to the general public for a drug, as described in 42 C.F.R. § 447.512.

Sec. 2. 1. The provisions NRS 683A.179, as amended by section 1 of this act, apply to any contract entered into before, on or after July 1, 2019, with a pharmacy benefit manager to manage a pharmacy benefits plan for a third party.

2. As used in this section:

(a) "Pharmacy benefit manager" has the meaning ascribed to it in NRS 683A.174.

(b) "Pharmacy benefits plan" has the meaning ascribed to it in NRS 683A.175.

(c) "Third party" has the meaning ascribed to it in NRS 683A.176.

Sec. 3. This act becomes effective on July 1, 2019.

Assemblywoman Spiegel moved the adoption of the amendment.

Remarks by Assemblywoman Spiegel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 142.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 390.

ASSEMBLYWOMEN KRASNER; BACKUS, BILBRAY-AXELROD, COHEN, DURAN, GORELOW, HARDY, MARTINEZ, MONROE-MORENO, MUNK, NEAL, SPIEGEL**,** ~~[AND]~~ TITUS **AND YEAGER**

JOINT ~~[SPONSOR: SENATOR]~~ **SPONSORS: SENATORS** SPEARMAN **; CANCELA, D. HARRIS AND SEEVERS GANSERT**

AN ACT relating to criminal procedure; eliminating the statute of limitations for the prosecution of sexual assault if the identity of the person accused of committing the crime is established by DNA evidence; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally requires an indictment for sexual assault to be found, or an information or complaint to be filed, within 20 years after the commission of the offense. (NRS 171.085) Existing law also provides that there is no limitation of time within which a prosecution for sexual assault is required to be commenced if, during the 20-year period of limitation, the victim of the sexual assault or a person authorized to act on behalf of the victim files with a law enforcement officer a written report concerning the sexual assault. (NRS 171.083)

Section 1 of this bill additionally provides that there is no limitation of time within which a prosecution for sexual assault is required to be commenced if the identity of a person who is accused of committing the sexual assault is established by DNA evidence. **Section 4** of this bill provides that such an exception applies to a person who: (1) committed a sexual assault before ~~[October]~~ **July** 1, 2019, if the statute of limitations has not expired on

~~[October]~~ **July** 1, 2019; or (2) commits a sexual assault on or after ~~[October]~~ **July** 1, 2019.

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

Section 1. Chapter 171 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the identity of a person who is accused of committing a sexual assault is established by conducting a genetic marker analysis of a biological specimen

and obtaining a DNA profile, the period of limitation prescribed in NRS 171.085 is removed and there is no limitation of the time within which a prosecution for the sexual assault must be commenced.

2. As used in this section:

(a) "Biological specimen" has the meaning ascribed to it in NRS 176.09112.

(b) "DNA profile" has the meaning ascribed to it in NRS 176.09115.

(c) "Genetic marker analysis" has the meaning ascribed to it in NRS 176.09118.

Sec. 2. NRS 171.085 is hereby amended to read as follows:

171.085 Except as otherwise provided in NRS 171.080, 171.083, 171.084 and 171.095, ***and section 1 of this act,*** an indictment for:

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

2. Sexual assault must be found, or an information or complaint filed, within 20 years after the commission of the offense.

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

Sec. 3. NRS 171.095 is hereby amended to read as follows:

171.095 1. Except as otherwise provided in subsection 2 and NRS 171.083 and 171.084 ~~[.]~~ ***and section 1 of this act:***

(a) If a felony, gross misdemeanor or misdemeanor is committed in a secret manner, an indictment for the offense must be found, or an information or complaint filed, within the periods of limitation prescribed in NRS 171.085, 171.090 and 624.800 after the discovery of the offense, unless a longer period is allowed by paragraph (b) or (c) or the provisions of NRS 202.885.

(b) An indictment must be found, or an information or complaint filed, for any offense constituting sexual abuse of a child as defined in NRS 432B.100 or sex trafficking of a child as defined in NRS 201.300, before the victim is:

(1) Thirty-six years old if the victim discovers or reasonably should have discovered that he or she was a victim of the sexual abuse or sex trafficking by the date on which the victim reaches that age; or

(2) Forty-three years old if the victim does not discover and reasonably should not have discovered that he or she was a victim of the sexual abuse or sex trafficking by the date on which the victim reaches 36 years of age.

(c) If a felony is committed pursuant to NRS 205.461 to 205.4657, inclusive, against a victim who is less than 18 years of age at the time of the commission of the offense, an indictment for the offense must be found, or an information or complaint filed, within 4 years after the victim discovers or reasonably should have discovered the offense.

2. If any indictment found, or an information or complaint filed, within the time prescribed in subsection 1 is defective so that no judgment can be given thereon, another prosecution may be instituted for the same offense within 6 months after the first is abandoned.

Sec. 4. The amendatory provisions of this act apply to a person who:

1. Committed a sexual assault before ~~[October]~~ **July** 1, 2019, if the applicable statute of limitations has commenced but has not yet expired on ~~[October]~~ **July** 1, 2019; or

2. Commits a sexual assault on or after ~~[October]~~ **July** 1, 2019.

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. 156.

Bill read second time.

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

Amendment No. 221.

AN ACT relating to child welfare; requiring a court to appoint an educational decision maker for a child for whom a petition is filed alleging that the child is in need of protection; prescribing the duties of such an educational decision maker; requiring an agency acting as the custodian of a child to include certain educational information in a report submitted to the court before a hearing to review the placement of the child; ~~[requiring the court to take certain actions if such an agency fails to include the required information in such a report;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a court to appoint an educational surrogate parent for a child with a known or suspected disability if: (1) a parent is not identified, unavailable or unwilling or unable to make decisions relating to the education of the child; and (2) such an appointment is in the best interests of the child. (NRS 432B.462) **Section 2** of this bill instead requires a court to appoint an

educational decision maker for any child for whom a petition is filed alleging that the child is in need of protection. **Section 2** establishes a rebuttable presumption that it is in the best interests of the child for the court to appoint a parent or guardian as the educational decision maker for the child but authorizes the court to appoint a person other than a parent or guardian if the court determines that: (1) the parent or guardian is unwilling or unable to act as the educational decision maker; or (2) it is not in the best interests of the child for the parent or guardian to act as **the** educational decision maker. **Section 2** prescribes the duties of an educational decision maker, including meeting with the child, ensuring that the child receives a free and appropriate education in accordance with federal and state law and participating in meetings regarding the education of the child and child welfare proceedings. **Section 2 also requires an educational decision maker, to the extent practicable, to communicate any concerns he or she has regarding the educational placement of the child and the educational services provided to the child and any recommendations to address those concerns to the agency which provides child welfare services, the attorney representing the child and, if the educational decision maker for the child is not the parent or guardian of the child, the parent or guardian of the child.** **Sections 2 and 4** of this bill require an agency which provides child welfare services to consult with the educational decision maker for a child who is in foster care when determining whether it is in the best interests of the child to remain at his or her school of origin. **Section 1** of this bill requires a court to: (1) ensure that an educational decision maker is involved in and notified of any plan for the placement of the child; and (2) allow the educational decision maker to testify at any child welfare hearing to determine the placement of the child.

Existing law requires a court that places a child who is in need of protection in the custody of a person other than a parent or guardian to review the placement at least semiannually. Before any hearing for review of the placement of the child, an agency acting as the custodian of the child is required to submit to the court a report that contains certain information concerning the child. (NRS 432B.580) **Section 3** of this bill revises the educational information that an agency is required to include in such a report. ~~[Section 3 also requires a court to hold an administrative agency that fails to provide the required educational information in contempt and impose an administrative assessment against such an agency.]~~

Existing law requires a court to provide each person who is entitled to notice of a hearing to review the placement of a child with such a notice and the opportunity to participate in an annual hearing concerning the permanent placement of the child. (NRS 432B.590) Therefore, **section 3** requires a court to provide an educational decision maker with notice of such an annual hearing.

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

Section 1. NRS 432B.457 is hereby amended to read as follows:

432B.457 1. If the court or a special master appointed pursuant to NRS 432B.455 finds that a person has a special interest in a child, the court or the special master shall:

(a) Except for good cause, ensure that the person is involved in and notified of any plan for the temporary or permanent placement of the child and is allowed to offer recommendations regarding the plan; and

(b) Allow the person to testify at any hearing held pursuant to this chapter to determine any temporary or permanent placement of the child.

2. For the purposes of this section, a person "has a special interest in a child" if:

(a) The person is:

(1) A parent or other relative of the child;

(2) A foster parent or other provider of substitute care for the child;

(3) A provider of care for the medical or mental health of the child; ~~[or]~~

(4) ***An educational decision maker appointed for the child pursuant to NRS 432B.462; or***

(5) A teacher or other school official who works directly with the child; and

(b) The person:

(1) Has a personal interest in the well-being of the child; or

(2) Possesses information that is relevant to the determination of the placement of the child.

Sec. 2. NRS 432B.462 is hereby amended to read as follows:

432B.462 1. ~~[Any person who is a party to a proceeding pursuant to this chapter may file a petition requesting]~~ ***As soon as possible after a petition is filed alleging that a child is in need of protection pursuant to NRS 432B.490 but no later than the date on which the disposition hearing is held pursuant to subsection 5 of NRS 432B.530,*** the court ~~[to]~~ ***shall*** appoint an educational ~~[surrogate parent]~~ ***decision maker*** for ~~[a]~~ ***the*** child ***.*** ~~[with a known or suspected disability.]~~

2. There is a rebuttable presumption that it is in the best interests of the child for the court to appoint a parent or guardian of the child as the educational decision maker for the child. The court may appoint ~~[an]~~ ***a person other than a parent or guardian as an*** educational ~~[surrogate parent]~~ ***decision maker*** for a child ~~[with a known or suspected disability if a parent, as defined in 34 C.F.R. § 300.30, is:~~

~~(a) Not identified;~~

~~(b) Unavailable; or~~

~~(c) Unwilling or unable to make decisions relating to the education of the child and such an appointment is in the best interest of the child.~~

~~2. The]~~ ***if, upon a motion from any party, the court finds that:***

(a) The parent or guardian of the child is unwilling or unable to act as the educational decision maker for the child; or

(b) It is not in the best interests of the child for the parent or legal guardian to act as the educational decision maker for the child.

3. If the court ~~[may]~~ ***makes a finding described in subsection 2, the court must*** appoint ~~[a person as]~~ an educational ~~[surrogate parent if the]~~ ***decision maker for the child who has the knowledge and skills to act in the best interests of the child in all matters relating to the education of the child. Such a person may include, without limitation:***

(a) A relative of the child within the fifth degree of consanguinity;

(b) The foster parent or other provider of substitute care for the child;

(c) A fictive kin of the child, as that term is defined in subsection 10 of NRS 432B.390;

(d) The guardian ad litem appointed for the child pursuant to NRS 432B.500; or

(e) Another person whom the court determines is qualified to perform the duties of an educational decision maker prescribed by this section.

4. If possible, a person ~~[:~~

~~(a) Has not caused the abuse or neglect of the child;~~

~~(b) Does not have any interest that conflicts with the best interests of the child;~~

~~(c) Has the knowledge and skill to adequately represent the interests of the child; and~~

~~(d) Is not an employee of a public agency involved in the education of the child.]~~ ***appointed as an educational decision maker for a child pursuant to subsection 3 must be the permanent caregiver recommended for the child in the plan for permanent placement adopted pursuant to NRS 432B.553.***

5. The fact that a person other than the parent or guardian of a child is appointed as an educational decision maker pursuant to this section must not be used in any proceeding as evidence that the person is an unfit parent or unfit to be the guardian of the child.

6. An educational ~~[surrogate parent]~~ ***decision maker*** appointed pursuant to this section shall not be deemed to be an employee of a public agency involved in the education of the child.

~~[3.]~~ ***7.*** An educational ~~[surrogate parent shall represent the child with a known or suspected disability in all matters relating to the identification of the child, the assessment of any special educational needs of the child, the educational placement of the child and the provision of a free appropriate program of public education to the child.~~

~~4.]~~ ***decision maker shall:***

(a) Have an initial meeting with the child and then shall meet with the child as often as he or she deems necessary to carry out the duties prescribed by this section in accordance with the best interests of the child;

(b) Address any disciplinary issues relating to the education of the child with the child and the school in which the child is enrolled;

(c) Ensure that the child receives a free and appropriate education in accordance with federal and state law, including, without limitation:

(1) Any special programs of instruction or special services for pupils with disabilities to which the child is entitled by federal or state law; and

(2) If the child is at least 14 years of age, educational services to assist the child in transitioning to independent living;

(d) Consult with the agency which provides child welfare services concerning a determination about whether the child should change schools pursuant to NRS 388E.105, if applicable;

(e) Participate in any meeting relating to the education of the child, including, without limitation, a meeting regarding any individualized education program established for the pupil pursuant to 20 U.S.C. § 1414(d) or special program of instruction or special service provided to the pupil; ~~[and]~~

(f) To the extent practicable, communicate any concerns he or she has regarding the educational placement of the child and the educational services provided to the child and any recommendations to address those concerns to:

(1) The agency which provides child welfare services;

(2) The attorney representing the child; and

(3) If the educational decision maker for the child is not the parent or guardian of the child, the parent or guardian of the child; and

(g) Appear at any proceeding held pursuant to this section and NRS 432B.410 to 432B.590, inclusive, and make specific recommendations to the court as appropriate concerning the educational placement of the child, the educational services provided to the child and, if the child is at least 14 years of age, the services needed to assist the child in transitioning to independent living.

8. A court may revoke the appointment of an educational ~~[surrogate parent]~~ ***decision maker*** if the court determines the revocation of the appointment is in the best interests of the child.

~~[5. If the court does not appoint an educational surrogate parent or if the court revokes such an appointment, the selection of an educational surrogate parent must be made pursuant to applicable state and federal law.]~~ ***If the court revokes such an appointment, the court must appoint a new educational decision maker for the child.***

9. An educational decision maker appointed for a child pursuant to this section shall be deemed to be a surrogate parent for the purposes of 34 C.F.R. § 300.519.

Sec. 3. NRS 432B.580 is hereby amended to read as follows:

432B.580 1. Except as otherwise provided in this section and NRS 432B.513, if a child is placed pursuant to NRS 432B.550 other than with a parent, the placement must be reviewed by the court at least semiannually, and within 90 days after a request by a party to any of the prior proceedings. Unless the parent, guardian or the custodian objects to the referral, the court may enter

an order directing that the placement be reviewed by a panel appointed pursuant to NRS 432B.585.

2. An agency acting as the custodian of the child shall, before any hearing for review of the placement of a child, submit a report to the court, or to the panel if it has been designated to review the matter, which includes:

(a) An evaluation of the progress of the child and the family of the child and any recommendations for further supervision, treatment or rehabilitation.

(b) Information concerning the placement of the child in relation to the child's siblings, including, without limitation:

(1) Whether the child was placed together with the siblings;

(2) Any efforts made by the agency to have the child placed together with the siblings;

(3) Any actions taken by the agency to ensure that the child has contact with the siblings; and

(4) If the child is not placed together with the siblings:

(I) The reasons why the child is not placed together with the siblings; and

(II) A plan for the child to visit the siblings, which must be presented at the first hearing to occur after the siblings are separated and approved by the court. The plan for visitation must be updated as necessary to reflect any change in the placement of the child or a sibling, including, without limitation, any such change that occurs after the termination of parental rights to the child or a sibling or the adoption of a sibling.

(c) Information concerning the child's education, including:

(1) A copy of any academic plan or individual graduation plan developed for the child pursuant to NRS 388.155, 388.165, 388.205 or 388.227;

(2) The grade and school in which the child is enrolled;

(3) The name of each school the child attended before enrolling in the school in which he or she is currently enrolled and the corresponding dates of attendance;

(4) Whether the child has not completed or passed any course of instruction that the child should have completed or passed by the time the report is submitted, which has resulted in the child having a deficiency in credits;

(5) A copy of any individualized education program developed for the child;

(6) A copy of any plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794;

(7) A summary of any special education services received by the child;

(8) ***A copy of the most recent report card of the child;***

(9) A statement of the number of credits earned by the child during the most recent semester, if applicable;

(10) A statement of the number of times the child has been absent from school during the current or most recent school year for which the child was enrolled in school;

(11) The scores the child received on any academic assessments or standardized examinations administered to the child;

(12) Any information provided by the educational decision maker appointed for the child pursuant to NRS 432B.462; and

(13) Whether a request that the child receive special education services has been made and, if so, the outcome of such a request**.** ~~[~~~~; and~~

~~(9) Whether, in the opinion of the agency, it is necessary to appoint a surrogate parent to represent the child in all matters relating to the provision of a free and appropriate public education to the child.~~]

(d) A copy of any explanations regarding medication that has been prescribed for the child that have been submitted by a foster home pursuant to NRS 424.0383.

3. Except as otherwise provided in this subsection, a copy of the report submitted pursuant to subsection 2 must be given to the parents, the guardian ad litem and the attorney, if any, representing the parent or the child. If the child was delivered to a provider of emergency services pursuant to NRS 432B.630 and the parent has not appeared in the action, the report need not be sent to that parent.

4. After a plan for visitation between a child and the siblings of the child submitted pursuant to subparagraph (4) of paragraph (b) of subsection 2 has been approved by the court, the agency which provides child welfare services must request the court to issue an order requiring the visitation set forth in the plan for visitation. Upon the issuance of such an order, the court shall provide each sibling of the child with the case number of the proceeding for the purpose of allowing the sibling to petition the court for visitation or enforcement of the order for visitation. If a person refuses to comply with or disobeys an order issued pursuant to this subsection, the person may be punished as for a contempt of court.

5. The court or the panel shall hold a hearing to review the placement, unless the parent, guardian or custodian files a motion with the court to dispense with the hearing. If the motion is granted, the court or panel may make its determination from any report, statement or other information submitted to it.

6. Except as otherwise provided in subsection 7 and subsection 5 of NRS 432B.520, notice of the hearing must be given by registered or certified mail to:

(a) All the parties to any of the prior proceedings;

(b) Any persons planning to adopt the child;

(c) A sibling of the child, if known, who has been granted a right to visitation of the child pursuant to this section or NRS 127.171 and his or her attorney, if any; ~~[and]~~

(d) Any other relatives of the child or providers of foster care who are currently providing care to the child ~~[.]~~ ***; and***

(e) The educational decision maker appointed for the child pursuant to NRS 432B.462.

7. The notice of the hearing required to be given pursuant to subsection 6:

(a) Must include a statement indicating that if the child is placed for adoption the right to visitation of the child is subject to the provisions of NRS 127.171;

(b) Must not include any confidential information described in NRS 127.140;

(c) Need not be given to a parent whose rights have been terminated pursuant to chapter 128 of NRS or who has voluntarily relinquished the child for adoption pursuant to NRS 127.040; and

(d) Need not be given to a parent who delivered a child to a provider of emergency services pursuant to NRS 432B.630.

8. The court or panel may require the presence of the child at the hearing and shall provide to each person to whom notice was given pursuant to subsection 6 a right to be heard at the hearing.

9. The court or panel shall review:

(a) The continuing necessity for and appropriateness of the placement;

(b) The extent of compliance with the plan submitted pursuant to subsection 2 of NRS 432B.540;

(c) Any progress which has been made in alleviating the problem which resulted in the placement of the child; ~~[and]~~

(d) The date the child may be returned to, and safely maintained in, the home or placed for adoption or under a legal guardianship ~~[.]~~ ***; and***

(e) The information described in paragraph (c) of subsection 2 to determine whether the child is making adequate academic progress and receiving the educational services or supports necessary to ensure the academic success of the child.

10. The provision of notice and a right to be heard pursuant to this section does not cause any person planning to adopt the child, any sibling of the child or any other relative, any adoptive parent of a sibling of the child or a provider of foster care to become a party to the hearing.

11. ~~***[If the court determines that the agency acting as the custodian of the child has failed to provide the report required by subsection 2, the court shall:***~~

~~***— (a) Hold the agency in contempt; and***~~

~~***— (b) Collect from the agency an administrative assessment of $500. Any money so collected must be paid by the clerk of court to the State Treasurer on or before the fifth day of each month for the preceding month for credit to the Normalcy for Foster Youth Account created by NRS 432B.174.***~~

~~***— 12.]***~~ As used in this section, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

Sec. 4. NRS 388E.105 is hereby amended to read as follows:

388E.105 1. When a child enters foster care or changes placement while in foster care, the agency which provides child welfare services to the child shall determine whether it is in the best interests of the child for the child to remain in his or her school of origin. In making this determination, there is a

rebuttable presumption that it is in the best interests of the child to remain in his or her school of origin.

2. In determining whether it is in the best interests of a child in foster care to remain in his or her school of origin, the agency which provides child welfare services, in consultation with the local education agency ~~[,]~~ ***and the educational decision maker appointed for the child pursuant to NRS 432B.462,*** must consider, without limitation:

(a) The wishes of the child;

(b) The educational success, stability and achievement of the child;

(c) Any individualized education program or academic plan developed for the child;

(d) Whether the child has been identified as an English learner;

(e) The health and safety of the child;

(f) The availability of necessary services for the child at the school of origin; and

(g) Whether the child has a sibling enrolled in the school of origin.

➥ The costs of transporting the child to the school of origin must not be considered when determining whether it is in the best interests of the child to remain at his or her school of origin.

3. If the agency which provides child welfare services determines that it is in the best interests of a child in foster care to attend a public school other than the child's school of origin:

(a) The agency which provides child welfare services must:

(1) Provide written notice of its determination to every interested party as soon as practicable; and

(2) In collaboration with the local education agency, ensure that the child is immediately enrolled in that public school; and

(b) The public school may not refuse to the enroll the child on the basis that the public school does not have:

(1) A certificate stating that the child has been immunized and has received proper boosters for that immunization;

(2) A birth certificate or other document suitable as proof of the child's identity;

(3) A copy of the child's records from the school the child most recently attended; or

(4) Any other documentation required by a policy adopted by the public school or the local education agency.

Sec. 5. This act becomes effective on July 1, 2019.

Assemblywoman Cohen moved the adoption of the amendment.

Remarks by Assemblywoman Cohen.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 224.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 121.

AN ACT relating to economic development; revising provisions governing the NV Grow Program; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law directs the Office of Economic Development within the Office of the Governor to develop, create and oversee the NV Grow Program to provide certain informational and technical assistance to existing small businesses in this State that are expanding or ready to expand. (Section 2 of chapter 459, Statutes of Nevada 2015, p. 2681, as amended by Chapter 430, Statutes of Nevada 2017, at page 2880) **Section 2** of this bill transfers those responsibilities to the Division of Workforce and Economic Development of the College of Southern Nevada. **Section 2** also ~~[provides]~~ **requires** that the **Division manage the NV Grow Program and select the** lead counselor for the NV Grow Program **who** will also serve as its coordinator and **who** must be an employee of the College of Southern Nevada. **Sections 3-5** of this bill make conforming changes.

Section 6 of this bill appropriates $425,000 to the Nevada System of Higher Education to enable the College of Southern Nevada to assist and carry out the NV Grow Program.

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

Section 1. The NV Grow Act, being chapter 459, Statutes of Nevada 2015, as amended by chapter 430 Statutes of Nevada 2017 at page 2880, is hereby amended by adding thereto a new section to be designated section 1.7, immediately following section 1.5, to read as follows:

Sec. 1.7 As used in this act, unless the context otherwise requires, "Division" means the Division of Workforce and Economic Development of the College of Southern Nevada.

Sec. 2. Section 2 of the NV Grow Act, being chapter 459, Statutes of Nevada 2015, as amended by chapter 430, Statutes of Nevada 2017, at page 2880, is hereby amended to read as follows:

Sec. 2. 1. The ~~[Office,]~~ ***Division,*** in consultation with the stakeholders group, shall develop, create and oversee the NV Grow Program to stimulate Nevada's economy with a view toward providing assistance to businesses that are already located and operating in this State rather than recruiting businesses from other states to relocate in Nevada.

2. Under the auspices of the program:

(a) Institutions of the Nevada System of Higher Education located in Clark County and the Nevada Small Business Development Center in Clark County shall, in cooperation with the geographic information system specialist employed at the College of Southern Nevada, mentor and track businesses participating in the program in Clark County. The

Clark County Department of Business License will coordinate with the College to provide such data as may be necessary for the operation of the program in Clark County.

(b) The Nevada Small Business Development Centers located in Clark County and Washoe County shall each cooperate with the geographic information system specialist employed to assist businesses in Clark County that are participating in the program with marketing and other efforts.

3. The ~~[Centers, jointly,]~~ ***Division*** shall select the lead counselor and manage the NV Grow Program, which must include, without limitation:

(a) ***The employment of the lead counselor at the College of Southern Nevada who, in addition to his or her other duties, serves as the coordinator of the program;***

(b) The employment of a geographic information specialist at the College of Southern Nevada who provides data to clients of the stakeholders group;

~~[(b)]~~ ***(c)*** The appointment of the College of Southern Nevada as administrator of the geographic information system ~~[;~~

~~(c)]~~ ***and fiscal agent for the program;***

(d) An analysis and identification by the ~~[Centers]~~ ***Division*** of businesses and business sectors in this State that are ready to expand and a determination of which of these businesses and business sectors will participate in the program;

~~[(d)]~~ ***(e)*** Identification by the Centers ***and the Division*** of the skilled labor that exists in this State and its potential for growth;

~~[(e)]~~ ***(f)*** Targeting by the Centers ***and the Division*** of business sectors and occupations in this State that have demonstrated the ability to grow and stimulate the economy of the State;

~~[(f)]~~ ***(g)*** A focus by the Centers ***and the Division*** on the utilization of existing resources;

~~[(g)]~~ ***(h)*** The harnessing of the academic expertise of the College of Southern Nevada and the Centers to provide economic and market data to contribute to the diversification and growth of the economy of this State;

~~[(h)]~~ ***(i)*** The use of geographic information systems by the College of Southern Nevada and the Centers to map areas of this State to determine locations in which retail sales and other commerce are flourishing and locations in which retail sales and commerce demonstrate the capacity for further growth;

~~[(i)]~~ ***(j)*** The elements described in subsection 2;

~~[(j)]~~ ***(k)*** The provision of informational and other assistance by the College of Southern Nevada to businesses and business sectors in this State, including, without limitation, business training, nontraditional marketing techniques and business mentoring; and

~~[(k)]~~ ***(l)*** Such other components as the ~~[Office,]~~ ***Division,*** in consultation with the stakeholders group, determines are likely to be

necessary, advisable or advantageous for the growth and development of businesses located in this State.

4. The program shall, insofar as is possible, use the resources and expertise of the Centers and make available those resources and that expertise to businesses in this State for the purposes of:

(a) Developing business connections and business mentorships within the program;

(b) Exchanging data and other information with and between businesses and trade associations;

(c) Creating and facilitating peer-to-peer mentoring sessions for participants in the NV Grow Program; and

(d) Providing to businesses and business sectors data and other information that is calculated or otherwise generated through the use of geographic information systems.

5. To the extent possible, the program must be conducted with the goal of selecting ~~[15]~~ ***at least 30*** businesses in Clark County to participate in the program every year.

6. To qualify to participate in the program, a business must:

(a) Have its principal place of business within the State of Nevada and have had its principal place of business in this State for at least 2 years;

(b) Generate at least $50,000 but not more than $700,000 in revenue; and

(c) Have a business plan.

7. As used in this section:

(a) "Business plan" means a written statement of a set of business goals, the reasons those goals are believed to be attainable and the plan for reaching those goals.

(b) "Centers" means all institutions of the Nevada System of Higher Education, including, without limitation, the College of Southern Nevada and the University of Nevada, Reno.

(c) "Geographic information system" means a computerized database management system for the capture, storage, retrieval, analysis and display of spatial or locationally defined data.

(d) ~~[~~"Office" means the Office of Economic Development within the Office of the Governor.

~~(e)]~~ "Stakeholders group" means a group of persons interested in economic development in this State selected by the ~~[~~Office,~~]~~ ***Division,*** including, without limitation, a representative of the College of Southern Nevada, the University of Nevada, Las Vegas, the Urban Chamber of Commerce of Las Vegas, the Las Vegas Latin Chamber of Commerce, ***the Henderson Chamber of Commerce, the Asian Community Development Council,*** the Valley Center Opportunity Zone, the University of Nevada Cooperative Extension in Clark County, Clark County and incorporated cities in Clark County ~~[.]~~ ***and various entities affiliated with the Small Business Administration.***

Sec. 3. Section 3 of the NV Grow Act, being chapter 459, Statutes of Nevada 2015, as amended by chapter 430, Statutes of Nevada 2017, at page 2882, is hereby amended to read as follows:

Sec. 3. In assisting and carrying out the program described in section 2 of this act, the Centers, as defined in section 2 of this act, shall, without limitation, perform the following services:

1. Analyze data;

2. Ensure that businesses participating in the program understand the manner in which the data so analyzed will be applied to those businesses so that the businesses may make better business decisions and understand the current business market in which they exist;

3. Mentor the businesses as to the optimum use of data received under the program relative to the making of business decisions; and

4. With respect to the businesses participating in the program:

(a) Track the business decisions and growth of each business over the entire period of the program; ~~[and]~~

(b) Report the data tracked pursuant to paragraph (a), at least once each 6 months, to the ~~[Office of Economic Development within the Office of the Governor.]~~ ***Division*** ~~[,]~~ ***; and***

(c) Ensure the development of contacts with the Office of Economic Development and, if appropriate, the Regional Business Development Advisory Council for Clark County to facilitate participation in procurement programs and to further enhance the growth of each business.

Sec. 4. Section 4 of the NV Grow Act, being chapter 459, Statutes of Nevada 2015, at page 2683, is hereby amended to read as follows:

Sec. 4. The ~~[Office of Economic Development within the Office of the Governor]~~ ***Division*** shall serve as a consultant to the stakeholders group described in subsection 2 of section 2 of this act, including, without limitation, collecting and analyzing data to ensure that the data used by the Centers is uniform.

Sec. 5. Section 4.5 of the NV Grow Act, being chapter 459, Statutes of Nevada 2015, as amended by chapter 430, Statutes of Nevada 2017, at page 2883, is hereby amended to read as follows:

Sec. 4.5. The ~~[Office of Economic Development within the Office of the Governor]~~ ***Division*** may apply for any available grants, accept any gifts, grants or donations and use any such gifts, grants or donations to aid the ~~[Office]~~ ***Division*** in carrying out the program described in section 2 of this act.

Sec. 6. 1. There is hereby appropriated from the State General Fund to the Nevada System of Higher Education, the sum of $425,000 to allow the College of Southern Nevada to:

(a) Provide or obtain such services as may be necessary to assist and carry out the Program;

(b) Employ a geographic information specialist to assist small businesses who participate in the Program;

(c) Employ the lead counselor selected pursuant to section 2 of the NV Grow Act;

(d) Provide stipends for counselors and members of the faculty of the Nevada System of Higher Education who provide services in connection with the Program; and

(e) Make direct program expenditures to assist and carry out the Program, including, without limitation, **data software,** marketing tools, **interns,** field trips and grants to members of the stakeholders group to assist and carry out the Program.

2. All money appropriated by the provisions of this section must be used only for the purposes specified in ~~[those paragraphs]~~ **subsection 1** and no portion of the money may be set aside, distributed or otherwise committed or used for any other purpose, including any indirect costs incurred by any institution of the Nevada System of Higher Education, including, without limitation, the College of Southern Nevada.

3. As used in this section, "Program" means the NV Grow Program established pursuant to the NV Grow Act.

Sec. 7. Any remaining balance of the appropriation made by section 6 of this act must not be committed for expenditure after June 30, 2021, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2021, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2021.

Sec. 8. Any remaining balance of money received by the Office of Economic Development within the Office of the Governor from any gifts, grants or donations accepted by the Office pursuant to section 4.5 of the NV Grow Act, as that section exists on June 30, 2019, that has not been committed for expenditure before July 1, 2019, must be transferred to an account in the State General Fund administered by the College of Southern Nevada for the purposes of carrying out the provisions of the NV Grow Act.

Sec. 9. This act becomes effective on July 1, 2019.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 252.

Bill read second time.

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

Amendment No. 254.

ASSEMBLYMEN BENITEZ-THOMPSON, CARLTON; **ASSEFA, CARRILLO** AND WHEELER

JOINT SPONSORS: SENATORS KIECKHEFER AND PARKS

AN ACT relating to mental health; revising the scope of community-based living arrangement services; imposing certain requirements relating to the operation of a provider of community-based living arrangement services; requiring a provider of community-based living arrangement services to reimburse the Division of Public and Behavioral Health of the Department of Health and Human Services for certain overpayments to the provider; ~~[requiring an annual financial audit of a contract between the Division and a provider of community-based living arrangement services;]~~ revising requirements concerning the issuance or renewal of a certificate to provide community-based living arrangement services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines the term "community-based living arrangement services" to mean flexible, individualized services that are provided in the home, for compensation, to persons with mental illness or persons with developmental disabilities and designed and coordinated to assist such persons in maximizing their independence. (NRS 433.605) Existing law requires a provider of community-based living arrangement services to be certified by the Division of Public and Behavioral Health of the Department of Health and Human Services. (NRS 433.607) Existing law defines the term "supported living arrangement services" to refer to the same type of services provided to persons with intellectual or developmental disabilities. (NRS 435.3315) Existing law requires a provider of supported living arrangement services to be certified by the Aging and Disability Services Division of the Department. (NRS 435.332) **Section 7** of this bill removes the reference to persons with developmental disabilities from the definition of the term "community-based living arrangement services," thereby prohibiting the holder of a certificate to provide such services from serving persons with **a primary diagnosis of** developmental ~~[disabilities]~~ **disability** unless the holder also holds a certificate to provide supported living arrangement services. **Section 7.5 authorizes the holder of a certificate to provide community-based living arrangement services to serve any person with a primary diagnosis of a mental illness, including a person who has a secondary diagnosis other than a mental illness.**

Section 2 of this bill requires a person employed by a provider of community-based living arrangement services for the purpose of supervising or providing support to recipients of services to be proficient in the language spoken by a majority of the recipients to whom he or she provides services. **Section 2** also prohibits a child under 18 years of age from residing in a home operated by a provider in which services are provided. **Section 2** also requires a provider of community-based living arrangement services to provide each

recipient of services with access to licensed professionals who are qualified to provide supportive and habilitative services. **Section 2** additionally requires a provider of community-based living arrangement services to post prominently in any home operated by the provider in which services are provided a sign with the telephone number for making a complaint to the Division of Public and Behavioral Health.

Section 3 of this bill requires the Division to establish an individualized plan for each recipient of community-based living arrangement services provided pursuant to a contract with the Division. **Sections 3 and 10** of this bill require a provider of community-based living arrangement services to reimburse the Division for any overpayment pursuant to such a contract for a bill submitted to the Division on or after January 1, 2017. **Section 5** of this bill prohibits the Division from renewing the certificate of a provider who has failed to provide such a reimbursement or make certain corrections required by the Division.

~~[Section 4 of this bill requires an annual independent financial audit of each contract between the Division and a provider of community-based living arrangement services. Section 11 of this bill removes the requirement for such audits, effective on October 1, 2023.]~~

Section 8 of this bill requires the State Board of Health to adopt regulations prescribing required training and continuing education for an operator of a provider of community-based living arrangement services and certain employees of such a provider. **Section 8** also requires an applicant for a certificate to take certain actions to ensure that, if the applicant becomes insolvent, recipients of services from the applicant would continue to receive such services for 2 months at the expense of the applicant.

Existing law authorizes the Division to investigate the qualifications of personnel, methods of operation, policies and purposes of an applicant for a certificate. (NRS 433.613) **Section 9** of this bill requires the Division to: (1) conduct such an investigation before issuing a certificate; and (2) as part of the investigation, inspect any home operated by the applicant in which the applicant proposes to provide services.

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

Section 1. Chapter 433 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***1. Each person employed by a provider of services to supervise or provide support to recipients of services must demonstrate verbal and written proficiency in the language spoken by a majority of the recipients to whom he or she is to provide services.***

2. A child under 18 years of age must not reside in a home operated by a provider of services in which services are provided.

3. A provider of services shall:

(a) Provide each recipient of services with access to licensed professionals who are qualified to provide supportive and habilitative services that are appropriate for the recipient; and

(b) Post prominently in any home operated by the provider in which services are provided a sign with the telephone number that may be used to make a complaint to the Division concerning the provider.

Sec. 3. ***1. The Division shall establish, for each recipient of services whose services are provided pursuant to a contract between the provider and the Division, an individualized plan for the provision of services. The individualized plan must include, without limitation:***

(a) A description of the case management services that must be provided to the recipient and a designation of the entity responsible for providing those services; and

(b) The hours during which the provider of services must provide supervision and support to the recipient.

2. A contract between the Division and a provider of services for the provision of services must include a provision requiring the provider to comply with an individualized plan for each recipient established pursuant to subsection 1.

3. If the Division determines that it has paid the holder of a certificate with which the Division has entered into a contract an amount that exceeds the amount required by the contract, the holder shall reimburse the amount of the overpayment to the Division.

Sec. 4. ~~***[The Division shall:***~~

~~***1. Arrange for an annual financial audit by an independent certified public accountant of each contract between the Division and a provider of services to determine whether the provider is in compliance with requirements of state law, the regulations of the Division and the requirements of the contract concerning billing and financial documentation; and***~~

~~***2. Submit the results of any such audit to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Auditor and the Legislature.]***~~ **(Deleted by amendment.)**

Sec. 5. ***The Division shall not renew a certificate if:***

1. The provider of services has refused or failed to reimburse any overpayment for services as required pursuant to subsection 3 of section 3 of this act; or

2. The holder of the certificate has failed to correct any practice required by the Division to comply with state law or regulations or the requirements of a contract between the holder and the Division.

Sec. 6. NRS 433.601 is hereby amended to read as follows:

433.601 As used in NRS 433.601 to 433.621, inclusive, ***and sections 2 to 5, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 433.603 and 433.605 have the meanings ascribed to them in those sections.

Sec. 7. NRS 433.605 is hereby amended to read as follows:

433.605 "Community-based living arrangement services" or "services" means flexible, individualized services, including, without limitation, training and habilitation services, that are:

1. Provided in the home, for compensation, to persons with mental illness ~~[or persons with developmental disabilities]~~ who are served by the Division or any other entity; and

2. Designed and coordinated to assist such persons in maximizing their independence.

Sec. 7.5. **NRS 433.607 is hereby amended to read as follows:**

433.607 1. Except as otherwise provided in subsection 2, a person, government or governmental agency shall not provide services without first obtaining a certificate from the Division.

2. A natural person who has not been issued a certificate but is employed by the holder of a certificate may provide services within the scope of his or her employment by the holder.

3. The holder of a certificate to provide community-based living arrangement services may provide such services to any person with a primary diagnosis of a mental illness, including, without limitation, such a person who has a secondary diagnosis other than a mental illness. Such a secondary diagnosis may include, without limitation, a secondary diagnosis of an intellectual disability or developmental disability.

Sec. 8. NRS 433.609 is hereby amended to read as follows:

433.609 1. The State Board of Health shall adopt regulations governing services, including, without limitation, regulations that set forth:

(a) Standards for the provision of quality care by a provider of services **.** ~~[.]~~

(b) Requirements for the issuance and renewal of a certificate **.** ~~[; and]~~ ***Such regulations must:***

(1) Except as otherwise provided in subparagraph (2), require a natural person responsible for the operation of a provider of services and each employee of a provider of services who supervises or provides support to recipients of services to complete training concerning the provision of services to persons with mental illness and continuing education concerning the particular population served by the provider;

(2) Exempt a person licensed or certified pursuant to title 54 of NRS from the requirements prescribed pursuant to subparagraph (1) if the Board determines that the person is required to receive training and continuing education substantially equivalent to that prescribed pursuant to that subparagraph;

(3) Require a natural person responsible for the operation of a provider of services to receive training concerning the provisions of title 53 of NRS applicable to the provision of services; and

(4) Require an applicant for a certificate to post a surety bond in an amount equal to the operating expenses of the applicant for 2 months, place that amount in escrow or take another action prescribed by the Division to

ensure that, if the applicant becomes insolvent, recipients of services from the applicant may continue to receive services for 2 months at the expense of the applicant.

(c) The rights of consumers of services, in addition to those prescribed in this chapter, including, without limitation, the right of a consumer to file a complaint against a provider of services and the procedure for filing such a complaint.

2. The State Board of Health may, by regulation, prescribe a fee for:

(a) The issuance of a certificate; and

(b) The renewal of a certificate.

3. Any fee prescribed pursuant to subsection 2 must be calculated to produce the revenue estimated to cover the costs related to the issuance and renewal of certificates, but in no case may the fee for the issuance or renewal of a certificate exceed the actual cost to the Division of issuing or renewing the certificate, as applicable.

Sec. 9. NRS 433.613 is hereby amended to read as follows:

433.613 ***1.*** The Division ~~[may:~~

~~1. Upon receipt of an application for]~~ ***shall, before issuing*** a certificate, conduct an investigation into the qualifications of the personnel, methods of operation, policies and purposes of the applicant ***.*** ~~[,]~~ ***Such an investigation must include, without limitation, an inspection of any home operated by the applicant in which the applicant proposes to provide services.***

2. ***The Division may:***

(a) Upon receipt of a complaint against a provider of services, except for a complaint concerning the cost of services, conduct an investigation into the qualifications of the personnel, methods of operation, policies, procedures and records of the provider of services;

~~[3.]~~ ***(b)*** Employ such professional, technical and clerical assistance as it deems necessary to carry out the provisions of NRS 433.601 to 433.621, inclusive ~~[,]~~ ***, and sections 2 to 5, inclusive, of this act;*** and

~~[4.]~~ ***(c)*** Enter into such agreements with public and private agencies as it deems necessary for the provision of services.

Sec. 10. 1. The provisions of subsection 3 of section 3 of this act and section 5 of this act apply retroactively to any overpayment by the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to any bill submitted to the Division by a provider of community-based living arrangement services on or after January 1, 2017.

2. As used in this section, "community-based living arrangement services" has the meaning ascribed to it in NRS 433.605, as that section existed on September 30, 2019.

Sec. 11. ~~[Section 4]~~ **1. This section and sections 7 and 7.5** of this act ~~[expires by limitation on October 1, 2023.]~~ **become effective upon passage and approval.**

2. Sections 1 to 6, inclusive, 8, 9 and 10 of this act become effective on October 1, 2019.

Assemblywoman Cohen moved the adoption of the amendment.

Remarks by Assemblywoman Cohen.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 356.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 307.

SUMMARY—Revises provisions governing criminal procedure. (BDR ~~[14-863)]~~ **3-863)**

AN ACT relating to criminal procedure; establishing provisions relating to the filing of a petition for a hearing to establish the factual innocence of a person based on newly discovered evidence; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a court to grant a new trial to a defendant on the ground of newly discovered evidence, but generally provides that a motion for a new trial based on such a ground must be made within 2 years after the verdict or finding of guilt. (NRS 176.515) ~~[Section 11 of this bill removes such provisions, and sections]~~ **Sections 2-9** of this bill establish provisions relating to ~~[the filing of]~~ a petition for a hearing to establish the factual innocence of a person based on newly discovered evidence ~~[.]~~ **, which may be filed at any time after the expiration of the period during which a motion for a new trial based on the ground of newly discovered evidence may be made.**

Section 6 of this bill authorizes a person who has been convicted of a felony to file a petition for a hearing to establish the factual innocence of the person based on newly discovered evidence in the district court of the county in which the person was convicted and sets forth certain requirements relating to the contents of such a petition. **Section 6** requires the court to review such a petition to determine whether the petition satisfies the necessary requirements. **Section 7** of this bill: (1) provides that if the court does not dismiss the petition after the court's review, the court is required to order the district attorney to file a response to the petition; and (2) authorizes the petitioner to reply to the district attorney's response. **Section 7** also provides that if the court determines that the petition satisfies all requirements and that there is a bona fide issue of factual innocence regarding the charges of which the petitioner was convicted, the court is required to order a hearing on the petition. **Section 7** further provides that if the factual innocence of the petitioner is established, the court is required to: (1) vacate the petitioner's conviction and issue an order of factual innocence and exoneration; and (2) order the sealing of all records of criminal proceedings relating to the case.

Section 8 of this bill authorizes the court to appoint counsel for an indigent petitioner if the court grants a hearing on a petition filed pursuant to **section 6**, and **section 9** of this bill requires the district attorney to make reasonable

efforts to provide notice to any victim of the crime for which the petitioner was convicted that a petition has been filed ~~[.]~~ **if such a victim has indicated a desire to be notified regarding any postconviction proceedings.**

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

Section 1. ~~[Chapter 176]~~ **Title 3** of NRS is hereby amended by adding thereto **a new chapter to consist of** the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Bona fide issue of factual innocence" means that newly discovered evidence presented by the petitioner, if credible, would clearly establish the factual innocence of the petitioner.***

Sec. 4. ***"Factual innocence" means that a person did not:***

1. Engage in the conduct for which he or she was convicted;

2. Engage in conduct constituting a lesser included or inchoate offense of the crime for which he or she was convicted; ~~***[and]***~~

3. Commit any other crime arising out of or reasonably connected to the facts supporting the indictment or information upon which he or she was convicted ~~***[.]***~~ ***; and***

4. Commit the conduct charged by the State under any theory of criminal liability alleged in the indictment or information.

Sec. 5. ***"Newly discovered evidence" means evidence that was not available to a petitioner at trial or during the resolution by the trial court of any motion to withdraw a guilty plea or motion for new trial and which is*** ~~***[relevant]***~~ ***material to the determination of the issue of factual innocence, including, without limitation:***

1. Evidence that was discovered before or during the ~~***[course of]***~~ ***applicable period for any direct appeal or postconviction*** ~~***[proceeding]***~~ ***petition for a writ of habeas corpus pursuant to chapter 34 of NRS that served in whole or in part as the basis to vacate or reverse the petitioner's conviction;***

2. Evidence that supports the claims within a postconviction petition for a writ of habeas corpus that is pending at the time of the court's determination of factual innocence pursuant to sections 2 to 9, inclusive, of this act; or

3. Relevant forensic scientific evidence , other than the expert opinion of a psychologist, psychiatrist or other mental health professional, that was not available at the time of trial or during the resolution by the trial court of any motion to withdraw a guilty plea or motion for new trial, or that undermines materially forensic scientific evidence presented at trial. Forensic scientific evidence is considered to be undermined if new research or information exists that repudiates the foundational validity of scientific

evidence or testimony or the applied validity of a scientific method or technique. As used in this subsection:

(a) "Applied validity" means the reliability of a scientific method or technique in practice.

(b) "Foundational validity" means the reliability of a scientific method to be repeatable, reproducible and accurate in a scientific setting.

Sec. 5.5. ***For the purposes of sections 2 to 9, inclusive, of this act, evidence is "material" if the evidence establishes a reasonable probability of a different outcome.***

Sec. 6. *1.* ~~*[A]*~~ ***At any time after the expiration of the period during which a motion for a new trial based on newly discovered evidence may be made pursuant to NRS 176.515, a*** *person who has been convicted of a felony may petition the district court in the county in which the person was convicted for a hearing to establish the factual innocence of the person based on newly discovered evidence. A person who files a petition pursuant to this subsection shall serve notice and a copy of the petition upon the district attorney of the county in which the conviction was obtained and the Attorney General.*

2. A petition filed pursuant to subsection 1 must contain an assertion of factual innocence under oath by the petitioner and must aver, with supporting affidavits or other credible documents, that:

(a) Newly discovered evidence exists that ~~*[,]*~~ ***is specifically identified and,*** *if credible, establishes a bona fide issue of factual innocence;*

(b) The newly discovered evidence identified by the petitioner:

(1) Establishes innocence and is material to the case and the determination of factual innocence;

(2) Is not merely cumulative of evidence that was known, is not reliant solely upon recantation of testimony by a witness against the petitioner and is not merely impeachment evidence; and

(3) Is distinguishable from any claims made in any previous petitions;

(c) If some or all of the newly discovered evidence alleged in the petition is a biological specimen, that a genetic marker analysis was performed pursuant to NRS 176.0918, 176.09183 and 176.09187 and the results were favorable to the petitioner; and

(d) When viewed with all other evidence in the case, regardless of whether such evidence was admitted during trial, the newly discovered evidence demonstrates the factual innocence of the petitioner.

3. In addition to the requirements set forth in subsection 2, a petition filed pursuant to subsection 1 must also assert that:

(a) Neither the petitioner nor the petitioner's counsel knew of the newly discovered evidence at the time of trial or sentencing or in time to include the evidence in any previously filed post-trial motion or postconviction petition, and the evidence could not have been discovered by the petitioner or the petitioner's counsel through the exercise of reasonable diligence; or

(b) A court has found ineffective assistance of counsel for failing to exercise reasonable diligence in uncovering the newly discovered evidence.

4. The court shall review the petition and determine whether the petition satisfies the requirements of subsection 2. If the court determines that the petition:

(a) Does not meet the requirements of subsection 2, the court shall dismiss the petition without prejudice, state the basis for the dismissal and send notice of the dismissal to the petitioner, the district attorney and the Attorney General.

(b) Meets the requirements of subsection 2, the court shall determine whether the petition satisfies the requirements of subsection 3. If the court determines that the petition does not meet the requirements of subsection 3, the court may:

(1) Dismiss the petition without prejudice, state the basis for the dismissal and send notice of the dismissal to the petitioner, the district attorney and the Attorney General; or

(2) Waive the requirements of subsection 3 if the court finds the petition should proceed to a hearing and that there is other evidence that could have been discovered through the exercise of reasonable diligence by the petitioner or the petitioner's counsel at trial, and the other evidence:

(I) Was not discovered by the petitioner or the petitioner's counsel;

(II) Is material upon the issue of factual innocence; and

(III) Has never been presented to a court.

5. A person who has already obtained postconviction relief that vacated or reversed the person's conviction or sentence may also file a petition pursuant to subsection 1 in the same manner and form as described in this section if no retrial or appeal regarding the offense is pending.

6. After a petition is filed pursuant to subsection 1, any prosecuting attorney, law enforcement agency or forensic laboratory that is in possession of any evidence that is the subject of the petition shall preserve such evidence and any information necessary to determine the sufficiency of the chain of custody of such evidence.

7. A petition filed pursuant to subsection 1 must include the underlying criminal case number.

8. Except as otherwise provided in sections 2 to 9, inclusive, of this act, the Nevada Rules of Civil Procedure govern all proceedings concerning a petition filed pursuant to subsection 1.

9. As used in this section:

(a) "Biological specimen" has the meaning ascribed to it in NRS 176.09112.

(b) "Forensic laboratory" has the meaning ascribed to it in NRS 176.09117.

(c) "Genetic marker analysis" has the meaning ascribed to it in NRS 176.09118.

Sec. 7. ***1. If the court does not dismiss a petition after reviewing the petition in accordance with subsection 4 of section 6 of this act, the court shall order the district attorney to file a response to the petition. The district attorney shall, not later than 120 days after receipt of the court's order requiring a response, or within any additional period the court allows, respond to the petition and serve a copy upon the petitioner and the Attorney General.***

2. Not later than 30 days after the date the district attorney responds to the petition, the petitioner may reply to the response. Not later than 30 days after the expiration of the period during which the petitioner may reply to the response, the court shall consider the petition, any response by the district attorney and any reply by the petitioner. If the court determines that the petition meets the requirements of section 6 of this act and that there is a bona fide issue of factual innocence regarding the charges of which the petitioner was convicted, the court shall order a hearing on the petition. If the court does not make such a determination, the court shall enter an order denying the petition. For the purposes of this subsection, a bona fide issue of factual innocence does not exist if the petitioner is merely relitigating facts, issues or evidence presented in a previous proceeding or if the petitioner is unable to identify with sufficient specificity the nature and reliability of the newly discovered evidence that establishes the factual innocence of the petitioner. Unless stipulated to by the parties, the court may not grant a hearing on the petition during any period in which criminal proceedings in the matter are pending before any trial or appellate court.

3. If the court grants a hearing on the petition, the hearing must be held and the final order must be entered not later than 150 days after the expiration of the period during which the petitioner may reply to the district attorney's response to the petition pursuant to subsection 2 unless the court determines that additional time is required for good cause shown.

4. If the court grants a hearing on the petition, the court shall, upon the request of the petitioner, order the preservation of all material and relevant evidence in the possession or control of this State or any agent thereof during the pendency of the proceeding.

5. If the parties stipulate that the evidence establishes the factual innocence of the petitioner, the court may affirm the factual innocence of the petitioner without holding a hearing. If the prosecuting attorney does not stipulate that the evidence establishes the factual innocence of the petitioner, a determination of factual innocence must not be made by the court without a hearing.

6. If the parties stipulate that the evidence establishes the factual innocence of the petitioner, the prosecuting attorney makes a motion to dismiss the original charges against the petitioner or, after a hearing, the court determines that the petitioner has proven his or her factual innocence by clear and convincing evidence, the court shall:

(a) Vacate the petitioner's conviction and issue an order of factual innocence and exoneration; and

(b) Order the sealing of all documents, papers and exhibits in the person's record, minute book entries and entries on dockets and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order.

7. Any order granting or denying a hearing on a petition pursuant to this section may be appealed by either party.

Sec. 8. ***If the court grants a hearing on the petition pursuant to section 7 of this act, the court may, after determining whether the petitioner is indigent pursuant to NRS 171.188 and whether counsel was appointed in the case which resulted in the conviction, appoint counsel for the petitioner.***

Sec. 9. ***After a petition is filed pursuant to section 6 of this act, if any victim of the crime for which the petitioner was convicted has indicated a desire to be notified regarding any postconviction proceedings, the district attorney shall make reasonable efforts to provide notice to ~~[any]~~ such a victim ~~[of the crime for which the petitioner was convicted]~~ that the petition has been filed and that indicates the time and place for any hearing that may be held as a result of the petition and the disposition thereof.***

Sec. 10. ~~[~~NRS 176.09187 is hereby amended to read as follows:

~~176.09187 1. If the results of a genetic marker analysis performed pursuant to this section and NRS 176.0918 and 176.09183 are favorable to the petitioner [:~~

~~(a) The] , the petitioner may [bring a motion for a new trial] file a petition to establish the factual innocence of the petitioner based on [the ground of] newly discovered evidence pursuant to [NRS 176.515; and~~

~~(b) The restriction on the time for filing the motion set forth in subsection 3 of NRS 176.515 is not applicable.] section 6 of this act.~~

~~2. For the purposes of a genetic marker analysis pursuant to this section and NRS 176.0918 and 176.09183, a person who files a petition pursuant to NRS 176.0918 shall be deemed to consent to the:~~

~~(a) Submission of a biological specimen by the petitioner to determine genetic marker information; and~~

~~(b) Release and use of genetic marker information concerning the petitioner.~~

~~3. The petitioner shall pay the cost of a genetic marker analysis performed pursuant to this section and NRS 176.0918 and 176.09183, unless the petitioner is incarcerated at the time the petitioner files the petition, found to be indigent pursuant to NRS 171.188 and the results of the genetic marker analysis are favorable to the petitioner. If the petitioner is not required to pay the cost of the analysis pursuant to this subsection, the expense of an analysis ordered pursuant to this section and NRS 176.0918 and 176.09183 is a charge against the Department of Corrections and must be paid upon approval by the Board of State Prison Commissioners as other claims against the State are paid.~~

~~4. The remedy provided by this section and NRS 176.0918 and 176.09183 is in addition to, is not a substitute for and is not exclusive of any other remedy, right of action or proceeding available to a person convicted of a crime.]~~ **(Deleted by amendment.)**

Sec. 11. ~~[NRS 176.515 is hereby amended to read as follows:~~

~~176.515 1. The court may grant a new trial to a defendant if required as a matter of law . [or on the ground of newly discovered evidence.]~~

~~2. If trial was by the court without a jury, the court may vacate the judgment if entered, take additional testimony and direct the entry of a new judgment.~~

~~3. [Except as otherwise provided in NRS 176.09187, a motion for a new trial based on the ground of newly discovered evidence may be made only within 2 years after the verdict or finding of guilt.~~

~~4.] A motion for a new trial [based on any other grounds] must be made within 7 days after the verdict or finding of guilt or within such further time as the court may fix during the 7-day period.]~~ **(Deleted by amendment.)**

Sec. 12. NRS 179.275 is hereby amended to read as follows:

179.275 Where the court orders the sealing of a record pursuant to NRS 174.034, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 201.354, 453.3365 or 458.330 ~~[,]~~ ***or section 7 of this act,*** a copy of the order must be sent to:

1. The Central Repository for Nevada Records of Criminal History; and

2. Each agency of criminal justice and each public or private company, agency, official or other custodian of records named in the order, and that person shall seal the records in his or her custody which relate to the matters contained in the order, shall advise the court of compliance and shall then seal the order.

Sec. 13. NRS 179.285 is hereby amended to read as follows:

179.285 Except as otherwise provided in NRS 179.301:

1. If the court orders a record sealed pursuant to NRS 174.034, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 201.354, 453.3365 or 458.330 ~~[,]~~ ***or section 7 of this act:***

(a) All proceedings recounted in the record are deemed never to have occurred, and the person to whom the order pertains may properly answer accordingly to any inquiry, including, without limitation, an inquiry relating to an application for employment, concerning the arrest, conviction, dismissal or acquittal and the events and proceedings relating to the arrest, conviction, dismissal or acquittal.

(b) The person is immediately restored to the following civil rights if the person's civil rights previously have not been restored:

(1) The right to vote;

(2) The right to hold office; and

(3) The right to serve on a jury.

2. Upon the sealing of the person's records, a person who is restored to his or her civil rights pursuant to subsection 1 must be given:

(a) An official document which demonstrates that the person has been restored to the civil rights set forth in paragraph (b) of subsection 1; and

(b) A written notice informing the person that he or she has not been restored to the right to bear arms, unless the person has received a pardon and the pardon does not restrict his or her right to bear arms.

3. A person who has had his or her records sealed in this State or any other state and whose official documentation of the restoration of civil rights is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his or her civil rights pursuant to this section. Upon verification that the person has had his or her records sealed, the court shall issue an order restoring the person to the civil rights to vote, to hold office and to serve on a jury. A person must not be required to pay a fee to receive such an order.

4. A person who has had his or her records sealed in this State or any other state may present official documentation that the person has been restored to his or her civil rights or a court order restoring civil rights as proof that the person has been restored to the right to vote, to hold office and to serve as a juror.

Sec. 14. NRS 179.295 is hereby amended to read as follows:

179.295 1. The person who is the subject of the records that are sealed pursuant to NRS 174.034, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 201.354, 453.3365 or 458.330 ***or section 7 of this act*** may petition the court that ordered the records sealed to permit inspection of the records by a person named in the petition, and the court may order such inspection. Except as otherwise provided in this section, subsection 9 of NRS 179.255 and NRS 179.259 and 179.301, the court may not order the inspection of the records under any other circumstances.

2. If a person has been arrested, the charges have been dismissed and the records of the arrest have been sealed, the court may order the inspection of the records by a prosecuting attorney upon a showing that as a result of newly discovered evidence, the person has been arrested for the same or a similar offense and that there is sufficient evidence reasonably to conclude that the person will stand trial for the offense.

3. The court may, upon the application of a prosecuting attorney or an attorney representing a defendant in a criminal action, order an inspection of such records for the purpose of obtaining information relating to persons who were involved in the incident recorded.

4. This section does not prohibit a court from considering a conviction for which records have been sealed pursuant to NRS 174.034, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 201.354, 453.3365 or 458.330 in determining whether to grant a petition pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 179.2595, 453.3365 or 458.330 for a conviction of another offense.

Sec. 15. 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. 455.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 215.

AN ACT relating to industrial insurance; authorizing the notification of injured employees and their families of certain benefits; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the confidentiality of certain information obtained from an insurer, employer or employee and sets forth limited circumstances under which such information may be used or disclosed. (NRS 616B.012) This bill provides that the Division of Industrial Relations of the Department of Business and Industry and the Administrator of the Division are not prohibited from notifying an injured employee or the surviving spouse or dependent of an injured employee of **certain** benefits to which those persons may be entitled outside of the workers' compensation system of this State.

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

Section 1. NRS 616B.012 is hereby amended to read as follows:

616B.012 1. Except as otherwise provided in this section and NRS 239.0115, 616B.015, 616B.021 and 616C.205, information obtained from any insurer, employer or employee is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's identity.

2. Any claimant or legal representative of the claimant is entitled to information from the records of the insurer, to the extent necessary for the proper presentation of a claim in any proceeding under chapters 616A to 616D, inclusive, or chapter 617 of NRS.

3. The Division and Administrator are entitled to information from the records of the insurer which is necessary for the performance of their duties. The Administrator may, by regulation, prescribe the manner in which otherwise confidential information may be made available to:

(a) Any agency of this or any other state charged with the administration or enforcement of laws relating to industrial insurance, unemployment compensation, public assistance or labor law and industrial relations;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The Department of Taxation; and

(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS.

➥ Information obtained in connection with the administration of a program of industrial insurance may be made available to persons or agencies for purposes appropriate to the operation of a program of industrial insurance.

4. Upon written request made by a public officer of a local government, an insurer shall furnish from its records the name, address and place of employment of any person listed in its records. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to the local government. The insurer may charge a reasonable fee for the cost of providing the requested information.

5. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit to the Administrator a written request for the name, address and place of employment of any person listed in the records of an insurer. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of a request, the Administrator shall instruct the insurer to furnish the information requested. Upon receipt of such an instruction, the insurer shall furnish the information requested. The insurer may charge a reasonable fee to cover any related administrative expenses.

6. Upon request by the Department of Taxation, the Administrator shall provide:

(a) Lists containing the names and addresses of employers; and

(b) Other information concerning employers collected and maintained by the Administrator or the Division to carry out the purposes of chapters 616A to 616D, inclusive, or chapter 617 of NRS,

➥ to the Department for its use in verifying returns for the taxes imposed pursuant to chapters 363A, 363B and 363C of NRS. The Administrator may charge a reasonable fee to cover any related administrative expenses.

7. Any person who, in violation of this section, discloses information obtained from files of claimants or policyholders or obtains a list of claimants or policyholders under chapters 616A to 616D, inclusive, or chapter 617 of NRS and uses or permits the use of the list for any political purposes, is guilty of a gross misdemeanor.

8. All letters, reports or communications of any kind, oral or written, from the insurer, or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report

or communication is written, sent, delivered or prepared pursuant to the requirements of chapters 616A to 616D, inclusive, or chapter 617 of NRS.

9. The provisions of this section do not prohibit the Administrator or the Division from ~~[~~disclosing~~]~~ ***:***

(a) Disclosing any nonproprietary information relating to an uninsured employer or proof of industrial insurance ~~[.]~~ ***; or***

(b) Notifying an injured employee or the surviving spouse or dependent of an injured employee of benefits to which such persons may be entitled in addition to those provided pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS ~~[.]~~ ***but only if:***

(1) The notification is solely for the purpose of informing the recipient of benefits that are available to the recipient; and

(2) The content of the notification is limited to information concerning services which are offered by nonprofit entities.

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

Assemblywoman Spiegel moved the adoption of the amendment.

Remarks by Assemblywoman Spiegel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 466.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 407.

AN ACT relating to financial transactions; requiring the State Treasurer to create a pilot program for the establishment of one or more closed-loop payment processing systems to facilitate certain financial transactions relating to marijuana; setting forth certain requirements for a closed-loop payment processing system; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill requires the State Treasurer to create a pilot program for the establishment of one or more closed-loop payment processing systems that enable certain persons to engage in financial transactions relating to marijuana in a safe and efficient manner. The pilot program is authorized to operate in this State from October 1, 2019, through June 30, 2023. This bill requires a closed-loop payment processing system established under the pilot program to be designed to achieve certain purposes, including, without limitation, to provide marijuana establishments and medical marijuana establishments a safe, secure and convenient method of paying state and local taxes. This bill also requires a closed-loop payment processing system to allow certain persons to utilize accounts created by the State and to include certain technological features. Finally, this bill requires the State Treasurer to submit to the Legislature a report concerning the pilot program on or before ~~[~~February~~]~~ **December** 1, ~~[~~2021,~~]~~ **2020,** and every 6 months thereafter.

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 a new section to read as follows:

1. The State Treasurer shall create a pilot program for the establishment of one or more closed-loop payment processing systems that enable marijuana establishments, medical marijuana establishments, consumers and holders of registry identification cards or letters of approval to engage in financial transactions in a safe and efficient manner.

2. A closed-loop payment processing system established under the pilot program must be designed to achieve the following purposes:

(a) Reducing the risk to the safety and welfare of the public posed by the holding, distribution and transportation of large sums of cash;

(b) Providing marijuana establishments and medical marijuana establishments with a safe, secure and convenient method of paying state and local taxes;

(c) Providing the State and local governments with a safe, secure and convenient method of collecting taxes imposed on marijuana establishments and medical marijuana establishments;

(d) Providing transparency into financial transactions related to marijuana establishments and medical marijuana establishments;

(e) Preventing revenue from the sale of marijuana from going to criminal enterprises, gangs and drug cartels;

(f) Preventing marijuana from being diverted across state lines;

(g) Preventing the distribution of marijuana to minors; and

(h) Preventing lawful financial transactions relating to marijuana from being used as a cover or pretext for the trafficking of controlled substances or other unlawful activities.

3. A closed-loop payment processing system established under the pilot program must allow a marijuana establishment, medical marijuana establishment, consumer or holder of a registry identification card or a letter of approval to utilize accounts created by the State and must include, without limitation, the following capabilities:

(a) The keeping of records in real time;

(b) A business-to-business payment system;

(c) A method in which to authenticate the identities of consumers and holders of a registry identification card or letter of approval;

(d) A method in which to initiate transactions by means of a secure mobile application or a physical card; and

(e) A method which allows the State or a local government to collect ~~***[taxes in real time.]***~~ ***tax revenue associated with a transaction made utilizing the closed-loop payment processing system.***

4. The State Treasurer shall adopt regulations necessary to carry out the pilot program. Such regulations must not require a marijuana

establishment, medical marijuana establishment, consumer or holder of a registry identification card or letter of approval to participate in the pilot program.

5. The State Treasurer may adopt regulations establishing a schedule of fees for participation in the pilot program. The fees must be sufficient to cover the costs of administering the pilot program.

6. Financial information and any other information specifically relating to a person who utilizes a closed-loop payment processing system is confidential and privileged to the same extent that such information would be confidential and privileged pursuant to NRS 360.255. The State Treasurer, a vendor in which the State Treasurer contracts and any other person involved in the establishment or operation of a closed-loop payment processing system shall not disclose any such information.

7. The State Treasurer shall prepare a detailed plan for the establishment of a closed-loop payment processing system under the pilot program created pursuant to subsection 1 and present the plan to the Interim Finance Committee for its review and approval. The plan must identify the vendor with whom the State Treasurer intends to contract. The State Treasurer shall not commence the operation of a closed-loop payment processing system until the Interim Finance Committee approves the plan prepared pursuant to this subsection.

8. On or before [February] December 1, [2021,] 2020, and every 6 months thereafter, the State Treasurer shall submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature, if the Legislature is in session, or to the Legislative Commission, if the Legislature is not in session, a report concerning the pilot program. The report must include, without limitation, a description of the status and results of the pilot program and recommendations for legislation to facilitate the improvement or expansion of the pilot program.

[7. At]

9. Except as otherwise provided in subsection 7, at least one closed-loop payment processing system established under the pilot program must begin operating not later than July 1, 2020.

[8.] 10. As used in this section:

(a) "Closed-loop payment processing system" means a cashless system established by the State Treasurer pursuant to this section to monitor and facilitate the financial transactions of marijuana establishments, medical marijuana establishments, consumers and holders of registry identification cards.

(b) "Consumer" has the meaning ascribed to it in NRS 453D.030.

(c) "Letter of approval" has the meaning ascribed to it in NRS 453A.109.

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

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

(f) "Registry identification card" has the meaning ascribed to it in NRS 453A.140.

Sec. 1.5. **NRS 239.010 is hereby amended to read as follows:**

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800,

484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 1 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

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

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

Sec. 2. 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. 3. 1. This act becomes effective upon passage and approval for the purposes of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act, and on October 1, 2019, for all other purposes.

2. This act expires by limitation on June 30, 2023.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that upon return from the printer, Assembly Bills Nos. 224, 356, and 466 be rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 1.

Bill read third time.

Remarks by Assemblymen Assefa and Titus.

ASSEMBLYMAN ASSEFA:

Assembly Bill 1 repeals a provision that requires the State Environmental Commission to publish in a newspaper a notice of its intended action on a regulation. The bill also requires that a local air pollution control board give notice of a public hearing on a regulation by posting such a notice at least 30 days prior to the public hearing on its Internet website.

ASSEMBLYWOMAN TITUS:

I rise in opposition to Assembly Bill 1. Every one of us in this Chamber, regardless of party, and all the government representatives who testify before us every day claim allegiance to transparency. All of us, without exception, say we believe in transparency. Yet here we are today considering legislation from which the only certain outcome will be less transparency. In fact, that is the only impact this bill has; it reduces transparency.

The sponsors have not suggested replacing the newspaper notices with any other type of official communication except posting it on their websites. Notice of these hearings will continue to be posted on websites, but that is already required. And if we limit the notices to the websites of

these agencies, who is going to find them? How will they know they are there? Moreover, unless you are looking for something specific, information on the Internet is frequently difficult to find. By contrast, newspapers are delivered directly to a home. The experience of reading a newspaper is sometimes serendipitous; so many people find things in their newspaper that they were not expecting to see, including public notices.

The folks I am most concerned about here are our seniors. Many of them get their information from local newspapers and do not spend much time, if any, on the Internet. This is particularly true in my rural areas and many other rural areas in our state where the average citizen tends to be older and poorer and access to high-speed Internet is sometimes difficult to come by, if at all.

The sponsors say this bill is necessary to bring them in line with other state agencies which are not required to publish in newspapers. But there is a good reason to treat these notices about the environment differently. People care more about them. If you are proposing a regulation that poses a risk of increasing the amount of air pollution near someone's home or threatens to reduce use of their property, people want to know about that.

I said earlier that the only impact of Assembly Bill 1 is less transparency. To be fair, the agencies will no longer have to publish the notices and may save a few thousand dollars. I think it would be a terrible bargain to make to save a few thousand dollars and reduce transparency. I urge you to vote no on Assembly Bill 1.

Roll call on Assembly Bill No. 1:

YEAS—31.

NAYS—Edwards, Ellison, Hafen, Hansen, Kramer, Krasner, Leavitt, Titus, Tolles, Wheeler—10.

EXCUSED—Hambrick.

Assembly Bill No. 1 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 22.

Bill read third time.

Remarks by Assemblyman Watts.

ASSEMBLYMAN WATTS:

Assembly Bill 22 removes the $50,000 limitation on the amount of a contract price the Director of the Department of Transportation must retain until certain highway contracts are completed satisfactorily, and it reduces the percentage of the contract price that must be retained by the Director to 2.5 percent. The bill also requires the Department to perform a final inspection of a highway project upon notice of completion from a contractor. If the final inspection reveals the work is not satisfactory, the Department must provide the contractor with notice of the deficiencies that require correction. If the inspection discloses the work was completed satisfactorily, the Department must reduce the amount of the contract price retained by the Department to not more than $50,000 not later than 30 days after the final inspection, with any remaining amount to be retained until the entire contract is completed and accepted by the Director. Finally, Assembly Bill 22 reduces the amount of payment that a contractor may withhold from a subcontractor before a subcontractor may contact the Department for assistance.

Roll call on Assembly Bill No. 22:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 22 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 41.

Bill read third time.

Remarks by Assemblywoman Peters.

ASSEMBLYWOMAN PETERS:

Assembly Bill 41 requires a governmental entity or a utility service provider to allow the use of a fictitious address upon the request of a participant who has received a fictitious address issued by the Division of Child and Family Services. The measure allows the utilities to maintain records that contain the participant's actual physical address, while prohibiting disclosure of the address under certain circumstances. In addition, information may be released to law enforcement at the direction of a court order or when required by any other local, state, or federal law.

Roll call on Assembly Bill No. 41:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 41 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 45.

Bill read third time.

Remarks by Assemblywoman Tolles.

ASSEMBLYWOMAN TOLLES:

Assembly Bill 45 creates and sets forth the duties of the Nevada Threat Analysis Center and the Nevada Threat Analysis Center Advisory Committee in the Investigation Division of Nevada's Department of Public Safety. The measure authorizes the Advisory Committee to hold a closed meeting to receive or provide security briefings or to discuss certain topics regarding potential threats to public safety. All information and materials received or prepared by the Advisory Committee during a closed meeting and all minutes and audiovisual or electronic reproductions are confidential. However, if a criminal proceeding is initiated as a result of information or materials received or prepared by the Advisory Committee during a closed meeting, such information or materials are subject to discovery and disclosure in accordance with applicable law. This bill is effective on July 1, 2019.

Roll call on Assembly Bill No. 45:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 45 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 61.

Bill read third time.

Remarks by Assemblywoman Tolles.

ASSEMBLYWOMAN TOLLES:

Assembly Bill 61 authorizes rather than requires the Director of the Department of Corrections [DOC] to assign offenders who are participating in a program of treatment to residential confinement. The Director may consider whether the offender has failed or refused to comply with the entire program of treatment for any other program when determining whether to assign an offender to residential confinement. Before the Director assigns an offender to serve a term of

residential confinement, the Director must notify the Division of Parole and Probation of the Department of Public Safety. The measure also clarifies certain notification requirements by the DOC and the Division to a victim of a crime who has requested notification. Lastly, all personal information that pertains to a victim received by the DOC or the Division is confidential. This bill is effective on July 1, 2019.

Roll call on Assembly Bill No. 61:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 61 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 123.

Bill read third time.

Remarks by Assemblywoman Munk.

ASSEMBLYWOMAN MUNK:

Assembly Bill 123 relates to exemptions from immunization requirements for enrolling in school. The bill requires a statement filed by a parent claiming an exemption for religious or medical purposes to contain certain information and to be retained in a school's student records. The bill also requires a school board, charter school, or private school to provide the Division of Public and Behavioral Health of the Department of Health and Human Services just the number of students with medical or religious exemptions on file. In the event of an outbreak, and if directed to do so by the local public health authority or the Department, schools will contact all parents or guardians to advise them of the outbreak.

Additionally, A.B. 123 requires the statement to be submitted on an annual basis for medical exemptions that are temporary in nature and excludes a child from school until the statement has been provided. Exemption statements filed for religious beliefs or permanent medical conditions are valid for the duration of the child's enrollment in the school district.

I rise in support of Assembly Bill 123. Assembly Bill 123 does not require parents to vaccinate their children; I want to make that clear. Assembly Bill 123 does not remove the ability of parents to exempt their children from vaccinations due to religious beliefs or medical conditions. What this bill does do is improve the response time in the event of an outbreak of vaccine preventable diseases.

As you all know, I am a former mental health professional. I am a mother of three grown children and a grandmother to six. The most responsible thing we can do to protect Nevada's children is by having a way to track individuals in our schools who are not vaccinated. Our children are counting on us to do this right.

Roll call on Assembly Bill No. 123:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 123 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 177.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Assembly Bill 177 requires the Department of Motor Vehicles to establish a program to allow for the registration and renewal of registration of certain fleets of vehicles owned by short-term lessors. The bill also allows certificates of registration and license plate decals for these vehicles to be valid without replacement in certain circumstances.

Roll call on Assembly Bill No. 177:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 177 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 233.

Bill read third time.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Assembly Bill 233 authorizes a county to pay certain salaries and expenses relating to well drilling 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. Under these circumstances, the board of county commissioners may exempt the property owner from the special assessment. This bill is effective on July 1, 2019.

Roll call on Assembly Bill No. 233:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 233 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 258.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Assembly Bill 258 authorizes a pupil, or his or her parent or guardian, who is the subject of a decision or a settlement agreement resulting from a due process hearing to submit a complaint to Nevada's Department of Education if a local educational agency [LEA] or charter school fails to comply with the decision or settlement agreement. If the Department finds merit in the allegations, the Department is required to take measures to ensure the LEA or charter school complies with the decision or settlement agreement and any additional measures determined necessary to ensure that the pupil receives a free and appropriate public education.

Additionally, AB 258 requires a pupil with a disability to participate in an alternative assessment to receive an adjusted diploma, rather than pass such an assessment.

Roll call on Assembly Bill No. 258:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 258 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 342.

Bill read third time.

Remarks by Assemblyman Roberts.

ASSEMBLYMAN ROBERTS:

Assembly Bill 342 allows a student who is a child of an active duty member of the Armed Forces of the United States who has transferred schools pursuant to the Interstate Compact on Educational Opportunity for Military Children to be immediately eligible to participate and practice in interscholastic sports or other activities. The bill also requires each school district to designate an employee of the school district to serve as a liaison between the district and military families to facilitate the implementation of the Compact. Finally, A.B. 342 requires the State Council for the Coordination of the Compact to meet at least twice per year and at the call of the Council's Commissioner.

Roll call on Assembly Bill No. 342:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 342 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 404.

Bill read third time.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Assembly Bill 404 authorizes the Board of Wildlife Commissioners to adopt regulations establishing a program whereby a person who qualifies for an extenuating circumstance, such as an illness or injury, may transfer his or her tag to hunt a big game mammal to another individual, defer use of the tag to the next hunting season, or return the tag to Nevada's Department of Wildlife for restoration of any bonus points used by the person to obtain the tag. This bill is effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks and on January 1, 2020, for all other purposes.

Roll call on Assembly Bill No. 404:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 404 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 417.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Assembly Bill 417 revises provisions regarding the name-based search of records of criminal history provided by the Central Repository for Nevada Records of Criminal History. Specifically, the bill provides that a person who enters into a contract 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.

Roll call on Assembly Bill No. 417:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 417 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 418.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Assembly Bill 418 codifies into statute Rule 68 of the Nevada Rules of Civil Procedure, which sets forth the conditions of service of an offer of judgment upon another party prior to trial under certain circumstances, the manner of acceptance or rejection of the offer, and the penalties a court may impose on a party for the rejection of such an offer.

Roll call on Assembly Bill No. 418:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 418 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 2.

Resolution read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Assembly Joint Resolution 2 urges 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. This measure also urges Congress to work collaboratively with all interested parties to develop a compromise alternative.

Roll call on Assembly Joint Resolution No. 2:

YEAS—40.

NAYS—Edwards.

EXCUSED—Hambrick.

Assembly Joint Resolution No. 2 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 6.

Resolution read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Assembly Joint Resolution 6 urges the United States Congress to prevent the Census Bureau from adding a question on citizenship to the 2020 decennial census.

Roll call on Assembly Joint Resolution No. 6:

YEAS—33.

NAYS—Edwards, Ellison, Hafen, Hansen, Kramer, Krasner, Titus, Wheeler—8.

EXCUSED—Hambrick.

Assembly Joint Resolution No. 6 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 65.

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 Candee Candler.

On request of Assemblywoman Backus, the privilege of the floor of the Assembly Chamber for this day was extended to Heather Leedom, Brynn Leedom, and Abby Leedom.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Hunter Lake Elementary School: Mekhi Anderson, Jaden Beuhring, London Black, Austin Burgess, Valeria Cornejo Recinos, Aubrey Cripps, Kamryn Demay, Paige Doxey, Liepa Etchegoyhen, Cornay Euwing, Olivia Feleciano, Athena Gordillo, Torin Green, Olan Hester, Tyler Jamieson, Nathan Kolas, Debra Lester, Anneliese Lugo Garcia, Ella Marsh, Joey Mello, Logan Metzger, Savannah Miguel, Rowdy Miller, Harmony Pritchard, Madeline Reese, Andreas Santos, Leah Sell, Grady Walkiewicz, Joromy Bounyalath, John Cripps, Nevaiah Desmond, Benjamin Fierstein, Athena General, Dustin Hurley, Javed Khan, Jordan Kovich, Erick Lopez, Summer Lovan , Lindey Marsh, Sileisa Masina, Aaron Menshew, Charley Miller, Brody Movius, Lucy Munk, Charlotte Oade, Lilyanna Ortiz, William Phifer, Guadalupe Ramirez, Eleanor Richter,

Anastasia Rome, Dawson Slama, Lillian Stewart, Sophia Valdez, Grace Velazquez, Natasha Vinje, and Tyler Pearch.

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to Scott Leedom, Seth Leedom, Kate Leedom, and Quinn Leedom.

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Callie Fraser.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to John Lilley and Kyle Duthie.

On request of Assemblywoman Duran, the privilege of the floor of the Assembly Chamber for this day was extended to Beverly Mayer.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Sarah Pehrson and Dillon Decker.

On request of Assemblyman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Celia Guevara.

On request of Assemblywoman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Vanessa Coyle.

On request of Assemblywoman Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Rachelle Angel.

On request of Assemblyman McCurdy, the privilege of the floor of the Assembly Chamber for this day was extended to Cronin McClure.

On request of Assemblywoman Munk, the privilege of the floor of the Assembly Chamber for this day was extended to Jenna Roxbury and Scott Leedom.

On request of Assemblywoman Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Cathy Koubek.

On request of Assemblywoman Peters, the privilege of the floor of the Assembly Chamber for this day was extended to Sean Van Slyck and Matt Hauth.

On request of Assemblyman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Dale Moriarty.

On request of Assemblywoman Torres, the privilege of the floor of the Assembly Chamber for this day was extended to Steven Gibson, Stephanie Ledford, and Marlon Neal.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Friday, April 19, 2019, at 11:30 a.m.

Motion carried.

Assembly adjourned at 1:07 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly